

ZONING MAP AMENDMENTS

MAR 3 1992

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)

RECEIVED

SECTION A (To be completed by applicant)

1. Name of Development Vertical Systems Inc
2. Location of Development N.E. CORNER RT# 16 + US 25 NICHOLSON ROAD
3. Total Acreage of Site 6.12
4. Current Zoning RS1
5. Proposed Zoning (classification being requested) I1
6. Proposed Uses (please specify each use) LIGHT MANUFACTURING
AND WAREHOUSING - LIGHT WELDING + ASSEMBLY
7. Name of Applicant(s) Vertical Systems, Inc.
Phone Number(s) 371-3023
8. Address of Applicant(s) 7453 Empire Dr. #205
Florence, Ky. 41042
City State Zip
9. Name of Property Owner(s) Heritage Church.
Phone Number(s) 525-1124
10. Address of Property Owner(s) DIXIE HWY
Florence Ky 41042
City State Zip
11. Proposed Building Intensities (please specify) Light manufacturing. 121,800 sq ft.
12. Are there any existing buildings on the site? No
How many? _____
13. Deed Book _____ Page No. _____ Group No. _____
14. Have you had a pre-application meeting with BCPC staff? No
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: _____

EXHIBIT "A"

STAFF REPORT

MARCH 25, 1992

REQUEST OF VERTICAL SYSTEMS, INC. (applicant) FOR
HERITAGE CHURCH (owner) FOR A ZONING MAP AMENDMENT
ON A 6.12 ACRE SITE LOCATED ON THE NORTH SIDE OF
WALTON-NICHOLSON ROAD, EAST OF U.S. 25,
BOONE COUNTY, KENTUCKY

This is a request of Vertical Systems, Inc. for Heritage Church (owner) for a zoning map amendment from Rural Suburban (RS) to Industrial One (I-1) to allow a light manufacturing facility. The 6.12 acre site is located on the north side of KY 16 (Walton-Nicholson Road) immediately east of U.S. 25 and railroad tracks, Boone County Kentucky. A Concept Development Plan has been submitted, that indicates a 14,811 square foot building intended for one user. The proposed business involves primarily assembly with some light manufacturing and warehousing. Truck docks would face KY 16. Future expansion of approximately 9,250 square feet is shown. Access would be from a service road, known as Caulk Lane, constructed by the Kentucky Department of Highways in 1979 when KY 16 was relocated to its current alignment.

Existing Conditions of the Site

The 6.12 acre site is situated approximately 30 feet below the grade of KY 16. No access can be obtained directly from KY 16 because of the adjacent bridge over the railroad tracks. Caulk Lane is light service blacktop, and is approximately 12 feet wide. Its right-of-way is approximately 70 feet wide at KY 16, and tapers to approximately 35 feet wide at the end of public ownership 305 feet from KY 16. A private, gravel drive continues on from that point.

The site is clear of mature trees, and contains an approximately half-acre pond. Soils present on the site include Newark Silt Loam (Nk) found in low lying areas along the railroad track, Faywood Silty Clay Loam (FcD) found on 12 to 20 percent slopes, and two types of Nicholson Silt Loam (N1B on 0 to 6 percent slopes and N1C on 6 to 12 percent slopes). The N1C and FcD soils present severe hazard of erosion if left unprotected.

Surrounding Land Uses and Zoning

North - a single-family residence, zoned Rural Suburban (RS), and railroad right-of-way.

East - several single-family residences that include one mobile home directly across the service road, zoned Rural Suburban (RS).

South - across KY 16 are several single-family residences, zoned Rural Suburban (RS).

West - all property across the railroad tracks, along U.S. 25 is zoned Rural Suburban (RS). A single-family residence exists on Old Lexington Pike across the railroad tracks.

Relationship to Comprehensive Plan

The 1990 Boone County Comprehensive Plan indicates Rural Density (RD) residential development of up to one dwelling unit per acre for the site and surrounding area on the Future Land Use Map. This is a 25 year projection and presents a general guide for development and zoning in the area. The Land Use Element, on pages 224 and 225 notes the potential future extension of I-71 into Kenton County. The Plan recommends that the area east of U.S. 25 remain in agricultural and low density residential uses to allow flexibility in the potential location of future I-71 and to allow area for residential expansion north of Walton.

The Housing Element, on page 119, notes that although the impacts of the potential extension of I-71 are unknown at this time, industrial, commercial, and residential development will all increase north of Walton.

The Business Activity Element, on page 96, indicates additional industrial development potential between Richwood and Walton because of the existing rail and highway access, and the potential extension of I-71 toward the Alexandria area.

The Goals and Objectives of the Business Activity Element recommend that industries be located near each other, and that industrial development be encouraged to locate near railroads, highways, and airports. Impacts on adjacent land uses should be minimized. The Overall Goal and Objective for the Comprehensive Plan states that development should coordinate with infrastructure.

Utilities

Public water service is presently to the opposite side of Rt. 16 and is part of the City of Walton system. The nearest public sanitary sewer is located at the Rt. 16 and U.S. 25 intersection, within the City of Walton. Both water and sewer service may be costly to bring to this site.

Staff Concerns

1. The site is in close proximity to several residences, and would impact the character of the area. In addition the site is very visible from the Rt. 16 bridge area. The applicant should address the type of building that is planned, as well as outside storage and buffering.

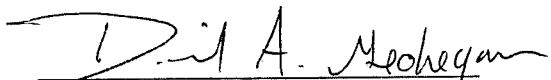
2. Caulk Lane is too narrow and not designed to serve industrial uses. Improvements would be needed to accommodate such uses.

3. Public water service could be obtained from the Bessemer Lane area, however, sewer service is very remote. The applicant should describe the number of employees anticipated, and future expansion plans.

4. The area, although impacted by the adjacent railroads, is far removed from existing or planned industrial development.

Conclusion

The Planning Commission and Boone County Fiscal Court need to consider not only the potential impacts of industrial uses in the subject area, but consider the suitability of residential development along the railroad tracks. The three criteria in Article Three of the Boone County Zoning Regulations must be the basis for findings on this request. Should the request be approved, the Boone County Comprehensive Plan and the 1990 Future Land Use Map will need to be changed.



David A. Geohegan, AICP
Senior Planner

R.R. RICHWOOD

TO U.S. 25

R.R.

POND

6.112 ACRES
RESIDING PART OF LOT-B OF THE
3RD 1/4 SECTION 17 DIVISION
3RD PLAT BOOK 1 PAGE 2

PARCEL 17 K.D.O.T.
N.B. 11/197

WALTON NICHOLSON ROAD
KY. NO. 16 RELO. 1978

W.E. MARTIN
LOT-9

BOONE COUNTY
PLANNING COMMISSION
MAR 3 1982

RECEIVED

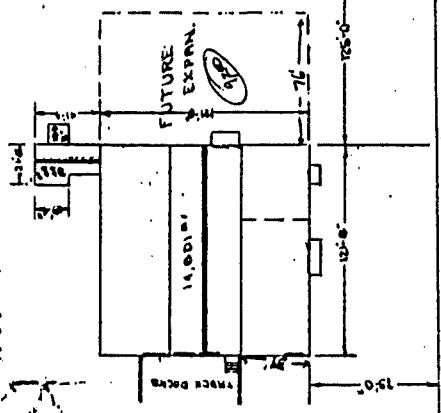
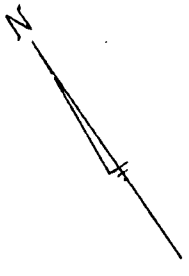
58 SCALE

SERVICE ROAD

RIGHT OF WAY LINE
E. OF DRAIN

COPIED FROM ORIGINAL
SURVEY DATED 4/1/80

DATE	2/28/72
BY	W. H. HARRIS
VERTICAL SYSTEMS, INC. P.O. BOX 1000 MORGANTOWN, KY 40501	
ELECT PLAN WITH BUILDING LOCATION FOR VERTICAL SYSTEMS INC. WALTON, KY.	
SCALE	1" = 50'



239.79'

223.03'

138.59'

807.75'

239.79'

149.07'

OLD US 25 RIGHT OF WAY

FOR EXP. T.R. R.R.

EX. BRIDGE

265.01'

24.00'

24.00'

24.00'

24.00'

24.00'

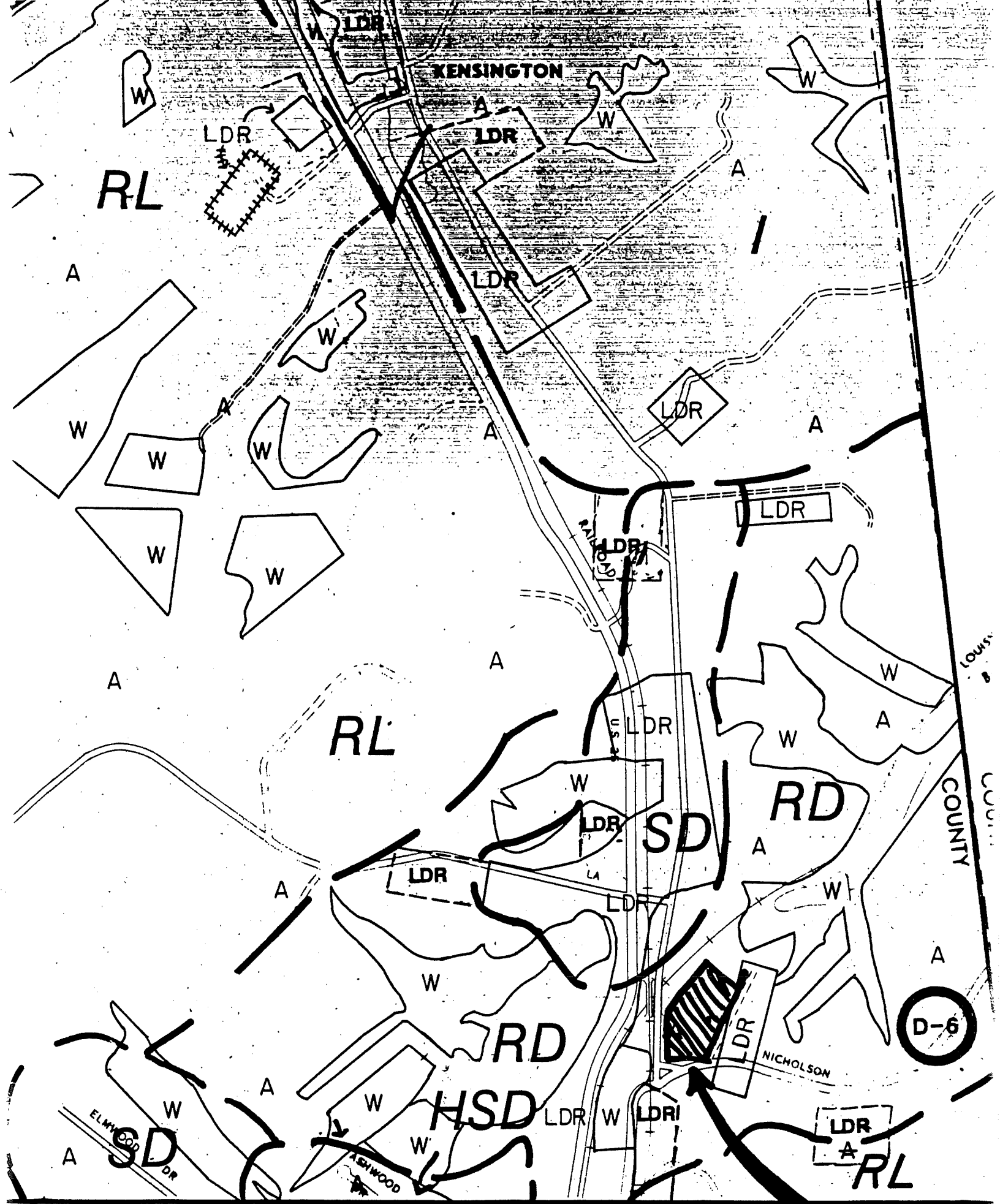
24.00'

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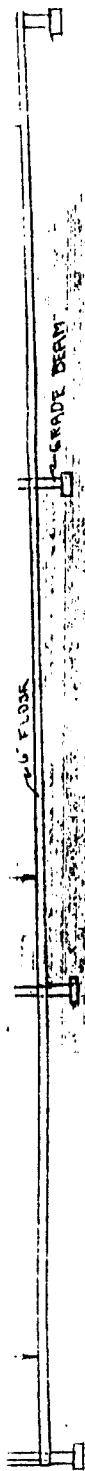
(3) (2)



1886-0488

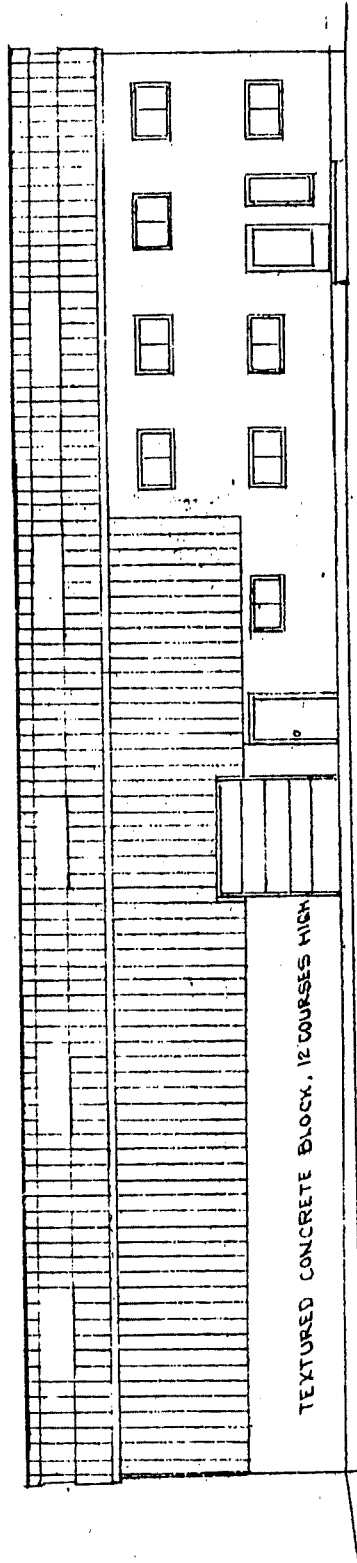
1990 FUTURE LAND

VERICAL SYSTEMS



BUILDING X-SECTION

VERTICAL SYSTEMS BLG. ELEVATION



TEXTURED CONCRETE BLOCK, 12 COURSES HIGH

"BUILDING - FRONT VIEW"

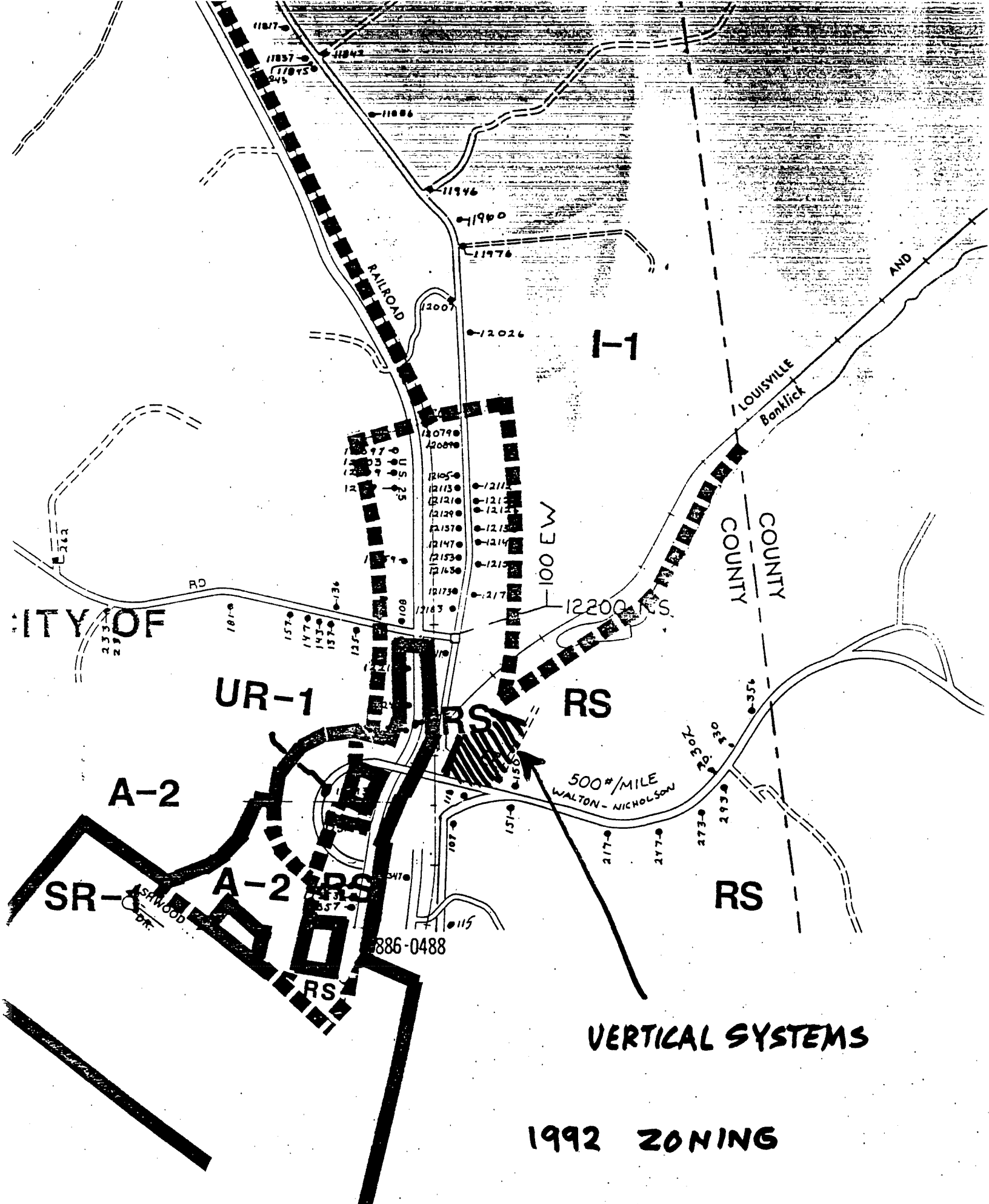
VERTICAL SYSTEMS, INC.
P.O. BOX 12304
LOUISVILLE, KY 40228

SCALE

APPROVED BY:

DATE 3/1/82

BUILDING FRONT VIEW
VERTICAL SYSTEMS



BOONE COUNTY PLANNING COMMISSION

March 25, 1992
7:00 P.M.

PUBLIC HEARINGS

Mr. William Viox, Chairman, called the meeting to order at 7:00 P.M..

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

1. Applicant: Vertical Systems, Inc. for Heritage Church (owner)
Request: Zoning Map Amendment

The request of Vertical Systems, Inc. (applicant) for Heritage Church (owner) for a Zoning Map Amendment on a 6.1-acre site located on the north side of Walton-Nicholson Road between Dixie Highway and Kenton County line, Boone County, Kentucky. The request is to rezone the site from Rural Suburban (RS) to Industrial One (I-1) in order to allow a light manufacturing building.

Staff Member, Dave Geohegan, presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Viox asked if the applicant was present.

Mr. Willy Schaefer submitted an album of pictures taken around the site to the Commission and advised that the album also contained pictures of facilities that look generally similar to their facility.

Mr. Schaefer stated that Vertical Systems, Inc, is a privately owned Kentucky Subchapter S Corporation with twelve employees. They expect to grow to 25 employees in five years. He introduced the owners of the company -- Lee Skova, Bill Skova and himself. They manufacture vertical lifts for the material handling industry. He submitted brochures indicating the products they build. They supply their products to Litton, Skillcraft, the U. S. Post Office, and others. They are presently located on Empire Drive in Boone County.

Mr. Schaefer stated that they plan to build on the subject site in late summer, or as soon as possible. He showed the Commission a drawing indicating what the building will look like. The building will be slightly over 14,000 square feet. There will be only one building on the site. The rest of the land will be left alone. Mr. Schaefer stated that there is I-1 zoning close to the area, down over the railroad tracks. This site would be an extension of that area. They have talked to the Building

Inspector in Walton about the water. They will have to core under the road and bring a 6" water main to the property. They are getting costs on this. He has also talked to the State Department in regard to the easement under the road and nobody foresees any problem. They have applied to the Health Department in regard to the sewage and they will get back with them as soon as possible. They have contacted people in regard to the sewage treatment plant that they presume will have to go in. They have talked to C.G.&E. about the utilities. C.G.&E. would bring the gas across the road and they would bring it over to the site. The electric is available down the road for the power they would need. The access road would have to be widened a minimum of 25 feet and it looks like the road will have to be redone, which falls within their responsibility, but they will talk to people in the county for assistance in regard to the road.

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

Mrs. Martin submitted pictures to the Commission. She stated that what Mr. Schaefer calls a "service road" is a private drive. There is a hidden entrance to the private drive off the bridge. It is dangerous there. There is a 35 MPH speed limit, but the traffic goes much faster. The sign for the private drive is supposed to be a public notice, but it is 40 to 50 feet off the road and back down the driveway. The state does not maintain the private drive. She stated that everyday there are approximately four Walton-Verona school buses that stop there. The Kenton County bus passes the road. The roads are never salted or sanded and the bridge is always covered with ice. There have been bad wrecks there. Her daughter-in-law takes her children to school because of the bad traffic. The drive is only wide enough for one vehicle. If a car comes one way and one comes the other way, someone has to back up. There is a 15 to 25 foot drop off each side of the driveway and they would have to build it up to widen it.

Mrs. Martin stated that when the plant starts operation is when the children will be going to school and getting off the buses. There is already a factory on Old Burlington Pike, Quality Products is off I-75, there is a new proposed Walton Industrial Park at the end of Chambers Road, and three miles from where they live is the Richwood Industrial Park. If this plant comes to this site, the people will come over US 25, which is dangerous and slippery when it is wet. There is no water and they cannot get water. The City of Walton says they have to pay for the water if they want it. There is no sewerage. They would have to put in a sewage treatment plant that would overflow into two underground natural springs that feed the lake on the site and their lake. Mrs. Martin stated that they own the property behind the site.

Mrs. Martin stated that wherever they put the plant on the site it would be 50 feet from Mrs. Hall's front door and 30 feet from her son's side yard. She stated that the pictures she submitted are number 1 through 11. Wherever the plant is, it would be visibly from US 16 and US 25. It will be right in the circle of homes. It will be right across the highway from the historic home. They have lived there 38 years and do not want this

plant there. There is industrial land available near them that already have water and sewer.

Darryl Martin stated that he lives about 30 to 50 feet away from this plant. He has three children and has tried to make the safest environment he can for them. His children would be in jeopardy from the traffic and from the people around the plant. He noted that they would put a 6" water main under KY 16 and stated that a lot of the hillside on the curve before you get to the bridge and the hillside on the other side are sliding. There is a truck driver that lives across the road who has made ruts against the guardrail and broken the asphalt on the shoulder of the road. He referred to what Mr. Schaefer called a "service road" and stated that they can only go 50 or 60 feet down the road before it turns into a private drive. There are markers on both sides that say it is private. Mr. Martin stated that his grandfather made sure that he would always have a finger to the road so that no one could say he could not get back to his property.

Mr. Martin stated that the trucks will want to come up and down the private drive. The plant will be very visible from Highway 16 as soon as you get to the bridge. He stated that any pollution from the plant will circle the entire tri-state -- Banklick Creek starts there and flows north towards Covington and Pleasure Isle; it goes into the Licking River, which goes into the Ohio River, and starts back around. He stated Highway 16 is sliding and drilling under it will make it worse. If it slides, the gas line will break. It is easier to consolidate industrial plants rather than spreading them out. If this plant is out there by itself, they can almost do anything and no one will ever know unless the neighbors tell. There are inspectors in industrial parks and it would be known if they are polluting and how much traffic there is. He noted that Richwood is three miles to the north and there is land available two miles to the south.

There being no further comments from the public, Chairman Viox asked if there were any comments or questions from the Commission.

Mr. Sharp asked if the planned entrance to the property is on the state owned portion of the service road or on the portion under private ownership. Mr. Schaefer advised that it is on the state owned portion. Mr. Sharp stated that the state owns 305 feet down the road and asked if they are planning to go on the private portion of the road. Mr. Schaefer replied "no".

Mrs. Martin stated that they drive on the public portion of the road everyday and the traffic will block them. There will be traffic delays in the mornings with people coming to the factory.

Mr. Sharp stated that he thought they had to be incorporated into the City of Walton to get water. Mr. Schaefer stated that this was not correct and advised that they have to put in pipe according to the Walton's specifications if they are in their fire district.

Mr. Ries questioned the waste, both air and liquid, that comes from the plant. Mr. Schaefer stated that they paint their equipment, but do not have any other hazardous wastes. Mr. Schaefer stated that he lives right

across the road from where they want to put the plant. His house is under the bridge. He stated that he would not put anything hazardous in his own front yard.

Mr. Sharp stated that Mr. Schaefer had been operating out of his barn and was cited for that. Mr. Schaefer agreed.

Mrs. Martin stated that there is no caution light there and there have been numerous wrecks. The road is slippery. She noted that there would be trucks coming through there and the entrance to the property is not marked in any way. The cars going around the curve go very fast and it is a very dangerous area.

Mrs. Smith questioned the picture of the church included in the pictures submitted by Mrs. Martin.

Mrs. Martin advised that the church is for sale and there was a big sign there that said "Future Home of the Walton Industrial Park". This is three miles from where they are, and one-half mile from it is Quality Products and the other industrial park -- so why should this plant be in the middle of farms and houses?

Mrs. Smith questioned the number of employees. Mr. Schaefer advised that they now have 12 employees and in five years they will have up to 25 employees.

Mrs. Smith questioned the traffic. Mr. Schaefer advised that in the summer they had almost twenty employees. At the most, they have five tractor trailer trucks a week. They have a daily UPS delivery, and things like that. They bring in raw steel and some of the motors are brought in on pick-up trucks from local suppliers.

Mr. Sharp stated that a lot of modifications would be needed to make a left hand turn into the service road with a large truck. Mr. Schaefer agreed and stated that he has been talking to Forrest Rankin about this.

Mrs. Martin stated that they have owned their land for 41 years. Mrs. Martin, her son, and Mrs. Hall are environmentalists. They have rare red tail hawk, deer, and other animals. This is a countryside. She stated that there will be pollution out of the plant. A lot of people turn into the private road and turn around on their property. Their oil man, their water man, and the UPS truck back down the road because there is not enough room for them to turn around. She stated that the railroad crossing is not to be used and people from the factories cross it everyday. The conditions where they live are not suitable for this plant.

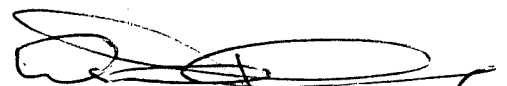
Lisa Hall stated that they live in the small white mobile home shown in the pictures. They are ten feet from the private drive and would see this big building right in front of them. Their property value would go down considerably by being next to a factory. She questioned how they would get out if there are trucks on the road.

Darryl Martin stated that there will be five tractor trailer trucks and the UPS trucks dropping off and picking up -- which is three vehicles a

day -- and the employees will come in right when the school buses are picking up kids. The employees will go out again at lunchtime. There is a Kenton County and Walton bus at noon. When the factory lets out there are two Kenton County buses dropping off kids. There are eight buses a day turning around and dropping off kids. He stated that if they are bringing in raw steel, they will have to widen the road a lot.

There being no further comments, Chairman Viox stated that this item will be on the Agenda for the Business Meeting on April 1, 1992 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

April 15, 1992 8:00 P.M.

Mr. Fred Burch, Vice 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. Robert Kirby, Jr.
Mr. Don McMillian
Mr. Barry Neltner
Mr. Thurman Owens
Mr. Robert Ries
Mr. Floyd Sharp

COMMISSION MEMBERS NOT PRESENT:

Mr. Rector Jones
Mr. Ralph Rush
Mrs. Carol Smith, Secretary/Treasurer
Mr. William Viox, Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Mr. Burch stated that each member had received a copy of the Minutes of the Business Meeting of April 1, 1992 and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Kirby moved that the Minutes of the April 1, 1992 Business Meeting be approved as mailed. Mr. Owens seconded the motion and it carried unanimously.

REPORTS: None.

UNFINISHED BUSINESS:

1. Zoning Map Amendment

The request of Vertical Systems, Inc. (applicant) for Heritage Church (owner) for a Zoning Map Amendment on a 6.1-acre site located on the north side of Walton-Nicholson Road between Dixie Highway and Kenton County line, Boone County, Kentucky. The request is to rezone the site from Rural Suburban (RS) to Industrial One (I-1) in order to allow a light manufacturing building.

Staff Member, Dave Geohegan, read the Committee Report which recommended denial of the request based on the findings of fact (see Committee Report). The Minutes of the March 25, 1992 Public Hearing serve as a summary of the evidence and testimony presented in regard to this request.

Mr. Sharp moved by resolution to the Fiscal Court that the request be disapproved based on the Staff and Committee Reports. Mr. Collins seconded the motion and it carried unanimously.

2. Zoning Map Amendment

The request of R. J. Schlosser, Esq. (applicant) for Chelsea Moore Company (owner) for a Zoning Map Amendment on a 17.7-acre site located off Connector Drive, Florence and in unincorporated Boone County, Kentucky. The request is to rezone the site from Commercial Two (C-2) to Commercial Services (C-3) and Urban Residential One (UR-1) in order to allow mini-warehouses and apartments.

Staff Member, Dave Geohegan, presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). Mr. Geohegan advised that the property owner has signed the letter agreeing to all of the conditions contained in the Committee Report. A copy of the Minutes of the March 25, 1992 Public Hearing is attached to the Committee Report as a summary of the evidence and testimony presented.

Mr. Kirby moved by resolution to the City of Florence and the Boone County Fiscal Court that the request be approved based on the Staff and Committee Reports, including the conditions. Mr. Neltner seconded the motion.

Mr. Owens questioned the need to cut down all of the big trees on the north side of the property where the slope is.

Mr. Benedict, the engineer for the project, advised that the hillside drops off and in order to get the pad built for the lock and store and the other area, it will be necessary for them to go into the area where the creek line is and fill in to the creek line. Mr. Jeremy Moore indicated on the drawing how they would put in a pad for the mini-warehouses and backfill toward the creek. The fill would be ten feet up the trunks of the trees and would kill them.

EXHIBIT "B"

COMMITTEE REPORT

#1

TO: Boone County Planning Commission

FROM: Floyd Sharp, Chairman

DATE: April 15, 1992

RE: Request of Vertical Systems, Inc. (applicant) for Heritage Church (owner) for a Zoning Map Amendment on a 6.1 acre site located on the north side of Walton-Nicholson Road between Dixie Highway and Kenton County line, Boone County, Kentucky. The request is to rezone the site from Rural Suburban (RS) to Industrial One (I-1) in order to allow a light manufacturing building.

REMARKS:


We, the Committee, recommend denial based on the following findings of fact:

Findings of Fact

1. The 1990 Boone County Comprehensive Plan Land Use Element indicates Rural Density residential for the site and surrounding area. In addition, the Comprehensive Plan recommends that development occur in areas that have adequate existing or planned infrastructure. The site has no sanitary sewer service, and is not within a planned service area. The Committee believes that the Comprehensive Plan and the Boone County Zoning Map provide for many areas better suited for industrial uses, where adequate utilities and roads exist or are planned, and where existing residential areas are not as significantly impacted. Specific references to the Comprehensive Plan are made in the 3/25/92 Staff Report.
2. The proposed zoning classification is inappropriate for the site because the extensive road improvements needed would change the character of the area from residential. These impacts would be a result of not only the width of the public road, but the fact that the proposed entrance to the industrial use would be near the end of the road. Even though there is existing industrial zoning nearby, it is separated by KY 16 or the railroad tracks. The immediate surrounding area is residential in character. In addition, the 6.12 acre site could enable additional industrial uses to be placed here. The Committee had to evaluate the request also in light of this potential development.

Committee does believe, however, that Rural Suburban zoning is suitable for the site, based on the presence of considerable residential uses in the corridor. When compared to noise impacts of the Cincinnati and Northern Kentucky Airport on some significant residential areas of Boone County, the noise impacts of this rail system on residential usage of the area appear to be insignificant.

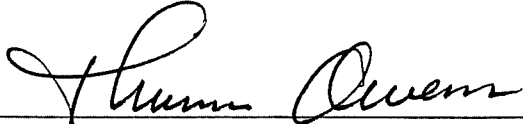
A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.



Floyd Sharp, Chairman



Lawrence Collins



~~McLain DeLong~~ THURMAN OWENS



~~Robert Kirby, Jr.~~ PHIL DAMSTRAM



~~Don McMillan~~ BARRY NELTNER

Ralph Rush

FS:kat



MINUTES
BOONE COUNTY FISCAL COURT
MAY 19, 1992
4:00 P.M.

After a lengthy discussion, Attorney Crigler asked for a verbal agreement from the applicant, George Finke, and his attorney, Jim Wolterman, to two conditions relative to the zone change request.

Commissioner Melhaus moved, seconded by Commissioner Davis, to approve Ordinance 920.233, an ordinance of the Boone County Fiscal Court recommending approval for a Zoning Map Amendment to the Boone County, Kentucky Zoning Map, such Map Amendment being requested by George Finke (Applicant) for Clarence Boh, ET AL (Owners) and such map amendment being a zone change from Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) on 24 acre site generally located north of I-275 and east of North Bend Road, Boone County, Kentucky as recommended unanimously by the Boone County Planning Commission via Resolution R-92-002-A with the following two (2) mandatory conditions imposed by the Boone County Fiscal Court and as agreed to by George Finke and also through his counsel, James Woltermann, of Adams, Brooking & Stepler, Attorneys of Florence, Kentucky, at the meeting of the Boone County Fiscal Court on May 19, 1992, at which second reading of said Ordinance, including additional mandatory conditions, was passed:

Condition (1): That for a period of four (4) years after May 19, 1992, the said George Finke, his successors and assigns, shall be bound by the terms as set forth in a certain letter from the Commonwealth of Kentucky, Transportation Cabinet, dated April 28, 1992, as signed by Forrest M. Rankin, Traffic/Permits, as attached hereto and made a part hereof as Exhibit "M-1".

Condition (2): That a suitable storm water management and erosion plan be approved by the Boone County Planning Commission.

Judge Lucas called for a vote on the motion, Commissioner Patrick voted NO, Commissioner Melhaus voted YES, Commissioner Davis voted YES, and Judge Lucas voted YES. Motion carried. Exhibit "M"

ORDINANCE 400 - NUDDITY IN PUBLIC PLACES

Commissioner Patrick moved, seconded by Commissioner Melhaus, to approve on Second Reading Ordinance 400, an ordinance prohibiting a person from appearing nude in any public place and prohibiting nude or nearly nude activities in establishments with a Retail Drink Liquor License and/or Retail Cereal Malt Beverage Liquor License, and providing for penalties for violation thereof, including the suspension or revocation of the said Retail Liquor Drink License and/or Retail Cereal Malt Beverage Liquor License and the revocation of the establishment's Occupational License. Judge Lucas called for a vote on the motion, ALL PRESENT VOTING AYE. Exhibit "N"

RESOLUTION NO. R-05-19-92-01-PZ
VERTICAL SYSTEMS/HERITAGE CHURCH

Commissioner Davis moved, seconded by Commissioner Melhaus, to approve Resolution No. R-05-19-92-01-PZ, based on the findings of fact by the Planning Commission and the Fiscal Court adopting those findings of fact as reason for denial, a resolution of the Boone County Fiscal Court recommending DENIAL for a Zoning Map Amendment to the Boone County, Kentucky Zoning Map, such Map Amendment being requested by Vertical Systems, Inc. (Applicant) for Heritage Church (Owners) and such Map Amendment being a zone change from Rural Suburban (RS) to Industrial One (I-1) on a 6.1 acre site generally located on the north side of Walton-Nicholson Road between Dixie Highway and Kenton County Line, Boone County, Kentucky as recommended unanimously by the Boone County Planning Commission via Resolution No. R-92-008-D. Judge Lucas called for a vote on the motion, ALL PRESENT VOTING AYE. Exhibit "O"

EXECUTIVE SESSION

Commissioner Patrick moved, seconded by Commissioner Melhaus, to enter into Executive Session at 5:55 P.M., for an update relative to the Cable TV litigation. ALL PRESENT VOTING AYE.

Commissioner Davis moved, seconded by Commissioner Patrick to reconvene in Open Session at 6:25 P.M., ALL PRESENT VOTING AYE.