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MAY 16 1990
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MAY 21 1990

REVIEW NO. _____

APPLICATION FORM ZONING MAP AMENDMENTS

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Development Pilot Corporation
2. Location of Development NW Corner of KY 338 (Richwood Rd). & US 25
3. Total Acreage of Site 0.688 (for rezoning) Total acreage 4.5183
4. Current Zoning RS
5. Proposed Zoning (classification being requested) C-3
6. Proposed Uses (please specify each use) Parking lot
7. Name of Applicant(s) Pilot Corporation
Phone Number(s) 615/588-7487
8. Address of Applicant(s) P.O. Box 10146
Knoxville, TN. 37939
City State Zip
9. Name of Property Owner(s) S/A
Phone Number(s) _____
10. Address of Property Owner(s) _____
City State Zip
11. Proposed Building Intensities (please specify) _____
12. Are there any existing buildings on the site? NO
How many? N/A
13. Deed Book 370 Page No. 54 Group No. 2072
14. Have you had a pre-application meeting with BCPC staff? _____
15. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:

- _____ Boone County Water and Sewer District
- _____ Florence Water and Sewer Commission
- _____ Union Light Heat and Power
- _____ Cincinnati Bell
- _____ Owen County Rural Electric
- _____ Boone County Road Department
- _____ Kentucky Transportation Cabinet
- _____ City of Florence Public Works Department
- _____ City of Walton Public Works Department
- _____ Northern Kentucky Health District
- _____ U.S. Soil Conservation Service
- _____ Local School District
- _____ Local Fire District
- _____ Other: _____

(COMPLETE OTHER SIDE OF APPLICATION)

EXHIBIT "A"

STAFF REPORT

#1

Request of Pilot Corporation (owner) for a Zoning Map Amendment and a Conditional Use Permit on a 0.688 acre site located at the northwest corner of KY 338 and U.S. 25, Boone County, Kentucky.

JUNE 27, 1990

The applicant is requesting a Zoning Map Amendment from Rural Suburban (RS) to Commercial Services (C-3) in order to expand an existing truck stop. Additionally, due to the fact that a truck stop is a conditional use in the Commercial Services (C-3) zoning district, the applicant is requesting a conditional use permit. The 0.688 acre portion is currently undeveloped.

The Planning Commission granted Pilot Oil, Site Plan approval for the construction of the truck stop on July 7, 1987. A Revised Site Plan was granted approval on February 17, 1988 to reflect actual site conditions and a dimensional variance granted by the Boone County Board of Adjustment. A Zoning Map Amendment for a 0.688 acre parcel, site under current Commission consideration, was withdrawn by the applicant on June 17, 1987.

SURROUNDING LAND USES AND ZONING

The surrounding land uses and zoning include the following:

- North: A salvage shop located along Dixie Highway and a couple single family residences located along Old Richwood Road. This area is currently zoned Rural Suburban (RS).
- East: Former site of the garbage transfer station and undeveloped land. This area is currently zoned Agricultural Estate (A-2) and Industrial One (I-1).
- South: Pilot Oil Truck Stop. This area is currently zoned Commercial Services (C-3).
- West: Scot Truck Stop. This area is currently zoned Commercial Services (C-3).

FEATURES OF THE SITE

The 0.688 acre site is currently undeveloped and consists primarily of shrub growth interspersed with trees. A small gravel drive accesses the site to Dixie Highway.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The Future Land Use Map of the 1990 Boone County Comprehensive Plan indicates that the site is to develop as Commercial (C) uses. The Future Land Use Map indicates that the general area is to develop as Commercial (C), Industrial (I), and Business Park (BP) uses.

The text of the 1990 Boone County Comprehensive Plan addresses the site and the type of development in the Richwood Area. Pages 222 and 223 of the Land Use Element address development in the Richwood Area:

"Commercial development around the interchange area is expected to remain and expand to serve local residents, in addition to highway-related services."

"Commercial uses should develop in the northeast quadrant of the Richwood interchange, but further truck-oriented commercial uses in this area should be discouraged because of the existing traffic congestion and topographical constraints of the interchange."

"Care must be taken to mitigate any adverse impacts of commercial development due to the proximity of the interstate and residential uses. Commercial development along Richwood Road should be screened from the roadway, ..."

Page 200 of the Land Use Element addresses the inclusion of landscaping for proposed developments:

"Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, ..."

"Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways. The amount of heat absorbed by impervious cover from sun radiation is decreased by landscaping, which reduces energy costs. Landscaping also helps to purify the air of harmful pollutants, reducing health impacts."

PROPOSED USE AND CONCEPT DEVELOPMENT PLAN

The applicant is proposing an extension of the existing Pilot Oil Truck Stop. This extension would primarily be the creation of thirteen (13) additional parking spaces for trucks and their trailers. The existing eight (8) foot high buffer fence would be relocated within two (2) feet of the adjoining property line to the north.

STAFF CONCERNS

1. The submitted Concept Development Plan indicates that the site will contain a landscaped buffer between the edge of the parking lot and the buffer fence. Staff believes that additional landscaping should be indicated along the Dixie Highway right-of-way. Staff believes that at the time of Site Plan Review a detailed landscaping plan for the entire Pilot Oil site should be submitted for Planning Commission approval.

CONCLUSIONS

The Zoning Map Amendment request should be reviewed in terms of the three findings of fact contained in Article 3, Section 308 of the 1986 Boone County Zoning Regulations. The Planning Commission must determine if the requested Zoning Map Amendment from Rural Suburban (RS) to Commercial Services (C-3) is appropriate for this site. Should the Planning Commission approve the requested

Zoning Map Amendment it would not be necessary to change the Future Land Use Map of the 1990 Boone County Comprehensive Plan.

The Conditional Use Permit request should be reviewed in terms of the seven findings of fact contained in Article 2, Section 263 of the 1986 Boone County Zoning Regulations. The seven necessary findings of fact are listed below:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan and/or the zoning order.
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area.
3. Will not be hazardous to existing or future neighboring uses.
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
6. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odor.
7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

The Planning Commission must determine if the requested Conditional Use Permit for a truck stop is appropriate for this site.

Respectfully submitted,


J. Brian Fogle
Planner/Plans Examiner I

JBF:kat

BOONE COUNTY PLANNING COMMISSION

June 27, 1990
7:00 P.M.

PUBLIC HEARINGS

Mr. William Viox, Chairman, called the meeting to order at 8:10 P.M..

Following an explanation of the Public Hearing process, the Chairman introduced the first item on the Agenda:

1. Applicant: Pilot Oil Corporation (owner)
Request: Zoning Map Amendment and Conditional Use Permit

The request of Pilot Oil Corporation (owner) for a Zoning Map Amendment and a Conditional Use Permit on a 0.688-acre site located at the northwest corner of KY 338 and U.S. 25, Boone County, Kentucky. The request is to rezone the site from Rural Suburban (RS) to Commercial Services (C-3) and to receive a Conditional Use Permit to expand the existing parking lot for the Pilot Oil truck stop.

Staff Member, Brian Fogle, presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked if the applicant was present.

Mr. Eric Deters, attorney, stated that he was present in behalf of Pilot Oil Corporation and H. C. Ford. He stated that Mr. Barry Johnson of H. C. Ford and Mr. Dave Boris of Pilot Oil were also present.

Using an enlarged drawing, Mr. Deters stated that the request is for thirteen additional parking spaces. He distributed to the Commissioners packets in regard to this request. The packets included three parts -- "Conditional Use", "Conditional Use Permit Not Necessary", and copies of the regulations. Mr. Deters reviewed the information in the packet. He stated that the request conforms to the Comprehensive Plan. He discussed the Conditional and Accessory Uses in the RS and C-3 Zones. He added that the purpose of the controls in the C-3 Zone is to control and centralize activities dependent on high traffic counts, as well as storage displays and parking. He cited Section 940 of the Zoning Regulations in regard to the C-3 Zone. He stated that commercial development in the Richwood area should move eastward and encompass this area.

Mr. Deters stated that the Staff Report indicated that a request was made in June, 1987 and he emphasized that the request was not voted on and was withdrawn.

Mr. Deters advised that a major change in the area was that the adjacent residence burned down and there is no longer a residential use next to this property.

Mr. Deters disagreed with the Staff as to whether or not a Conditional Use Permit is necessary. He noted that there is a section in his handout regarding Section 940 of the Zoning Regulations in regard to the C-3 Zone. He noted that Section 941 allows commercial parking facilities as a Principally Permitted Use in the C-3 Zone and Section 924 allows parking as an accessory use. The applicant believes that a Conditional Use Permit is not needed. He noted that Section 943 supports their position. He emphasized that they are not asking for a truckstop, but for parking, which is already allowed as a Permitted and Accessory Use in the C-3 Zone. He stated that the Fiscal Court adopted an Ordinance as recommended by the Planning Commission, which is included in the packet, and the intent of this ordinance is evidenced by the Minutes of the August 26, 1987 meeting when the Richwood Action Committee presented a request. He stated that the Ordinance was to avoid additional truckstops in the C-3 Zone without a Public Hearing. He stated that this request does not involve the use of another's property, additional access, or additional signage. The buffer zone is in existence and could be extended to buffer the additional 13 parking spaces.

Mr. Deters stated that if the Commission believes a Conditional Use Permit is needed, then he believes the applicant meets the criteria. He referred to Section 263 in regard to the criteria. He stated that the application is harmonious with the general objectives of the Comprehensive Plan. It will not change the general character of the area. It will not be hazardous to future or neighboring uses and is an improvement over what currently exists. He stated that the public facilities are adequate for these parking spaces, as they are for the truckstop. The 13 parking spaces will make the site easier to use by not blocking the gas pumps. The parking spaces will not involve an increase in fumes or cause an interference with the traffic. The parking spaces are an integral and subordinate function of the existing use.

Mr. Deters stated that all of the facilities at Richwood require parking for tractor trailers and Pilot Oil Corporation is lacking in parking spaces.

Mr. Dave Boris stated that they are trying to serve their gasoline customers better. They do not like their facility called a truckstop. They want more room to park the trucks while the drivers are eating and getting cleaned up. The trucks are currently parking all over the driveway and they are trying to designate parking spots so that the gas customers have the room they need.

Mr. Deters stated that the Staff's biggest concern is the landscaping. He stated that the area does not look pleasant with gravel and underbrush. There is a hillside that is not landscaped. He stated that when the Site Plan is

submitted they can landscape the hillside, add the 8-foot fence, and do any other required landscaping. He submitted to the Commission numerous pictures of the site which are identified on the back. He stated that there have been no enforcement problems with Pilot Oil. Their last request was withdrawn by them in 1987. The residence that existed at that time by where the parking spaces are is no longer there. He stated that they meet all of the requirements and statutes and a need exists by his client.

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

Mr. Dennis Davis, 357 Richwood Road, stated that he is involved with the Richwood Action Committee. He noted that the Commission is well aware of what occurred over three years ago when over 100 people were present. He noted that Mr. Deters indicated that Pilot Oil was not a truckstop, but referred to "Pilot Oil Truckstop" more than six times. He questioned what you would call a place requesting additional parking for trucks other than a truckstop. Mr. Davis noted that during the building of this facility there were a number of questions by the Commission and the Enforcement Officer in regard to things contrary to the plan -- such as the driveway being wider than indicated in the plan, the building not being located as indicated, scales built that were not in the plan, and additional parking spots that had to be removed. They also said that they did not need a sign except for the one out front, and then there was a hearing before the Board of Adjustments in which they indicated that they desperately needed a sign. Mr. Davis stated that the original request was dropped by Pilot Oil as there were over 100 residents present in opposition to the rezoning. Pilot Oil then built on the properly zoned property where they currently exist. He stated that the site is unkept and an eyesore to the community. Mr. Davis stated that he spoke personally with the President of Pilot Oil, Mr. James Howsam, III, and was assured that Pilot Oil wanted to be a good neighbor. He noted that the sight of the land they have owned for over three years is representative of what Mr. Howsam's promises may mean. A letter was written to Mr. Howsam by Judge Ferguson requesting that they withdraw their request to build Pilot Oil. He quoted from the letter noting the negative impact on the community and the quality of life. Mr. Howsam did not respond to the letter. Mr. Davis noted that the truckstops to the north are being renovated and expanded to facilitate the parking of trucks. The additional parking at Pilot Oil is not necessary for the truck drivers, the traffic, or the residents in the area.

Mr. Davis noted that in 1987 the Commission said it could do nothing to stop Pilot Oil as the property was already zoned. It was a zoning amendment to the C-3 text that made truckstops a Conditional Use. This amendment was not requested by the Richwood Action Committee, but by the Boone County Planning and Zoning Commission. The text amendment was made as a result of Pilot Oil and the Commission's inability to do anything about this construction. He noted that the Commission has the authority to deny the Conditional Use

Permit. He asked that the Commission show the Richwood area residents of their interest and concern. He stated that the 13 parking spaces will bring more trucks and more of a traffic hazard. If Pilot Oil wants to do something for the community, they can be a good neighbor and clean up the property they own. He asked that the Zone Change Request and the Conditional Use Permit be denied.

There being no one else present who wished to speak in opposition to the request, the Chairman asked if there were any comments from the Commission.

Mr. Damstrom noted that the diagram shows ten parking spaces and questioned if ten or thirteen spaces was correct.

Mr. Barry Johnson stated that the diagram is not to scale. The number will have to be engineered.

Mr. Neltner commented that a buffer yard had been required as a residence adjoined the property, but they are now able to have additional spaces within the buffer area. Mr. Kirby commented that there are nine spaces within the zone change and an additional three spaces within their property already.

Mr. Deters stated that he did not refer to this as a truckstop. His remarks regarding enforcement was based on a conversation with Brian Fogle. He stated that their property is not an eyesore -- the area from the truckstop over to old Richwood Road is an eyesore. There is no evidence that Pilot Oil Corporation has a negative impact on the community and they employ 37 people. He stated that the August 26, 1987 Public Hearing Minutes, which he quoted, indicate that the Richwood Action Committee had initiated the request. He stated that this truckstop already exists and they are asking for 13 very necessary parking spaces.

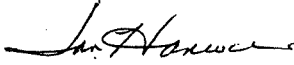
There being no further comments, Chairman Viox stated that this item will be on the Agenda for the Business Meeting on July 18, 1990 at 8 P.M. and closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

August 15, 1990

8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:05 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Fred Burch, Vice Chairman
Mr. Lawrence Collins
Mr. Phil Damstrom
Mr. Melvin DeLong
Mr. R. N. Greene
Mr. Rector Jones
Mr. Robert Kirby, Jr.
Mr. Don McMillian
Mr. Barry Neltner
Mr. Ralph Rush
Mr. Floyd Sharp
Mrs. Carol Smith
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Larry Barnett
Mr. Thurman Owens

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox stated that each member had received a copy of the Minutes of the August 1, 1990 Business Meeting and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Collins moved that they be approved as mailed. Mr. Kirby seconded the motion and it carried unanimously.

REPORTS:

Chairman Viox stated that the Zoning Enforcement Officer's Report and the Report of Zoning Permits had been distributed for the Commission members to review.

There being no discussion of the reports, the Chairman proceeded to the items on the Agenda:

BUSINESS MEETING AGENDA

UNFINISHED BUSINESS:

1. Zoning Map Amendment and Conditional Use Permit

The request of Pilot Oil Corporation (owner) for a Zoning Map Amendment and a Conditional Use Permit on a 0.688-acre site located at the northwest corner of KY 338 and U.S. 25, Boone County, Kentucky. The request is to rezone the site from Rural Suburban (RS) to Commercial Services (C-3) and to receive a Conditional Use Permit to expand the existing parking lot for the Pilot Oil truck stop.

Mr. Kevin Costello, Interim Director, read the Committee Report which recommended denial of the request based on the findings of fact (see Committee Report). He advised that there is a summary of the findings for the contrary recommendation. The Committee Report was based on the statements made and facts gathered at the June 27, 1990 Public Hearing.

Mr. Burch moved that the request be denied based on the Staff and Committee Reports and the findings of fact. Mrs. Smith seconded the motion.

Mr. Eric Deters, attorney, stated that he had a court reporter present at the June 27, 1990 Public Hearing to prepare the record. He stated that there was no evidence submitted to enable the Committee to find as it did. There were no facts submitted at the Public Hearing regarding the Richwood Interchange and traffic. The only comments made by members of the Commission were regarding the number of parking spaces. At the Committee meeting there was a question about whether or not there was adequate traffic concern at the Richwood Interchange and it was deferred. It was brought up at the Committee meeting on Monday night. He stated that he pointed out to the Committee that there was some improvement at the interchange in regard to widening the lane and there will be improvements made by a private developer on the other side of the interstate. He emphasized that there was nothing in the record of the Public Hearing to support the Committee's recommendation.

Counselor Wilson stated that Mr. Deters' comments are noted. The Committee has made its report. He stated that if a member of the Committee wishes to speak, they may do so; or the record stands on its own.

Chairman Viox asked for a roll call vote on the motion made by Mr. Burch which found Mr. Burch, Mr. Collins, Mr. Damstrom, Mr. Jones, Mr. McMillian, Mr. Sharp, Mrs. Smith, and Chairman Viox in favor. Mr. DeLong, Mr. Greene, Mr. Kirby, Mr. Neltner, and Mr. Rush were opposed. The motion carried by a vote of 8 to 5.

2. Zoning Map Amendment

The request of Mary E. Riegler (applicant) for Mary E. Riegler and the Estate of Len Riegler (owners) for a Zoning Map Amendment on a 30-acre site located on the south side of Longbranch Road, Boone County, Kentucky. The request is to rezone the site from Agricultural Estate (A-2) to Agriculture (A-1) in order to allow one mobile home.

Mr. Costello read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). The Report was based on the statements made and the facts gathered at the July 18, 1990 Public Hearing. Mrs. Riegler has signed the letter agreeing to the conditions.

Mr. Collins moved by resolution to the Fiscal Court that the request be approved based on the Staff and Committee Reports. Mr. Greene seconded the motion.

In response to a question from Mr. DeLong, Counselor Wilson advised that this would be a recommendation to the Fiscal Court. If they approve it with the conditions, the zoning classification is subject to the conditions. If a condition is invalidated, then the zoning classification is invalidated.

Chairman Viox asked for a roll call vote on the motion made by Mr. Collins which found Mr. Burch, Mr. Collins, Mr. Damstrom, Mr. DeLong, Mr. Greene, Mr. Kirby, Mr. Neltner, Mr. Rush, Mr. Sharp, and Chairman Viox in favor. Mr. Jones, Mr. McMillian, and Mrs. Smith were opposed. The motion carried by a vote of 10 to 3.

3. Utilization of an Underlying Zone in Planned Development

The request of GBBN Architects (applicant) for Buchanan Development Corporation and N. K. Management (owners) for the Utilization of an Underlying Zone in Planned Development on a 101-acre site located at the southwest corner of Houston Road and the I-75/Turfway Interchange, Florence, Kentucky. The site is currently zoned Office Two/Commercial Two/Planned Development (O-2/C-2/PD). Houston Lakes, a commercial and office development, is being proposed.

Mr. Costello read the Committee Report which recommended deferral of the request until the September 5, 1990 Business Meeting. The applicant has agreed to the deferral and waived the time limitations. (See Committee Report.)

Mr. Collins moved that the request be deferred until the September 5, 1990 Business Meeting based on the Staff and Committee Reports. Mr. Kirby seconded the motion and it carried unanimously.

EXHIBIT "B"

COMMITTEE REPORT

#1

TO: Boone County Planning Commission

FROM: Phil Damstrom, Chairman

DATE: August 15, 1990

RE: Request of Pilot Corporation (owner) for a Zoning Map Amendment and a Conditional Use Permit on a 0.688 acre site located at the northwest corner of KY 338 and U.S. 25, Boone County, Kentucky. The request is to rezone the site from Rural Suburban (RS) to Commercial Services (C-3) and to receive a Conditional Use Permit to expand the existing parking lot for the Pilot Oil truck stop.

REMARKS:

We, the Committee, based on the statements made and facts gathered at the June 27, 1990, Public Hearing, recommend denial of this request based on the following Findings of Fact, ~~and subject to the following Conditions:~~ ^(REC) *No conditions*
Ambrose

Finding of Fact

1. The Committee believes that the impact of the proposed development will further traffic problems currently affecting Richwood Road, and does not comply with the 1990 Boone County Comprehensive Plan. A goal of the Transportation Element is as follows;

"The level of service of the transportation system is maintained and improved, thus enhancing safety, addressing and resolving identified inefficiencies, and promoting and responding to regional growth."

The Land Use Text goes on to state that "commercial uses should develop in the northeast quadrant..., but further truck-oriented commercial uses in this area should be discouraged because of the existing traffic congestion and topographical constraints of the interchange." Expansion of the parking area for large trucks may generate additional traffic, and thus impact the capacity of Richwood Road.

2. Although the Future Land Use Map shows the property to be slated for commercial development, the planning horizon is twenty-five years. The Committee believes that no expansion of the truck related businesses at this interchange should be made until Richwood Road and the ramps are adequately upgraded.

Phil Damstrom
Phil Damstrom, Chairman

Rector Jones
Rector Jones

Barry Neltner

Carol Smith
Carol Smith

Larry Barnett

Fred Burch
Fred Burch

Thurman Owens

FB:mcb

Summary of Findings for Contrary Recommendation

1. The proposed request is in agreement with the Future Land Use Map, which shows commercial development.
2. The proposed use agrees with the 1990 Boone County Comprehensive Plan that discusses the location of highway related services. The Business Activity Goal is as follows;

"Highway services shall be limited in location to close proximity to major highway interchanges for maximum convenience and economy to the motoring public while minimizing impact to the community."

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authorizing a bond purchase agreement and tax regulatory agreement; and authorizing other actions in connection with the issuance of such bonds, was withdrawn at the request of legal counsel.

PUBLIC HEARING BOND ORDINANCE NO. BO-09-04-90-03

Judge Ferguson declared a Public Hearing in session relative to Bond Ordinance No. BO-09-04-90-03 at 4:10 P.M. and asked if there was anyone present who wished to speak regarding this bond ordinance. As there was no one present who wished to speak, Judge Ferguson declared the Public Hearing closed at 4:15 P.M.

Commissioner Patrick moved, seconded by Commissioner Meihaus, to approve on second reading Bond Ordinance No. BO-09-04-90-03, an ordinance authorizing the issuance of \$1,300.00 Variable Rate Demand Industrial Building Revenue Bonds, Series 1990 of the County of Boone, Kentucky, in order to assist Dennis and Vivian Augur in the financing of the acquisition, construction, installation and equipping of an "industrial Building" to be leased to Augur Metal Products, Inc.; authorizing the issuance of additional bonds; providing for the pledge of revenues for the payment of said Bonds; authorizing a loan agreement with respect to the proceeds derived from the sale of said bonds; authorizing a trust indenture appropriate for the protection and disposition of such revenues and further to secure the payment of said bonds; authorizing a bond purchase agreement; authorizing the assignment by the County of Boone, and authorizing related actions in connection with the issuance of said bonds. Judge Ferguson noted this bond ordinance was amended from the first reading to delete "Variable Rate Demand". Judge Ferguson called for a vote on the motion, ALL VOTED AYE. Exhibit "B"

BOND ORDINANCE NO. BO-09-11-90-01

Judge Ferguson declared a Public Hearing in session at 4:18 P.M. relative to Bond Ordinance No. BO-09-11-90-01.

Dr. Joe Willet, of Comprehensive Care, gave the court a brief overview of the Northern Kentucky Mental Health/Mental Retardation Regional Board, Inc. Project, explaining the various services that would be made available as a result of this bond ordinance.

Hearing no further discussion, Judge Ferguson declared the Public Hearing closed at 4:25 P.M.

Commissioner Patrick moved, seconded by Commissioner Meihaus, to approved on first reading Bond Ordinance No. BO-09-11-90-01, an ordinance authorizing the issuance of \$1,625,000 Aggregate Principal Amount of Industrial Building Revenue Bonds (Northern Kentucky Mental Health - Mental Retardation Regional Board, Inc. Project) of the County of Boone, Kentucky, the proceeds of which shall be loaned to Northern Kentucky Mental Health - Mental Retardation Regional Board, Inc. to provide for the acquisition, construction, installation and equipping of an industrial building suitable for use as health care and related facilities; providing for the pledge of revenues for the payment of such bonds' authorizing a loan agreement, trust indenture, bond purchase agreement, tax regulatory agreement and assignments appropriate for the protection and disposition of such revenues and to further secure such bonds; and authorizing other actions in connection with the issuance of such bonds. Judge Ferguson called for a vote on the motion, ALL VOTED AYE.

RESOLUTION NO. R-09-11-90-01-PZ - PILOT OIL

Mr. Erick Deters, attorney representing Pilot Oil, appeared before the court and advised that the court had three options relative to this resolution, 1) approve the denial, 2) deny the

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denial, or 3) delay action and hold a public hearing. Mr. Deters requested that the Fiscal Court hold a public hearing.

Mr. Deters advised that his client was only asking for thirteen additional parking spaces to be added to a current parking lot on property already owned by the Pilot Oil Company

Commissioner Meihaus said that the Comprehensive Plan had not been officially voted on by the Fiscal Court, however, the Comprehensive Plan is official when Planning & Zoning enacts as the Fiscal Court does not have to vote further to approve it and, also, if the court approved this request there are already three truck stops near this location and they might possibly request an additional thirteen spaces each, as well.

Commissioner Davis said that originally Pilot Oil did not follow the approved site plan and, in fact, almost didn't do anything according to the original plan.

Mr. Deters stated for the record that he voiced objection to Commission Davis voting because Commissioner Davis was present with his brother at the Public Hearing.

Commissioner Davis moved, seconded by Commissioner Meihaus, to approve the denial of Resolution No. R_09-11-90-01-PZ, a resolution of the Boone County Fiscal Court recommending denial for a zoning map amendment to the Boone County, Kentucky Zoning Map, and a conditional use permit, such map amendment and conditional use permit being requested by Pilot Corporation (owner) and such map amendment being a zone change from Rural Suburban (RS) to Commercial Services (C-3) for a 0.688 acre site generally located at the northwest corner of Kentucky 338 and U.S. 25 Boone County, Kentucky, as recommended by the Boone County Planning Commission on an 8 to 5 vote via Resolution R-31-90. Judge Ferguson called for a vote on the motion, Commissioner Patrick voted "NO", Commissioner Meihaus voted "YES", Commissioner Davis voted "YES" and Judge Ferguson voted "NO". Exhibit "C"

Attorney Crigler advised that due to the tie vote, if no further action was taken within ninety days, the ruling of the Boone County Planning Commission would prevail.

ITEM V.

OLD BUSINESS

WILDMOSER/DREES UPDATE

Mr. Crigler, County Attorney, advised that he had set up a meeting for Wednesday, September 12th at the site for those parties involved and he would report to the court at the next meeting.

ITEM VI.

PERSONNEL MATTERS

Ms. Marilyn Young, Personnel Director, presented a proposal for the Fringe Facts program for Boone County Fiscal Court which would produce a personalized benefit summary report/statement for each participating employee of Boone County Fiscal Court as well as a management report that list the cost of the various benefits by benefit category for each employee.

It was the consensus of the court that the matter should be researched further and brought back to the Fiscal Court on October 2, 1990.

Ms. Young then presented several appointment recommendations.

Commissioner Patrick moved, seconded by Commissioner Meihaus, to approve the appointment of Tim Kaizer to the new Budget Director position at the annual salary of \$29,649.00 at the grade/step of