

### CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S):

Bluegrass Supply Chain Services, LLC c/o John Higgins and Margie Duvall  
350 Scotty's Way  
Bowling Green, KY 42101

2. ADDRESS OF PROPERTY

233 Sunnyside-Gotts Road and  
1597 & 1609 Glasgow Road

PVA # : 062A-56, 062A-56-002.  
and 062A-56-003

3. NAME OF SUBDIVISION OR  
DEVELOPMENT (IF APPLICABLE)

33.41 +/- acres

4. TYPE OF RESTRICTION(S) (CHECK ALL THAT APPLY)

ZONING MAP AMENDMENT  
TO LI ZONE

DEVELOPMENT PLAN

UNRECORDED SUBDIVISION  
PLAT

VARIANCE/WAIVER

CONDITIONAL ZONING  
CONDITION

OTHER  
SPECIFY \_\_\_\_\_

CONDITIONAL USE PERMIT

DOCKET # 2022-23-Z-BG & 2022-V-08

5. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF  
ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS  
ORIGINAL RECORDS CONTAINING THE RESTRICTION

CITY - COUNTY PLANNING COMMISSION OF WARREN COUNTY, KENTUCKY  
922 STATE STREET, SUITE 200  
BOWLING GREEN, KY 42101

*Mckenna Tabor*  
SIGNATURE OF COMPLETING OFFICIAL

MCKENNA TABOR, ADMINISTRATIVE COORDINATOR  
NAME AND TITLE OF COMPLETING OFFICIAL

**STATEMENT OF DEVELOPMENT PLAN CONDITIONS**

This Statement of Development Plan Conditions is filed pursuant to Sections 3.10 and 3.11 of the Warren County Zoning Ordinance.

PROPERTY OWNERS: Margie Duvall, Property Owner and Bluegrass Supply Chain, LLC, Contract Vendee

PVA TAX PARCEL NUMBERS: 062A-56, 062A-56-002 and 062A-56-003

SOURCES OF TITLE: Deed Book 506, Page 759; Deed Book 1181, Page 773; and Deed Book 1246, Page 277, all of record in the office of the Warren County Court Clerk (the "Property").

**DEVELOPMENT PLAN CONDITIONS**

I

The Property will be developed with a primary access point to U.S. 68-80 (Glasgow Road) . A secondary access point for employee/automobile parking will be located on Sunnyside-Gotts Road no closer than one hundred twenty-five (125) feet and no farther than two hundred (200) feet from the right-of-way of Glasgow Road, which access to Sunnyside-Gotts Road shall be developed with a dedicated right and left turn lane and transition to two lanes south of such access in coordination with the Warren County Public Works Department. That portion of the right-of-way of Sunnyside-Gotts Road from Glasgow Road to the secondary access point shall be widened to sixty (60) feet in width, and the roadway shall be widened to thirty (30) feet, all in coordination with the Warren County Public Works Department and shall be developed with a dedicated right and left turn lane and transition to two lanes south of such access in coordination with the Warren County Public Works Department.. The Property will be developed with an additional emergency access point from Sunnyside-Gotts Road located toward the rear of the Property near CSX Railroad. Such emergency access point shall be gated and locked at all times except when needed for emergency access. In the event the emergency access point is improved to be a general access point for trucks and other traffic, Sunnyside-Gotts Road shall be widened to thirty (30) feet the entire distance from Glasgow Road to the rear entrance.

II

The following uses shall be prohibited: mining, manufactured and mobile home sales, bar or lounge, off-premise advertising sign, commercial parking, sportsman's farms or firearm ranges.

III

The Property will be limited to one (1) monument-style sign, which shall be no taller than eight (8) feet in height with no more than eighty (80) square feet per sign face, and shall be located adjacent to Glasgow Road, or adjacent to Sunnyside-Gotts Road within two hundred fifty (250) feet of Glasgow Road. Signage shall not be backlit.

IV

Lighting for travelways, parking areas and loading areas shall be shoebox-style downlighting with uniform metal or composite poles, or wallpack lighting.

V

Buildings on the Property shall be a maximum of thirty-eight (38) feet in height.

VI

Sinkholes detected on the Property prior to or during construction will be repaired or protected with a sinkhole structure using methods by the City of Bowling Green Stormwater Management Department, depending upon whether such sinkholes are located in a proposed drainage area.

VII

The Property will be developed with a one hundred (100) foot setback on Glasgow Road, with a fifty (50) foot landscape buffer along Glasgow Road including a berm averaging four (4) feet in height and containing a mix of evergreens and shade trees in compliance with the planting requirements of the Zoning Ordinance. The Property will be developed with a sixty (60) foot setback on Sunnyside-Gotts Road, in which no parking shall be allowed. Vegetative screening shall be installed along Sunnyside-Gotts Road consisting of plantings as required by the Zoning Ordinance for noncompatible land uses.

VIII

Buildings will be developed with the front façade for pedestrian access to the buildings facing Glasgow Road.

IX

Exterior building materials shall consist of metal or tilt-up concrete.

X

The Property will be developed with at least twenty percent (20%) open space and landscaping in at least ten percent (10%) of vehicle use areas designed for passenger vehicles.

XI

Healthy mature trees along the property line adjacent to CSX Railroad having a caliper of at least four (4) inches shall be preserved to the greatest extent practicable. To the extent development creates gaps in such tree line such gaps shall be supplemented to provide screening as required for incompatible land uses under the Zoning Ordinance

XII

Service utility lines shall be located underground.

XIII

No portion of the Property shall be used for residential purposes longer than one hundred eighty (180) days after final approval of the proposed zone change of the Property to the LI zoning classification.

XIV

Before any of the existing residential structures on the Property are destroyed, the Habitat for Humanity Restore or similar organization shall be given the opportunity to salvage materials from the structure.

XV

There will be no loading docks visible from Sunnyside-Gotts Road.

\* \* \* \* \*

The foregoing Development Conditions shall be binding upon the owners, their heirs, successors, personal representatives, assigns, the Planning Commission, and legislative bodies of Bowling Green and Warren County, as set of the date of adoption unless otherwise amended pursuant to Sections 3.118 of the Warren County Zoning Ordinance.

**DATE OF ADOPTION OF DEVELOPMENT PLAN CONDITIONS**

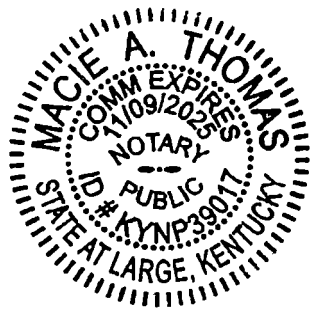
These Development Plan Conditions shall be deemed to be adopted and effective as a result of the final approval of the proposed zone change of the Property to LI, contingent upon said final approval.

IN TESTIMONY WHEREOF, witness the hand of the Property owner on this 9<sup>th</sup> day of March,  
2022.

PROPERTY OWNER: Margie Duvall  
MARGIE DUVALL

STATE OF KENTUCKY )  
                                  )  
COUNTY OF WARREN )

SUBSCRIBED, SWORN AND ACKNOWLEDGED before me by Margie Duvall, on this 9<sup>th</sup> day of  
March, 2022.



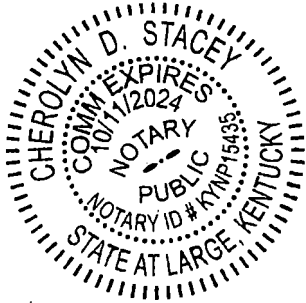
Macie A. Thomas  
NOTARY PUBLIC, State of Kentucky at Large  
My commission expires: 11-9-2025  
Notary Identification Number: KYNP39017

BLUEGRASS SUPPY CHAIN, LLC

By (signature): [Signature]  
Name (printed): John Higgins  
Title (printed): CEO

STATE OF KENTUCKY )  
                                  )  
COUNTY OF WARREN )

SUBSCRIBED, SWORN AND ACKNOWLEDGED before me by John Higgins the  
CEO, of Bluegrass Suppy Chain, LLC on this 9<sup>th</sup> day of March, 2022.



Cherylyn D. Stacey  
NOTARY PUBLIC, State of Kentucky at Large  
My commission expires: \_\_\_\_\_  
Notary Identification Number: \_\_\_\_\_

PREPARED BY:

BELL, ORR, AYERS AND MOORE, P.S.C.  
P.O. BOX 738  
BOWLING GREEN, KENTUCKY 42102-0738  
(270) 781-8111

BY: [Signature]  
Kevin C. Brooks