

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project Clean Energy LNG Fueling Facility
2. Location of Project 245 & 249 Shoreland Drive, Walton, KY 41094
3. Total Acreage of Site 2.01 acres (87,345 SF)
4. Current Zoning of Site I-1 (Industrial)
5. Proposed Zoning (Classification being requested) Special Sign District
6. Proposed Uses (please specify each use) Clean Energy is requesting a Zoning Map Amendment to establish a Special Sign District for a Clean Energy liquefied natural gas (LNG) fueling facility.
7. Names of Applicant(s) Clean Energy (ATTN: Monica Ultreras)
8. Address of Applicant(s) 4675 MacArthur Court, Suite 800
9. Name of Property Owner(s) SRM Investments, LLC
10. Address of Property Owner(s) PO Box 18670
11. Proposed Building Intensities (please specify) N/A; no additional building intensities proposed.
12. Are there any existing buildings on the site? No - vacant property
13. Deed Book 5 Page No. 417 Group No. N/A
14. Are you also applying for: No Conditional Use Permit Yes (Signage) Dimensional Variance
15. Have you submitted a Concept Development Plan? No
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:

- No Boone County Water District
N/A Florence Public Services Dept.
No Duke Energy
No Sanitation District #1
No Cincinnati Bell
No Owen Electric Cooperative, Inc.
Yes Boone County Public Works Department
No Kentucky Transportation Cabinet
No Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

(over)

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- Yes Boone County Building Department
- No Northern Kentucky Health District
- No USDA NRCS/Boone County Conservation District
- No KY Division of Water
- No Local School District
- Yes Local Fire District
- Other: _____

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

19. ORIGINAL Property Owner's Signature Michael D. Hargrett - Member - SRM
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

- ORIGINAL Applicant's Signature Monica Ultreras
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted) Bill Lotz

SECTION B (To be completed by BCPC Staff)

1. Date Received 12/16/13 R# 680810
2. Review Fee \$ 2322.20
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 MITCH LIGHT
6. Committee Chairman _____
7. Scheduled Public Hearing Date _____
8. Boone County Planning Commission Action:
 - Approval
 - Approval with Conditions See Signed Condition Letter
 - Denial
9. Other: _____

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.

EXHIBIT

“A”

STAFF REPORT

Request of **Fiedler Group attention Bill Lotz (applicant)** for **SRM Investments, LLC (owner)** for a Zoning Map Amendment for a Special Sign District in a Industrial One (I-1) zone for a 2.01 acre site located on the southwest corner of the Shorland Drive/Richwood Road intersection at 245 and 249 Shorland Drive, Boone County, Kentucky. The request is for a Special Sign District to allow alternative signage.

February 5, 2014

REQUEST

Article 40 of the *Boone County Zoning Regulations* defines a sign as "a device designed to promote and identify an establishment or activity by any means including but not limited to words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images." The Industrial One (I-1) zone allows a maximum 10' high and 100 square foot monument style sign.

The applicant is requesting this Zoning Map Amendment for a Special Sign District to allow signage on two (2) above ground storage tanks (42.7 feet high each) in an Industrial One (I-1) zone. The first phase of the Clean Energy development only includes one (1) of the 42.7 foot high above ground storage tanks. If needed in the future, the second above ground storage tank will be added with additional pumps and an expanded fuel canopy.

The extent of the proposed signage with this request is the green stripe around the top of the tanks (36" high) and two (2) "Clean Energy" logos (27.42 square feet) on each tank (north and south elevations). The applicant provided a narrative which has been attached to this Staff Report. It references the Major Site Plan review, dimensional variance for the signage on the fuel canopy (granted by the Boone County Board of Adjustment on January 8, 2014) and this Special Sign District request (beginning on the bottom of page 5).

The regulatory signage on the above ground tank(s) is permitted and not part of this request.

ADJACENT ZONING AND LAND USES

North: Across Shorland Drive Merchants Cold Storage and Roosevelt Paper zoned Industrial One (I-1).

East: Across Richwood Road, Walton Fire Station, zoned Industrial One (I-1).

South: Peach State Roofing and Winnelson zoned Industrial One (I-1).

West: Undeveloped property fronting on Shorland Drive zoned Industrial One (I-1).

RELATIONSHIP TO COMPREHENSIVE PLAN

The Future Land Use Map shows the subject property as Industrial (I). This classification is defined in the adopted Comprehensive Plan as:

Industrial: "Manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses."

The Land Use Element text within the 2010 Boone County Comprehensive Plan makes the following statements that relate to the overall area:

- A. "Because of the various existing and future uses along U.S. 25, it will carry a high volume of mixed traffic types. For this reason, any traffic-intensive or truck-oriented uses shall locate near connections to the interstate, and access management shall be an important consideration on all development along U.S. 25. The Kentucky Transportation Cabinet is designing a major widening of U.S. 25 south to Richwood Road (8. Richwood East, pp. 171)."

- B. "Improvements are needed to the Richwood interchange and to Richwood Road to increase capacity. The I-75/Richwood Road Interchange is slated for reconstruction in 2016 (8. Richwood East, pp. 171)."

The Land Use Element does refer to signage by stating:

"Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor (Design, Signs, and Historic Preservation, p.164)."

The adopted 2010 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements:

- A. Proper planning is achieved through accepted land use management tools and coordination with public infrastructure ("Overall," Goal).
- B. Boone County shall be viewed as an integral part of the Cincinnati Metropolitan Area ("Overall," Objective 1).
- C. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- D. Highway commercial uses shall be in close proximity to highway interchanges for maximum convenience and economy to the traveling public, while minimizing impact to the community in terms of traffic congestion, local commuting patterns and access ("Business Activity," Commercial Objective 3).

STAFF COMMENTS

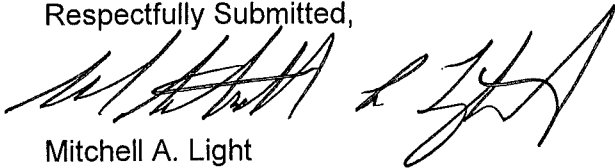
1. The applicant is requesting this Zoning Map Amendment for a Special Sign District to allow signage on two (2) above ground storage tanks (42.7 feet high each) in an Industrial One (I-1) zone. The first phase of the Clean Energy development only includes one (1) of the 42.7 foot high above ground storage tanks. If needed in the future, the second above ground storage tank will be added with additional pumps and an expanded fuel canopy. The extent of the proposed signage is the green stripe around the top of the tanks (36" high) and two (2) "Clean Energy" logos (27.42 square feet) on each tank (north and south elevations).
2. The regulatory signage on the above ground tank(s) is permitted and not part of this request.
3. A dimensional variance for the signage on the fuel canopy was granted by the Boone County Board of Adjustment at their January 8, 2014 meeting.

CONCLUSION

The Boone County Planning Commission and the Boone County Fiscal Court must review this request on the basis of its relationship to the Comprehensive Plan and in terms of the three (3) criteria necessary for a Zoning Map Amendment.

1. The map amendment request is in agreement with the adopted Comprehensive Plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or,
2. The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate; or,
3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted Comprehensive Plan that substantially alter the area's character.

Respectfully Submitted,

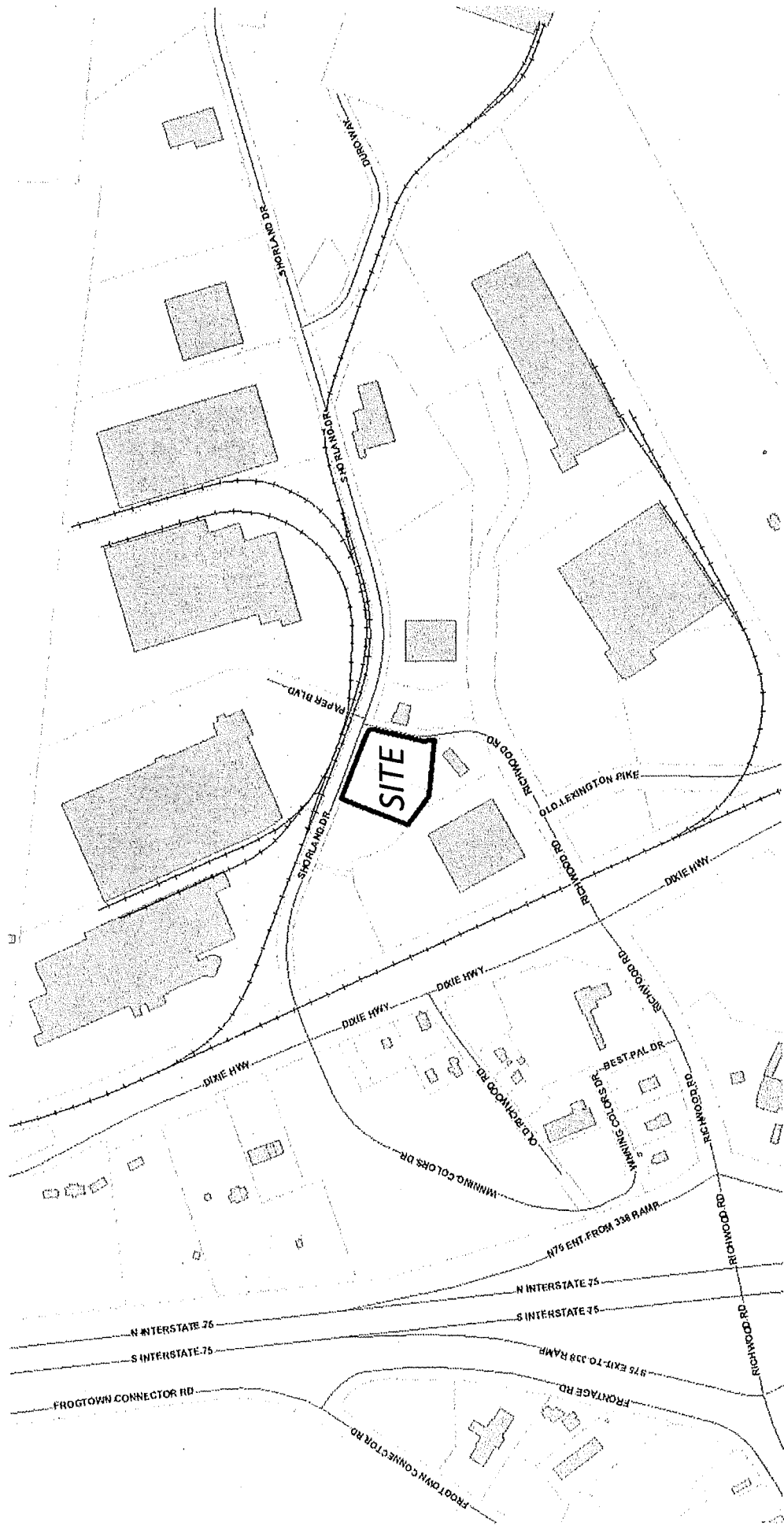


Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

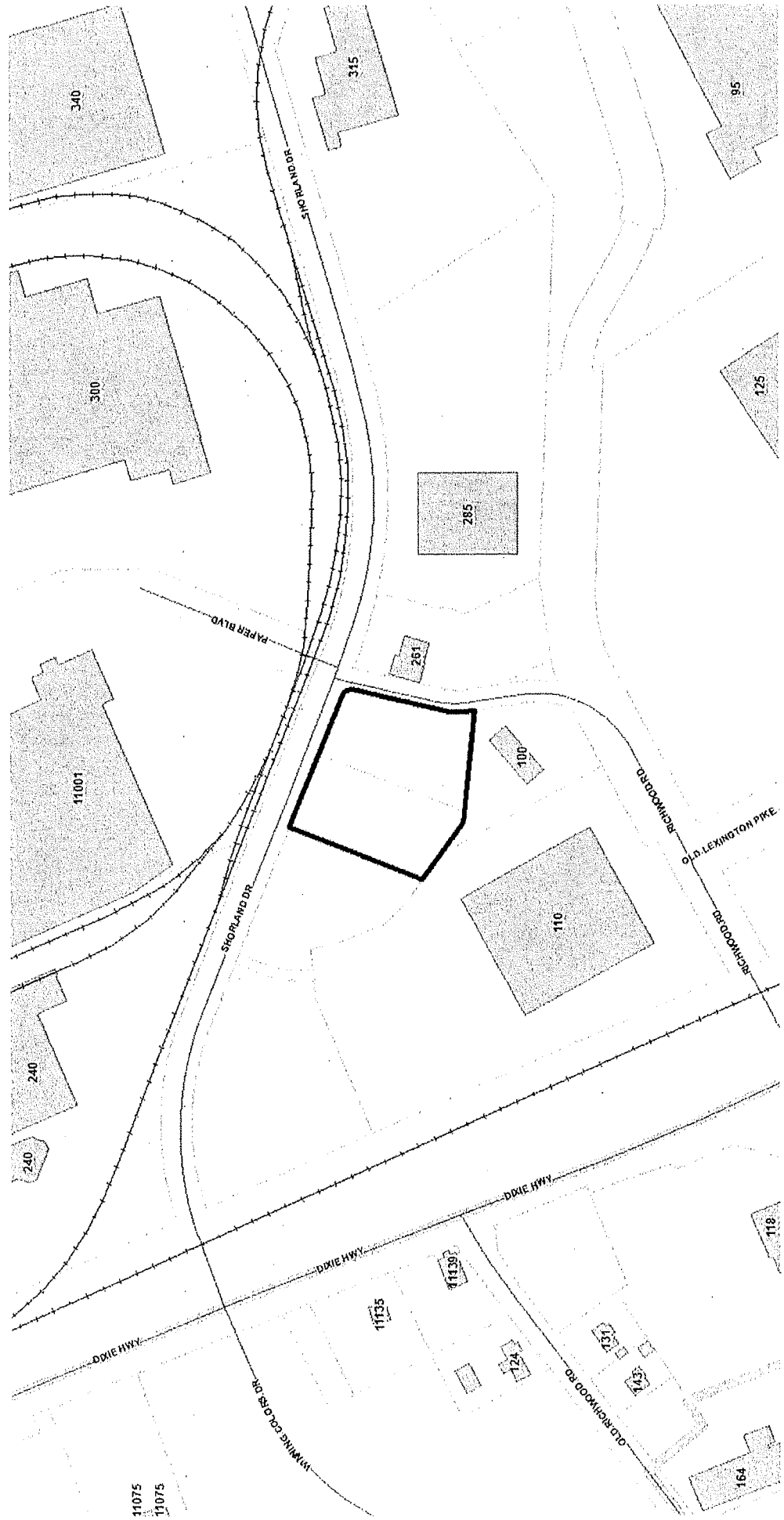
MAL/tlb

Attachments:

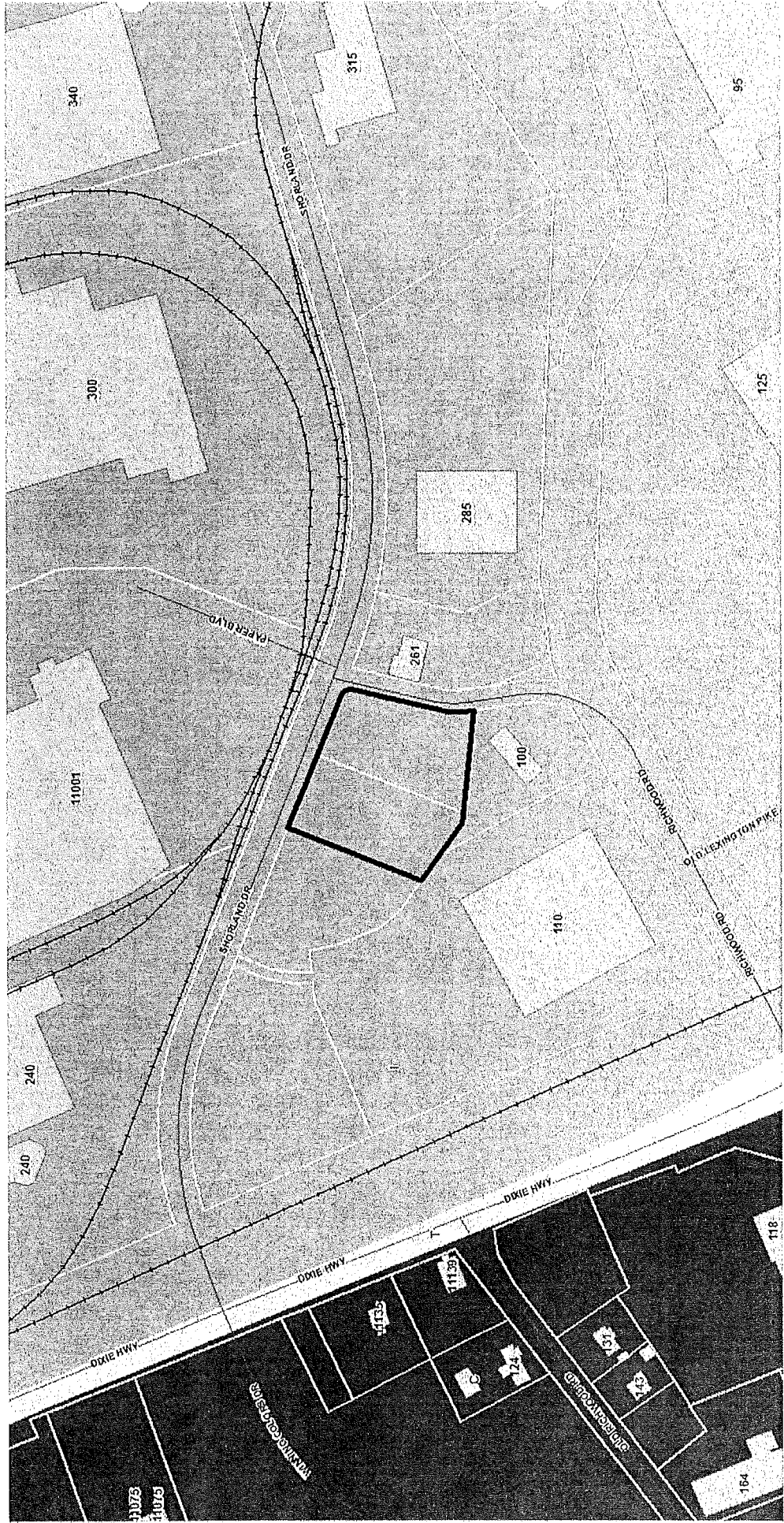
- Vicinity Map
- Zoning Map
- Future Land Use Map
- Site Layout
- Elevations
- Project Narrative
- Application



VICINITY MAP

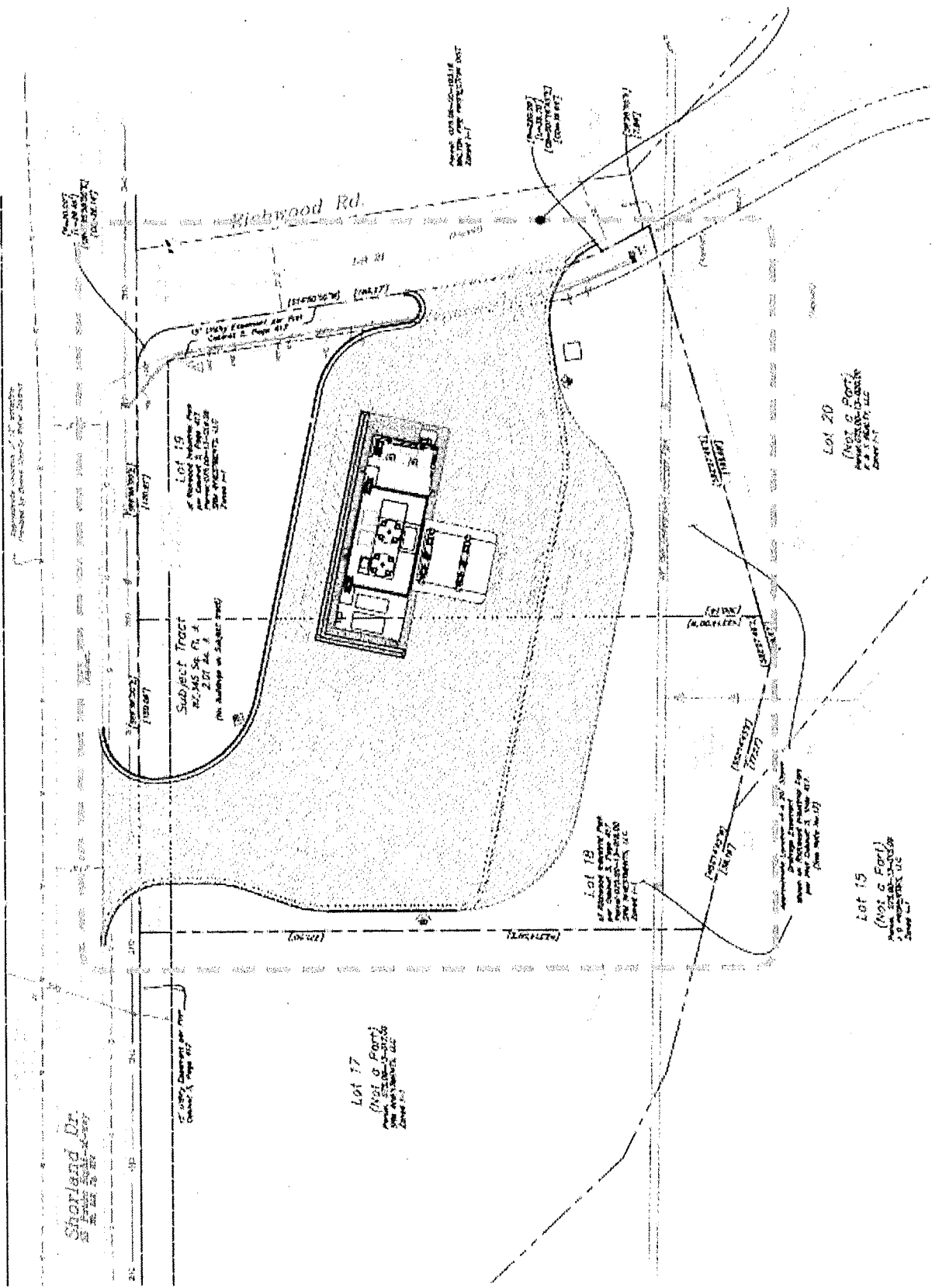


ZONING MAP



FUTURE LAND USE MAP

Area 201 (201-201-011)
County of Montgomery
Case No. 201



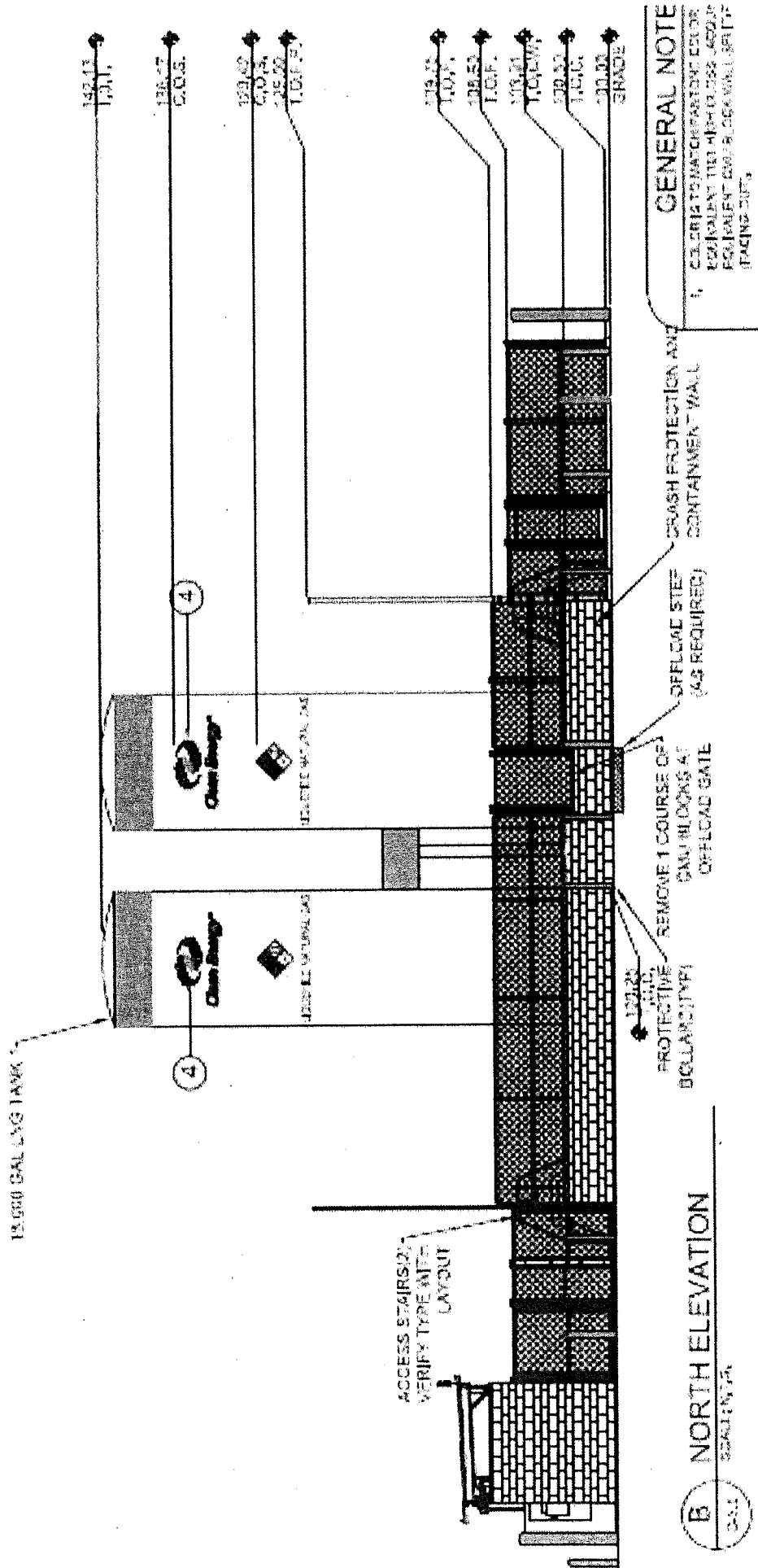
Shorland Dr.
201-201-011

Wishwood Rd.

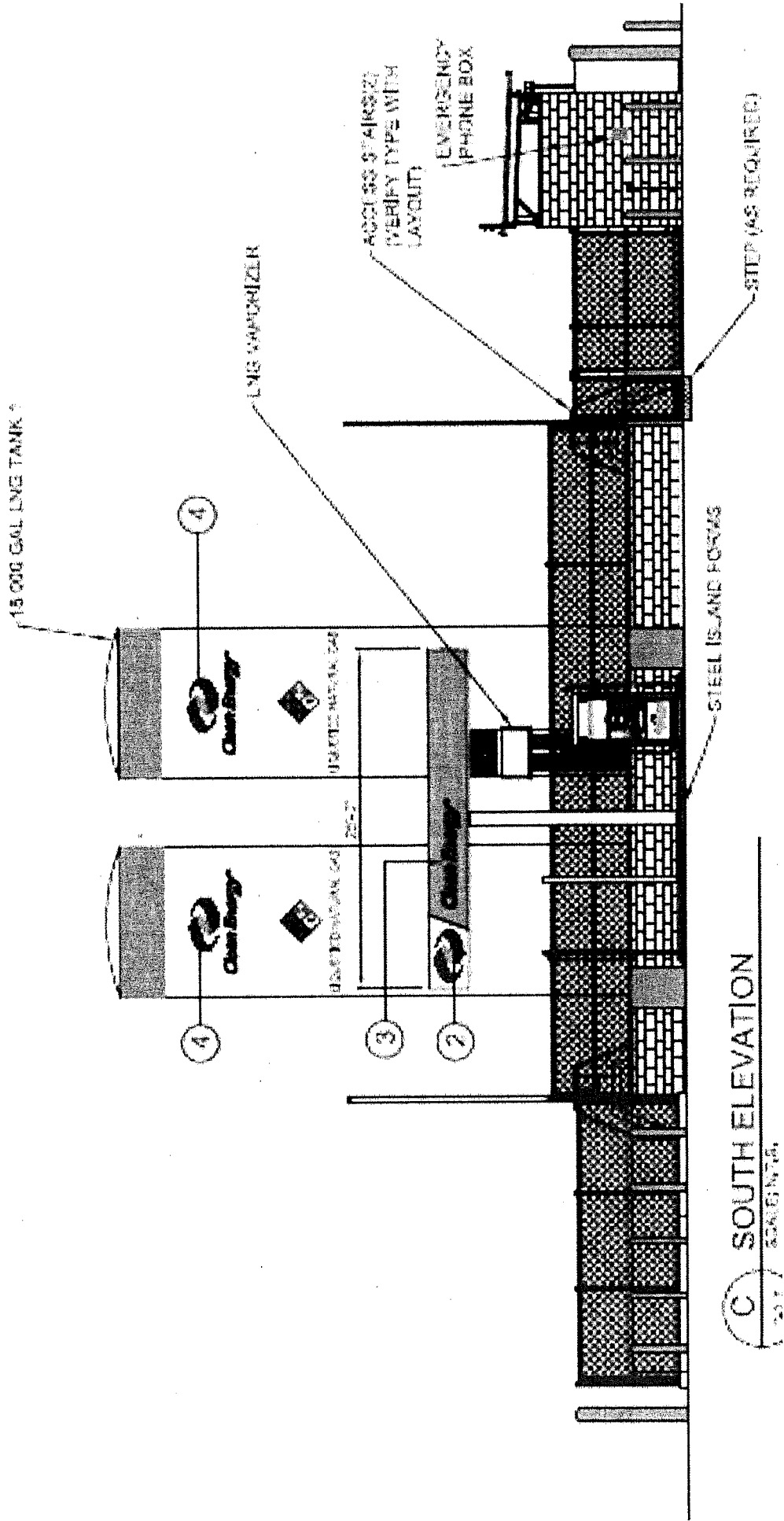
OVERALL SITE PLAN
Scale: 1" = 200'
North Arrow



SITE LAYOUT



SHORLAND DRIVE (NORTH) ELEVATION



FRONT ELEVATION (SOUTH)



November 26, 2013

Mr. Kevin A. Wall
Planning Director / Zoning Administrator
Boone County Planning Commission
2950 Washington Street, Burlington, KY 41005

**RE: 245 & 249 Shorland Drive, Walton, KY 41094
Request for Approval of Major Site Plan Review, Three (3) Sign Variances, and Special
Sign District**

Dear Mr. Wall:

Please be advised that Clean Energy is requesting approval for a Major Site Plan Review, three (3) Sign Variances and a Special Sign District at the above-referenced property. Clean Energy is the leading provider of natural gas fuel for transportation in North America and a global leader in the expansion and introduction of natural gas vehicles. As a result Clean Energy designs, builds, operates, and maintains natural gas fueling stations offering the latest in convenience, technology, and safety. Compared to diesel and gasoline, natural gas fuel is cheaper, cleaner, and greener. It is sourced domestically with supplies projected to last over 120 years. Clean Energy is committed to delivering the benefits of natural gas fuel to fleet operators across America, at the same time Clean Energy is dedicated to protecting the environment by promoting sustainable clean-fuel transportation solutions.

Additionally, Clean Energy envisions a fueling network that enables trucks to operate on natural gas in all key markets across the Country. To make this goal a reality, Clean Energy is actively developing America's Natural Gas Highway, with LNG and CNG fueling stations at strategic locations along major interstate trucking corridors. Many stations will be located at Pilot-Flying J travel centers and other major service station area that already serve truckers across the Country. Clean Energy respectfully requests the assistance of the Boone County Planning Commission to promote the benefits of natural gas by means of approving our Major Site Plan Review, Sign Variances and Special Sign District.

Pursuant to Section 11102 of the 2006-2008 Boone County Zoning Regulations Article 30, a Site Plan Review is required for all permitted uses in the Industrial One (I-1) Zone. Due to the scope of the proposed development, Clean Energy is required to follow the procedures for a Major Site Plan Review pursuant to Section 3002. Furthermore, a Variance is required to deviate from the maximum allowable signage allotment on each fascia of the canopy structure as prescribed in Article 34 (Signs). This results in the need for three (3) Sign Variances as there are signage proposed on three (3) sides of the canopy, all of which exceeds the maximum sign area allowed per fascia. Additionally, during review of Clean Energy's prototypical signage plans with City staff, Mr. Mitchell Light indicated a Special Sign District will be required for the proposed signage on the two (2) above ground storage tanks as they are not referenced in the Boone County Zoning Regulations. Below is a project background and details associated with our request.

Major Site Plan Review

Clean Energy is seeking approval of their Major Site Plan Review for a proposed LNG fueling facility at 245 and 249 Shorland Drive. Pursuant to the 2006-2008 Boone County Zoning Regulations Article 30 (Site Plan Review) Section 3002 (Procedure), a Major Site Plan Review is required for development that involves "exterior utility construction (storm water, water, sanitary sewer, etc.), grading work, more than 12 parking spaces, more than a 15% increase in the existing building square footage, access points or curb cuts, a loading area in excess of 10,000 square feet, or construction of a new building regardless of size upon demolition of an existing building". Since the subject property is currently a vacant lot, the proposed development and associated site improvements will trigger the need for approval of a Major Site Plan Review.

Approval of Clean Energy's Major Site Plan Review will be in harmony with the purpose and intent of the 2006-2008 Boone County Zoning Regulations Article 30 Section 3001 (Authority) to protect the public health, safety, and general welfare of Boone County. The granting of this Major Site Plan Review application will actually result in improvement to the public health, safety and welfare of the Boone County community because LNG vehicles emit up to 30% less greenhouse gas emissions than gasoline or diesel vehicles, thereby improving local air quality. Furthermore, Clean Energy's proposal will provide for adequate onsite and offsite traffic circulation and will not create unnecessary congestion. The proposed ingress and egress are located off public roads that are developed and serve as primary and/or secondary streets connecting to Dixie Highway 25 (U.S. 25). The placement of the ingress and egress access for the proposed development will result in traffic patterns that are consistent with existing conditions in the area and will enhance the community by adding a publically beneficial use to an otherwise vacant piece of land. Furthermore, the development is located on a street that serves local industrial, warehousing and manufacturing businesses who may directly benefit from the availability of the American alternative fuel that will be provided at this property.

The station will be located at 245 and 249 Shorland Drive, on the southwest corner on Shorland Drive and Paper Boulevard/Richwood Road. The proposed fueling facility would serve as a new use that is complementary to existing uses in the area which are industrial in nature and transit oriented. Clean Energy's application would be to develop a vacant property to include a 900 square-foot canopy with signage, fueling dispensers, card readers, two 42.7' tall above ground storage tanks, associated controls, equipment pads, interconnecting piping, site light standards and safety systems. Approval of the Major Site Plan Review is consistent with the zoning regulations (provided our requested Sign Variances are approved and Special Sign District established) and is necessary to the installation of an LNG fueling facility at the subject location.

Sign Variance Requests

During initial research, Clean Energy found that its prototypical sign package will exceed the allowable signage allotment per canopy fascia for the property pursuant to Sign regulations in Article 34 the 2006-2008 Boone County Planning Commission Zoning Regulations and will require a separate Variance for each of the three (3) sides of the canopy fascia. This information was further confirmed by Boone County staff at the Pre-Application Meeting regarding this project on September 29, 2013. Clean Energy is proposing to construct and install its standard vertical tanks, canopy over the fueling area and incorporate its company name, logo and informational/directional verbiage on the canopy and tanks to aid in identifying the LNG product/facility. However, the prototypical package exceeds the allowable signage area and will result in the need to obtain approval of the three (3) variances requested.

It is Clean Energy's understanding per the 2006-2008 Boone County Planning Commission Zoning Regulations Article 34 (Signs) Section 3413(2) (Free-Standing Canopy Signs), that Clean Energy is allowed canopy signs on no more than three (3) elevations on the canopy not to exceed 25 percent of the area of the fascia on which they are mounted.

The total Clean Energy signage proposed is 325.2 square feet which includes 72.75 square feet of permitted canopy signage, 10.85 square feet of additional canopy signage, and 241.6 square feet of tank signage (inclusive of Clean Energy's green band). The tank signage is currently not addressed in the Zoning Regulations, however, staff indicated that it can be permitted with the establishment and approval of a Special Sign District. Therefore, Clean Energy is only requesting Variances for 10.85 square feet of additional signage on three (3) canopy sides as the tank signage will not be included in the sign variance requests and will be addressed with a Special Sign District application, as directed by staff. Although Clean Energy intends to submit a sign application for the signs that are permitted per the Boone County's Zoning Regulations, Clean Energy is seeking a variance for the additional sign area on three (3) sides the canopy structure to assure fuel type identification to both consumers and emergency responders.

Please note that Clean Energy is not requesting approval of any prohibited signs as described in Zoning Regulation Article 34 Section 3408 (Signs Prohibited in All Districts), nor is Clean Energy requesting for signage associated with fuel price advertisement. The request is solely associated with fuel type identification and availability.

Furthermore, Clean Energy is requesting approval to install vinyl applique signs on its canopy at the locations as indicated, with two illuminated signs mounted to the face of the canopy where noted. As per the attached Signage plan, please note the precise locations as referenced below:

Proposed Signage on Canopy:

On the CNG Equipment Side Elevation of the Canopy:

- Vinyl Logo & "Clean Energy" Vinyl Letter Set 18.8 Square Feet Advertising and "Natural Gas For Vehicles" 12.6 Square Feet Directional Vinyl Letter Set
(Total of 31.4 Square Feet proposed)
 - 27 Square Feet is allowed per 2006-2008 Boone County Planning Commission Zoning Regulation Article 34 Section 3413(2)
 - 4.4 Square Feet of additional canopy signage is requested

On the Electrical Equipment Side Elevation of the Canopy:

- Illuminated Logo & "Clean Energy" Vinyl Letter Set 19.8 Square Feet Advertising and "Natural Gas For Vehicles" 12.6 Square Feet Directional Vinyl Letter Set
(Total of 32.4 Square Feet)
 - 27 Square Feet is allowed per 2006-2008 Boone County Planning Commission Zoning Regulation Article 34 Section 3413(2)
 - 5.4 Square Feet of additional canopy signage is requested

On the Fueling Side Elevation of the Canopy:

- Illuminated Logo & "Clean Energy" Vinyl Letter Set
(Total of 19.8 Square Feet)
 - 18.75 Square Feet is allowed per 2006-2008 Boone County Planning Commission Zoning Regulation Article 34 Section 3413(2)
 - 1.05 Square Feet of additional canopy signage is requested

Pursuant to Article 2 (Administration) Section 251 (Application and Standards for Variances) of the 2006-2008 Boone County Planning Commission Zoning Regulations, dimensional variances may be approved by the Board of Adjustment and Zoning Appeals when they find that the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In this particular case, Clean Energy believes these criteria have been met by the proposed signage package as it relates to the site and the use to be established on said site.

Variance Criteria A – The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone.

The requested sign variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone. The granting of the three (3) variances to allow Clean Energy's deviation from the allowable sign area on the proposed canopy fascia in the Industrial One (I-1) Zone per the 2006-2008 Boone County Planning Commission Zoning Regulation Article 34 Section 3413(1) and Section 3413 (2) is due to special circumstances detailed below and do not apply to land in the general vicinity, or in the same zone. A literal interpretation of said provisions would deprive Clean Energy of rights commonly enjoyed by other properties of the same zoning district in which the property is located.

The distinctive design of the Clean Energy LNG fueling facilities creates a particularly unique site condition in that there is no building on which to locate signage as would be typical, thus creating an unparalleled hardship limiting this facility to minimal signage allowance on the canopy locations and two above ground storage tanks for our use. Several other properties within the same zoning district are developed with storefront businesses that are afforded substantially more identification due to the presence of full building walls and/or freestanding signage. Given the unique design of Clean Energy's LNG fueling facility, strict application of the zoning code precludes adequate visibility, identification, and communication – all of which are enjoyed by other properties within the same zoning district. It is for these unique hardships that Clean Energy seeks three (3) variances to utilize greater than the allowable space on the canopy for the proposed signage as has been indicated on the signage plan.

Variance Criteria B – The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

Strict application of the provisions of 2006-2008 Boone County Planning Commission Zoning Regulation Article 34 Section 3413(1) and Section 3413(2) would deprive Clean Energy of any reasonable use of this land as an LNG fueling station and would create an unnecessary hardship on Clean Energy as it would preclude adequate visibility, identification, and communication. The distinctive design of the Clean Energy fueling facilities creates a particularly unique site condition in that there is no building on which to locate signage as would be typical, thus creating an unparalleled hardship limiting this facility to a minimal signage allowance on the canopy and two above ground storage tanks.

Clean Energy's proposed signage on the canopy and two tanks are primarily for effective identification and communication of the site to potential patrons and emergency responders. The area is characterized by larger properties which front the well-traveled roadway and nearby highway. Several other properties within the same zoning district are developed with storefront businesses that are afforded more identification due to the presence of monument, freestanding, and building wall signage. It should be

noted the increased area not only provides better identification, but accommodates the informational statement "Natural Gas For Vehicles" which is approximately twelve square feet. This statement enhances communication and allows potential patrons to quickly identify the site as an alternative fueling facility. Given the unique design of the fueling facility, strict application of the Zoning and Development Code precludes adequate visibility, identification, and communication – all of which are enjoyed by other properties within the same zoning district. We are simply requesting to be allowed total signage area that is essentially equivalent to that of a typical use within the same zone.

Clean Energy is not proposing off-site or freestanding signage, therefore, the proposed signage on the canopy and tanks are the only signage that would provide any sort of identification for the facility. If Clean Energy complies with the prescribed signage regulations, Clean Energy will be deprived of beneficial use of the land and will make no reasonable use of this property as an LNG fueling facility, therefore, the subject property will be eliminated as a viable candidate for this project.

Variance Criteria C – The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.

The circumstances are not the result of actions of Clean Energy subsequent to the adoption of the zoning regulations from which relief is sought. The characteristics of the subject site and proposed use of LNG fueling are both unique and cannot be practically corrected. Due to the lot configurations and surrounding conditions of the property, no reasonable improvements or alterations to the existing site will accommodate the installation of the LNG facility without exceeding the maximum sign area for the canopy and tanks. The parcel not only fronts two streets (Shorland Drive, Paper Boulevard/Richwood Road), but is oddly shaped, consists of multiple small lots, and due to setback regulations, in addition to onsite traffic circulation patterns necessary for adequate vehicular maneuvering, the facility design and layout on the property itself may minimize visibility from the public right-of-way. The proposed sign variance is required to allow for the use of an alternative fuel with adequate signage for identification, and not for fuel price advertisement purposes. The LNG fueling station and tanks are designed to best fit within the property boundaries and with a minimum impact to the site. Thus, allowing the additional sign area is the minimum relief necessary to allow for an LNG fueling station. This is in no means the result of general circumstances within the zone or caused by an action of the applicant, it is rather the result of new technology related to an alternative (American) fuel.

Furthermore, the variance will actually result in substantial justice and improvement to the public safety and welfare because LNG vehicles emit up to 30% less greenhouse gas emissions than gasoline or diesel vehicles, thereby improving local air quality. In addition, LNG engines can reduce noise by as much as 50% compared to diesel engines. The surrounding area is zoned for industrial and general business uses which are typical at exits off of the highway and national interstate system. Proposed lighting fixtures will have a downcast design and will be adjusted to minimize impact of light on adjacent properties. Truck traffic and transportation of goods is common along this corridor and adjoining streets. Therefore, the proposed LNG fueling station would be compatible with the area and not alter the essential character of the neighborhood.

Special Sign District

During review of Clean Energy's prototypical signage plans with City staff, Mr. Mitchell Light indicated establishment of a Special Sign District will be required to allow signage on the two (2) above ground storage tanks as they are not referenced in the Boone County Zoning Regulations.

Clean Energy's request for establishment of a special sign district is intended to help better identify a use that is in conformance with the 2010 Boone County Comprehensive Plan. The goal of the Economy Element found in the 2010 Comprehensive Plan states that "Boone County shall promote a vibrant and sustainable economy that encourages innovation and prosperity with meaningful employment opportunities for all its citizens and respects the physical environment". Clean Energy continues to be an innovative leader in the natural gas industry in North America and encourages environmental awareness by promoting the use of an alternative (American) fuel. The LNG fuel that Clean Energy provides is locally sourced and supports the local economy in a multifaceted fashion.

According to the Business Activity Element of the Comprehensive Plan, one of the base industries within Boone County is transportation, defined as the "movement of people and merchandise from one place to another". Clean Energy's goal of building America's Natural Gas Highway is to provide natural gas fueling infrastructure that will serve long-haul trucks traveling across the USA as well as regional trucks working within local areas, such as Boone County. Furthermore, the subject site is located within a recommended area of commercial and industrial activities due to its proximity to the U.S. 25 and Richwood interchange and will have the potential to service local industrial businesses, such as those located within the Northern Kentucky Industrial Park, as well as regional industrial and commercial businesses.

The Business Activity Element also states that the Richwood and Walton interchanges will serve an increasing amount of industrial traffic along the U.S. 25 and I-75 corridors" and recommends that "most of the industrial activity should locate near the interchanges to minimize travel on non-interstate roads". The Business Activity Element also recommends that commercial and industrial business be located in the area between U.S. 25 and the Boone/Kenton County line as it contains industrial potential due to interstate and rail access. Due to the anticipated industrial traffic in this area of Boone County, it is increasingly important for Clean Energy to provide adequate and easily identifiable signage on site to reduce confusion and mitigate distractions for motorists.

Additionally, pursuant to the Transportation Element of the Comprehensive Plan, the Ohio-Kentucky-Indiana Regional Council of Governments (OKI) updated the Regional Transportation Plan in 2008 to include Clean Air Act Amendments (CAAA) and the Transportation Efficiency Act (TEA-21) that defines context and direction for the plan and results in some actions and efforts that include the use of alternative fuels. The Boone County industrial and commercial industries in the subject area can directly benefit from the availability of natural gas fuel while the overall community can benefit from the environmental values that will result from the proposed development.

The proposed special sign district is intended to create a sign package for the proposed Clean Energy LNG fueling facility located at 245 and 249 Shorland Drive that is harmonious with the adjacent uses and development while providing proper identification for the Clean Energy facility. The proposed development is located on a 2.01 acre site bounded by Shorland Drive on the north, Richwood Road on the east and south, and Winteriors hardware store on the west.

For the purpose of this special sign district, only signage on the two (2) above ground storage tanks will be addressed. The two tanks are 42.7 feet tall and the height of all proposed signage will not exceed the height of the tanks. The Clean Energy logo, letter set, and green band proposed on each elevation of the tanks are vinyl appliques. The total sign area per elevation for each tank is 60.4 square feet. The total and breakdown of the sign area for each tank is provided below.

Proposed Signage on Tanks:

On the Offloading Elevation of Tank 1:

- Vinyl Logo and “Clean Energy” Vinyl Letter Set and Vinyl Green Band
(Total of 60.4 Square Feet)
 - 27.4 Square Feet Vinyl Logo and “Clean Energy” Vinyl Letter Set
 - 33 Square Feet Vinyl Green Band

On the Offloading Elevation of Tank 2 (to be installed in 2-3 years when demand increases):

- Vinyl Logo and “Clean Energy” Vinyl Letter Set and Vinyl Green Band
(Total of 60.4 Square Feet)
 - 27.4 Square Feet Vinyl Logo and “Clean Energy” Vinyl Letter Set
 - 33 Square Feet Vinyl Green Band

On the Fueling Side Elevation of Tank 1:

- Vinyl Logo and “Clean Energy” Vinyl Letter Set and Vinyl Green Band
(Total of 60.4 Square Feet)
 - 27.4 Square Feet Vinyl Logo and “Clean Energy” Vinyl Letter Set
 - 33 Square Feet Vinyl Green Band

On the Fueling Side Elevation of Tank 2 (to be installed in 2-3 years when demand increases):

- Vinyl Logo and “Clean Energy” Vinyl Letter Set and Vinyl Green Band
(Total of 60.4 Square Feet)
 - 27.4 Square Feet Vinyl Logo and “Clean Energy” Vinyl Letter Set
 - 33 Square Feet Vinyl Green Band

Establishment of the proposed special sign district is specific to the subject site and Clean Energy’s signage on the above ground storage tanks only. Tank mounted signs located on the subject property shall conform to the requirements in Article 34 of the 2006-2008 Boone County Zoning Regulations that are not replaced by sections below.

For the purpose of this special sign district, the following standards shall apply:

1. Tank mounted signs shall not exceed 58 square feet in area per frontage.
2. A maximum density of three (3) signs per tank frontage will be permitted.
3. A maximum of two (2) frontages shall be allowed per tank.
4. Tank mounted signs shall remain within private property and shall not project into the public right-of-way.
5. No signs shall be permitted to be located above the top of the tank or exceed 42.7 feet in height.
6. No freestanding signs shall be permitted on site.
7. Tank mounted signs shall not be illuminated, cause glare or distract motorists.
8. The materials, colors, and design details of the signs shall match or correlate to one of the principal buildings and/or structures on site.

4675 MacArthur Court, Suite 300
Newport Beach, CA 92660 USA
562.493.2804 fax 562-493-4532

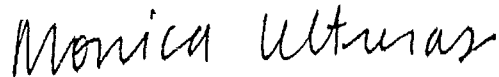
www.cleanenergyfuels.com

Clean Energy respectfully requests the assistance of the Boone County Planning Commission to promote the benefits of natural gas as an alternative fuel by means of approving our Major Site Plan Review, pursuant to Article 30 Section 3003, in conjunction with our three (3) Variance requests to allow for additional sign area on the canopy, pursuant to Article 2 Section 251, and Special Sign District, pursuant to Section 3440.

Should you have any questions in regard to the approval requests or Clean Energy's overall business objective, please contact me directly at (213) 381-3243. In advance, thank you for your time and approval consideration.

Sincerely,

CLEAN ENERGY



Monica Ultreras
National Planning Manager

/mu

Attachments

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project Clean Energy LNG Fueling Facility
2. Location of Project 245 & 249 Shoreland Drive, Walton, KY 41094
3. Total Acreage of Site 2.01 acres (87,345 SF)
4. Current Zoning of Site I-1 (Industrial)
5. Proposed Zoning (Classification being requested) Special Sign District
6. Proposed Uses (please specify each use) Clean Energy is requesting a Zoning Map Amendment to establish a Special Sign District for a Clean Energy liquefied natural gas (LNG) fueling facility.
7. Names of Applicant(s) Clean Energy (ATTN: Monica Ultreras)
8. Address of Applicant(s) 4675 MacArthur Court, Suite 800, Newport Beach, CA 92660
9. Name of Property Owner(s) SRM Investments, LLC
10. Address of Property Owner(s) PO Box 18670, Erlanger, KY 41018
11. Proposed Building Intensities (please specify) N/A; no additional building intensities proposed.
12. Are there any existing buildings on the site? No - vacant property
13. Deed Book 5 Page No. 417 Group No. N/A
14. Are you also applying for: No Conditional Use Permit, Yes (Signage) Dimensional Variance
15. Have you submitted a Concept Development Plan? No
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: No Boone County Water District, N/A Florence Public Services Dept., No Duke Energy, No Sanitation District #1, No Cincinnati Bell, No Owen Electric Cooperative, Inc., Yes Boone County Public Works Department, No Kentucky Transportation Cabinet, No Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

(over)

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Ben Brandstetter, Chairman

DATE: March 5, 2014

RE: Request of **Fiedler Group attention Bill Lotz (applicant)** for **SRM Investments, LLC (owner)** for a Zoning Map Amendment for a Special Sign District in a Industrial One (I-1) zone for a 2.01 acre site located on the southwest corner of the Shorland Drive/Richwood Road intersection at 245 and 249 Shorland Drive, Boone County, Kentucky. The request is for a Special Sign District to allow alternative signage.

REMARKS:

We, the Committee, recommend approval of the above referenced request based on the following findings of fact and with the following condition:

FINDINGS OF FACT

1. The Committee has concluded that the request is in agreement with the 2010 Boone County Comprehensive Plan for the following reasons:
 - A. The Future Land Use Map of the 2010 Comprehensive Plan shows the subject property as Industrial (I) which is defined in the adopted Comprehensive Plan as:

"Manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses."
 - B. The Land Use Element (8. Richwood East, pp. 171) states:

"Because of the various existing and future uses along U.S. 25, it will carry a high volume of mixed traffic types. For this reason, any traffic-intensive or truck-oriented uses shall locate near connections to the interstate, and access management shall be an important consideration on all development along U.S. 25. The Kentucky Transportation Cabinet is designing a major widening of U.S. 25 south to Richwood Road."
2. The Committee has concluded that the request is in agreement with the 2010 Goals and Objectives of the Boone County Comprehensive Plan for the following reasons:

The Business Activity, Goal, states "Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas."

3. The Committee has concluded that the attached condition is necessary to achieve consistency with the specific goals, objectives, and policies of the 2010 Boone County Comprehensive Plan.

CONDITION

1. The property owner agrees that there will be no monument sign on the property as long as there is signage on the above ground storage tanks, and that the signage on the above ground storage tanks will be as presented at the February 5, 2014 Public Hearing.

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 Concept Development Plan Committee Vote.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Ben Brandstetter, Chairman

DATE: February 19, 2014

RE: **ZONING MAP AMENDMENT FOR SPECIAL SIGN DISTRICT - Mitch Light, Staff**

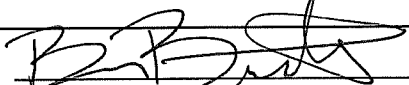
Request of **Fiedler Group attention Bill Lotz (applicant)** for **SRM Investments, LLC (owner)** for a Zoning Map Amendment for a Special Sign District in a Industrial One (I-1) zone for a 2.01 acre site located on the southwest corner of the Shorland Drive/Richwood Road intersection at 245 and 249 Shorland Drive, Boone County, Kentucky. The request is for a Special Sign District to allow alternative signage.

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.

Fiedler/SRM

February 19, 2014

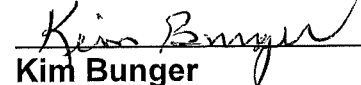


Ben Brandstetter, Chairman

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

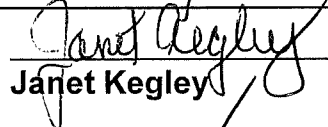
Greg Breetz, Chairman

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



Kim Bunger

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____



Janet Kegley

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Susan Schultz

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

Charlie Reynolds (Alternate)

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

Mark Hicks (Alternate)

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

Jim Longano (Alternate)

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

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

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Ben Brandstetter, Temporary Presiding Officer
Mr. Greg Breetz
Mr. Kim Bunger, Secretary/Treasurer
Mr. Mike Ford, Vice Chairman
Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Jim Longano
Ms. Lisa Reeves
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke

COMMISSION MEMBERS NOT PRESENT:

Mr. Don McMillian
Mr. Charlie Reynolds
Ms. Susan Schultz
Mr. Steve Turner

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Mitchell A. Light, Asst. Zoning Administrator/ZEO
Mr. Todd Morgan, AICP, Senior Planner

Chairman Rolfsen called the Public Hearing to order at 8:49 P.M. and introduced the next item on the Agenda:

ZONING MAP AMENDMENT FOR SPECIAL SIGN DISTRICT - Mitch Light, Staff

2. Request of **Fiedler Group attention Bill Lotz (applicant)** for **SRM Investments, LLC (owner)** for a Zoning Map Amendment for a Special Sign District in a Industrial One (I-1) zone for a 2.01 acre site located on the southwest corner of the Shorland Drive/Richwood Road intersection at 245 and 249 Shorland Drive, Boone County, Kentucky. The request is for a Special Sign District to allow alternative signage.

Staff member, Mitch Light, presented the Staff Report, which included a Powerpoint presentation (see Staff Report). Mr. Light reviewed the definition of a sign based upon the Article 40 of the Boone County Zoning Regulations. He noted that the Industrial One (I-1) zone allows a maximum 10' high and 100 square foot monument style sign. The applicant is requesting a Special Sign District to allow signage on two (2) above ground storage tanks (42.7 feet high each) in an I-1 zone. The first phase of the Clean Energy project only includes 1 storage tank, however a second storage tank would be added with additional pumps and an expanded fuel canopy. Mr. Light showed slides of the site in question. The site is located in the Richwood Industrial Park. The site is zoned I-1 and the Future Land Use map indicates Industrial for the property. A site plan to develop the property was approved last Friday. It showed the two storage tanks and the enlarged canopy. Mr. Light showed an elevation of the proposed storage tanks. Normally, an above ground storage tank is not a permitted sign structure. The extent of the proposed signage is the green stripe around the top of the tanks (36" high) and 2 Clean Energy logos (27.42 square feet each) on each tank (north and south elevations). The applicant has provided a narrative, which is attached to the Staff Report. It references the Major Site Plan review, the dimensional variance for the signage on the fuel canopy granted by the Boone County Board of Adjustment and this Special Sign District request. Mr. Light referenced the adjacent land uses and zoning. He also noted that a temporary facility has been approved while the permanent facility is under construction. The temporary facility will eventually be removed. Mr. Light also made references to the Comprehensive Plan based upon the Staff Report. In addition, he noted that the regulatory signage on the tanks is permitted and is not part of the request. Mr. Light concluded that the Fiscal Court must review the request on the basis of its relationship to the Comprehensive Plan and in terms of the 3 criteria necessary for a Zoning Map Amendment.

Chairman Rolfsen asked if the applicant was in attendance and wanted to make a presentation?

Mr. Ben Steckler, of the Fiedler Group, stated that he was representing Clean Energy. He distributed a handout, which described Clean Energy. Clean Energy is trying to create infrastructure for a switch from diesel fuel to an alternative fuel - liquified natural gas for big rigs that are on the roads. Diesel fuel makes up about 60% of the country's imported oil. Liquified natural gas is a product of natural gas, of which there is a plentiful amount. It is a cleaner burning fuel for the shipping industry. If you take 1 diesel rig off the road, it is equivalent to taking 325 automobiles off the road for air pollution purposes. Liquified natural gas burns 30% cleaner than diesel fuel. Liquified natural gas is an American based fuel and not an imported fuel. It is also about \$1.50 - \$2.00 per gallon cheaper than diesel fuel. There are environmental and economic benefits to it. The proposed use has been approved at the location. Now they are only requesting a way to identify themselves on the tanks just like they do elsewhere in the United States. Mr. Steckler stated they have facilities in Lebanon and Knoxville, Tennessee and one in Franklin, Ohio. Their facilities are located near interstates. Clean Energy has been involved in compressed natural gas for 17 years but is now just getting into liquified natural gas.

Mr. Steckler stated that besides the canopy signage, the only other signage on the site would be the storage tanks. He referred to his proposed restrictions on page 7 of the narrative, item #6 where no freestanding signs shall be requested on the site.

Chairman Rolfsen asked whether the company wanted the signage to see the business from the interstate? Do trucks visit the site to obtain fuel? Mr. Steckler responded yes but the tanks have not been constructed yet. A temporary facility called a harpoon will be built first. It is a mobile fueler that will be placed on a stand and made immobile. There is one user who has trucks in the area that wants to use the facility. This user has approximately 6 - 10 trucks that would utilize the facility each day. Mr. Steckler stated there are over 100 liquified natural gas facilities built by Clean Energy in the United States. In response to a question from Chairman Rolfsen, liquified natural gas is for trucks and compressed natural gas is for smaller trucks or cars. Compressed natural gas takes up a lot of space and there is not enough storage for trucks that travel longer distances. Liquified natural gas is 600 times more dense than compressed natural gas.

Mr. Schwenke asked if the storage tanks are hazardous? Mr. Steckler stated they are not pressurized storage tanks. They are at 175 psi inside the tank. The tank itself is an outer shell. There is an inch and a quarter inner shell, 9 inches of vapor lock area and another inch and quarter outer shell. Liquified natural gas is 260 degrees below zero. The tank acts like a thermos. It is regulated by the National Fire Protection Association. It does require signage for safety and identification.

Mr. Bunger asked if it was necessary for the tanks to be vertical versus horizontal? Mr. Steckler responded they could do horizontal tanks but they cost \$200,000.00 more per project. The site is not conducive for horizontal tanks. Mr. Bunger inquired about what safety requirements are necessary with the proposed use?

Mr. Steckler replied that NFPA requires certain safety protocols - gas leak protectors, sensors at the four corners of the containment area, a 2.5 - 3 foot high containment wall surrounding the tanks. If a leak occurred, it would be contained and evaporate. The pipes have shut off valves and detection systems to the dispensers. There are red eye fire detectors at each of the four corners along with security cameras for remote monitoring. Notifications would also occur at the neighboring fire facility. Finally, Mr. Steckler mentioned that the total square footage for the sign is 60.4 square feet instead of 58 square feet in order to accommodate the green stripe, logo and company name.

Mr. Breetz asked the applicant if the Company had any forecasted growth figures in the next 10 years? Mr. Steckler stated that Clean Energy has plans for expansion in the next 2 - 3 years as the industry builds and more liquified natural gas trucks are purchased. The proposed facility has expansion in mind moving from 2 to 4 lanes in the next 2 - 3 years. The company would serve the needs in the Richwood Industrial Park and other users. There is a plan to build 300 facilities nationwide from border to border in the next 2 years. The priority now is the interstates and then other roads to fill in other areas.

There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on February 19, 2014 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on March 5, 2014 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 9:14 P.M.

APPROVED:

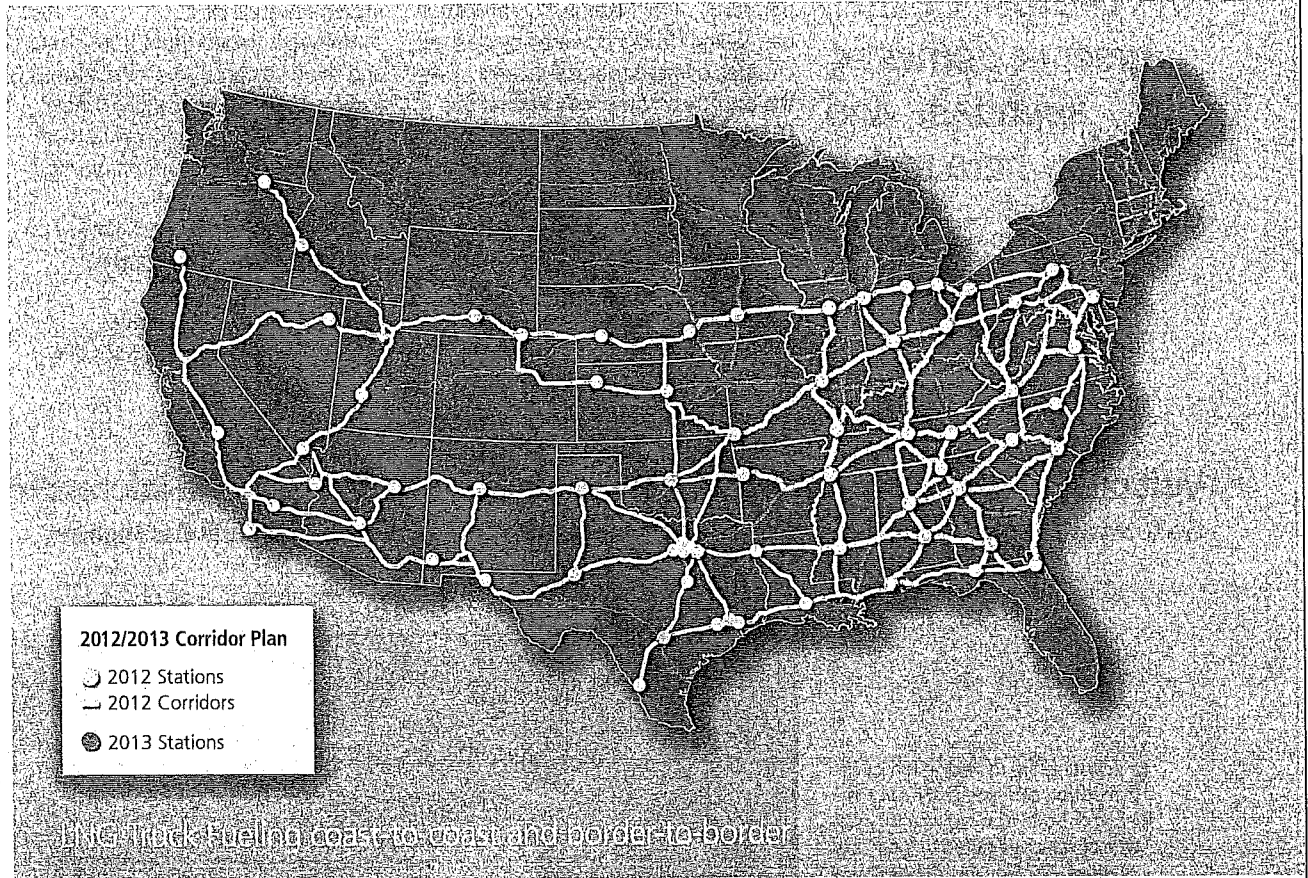
Charlie Rolfsen
Chairman

Attest:

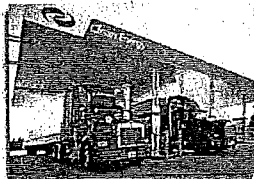
Kevin P. Costello, AICP
Executive Director

Exhibit - America's Natural Gas Highway Handout - Clean Energy

America's Natural Gas Highway® The Clean Energy Solution



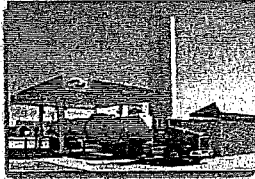
Long Beach, CA



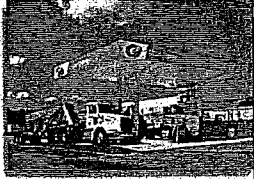
Las Vegas, NV



Dallas, TX



Baytown, TX



Seville, OH

Trucks powered by cleaner, cheaper and All-American natural gas will travel the country on **America's Natural Gas Highway**. We are building a network of LNG truck fueling stations on the Interstate Highway System and in major metropolitan areas. Natural gas fueling infrastructure will be available to serve long-haul trucks traveling across the USA as well as regional trucks working within local areas.

 **Clean Energy**
North America's leader in clean transportation

America's Natural Gas Highway[®] The Clean Energy Solution

**Natural gas.
It's cheaper, cleaner,
greener, domestic,
abundant, and
here today.**

Clean Energy is America's largest provider of natural gas fuel for transportation — your connection to natural gas fueling. Trucks powered by cleaner, cheaper, domestic natural gas will travel the country on **America's Natural Gas Highway**, our network of LNG truck fueling stations on Interstate Highways connecting major metropolitan areas coast-to-coast and border-to-border.

The first phase includes 150 LNG fueling stations with 70 anticipated to be open in 33 states by the end of 2012 and the balance in 2013.

Many will be co-located at Pilot-Flying J Travel Centers already serving goods movement trucking.

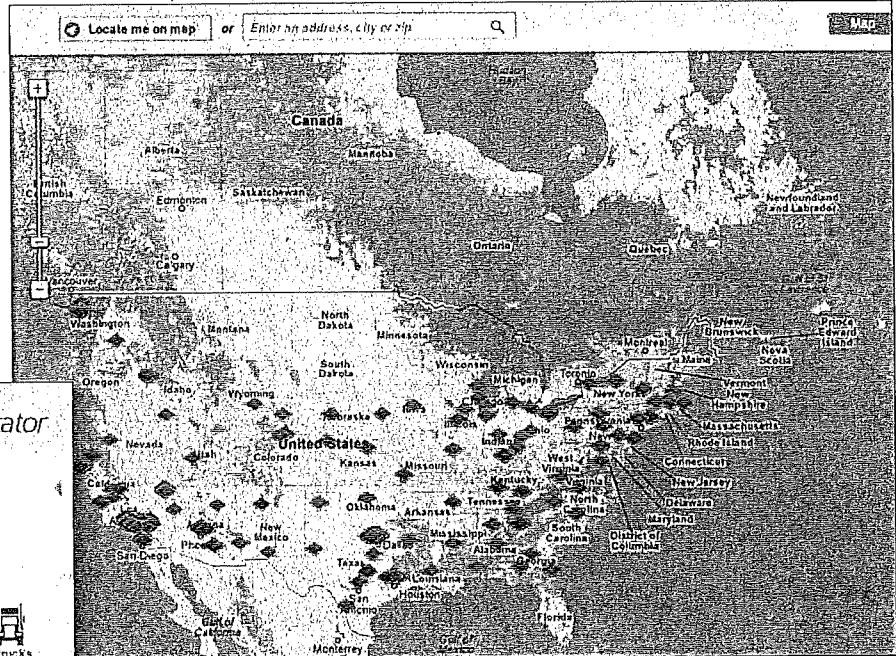
We want to hear from truck fleets and shippers about your needs for LNG fueling stations. Let us know where we can expand the highway network to support your deployment of LNG trucks.

We look forward to serving you on **America's Natural Gas Highway**.

To discuss your fueling needs, contact Jim Harger at 562.546.0306.

Visit our **Station Locator** to find natural gas fueling station sites and information. Go to www.cnglngstations.com. We look forward to serving you on **America's Natural Gas Highway**.

By adjusting the toolbar at left of the map you can specify LNG or CNG fueling or both. You can specify what type of vehicle is suited to individual stations. And you can define status as to whether the station is open and operating or coming soon.



Clean Energy
North America's leader in clean transportation

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

February 24, 2014

Mr. Bill Lotz
The Fiedler Group
3450 Acworth Due West Road
Building 100, Suite 120
Kennesaw, GA 30144

RE: Request of **Fiedler Group attention Bill Lotz (applicant)** for **SRM Investments, LLC (owner)** for a Zoning Map Amendment for a Special Sign District in a Industrial One (I-1) zone for a 2.01 acre site located on the southwest corner of the Shorland Drive/Richwood Road intersection at 245 and 249 Shorland Drive, Boone County, Kentucky. The request is for a Special Sign District to allow alternative signage.

Dear Mr. Lotz:

The following represents the condition of approval for the above referenced application as recommended by the Planning Commission's Zone Change Committee at their February 19, 2014 meeting. If you, as the applicant, agree with this condition, 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 office by Friday, February 28, 2014.

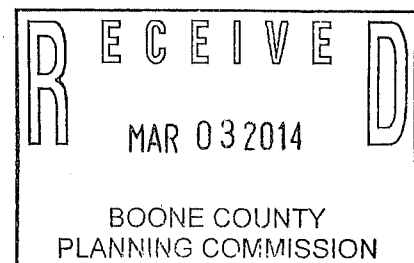
CONDITIONS

1. The property owner agrees that there will be no monument sign on the property as long as there is signage on the above ground storage tanks, and that the signage on the above ground storage tanks will be as presented at the February 5, 2014 Public Hearing.

Sincerely,

Mitchell A. Light
Assistant Zoning Admin/Enforcement Officer

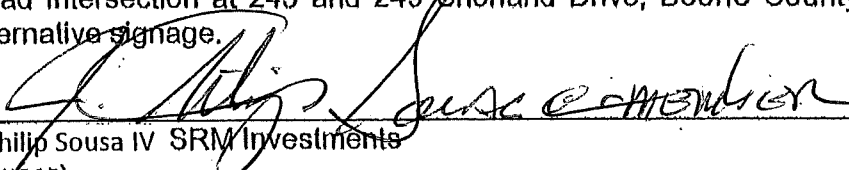
MAL/ss



Mr. Bill Lotz
February 25, 2014
Page 2

AGREEMENT

I, J. Philip Sousa IV do hereby agree to the recommended conditions of approval stated above for a Zoning Map Amendment for a Special Sign District in a Industrial One (I-1) zone for a 2.01 acre site located on the southwest corner of the Shorland Drive/Richwood Road Intersection at 245 and 249 Shorland Drive, Boone County, Kentucky to allow alternative signage.



J. Philip Sousa IV SRM Investments
(owner)

2/28/14
Date



CEI Engineering Associates, Inc.

ENGINEERS ■ SURVEYORS ■ LANDSCAPE ARCHITECTS ■ PLANNERS

3108 SW Regency Parkway, Suite 2
Bentonville, AR 72712
(479) 273-9472 Fax (479) 273-0844
www.ceieng.com

Legal Description

A Tract of Land being all of Lot 18 and Lot 19 according to Resubdivision of Section 8 – Lot 12 of Richwood Industrial Park, as shown on recorded plat in Plat Cabinet 5, Page 417 of the Boone County, Kentucky Clerk's Records, and being more particularly described by metes and bounds as follows:

BEGINNING at a found rebar with cap (LS 206) at the Northwest corner of Lot 18; Thence along the southerly right-of-way of Shorland Dr., South $69^{\circ}31'46''$ East, crossing a found $1/2''$ rebar at a distance of 150.06 feet, and continuing for a total distance of 270.67 feet to a point in the westerly right-of-way of Richwood Road; Thence along said westerly right-of-way the following four (4) courses:

- 1.) 28.49 feet along a tangent curve to the right having a central angle of $81^{\circ}36'43''$, a radius of 20.00 feet, a long chord that bears South $28^{\circ}43'46''$ East, and a chord distance of 26.14 feet a found $5/8''$ rebar with cap (LS3622) in said right-of-way;
- 2.) South $12^{\circ}04'14''$ West, a distance of 189.27 feet to a found $5/8''$ rebar;
- 3.) 39.69 feet along a non-tangent curve to the left having a central angle of $10^{\circ}20'16''$, a radius of 220.00 feet, a long chord that bears South $04^{\circ}02'31''$ East, and a chord distance of 39.64 feet to a found rebar with cap (LS 3622);
- 4.) South $09^{\circ}12'41''$ East, a distance of 7.85 feet to found $5/8''$ rebar with cap (EWH KY4053 OH8038);

Thence leaving said right-of-way and along the southerly boundary of Lot 19 and Lot 18 the following two (2) courses:

- 1.) North $85^{\circ}13'35''$ West, crossing a found $5/8''$ rebar with cap (EWH KY4053 OH8038) at a distance of 195.67 feet and continuing for a total distance of 215.34 feet to a found $1/2''$ rebar;
- 2.) North $55^{\circ}00'29''$ West, crossing a found $1/2''$ rebar with cap (JGK3663) at a distance of 77.27 feet, and continuing for a total distance of 135.46 feet to found $5/8''$ rebar with cap (EWH KY4053 OH8038) at the southwest corner of Lot 18;

Thence along the westerly boundary of said Lot 18, North $20^{\circ}28'14''$ East, a distance of 271.50 feet to the POINT OF BEGINNING, containing 87,345 Square Feet or 2.01 Acres, more or less, subject to any easements, covenants or restrictions of record or fact.

Providing Consolidated Land Development Services

CALIFORNIA ■ TEXAS ■ ARKANSAS ■ LOUISIANA ■ MINNESOTA ■ GEORGIA ■ PENNSYLVANIA

5/15/77

DEED

KNOW ALL MEN BY THESE PRESENTS:

That **TS Development Corporation, a Kentucky corporation,**

by and through Toby Shor, its President, pursuant to a resolution duly adopted by its Board of Directors, for and in consideration of -- \$159,975.00 -- and other good and valuable considerations to it paid by the Grantee herein, the receipt of which is hereby acknowledged, does bargain, sell and convey to the Grantee,

SRM INVESTMENTS, LLC, a Kentucky limited liability company,

Its successors and assigns forever, said Grantor's Thirty Nine and One Half percent (39.5%) undivided interest in and to the following described real estate, in the County of Boone and Commonwealth of Kentucky, to-wit:

PROPERTY ADDRESS: Shorland Drive, Richwood, Kentucky
MAILING ADDRESS: 34 Kenton Lands Road, P.O. Box 18670, Erlanger, Kentucky 41018

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Being an interest in the same property conveyed to the Grantor herein by deed recorded in Deed Book D871 Page 815 of the Boone County Clerk's records in Burlington Kentucky.

Subject to easements and restrictions of record.

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging. TO HAVE AND TO HOLD the same to the said Grantee,

SRM INVESTMENTS, LLC,

successors and assigns forever, the Grantor, its successors and assigns, HEREBY COVENANTING with the Grantee, its successors and assigns and that the TITLE so conveyed is CLEAR, FREE AND UNENCUMBERED and that it will WARRANT AND DEFEND the same against all legal claims whatsoever.

STRAUSS + TROY

RETURN TO:

BOONE COUNTY

D871 Pg 820

IN WITNESS WHEREOF, the said Grantor, TS Development Corporation, a Kentucky corporation, by and through TOBY SHOR, President, pursuant to a Resolution duly adopted by its Board of Directors, has hereunto set its hand, this 17th day of March, 2004.

TS DEVELOPMENT CORPORATION, A
KENTUCKY CORPORATION

BY: Toby Shor
TOBY SHOR
President

STATE OF TEXAS
COUNTY OF NUCKER

BE IT REMEMBERED, that on this 17th day of March, 2004 before me, the subscriber, a Notary Public in and for said County and State, personally appeared Toby Shor, President of TS Development Corporation, a Kentucky corporation, whose name is subscribed to and which executed the foregoing instrument, and as such officer for and on behalf of said corporation, acknowledged the signing and execution of said instrument; that she executed said instrument, by authority of the Board of Directors, and on behalf of said corporation and that the signing and execution of said instrument is her free and voluntary act and deed as such officer and the free and voluntary act and deed of said corporation for the uses and purposes in said instrument mentioned.

[Signature]
NOTARY PUBLIC
COMM. EXPIRES: May 17, 2005

This Instrument Prepared By:

[Signature]
PAUL J. DARPEL
Attorney-at-Law
25 Crestview Hills Mall Rd., Suite 104
Crestview Hills, Kentucky 41017
(859) 578-6606

BOONE COUNTY
D871 PG 821

CERTIFICATION

We, TS Development Corporation, a Kentucky corporation, by and through TOBY SHOR, its President, pursuant to a resolution duly adopted by its Board of Directors, Grantor herein, at the address of TOBY SHOR, c/o Duro Paper, Oak and Davies St., Ludlow, Kentucky 41016 and SRM INVESTMENTS, LLC Grantee herein, at the address of 34 Ketchum Lane Road, P.O. Box 18170, Erlanger, KY 41018, does hereby certify, pursuant to KRS Chapter 382, that the consideration in the amount of \$159,975.00 is the true, correct and full consideration paid for the property herein conveyed. 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.

GRANTEE:
SRM Investments, LLC
a Kentucky limited liability
company

GRANTOR:
TS Development
Corporation, a Kentucky Corp.

[Signature]
By:
Title:

[Signature]
TOBY SHOR
President

STATE OF TEXAS)
COUNTY OF NUECES) SS

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me, a Notary Public, this 17th day of March, 2004 by TS Development Corporation, a Kentucky corporation, by and through TOBY SHOR, its President, pursuant to a resolution duly adopted by its Board of Directors.

[Signature]
NOTARY PUBLIC
COMM. EXPIRES: May 17, 2005

STATE OF KENTUCKY)
COUNTY OF BOONE) SS

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me, a Notary Public, this 19th day of March, 2004 by SRM INVESTMENTS, LLC, by and through Michael D. Mays, its Member, pursuant to authorizing resolution.

[Signature]
NOTARY PUBLIC
COMM. EXPIRES: 10/3/05

EXHIBIT A
LEGAL DESCRIPTION
13.7170 ACRES

Situated In the Commonwealth of Kentucky, Boone County, being a tract of land heretofore conveyed to Richwood Development Corporation by deed recorded in Deed Book 418 Page 274 of the Boone County deed records on file in Burlington, and being more particularly described as follows:

Beginning at a set iron pin and cap on the easterly right-of-way line of the C.N.O. & T.P. Railroad right-of-way and the southerly right-of-way line of Shorland Drive;

Thence along said easterly right-of-way line of said C.N.O. & T.P. Railroad right-of-way, S22°12'32"E, 1067.79 feet to a set iron pin and cap on the northerly right-of-way line of Richwood Road;

Thence leaving said easterly right-of-way line of said C.N.O. & T.P. Railroad right-of-way along the northerly right-of-way line of Richwood Road, on the following four (4) courses and distances:

1. N66°24'02"E, 298.90 feet to a set iron pin and cap;
2. N26°06'48"W, 14.31 feet to a set iron pin and cap;
3. N63°43'58"E, 317.81 feet to a set iron pin and cap;
4. along a curve deflecting to the right, having a radius of 441.09 feet, an arc length of 73.46 feet and subtended by a chord N68°36'03"E, 75.37 feet to a set iron pin at the southwestmost corner of a tract of land heretofore conveyed to Kestland Blue LLC, by deed recorded in Deed Book 792 Page 221 of said County deed records;

Thence leaving said northerly right-of-way line along the westerly line of said Kestland Blue's tract of land on the following two (2) courses and distances:

1. N24°00'43"W, 166.66 feet to a set iron pin and cap;
2. N14°50'00"E, 240.84 feet to a set iron pin and cap on the southerly right-of-way line of said Shorland Drive;

Thence leaving said westerly line of said Kestland Blue's tract of land, along said southerly right-of-way line of Shorland Drive, on the following two (2) courses and distances:

1. N66°46'00"W, 746.46 feet to a set iron pin and cap;
2. along a curve deflecting to the left, having a radius of 490.57 feet, an arc length of 346.49 and subtended by a chord N66°59'18"W, 339.34 feet to the beginning.

Containing 13.7170 acres of land, more or less, subject to easements, conditions, restrictions, covenants, and rights-of-way of record.

Iron pins called to be set are 5/8" iron pins twenty-four inches in length, with an orange cap stamped Centerline #3423.

North and basis of bearing is based on the easterly right-of-way line of said C.N.O. & T.P. Railroad right-of-way as recorded in Deed Book 418 Page 274 of the aforesaid County deed records and a field Survey Prepared by One Eleven Engineering and Surveying PLLC dated 12-29-03.

Prepared By:
One Eleven Engineering and Surveying PLLC
James J. Bertram Jr. PLS #3423
In the Commonwealth of Kentucky
February 10, 2004

Group 4580

EXHIBIT A
(Continued)

The subject property is also described as:

Situated in the Commonwealth of Kentucky, Boone County, and being all of Lot 12 of Section 8 of Richwood Industrial Park, as shown on Plat 5, Book 60 of the Boone County Clerk's Records.

DOCUMENT NO: 221236
RECORDED ON: MARCH 26, 2004 03:26:41PM
TOTAL FEES: \$16.00
TRANSFER TAX: \$160.00
GROUP : 4580
COUNTY CLERK: MARILYN K ROUSE
COUNTY: BOONE COUNTY CLERK
DEPUTY CLERK: DONNA COLLINS
BOOK D871 PAGES 820 - 824

BOONE COUNTY
D871 Pg 824

5/8/88

DEED

KNOW ALL MEN BY THESE PRESENTS:

That **SSG Development Corporation, a Kentucky corporation,**

by and through Shelly Shor Gerson, its President, pursuant to a resolution duly adopted by its Board of Directors, for and in consideration of -- \$159,975.00 -- and other good and valuable considerations to it paid by the Grantee herein, the receipt of which is hereby acknowledged, does bargain, sell and convey to the Grantee,

SRM INVESTMENTS, LLC, a Kentucky limited liability company,

Its successors and assigns forever, said Grantor's Thirty Nine and One Half percent (39.5%) undivided interest in and to the following described real estate, in the County of Boone and Commonwealth of Kentucky, to-wit:

PROPERTY ADDRESS: Shorland Drive, Richwood, Kentucky
MAILING ADDRESS: 34 Kinton Lands Road, P.O. Box 18670, Erlanger, Kentucky 41018

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Being an interest in the same property conveyed to the Grantor herein by deed recorded in Deed Book D871 Page 825 of the Boone County Clerk's records in Burlington Kentucky.

Subject to easements and restrictions of record.

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging. TO HAVE AND TO HOLD the same to the said Grantee,

SRM INVESTMENTS, LLC,

Its successors and assigns forever, the Grantor, its successors and assigns, HEREBY COVENANTING with the Grantee, its successors and assigns and that the TITLE so conveyed is CLEAR, FREE AND UNENCUMBERED and that it will WARRANT AND DEFEND the same against all legal claims whatsoever.

STRAUSS + TROY

RETURN TO:

BOONE COUNTY

D871 PG 830

55A

DEED

KNOW ALL MEN BY THESE PRESENTS:

That **Richwood Industrial Development Corporation, a Kentucky corporation**

by and through David J. Brown, its Treasurer, pursuant to a resolution duly adopted by its Board of Directors, for and in consideration of -- \$85,050.00 -- and other good and valuable considerations to it paid by the Grantee herein, the receipt of which is hereby acknowledged, does bargain, sell and convey to the Grantee,

SRM INVESTMENTS, LLC, a Kentucky limited liability company, its successors and assigns forever, said Grantor's twenty one percent (21%) undivided interest in and to the following described real estate, in the County of Boone and Commonwealth of Kentucky, to-wit:

PROPERTY ADDRESS: Shorland Drive, Richwood, Kentucky
MAILING ADDRESS: 34 Kerten Lane Road, P.O. Box 18670, Echinger, KY 41018

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Being an interest in the part of the same property conveyed to the Grantor herein by deed recorded in Deed Book 323, Page 49 and Deed Book 418 Page 274 of the Boone County Clerk's records in Burlington Kentucky.

Subject to easements and restrictions of record.

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging. TO HAVE AND TO HOLD the same to the said Grantee,

SRM INVESTMENTS, LLC, its

successors and assigns forever, the Grantor, its successors and assigns, HEREBY COVENANTING with the Grantee, its successors and assigns and that the TITLE so conveyed is CLEAR, FREE AND UNENCUMBERED and that it will WARRANT AND DEFEND the same against all legal claims whatsoever.

STRAUSS & TROY
RETURN TO

ORDINANCE 14-07

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RELATING TO APPROVAL, WITH 1 CONDITION, FOR THE REQUEST OF FIEDLER GROUP ATTN: BILL LOTZ (APPLICANT) FOR SRM INVESTMENTS, LLC (OWNER) FOR A ZONING MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY ZONING MAP TO ESTABLISH A SPECIAL SIGN DISTRICT FOR PROPERTY ZONED INDUSTRIAL ONE (I-1) FOR A 2.01 ACRE SITE GENERALLY LOCATED ON THE SOUTHWEST CORNER OF THE SHORLAND DRIVE/RICHWOOD ROAD INTERSECTION AT 245 AND 249 SHORLAND DRIVE, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to establish a Special Sign District for property zoned Industrial One (I-1) for a 2.01 acre site generally located on the southwest corner of the Shorland Drive/Richwood Road intersection at 245 and 249 Shorland Drive, 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 1 condition, for the Zoning Map Amendment.

NOW, THEREFORE, BE IT ORDAINED BY FISCAL COURT OF COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY, 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 approved, with 1 condition, this Zoning Map Amendment to establish a Special Sign District for property zoned Industrial One (I-1) for a 2.01 acre site generally located on the southwest corner of the Shorland Drive/Richwood Road intersection at

245 and 249 Shorland Drive, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in an Industrial One/Planned Development (I-1/PD) zone is more particularly described in DEED BOOK 5, PAGE NO. 417 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

That as a basis for the approval for a Zoning Map Amendment request the findings of fact and 1 condition of the Boone County Planning Commission as set forth in its minutes and official records shall be and are hereby incorporated by reference as if fully set out in this Ordinance and are marked as "Exhibit A."

The Committee recommended approval for this request based on the findings of fact and 1 condition as set forth in the Committee Report and same are marked as "Exhibit B."

SECTION III

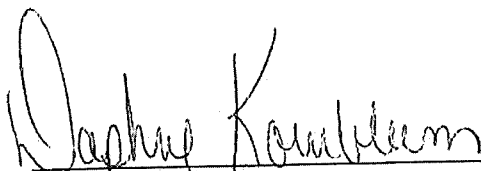
That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

Introduced and given First Reading on the 6th day of May, 2014.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 3rd day of June, 2014 and signed 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



DAPHNE KORNBLUM
FISCAL COURT CLERK