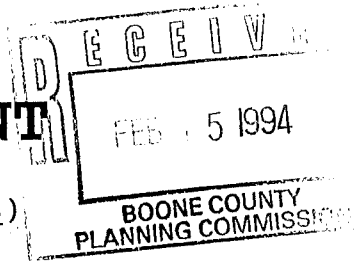


APPLICATION FORM  
**ZONING MAP AMENDMENT**

BOONE COUNTY PLANNING COMMISSION  
(See Boone County Zoning Regulations)



**SECTION A** (To be completed by applicant)

1. Name of Project H & M CONST.
2. Location of Project BESSEMER LANE OFF KY 16
3. Total Acreage of Site 1.88 AC.
4. Current Zoning of Site A-2
5. Proposed Zoning (Classification being requested) I-1
6. Proposed Uses (please specify each use) SEPTIC SYSTEM BUSINESS
7. Names of Applicant(s) DAVID HOPPER - TIM McNEELY  
Phone Number 3561545 Fax No. \_\_\_\_\_
8. Address of Applicant(s) ~~OLD DECOURSET~~ 10708 MARSHALL RD.  
Cov. Ky. 41015  
City State Zip
9. Name of Property Owner(s) ~~SAME~~ H & M CONST. - DAVID HOPPER  
Phone Number \_\_\_\_\_ Fax No. \_\_\_\_\_
10. Address of Property Owner(s) SAME  
City State Zip
11. Proposed Building Intensities (please specify) \_\_\_\_\_
12. Are there any existing buildings on the site? NO  
How many? 531
13. Deed Book ~~373~~ Page No. 195 Group No. 2080
14. Are you also applying for:  
NO Conditional Use Permit  
NO Dimensional Variance
15. Have you submitted a Concept Development Plan? YES
16. Have you had a pre-application meeting with BCPC Staff? \_\_\_\_\_
17. 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 Public Works Department  
(over)

EXHIBIT "A"

# STAFF REPORT

Request of David Hopper and Tim McNeely (applicants)  
for David Hopper - H & M Construction (owner) for a  
Zoning Map Amendment on approximately a 1.88 acre parcel  
located on Bessemer Lane off KY 16, Boone County, Kentucky.  
This request is to rezone the site from Agriculture Estates (A-2)  
to Industrial One (I-1).

March 23, 1994

The request for the Industrial One (I-1) district would enable the development of a septic system business. The site, which is undeveloped, is currently zoned Agricultural Estates (A-2) and located on Bessemer Lane off KY 16 in unincorporated Boone County (see sheet #1).

## Surrounding Zoning and Land Uses (see sheet #2)

North:	Single Family Residence zoned Rural Suburban (RS)
South:	Undeveloped lot zoned Industrial One (I-1)
East:	Undeveloped lot zoned Agricultural Estates (A-2)
West:	Single Family Residence zoned Rural Suburban (RS)

## Site Characteristics

The 1.88 acre undeveloped site is located on the east side of Bessemer Lane which runs south off of KY 16. Bessemer Lane is parallel to the east of the Southern Railway. On the other side of the railway is the Gaines House, which is of historical significance. To the south will be Arch Micro Tool (Site Plan approved January 1994) and beyond that is Murphy-Catton Woodworking. A single family dwelling lies to the north. To the east is undeveloped land.

Water to the site will be served by the City of Walton. The site will have a septic system.

The prominent land uses near the site are some single family residences to the north and west; undeveloped land to the east; industrial to the south.

## Relationship to the Comprehensive Plan (see sheet #3)

The Future Land Use Map of the Boone County Comprehensive Plan indicates that the area should develop as Rural Density Residential (RD) and Rural Lands (RL). However, the Goals and Objectives call for Industrial activity to develop near railroads and highways. The Southern Railroad is directly across the lot and access to Bessemer Lane is off of KY 16.

Concept Development Plan (See sheet #4)

The conceptual plan submitted by the applicant shows an office and storage building for a septic system business with about three employees. The building is proposed to be 4,200 square feet with paved parking to the rear. Section 3165 of the Boone County Zoning Regulations calls for industrially zoned parcels to have a 25 foot landscaping, screening, and buffer yard from lot lines that adjoin residentially zoned property. The buffer yards shown on the concept development plan meet the minimum requirements of the Boone County Zoning Regulations.

Staff Concerns

1. Staff is concerned with the access to the site. Due to the narrow width of Bessemer Lane, widening the road is crucial in order to allow for easier access to not only this parcel, but also to Murphy-Catton and Arch Micro Tool. In a letter dated February 10, 1993 The Boone County Public Works Department stated that plans are in the works to upgrade the surface and width of Bessemer Lane.
2. Due to the restrictions placed upon the railroad crossing from Bessemer Lane to Old Walton Nicholson Road, access to the site is limited to Bessemer Lane from KY 16. Staff is concerned with the possibility of vehicles crossing the railroad on the emergency railway crossing.
3. If any outside storage of vehicles is to occur, staff believes that the residential properties to the north should be properly screened from such storage.

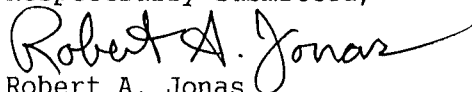
Conclusion

In conclusion, the proposed Zoning Map Amendment request is not in agreement with the Future Land Use Map of the Boone County Comprehensive Plan which indicates this area to develop as Rural Land (RL) and Rural Density Residential (RD). The Planning Commission and Fiscal Court must consider the three criteria necessary for a Zoning Map Amendment:

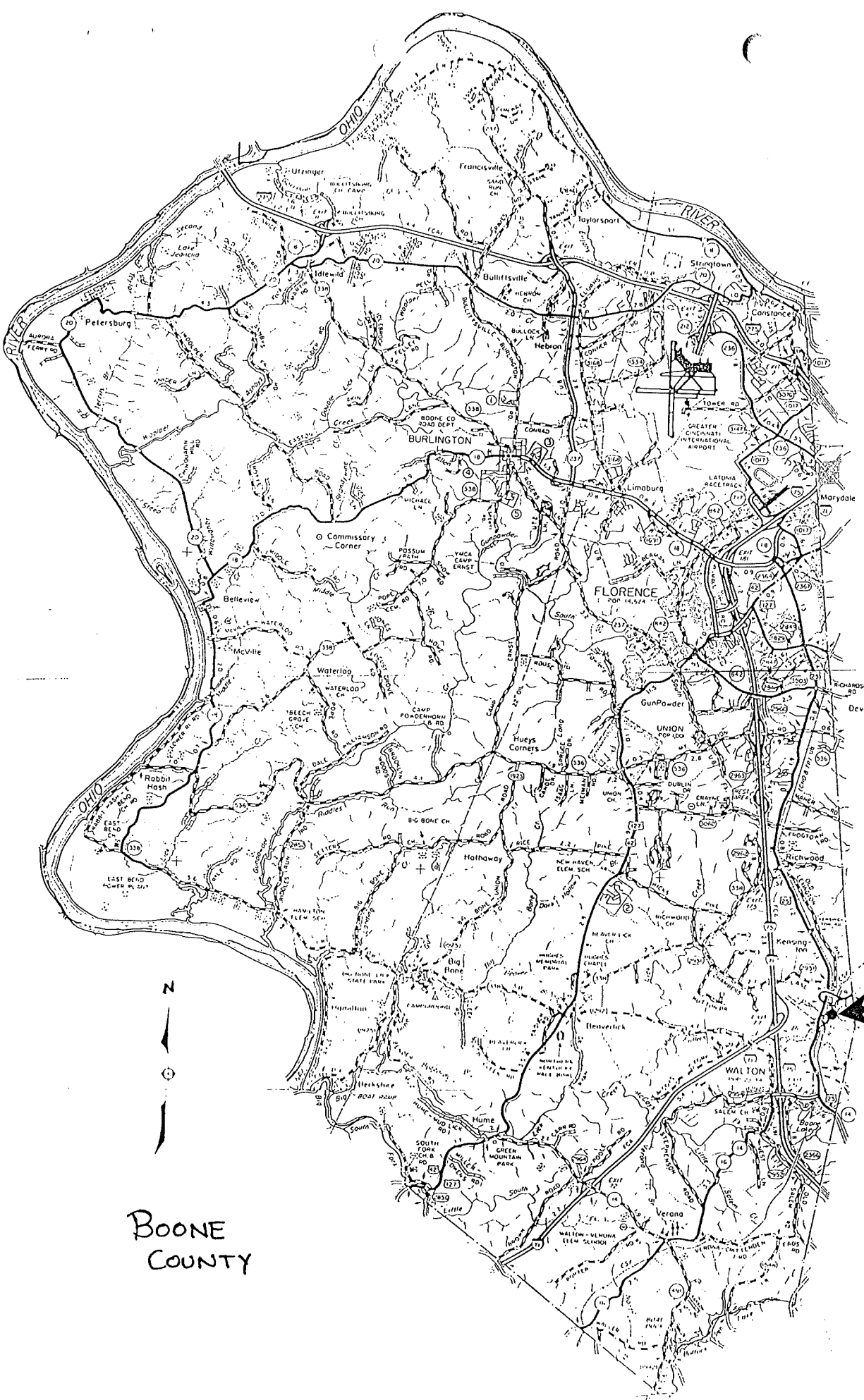
1. The request is in agreement with the Boone County Comprehensive Plan; or
2. The existing zoning is inappropriate and the proposed zoning is appropriate; or
3. Changes of economic, physical, or social nature not anticipated in the Comprehensive Plan that alter the area's character.

Should this request be granted by the Boone County Fiscal Court, the Boone County Future Land Use Map would need to be adjusted.

Respectfully submitted,



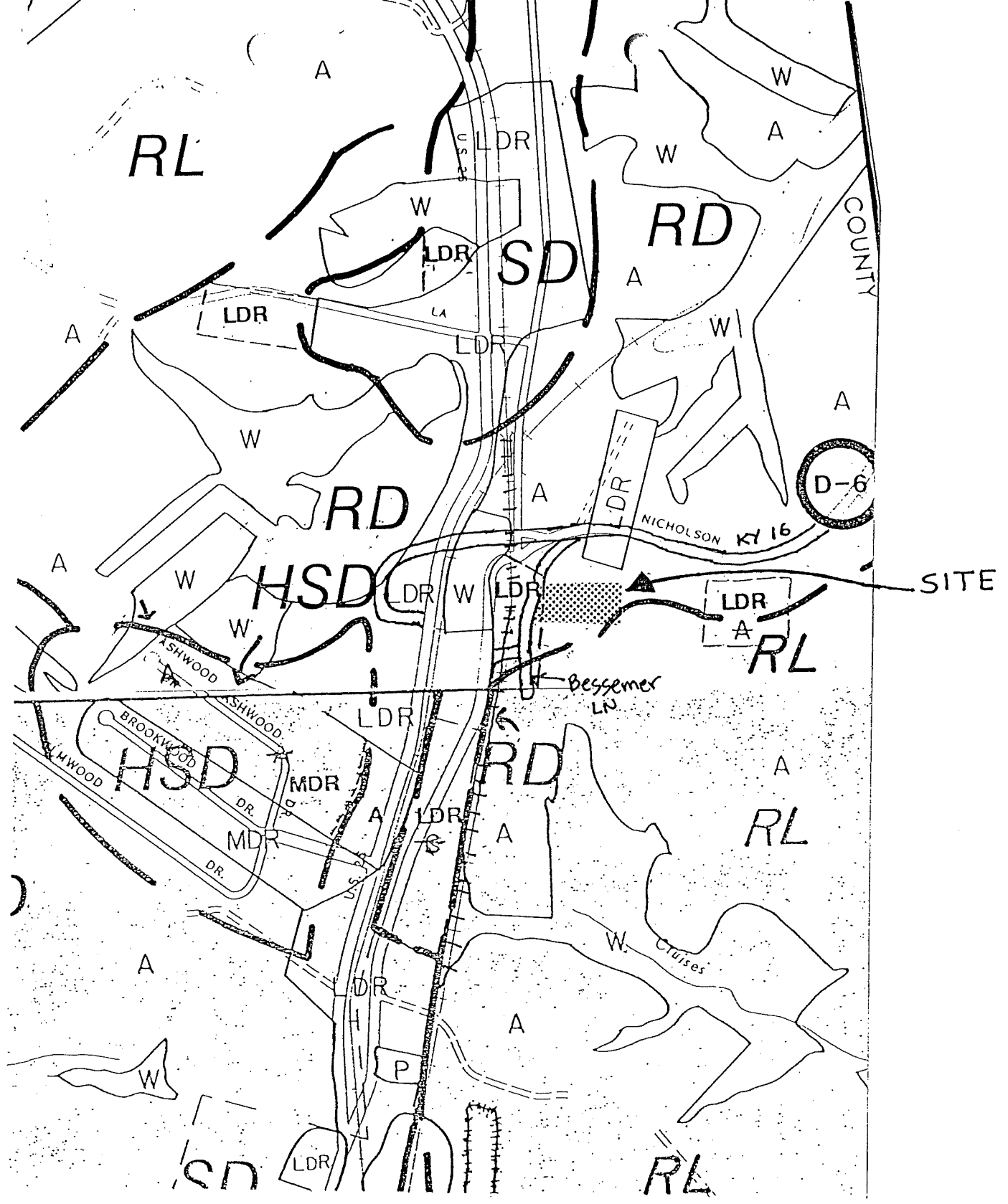
Robert A. Jonas  
Planner I



PROPOSED  
ZONE CHANGE  
LOCATION  
(BESSEMER LN)

BOONE  
COUNTY



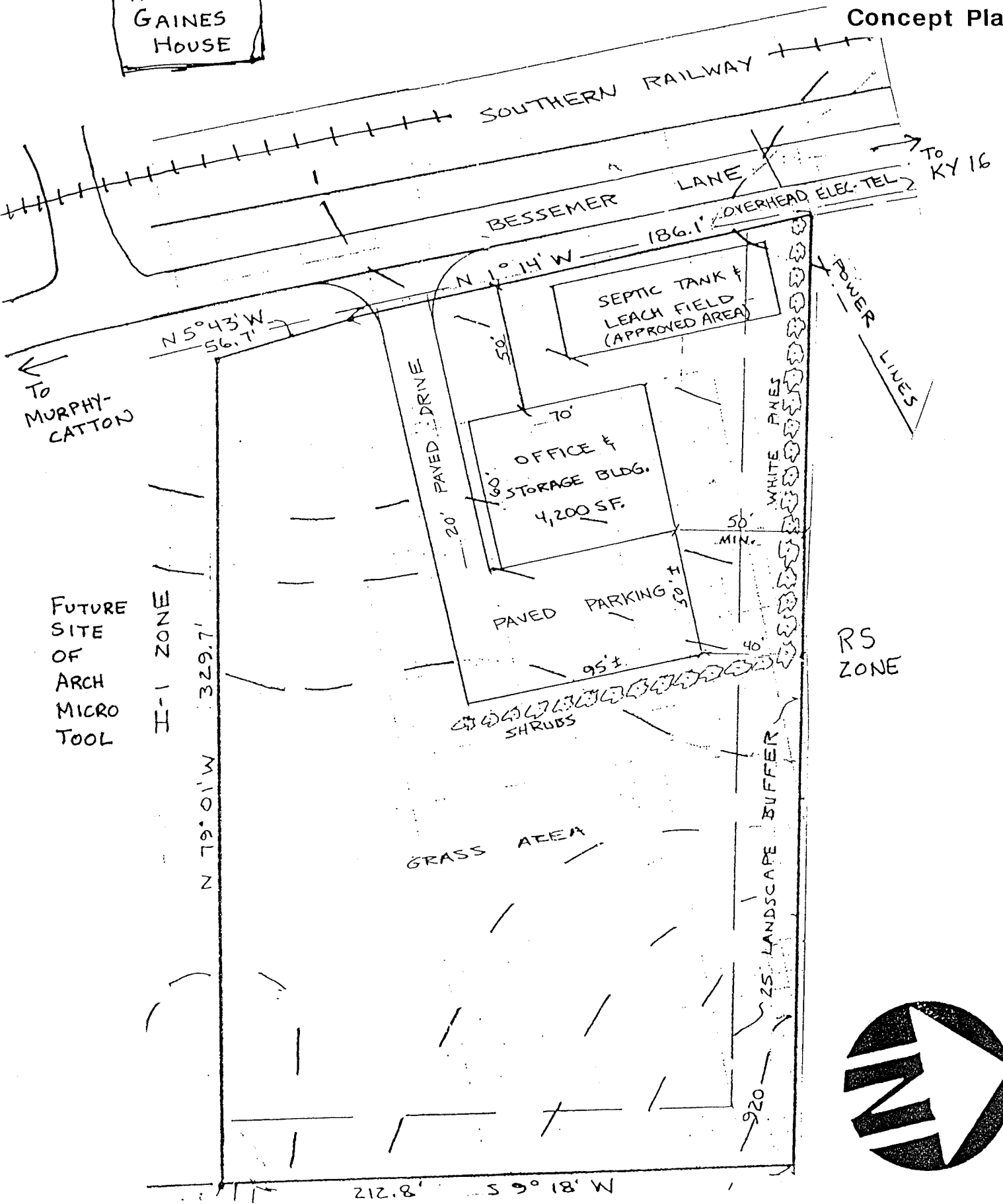


**SHEET #3**

Future Land Use

HISTORIC  
GAINES  
HOUSE

Concept Plan

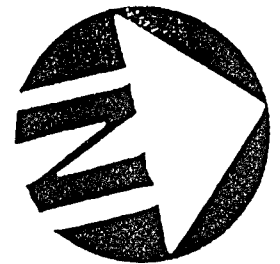


FUTURE  
SITE  
OF  
ARCH  
MICRO  
TOOL

II-1 ZONE

RS  
ZONE

A-2 ZONE



Commission members present for Public Hearing Item #4: Mr. Bailey, Mr. Burch - Vice Chairman, Mr. Kirby, Jr., Mr. McElroy, Mr. McMillian, Mr. Neltner, Mr. Owens, Mr. Ries, Mr. Rush, Mrs. Schaffer, and Mr. Viox - Chairman.

Chairman Viox introduced the last item on the Agenda:

4. Applicant: David Hopper and Tim McNeely for  
David Hopper - H & M Construction (owner)  
Request: Zoning Map Amendment

The request of David Hopper and Tim McNeely (applicants) for David Hopper - H & M Construction (owner) for a Zoning Map Amendment on an approximate 1.88-acre parcel located on Bessemer Lane off KY 16, Boone County, Kentucky. The request is to rezone the site from Agriculture Estates (A-2) to Industrial One (I-1).

Staff Member Bob Jonas presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Viox asked for the applicant's comments.

Mr. Tim McNeely, surveyor representing David Hopper and H & M Construction, stated that this is a small site extending the existing industrial zone to the south. On Sheet #4 attached to the Staff Report they have addressed the buffers and setbacks. The land slopes away from Bessemer Lane and the floor elevation of the proposed building would be below the existing road, so that only part of the building would be shown. The parking would be to the rear. He stated that they realize the request is not in agreement with the Comprehensive Plan, but the Goals and Objectives call for industrial activity to develop near the railroads and highways. There is approximately 14 acres zoned industrial to the south and it is being developed at this time -- which is changes taking place. The zone change to industrial would be appropriate for this parcel.

Mr. David Hopper, partner in H & M Construction Company, stated that they do not have any employees at this time, but generally hire someone to help them out in the summer. They install septic systems. Most of their materials are delivered to the site by the companies they buy them from. They do not collect junk. They want to move their office from his house and have a place to meet in the morning. They have three vehicles in addition to their two personal pickup trucks. They do not want to be a menace to any neighbor. Any little bit of storage -- 4" and under pipe or fittings -- can be kept inside the building. Their utility truck will probably be parked inside. They have a backhoe and a small dozer. They need a warm place to work to service their equipment in the winter to get ready for the spring, summer, and fall. They have no retail trade and are a low-profile, low-key business.

Mr. McMillian questioned a dump truck to haul their gravel. Mr. Hopper stated that they have a flat bed truck that they only use 3 or 4 times a year. They do not haul their own materials. 95% of the septic tanks they install do not require any type of gravel. He generally drives the utility truck to and from the job sites. They have a single-axle tractor and a single-axle trailer besides their two pickup trucks.

Susan Cabot, County Historic Preservation Planner, stated that the property to the west is the Gaines House, circa 1805, which is one of the top five historic sites in the county. It is listed on the National Register of Historic Places and is being carefully and accurately restored by the current owners. She is somewhat concerned about the impact on this property, but it appears that this is possibly one of the better situations they could have given a proposed industrial zone. They ask that the Commission and the applicant be aware of the significance of the property and the possible impact on the property.

Stephanie Gerdy, a resident of Old Walton Nicholson Road, stated that her opinion is shared by Allen, Susan, and Max Gerdy, and Ken Edge, who live with her in the historic Gaines house. She came here to express how important it is to keep the natural scene and to object to the industrial rezoning of the property that is the gateway to the panorama. She asked that restrictions be placed on the use of the land and that there be no outside storage of vehicles or equipment, and that there be extensive landscaping to screen the new business from her view and from Mr. Kinman's view.

Mr. Neltner questioned what type of structure they propose. Mr. Hopper replied "metal". Mr. Neltner questioned the color. Mr. Hopper stated that they have not discussed the color. He stated that the lot slopes away from the road and they plan to cut down the front part and use that dirt for the back parking area, which would only leave 7 or 8 feet of the building above. He stated that it is low profile with landscaping along the front part of the building.

Mr. Neltner asked if they would have their pickup trucks and dozer inside. Mr. Hopper stated that they have a utility truck and a small tractor and a small trailer and a 16' or 18' flat bed. He is not saying that they can fit them all inside. There is a possibility of one or two of them being outside at different times on the part that they propose to landscape and buffer. They would park them around the back of the building.

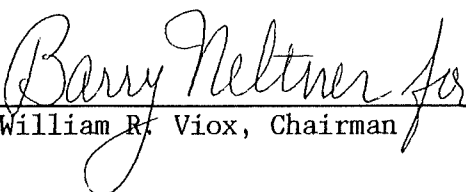
Mr. Ries asked if their supplies are delivered to them by tractor trailer. Mr. Hopper stated that they would only have a skid of 4" pipe delivered and boxes of fittings. They are under 26,000 pound vehicles. Mr. Ries asked how long they are there and if they stay overnight. Mr. Hopper stated that they only stay 10 or 15 minutes.

Chairman Viox stated that there is a concern if Mr. Hopper would leave and someone else would take ownership of the property. If that occurs, the Committee needs to make sure that they come back to the Commission.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on March 28, 1994 at 7 P.M.. This item will be on the Agenda for the Business Meeting on April 6, 1994 at 8 P.M..

The Chairman Closed this Public Hearing.

APPROVED:

  
\_\_\_\_\_  
William R. Viox, Chairman

Attest:

  
\_\_\_\_\_  
Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION  
BUSINESS MEETING

April 6, 1994  
8:00 P.M.

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Mr. Barry Neltner, Temporary Presiding Officer, called the meeting to order at 8:30 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett  
Mr. William Bailey  
Mr. Robert Kirby, Jr.  
Mr. Gayle McElroy  
Mr. Don McMillian  
Mr. Barry Neltner  
Mr. Thurman Owens  
Mr. Robert Ries  
Mrs. Linda Schaffer  
Mrs. Carol Smith, Secretary/Treasurer  
Mr. Earl White

COMMISSION MEMBERS NOT PRESENT:

Mr. Fred Burch, Vice Chairman  
Mr. Phil Damstrom  
Mr. Ralph Rush  
Mr. William Viox, Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Director  
Ms. Jan Hancock, Secretary  
Mr. Robert Jonas  
Mr. Dean Niemeyer

Mr. Kirby moved that Agenda Items Nos. 1, 3, 5, 7, 8, 10, and 11 be deferred to the April 20, 1994 Business Meeting. Mrs. Schaffer seconded the motion and it carried unanimously.

Mr. Neltner advised that the following item is recommended for deferral to the June 1, 1994 Business Meeting:

6. Site Plan Review: The request of Winn Dixie Louisville, Inc. (applicant) for C. W. Henne Companies and Frisch's Restaurants, Inc. (owner) to construct a Winn Dixie Market Place. The 9.89-acre site is zoned Commercial Services (C-3) and Commercial Services/Planned Development (C-3/PD) and is located at Turfway Road and KY 18, Florence, Kentucky.

Mr. Kirby moved that Agenda Item No. 6 be deferred to the June 1, 1994 Business Meeting. Mrs. Schaffer seconded the motion and it carried unanimously.

Mr. Neltner introduced Agenda Item No. 2:

2. Zoning Map Amendment

The request of Thomas W. Jones (applicant) for Patsy Slayback (owner) for a Zoning Map Amendment on an approximate 73-acre parcel located on Rice Pike near U.S. 42, Boone County, Kentucky. The request is to change the zoning from Agriculture Estate (A-2) to Rural Suburban (RS).

Staff Member Dean Niemeyer read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). Mr. Niemeyer advised that the applicant has signed a letter agreeing to the conditions.

Mr. Ries moved by resolution to the Boone County Fiscal Court that the request be approved based on the Staff and Committee Reports. Mr. Owens seconded the motion and it carried unanimously.

4. Zoning Map Amendment

The request of David Hopper and Tim McNeely (applicants) for David Hopper - H & M Construction (owner) for a Zoning Map Amendment on an approximate 1.88-acre parcel located on Bessemer Lane off KY 16, Boone County, Kentucky. The request is to rezone the site from Agriculture Estate (A-2) to Industrial One (I-1).

Staff Member Bob Jonas read the Committee Report which recommended approval of the request based on the findings of fact (see Committee Report).

Mr. Kirby moved by resolution to the Boone County Fiscal Court that the request be approved based on the Staff and Committee Reports. Mr. McElroy seconded the motion.

Mrs. Schaffer stated that at the Public Hearing Chairman Viox had a concern about the property changing ownership in the future as it is

adjacent to two residential areas and an agricultural area. She asked if this was addressed by the Committee. Mr. Jonas advised that the Committee did not address this issue. Mr. Bailey stated that there was not a lot of discussion on that issue at the Committee meeting. He stated that there was concern from the neighbors at the Public Hearing about the outside storage of vehicles and the applicant indicated that they would park the trucks in the back of the development.

Mrs. Schaffer stated that she does not have a problem with the proposed use, but is concerned that the property may be sold or the use changed in the future. She is concerned about there not being a restriction and that any I-1 use could locate on the site in the future.

Counselor Wilson advised that a restriction would have to be part of the motion and the applicant would have to agree to that condition in writing. He asked if Mrs. Schaffer's concern is about outside storage of vehicles or about restricting the I-1 uses. Mrs. Schaffer replied "both".

Mr. Kirby stated that this lot is adjacent to several other industrial lots and it is unfair to place this restriction on this industrial lot when it does not apply to the other industrial lots. He stated that he would not amend his motion.

Susan Cabot, County Preservation Planner, stated that the proposed use is not a problem. She shares Mrs. Schaffer's concern about all the different uses which could locate here in the future under the I-1 zoning. Mr. Owens commented that those uses could also locate on the other industrial lots. Ms. Cabot agreed, but noted that those lots do not have as much impact on the Gaines' lot.

Mr. Neltner asked for a vote on the motion made by Mr. Kirby which found Mrs. Arnett, Mr. Bailey, Mr. Kirby, Mr. McElroy, Mr. McMillian, Mr. Owens, Mr. Neltner, Mr. Ries, and Mrs. Smith in favor. Mrs. Schaffer and Mr. White were opposed. The motion carried by a vote of 9 to 2.

9. Site Plan Review

The request of George Higdon (applicant/owner) to construct a mobile home park. The 6.4-acre site is zoned Mobile Home Park (MHP) and is located at U.S. 25 and Villa Drive, Boone County, Kentucky.

Staff Member Bob Jonas presented the Staff Report which included a review of the Site Plan using the overhead projector. The access into the mobile home park is via Villa Drive off Dixie Highway and the access to the subject section is off Noelle Court, a private road. Thirty-nine mobile home pads are proposed. The area is currently accessed off U.S. 25 and used as an overnight RV parking area. Existing water and sewer lines will be used. The Staff and Engineer recommend approval. (See Staff Report).

Mr. Owens questioned the entrance. Mr. Jonas indicated the existing access. Visibility was a problem and there is benefit to not using that curb cut. Mr. McMillian questioned the access to the four lots on U.S. 25 and Mr. Jonas advised that they are existing single-family lots.

Commission members present for Public Hearing Item #4: Mr. Bailey, Mr. Burch - Vice Chairman, Mr. Kirby, Jr., Mr. McElroy, Mr. McMillian, Mr. Neltner, Mr. Owens, Mr. Ries, Mr. Rush, Mrs. Schaffer, and Mr. Viox - Chairman.

Chairman Viox introduced the last item on the Agenda:

4. Applicant: David Hopper and Tim McNeely for  
David Hopper - H & M Construction (owner)  
Request: Zoning Map Amendment

The request of David Hopper and Tim McNeely (applicants) for David Hopper - H & M Construction (owner) for a Zoning Map Amendment on an approximate 1.88-acre parcel located on Bessemer Lane off KY 16, Boone County, Kentucky. The request is to rezone the site from Agriculture Estates (A-2) to Industrial One (I-1).

Staff Member Bob Jonas presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Viox asked for the applicant's comments.

Mr. Tim McNeely, surveyor representing David Hopper and H & M Construction, stated that this is a small site extending the existing industrial zone to the south. On Sheet #4 attached to the Staff Report they have addressed the buffers and setbacks. The land slopes away from Bessemer Lane and the floor elevation of the proposed building would be below the existing road, so that only part of the building would be shown. The parking would be to the rear. He stated that they realize the request is not in agreement with the Comprehensive Plan, but the Goals and Objectives call for industrial activity to develop near the railroads and highways. There is approximately 14 acres zoned industrial to the south and it is being developed at this time -- which is changes taking place. The zone change to industrial would be appropriate for this parcel.

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Stephanie Gerdy, a resident of Old Walton Nicholson Road, stated that her opinion is shared by Allen, Susan, and Max Gerdy, and Ken Edge, who live with her in the historic Gaines house. She came here to express how important it is to keep the natural scene and to object to the industrial rezoning of the property that is the gateway to the panorama. She asked that restrictions be placed on the use of the land and that there be no outside storage of vehicles or equipment, and that there be extensive landscaping to screen the new business from her view and from Mr. Kinman's view.

Mr. Neltner questioned what type of structure they propose. Mr. Hopper replied "metal". Mr. Neltner questioned the color. Mr. Hopper stated that they have not discussed the color. He stated that the lot slopes away from the road and they plan to cut down the front part and use that dirt for the back parking area, which would only leave 7 or 8 feet of the building above. He stated that it is low profile with landscaping along the front part of the building.

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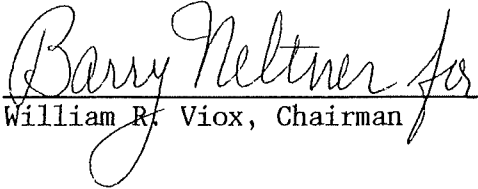
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Chairman Viox stated that there is a concern if Mr. Hopper would leave and someone else would take ownership of the property. If that occurs, the Committee needs to make sure that they come back to the Commission.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on March 28, 1994 at 7 P.M.. This item will be on the Agenda for the Business Meeting on April 6, 1994 at 8 P.M..

The Chairman Closed this Public Hearing.

APPROVED:

  
\_\_\_\_\_  
William R. Viox, Chairman

Attest:

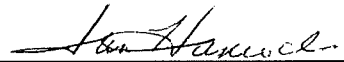
  
\_\_\_\_\_  
Jan Hancock, Recording Secretary

EXHIBIT "B"

# COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Gayle McElroy, Chairman

DATE: April 6, 1994

RE: Request of David Hopper and Tim McNeely (applicants) for David Hopper - H & M Construction (owner) for a Zoning Map Amendment on approximately a 1.88 acre parcel located on Bessemer Lane off KY 16, Boone County, Kentucky. This request is to rezone the site from Agriculture Estate (A-2) to Industrial One (I-1).


REMARKS:

We, the Committee, recommend approval based upon the following findings of fact:

Findings of Fact

1. Although this request is not in conformity with the Future Land Use Map of the 1990 Boone County Comprehensive Plan, it is in compliance with the Goals and Objectives which calls for industrial development to occur near railroads and highways. Furthermore, the Land Use element of the Plan recommends industrial development in this region to occur from the Mary Grubbs Highway east to the county border.
2. In the Committee's opinion, industrial zoning is appropriate for the site because it is in conformity with the Goals and Objectives of the 1990 Boone County Comprehensive Plan and it will be adjacent to existing industrial zoning to the south.
3. The scale of the proposed industrial use, with proper screening, will have little impact on the neighboring residences.

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.

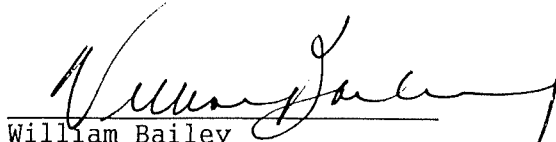
  
 Gayle McElroy, Chairman

\_\_\_\_\_  
 Fred Burch

  
 Barry Neltner

  
 Thurman Owens

\_\_\_\_\_  
 Phil Damstrom

  
 William Bailey

Boone County Recorder  
May 25<sup>th</sup>, 1994

**LEGAL SUMMARY  
ORDINANCE NO. 920.273**

The Boone County Fiscal Court at its meeting held Tuesday, May 17, 1994, at 5:30 P.M., Second Floor Courtroom, Administration Building, Burlington, Kentucky, gave Second Reading and adopted the following ordinance.

**AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RECOMMENDING APPROVAL FOR A REQUEST OF DAVID HOPPER AND TIM MCNEELY (APPLICANTS) FOR DAVID HOPPER - H&M CONSTRUCTION (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURAL ESTATE (A-2) TO INDUSTRIAL ONE (I-1) FOR A 1.88 ACRE SITE GENERALLY LOCATED ON BESSEMER LANE OFF KENTUCKY 16, BOONE COUNTY, KENTUCKY, AS RECOMMENDED ON A VOTE OF 9-2, BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION R-94-008-A.**

I hereby certify that the above summary of said Ordinance has been written in such a manner as to inform the public of the context of same. A copy of said Ordinance is on file in the office of the Fiscal Court Clerk and may be reviewed between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday, at the Administration Building, second floor, Burlington, Kentucky.

**ATTEST:**

**CAROLYN A. RUDICILL  
FISCAL COURT CLERK**