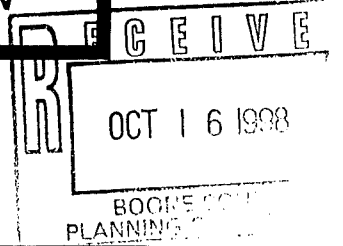


APPLICATION FORM

**ZONING MAP AMENDMENT  
BOONE COUNTY PLANNING COMMISSION**



(See Boone County Zoning Regulations)  
**SECTION A** (To be completed by applicant)

1. Name of Project Dutch Properties
2. Location of Project 1013 Burlington Pike
3. Total Acreage of Site 2.53
4. Current Zoning of Site C-1 & SR-2
5. Proposed Zoning (Classification being requested) C-3
6. Proposed Uses (please specify each use) Proposed offices & Shop for automotive repair & resales
7. Names of Applicant(s) Dutch Properties/ c/o David E. Estes Engineering, Inc.  
Phone Number 525-0887 Fax No. \_\_\_\_\_
8. Address of Applicant(s) 5744 Commercial Drive  
Burlington, KY 41005  
City State Zip
9. Name of Property Owner(s) Dutch Properties  
Phone Number 525-0887 Fax No. \_\_\_\_\_
10. Address of Property Owner(s) 5744 Burlington PIke  
Burlington KY 41005  
City State Zip
11. Proposed Building Intensities (please specify) Use existing buildings with the approximate area of 3000 Sq. ft.
12. Are there any existing buildings on the site? Yes  
How many? 2
13. Deed Book 698 Page No. 158 Group No. 2032
14. Are you also applying for:  
                     Conditional Use Permit  
                     Dimensional Variance
15. Have you submitted a Concept Development Plan? No
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:  
No Boone County Water and Sewer District  
N/A Florence Water and Sewer Commission  
No Union Light Heat and Power  
No Cincinnati Bell  
N/A Owen County Rural Electric  
No Boone County Public Works Department  
No Kentucky Transportation Cabinet  
N/A City of Florence Public Services Department  
No Boone County Building Department

# EXHIBIT "A"

## STAFF REPORT

Request of **Dutch Properties c/o David E. Estes Engineering (applicant)** for **Dutch Properties (owner)** to consider a Zoning Map Amendment from Suburban Residential Two (SR-2) and Commercial One (C-1) to Commercial Services (C-3) for an approximate 2.5 acre tract located at 1013 Burlington Pike, Boone County, Kentucky. The request is for a zone change to allow automobile sales and automobile repair.

December 2, 1998

### Proposal

The applicant is requesting the Zoning Map Amendment to allow for the sale and repair of automobiles on the property (See Vicinity Map). The existing structures are to remain on site. The single family residence will be used as an office and the barn will be used as a shop. A parking lot will be added to the site as well as a detention area.

### Site Characteristics

The site is generally flat in character. A single family structure is on the property and behind it is a depression where a pond used to be. A barn is also on the property. Only one access point onto the property exists. Some trees line the east and west perimeter of the site. A large wooded area exists just south of the property. This site has recently been graded.

### Surrounding Zoning and Land Uses

(See Zoning Map and Land Use Map)

The site itself is zoned Commercial One (C-1) and Suburban Residential Two (SR-2). North of the site is the Jeff Wyler Car Dealership which is zoned Commercial Services (C-3). East of the site is the Yesterday's eating establishment and three single family residences which are all zoned Commercial One (C-1). Also east and south of the property is an area zoned Suburban Residential Two (SR-2) with more single family residences. A wooded area within this SR-2 zone is located immediately south of the site. To the west of the site is a Suburban Residential One (SR-1) zone district. Open fields are adjacent to the property within this zone. Also west of the site is a Chiropractor's office which is zoned Commercial One (C-1).

### Relationship to the Comprehensive Plan

This request must be reviewed on the basis of its relationship to the adopted 1995 Boone County Comprehensive Plan. The Future Land Use Map of this plan classifies this site as Commercial and High Suburban Density Residential. The Commercial designation is described as: "Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." The High Suburban Density Residential designation is described as: "Single-family and/or attached housing of up to 8 dwelling units per acre. This classification is typified by townhouse, condominium, and zero lot line development, and also pertains to mobile home parks."

The Land Use Element of the Boone County Comprehensive Plan states the following regarding the Camp Ernst Area (Area C-4, pg.222)

"This section of Boone County includes the western growth areas of Florence, including Mall Road and KY18. It also contains the most rapidly growing residential areas in the county, particularly from KY 18 south to Union"(pg.222).

"The large area between Hopeful Road and Oakbrook Road, south of KY 18 to Pleasant Valley Road, should develop in a Suburban Residential fashion. The area must develop with local access and limited access collector road connections as a high priority"(pg.222).

"The proposed commercial land uses on KY 18 should be planned with careful Access Management, including continuous parallel roadways. Development should create commercial clusters rather than strip centers which parallel KY 18. These commercial uses must also be designed to be compatible with existing and proposed residential developments along KY 18"(pg.222).

The Business Activity Element of the Boone County Comprehensive Plan states under Areas of Future Commercial Activity on page 82 that:

"Many problems with the location and arrangement of commercial uses have emerged, especially along KY 18 and U.S. 42 corridors. Commercial developments along KY 18 and U.S. 42 west of Mall Road should not be regionally oriented nor should they attract additional traffic, but rather be served by the existing or future population of the area. The mix of commercial, office and residential uses, along with limited access, should be encouraged along KY 18. Along KY 18 in the I-75-Mall Road-Houston Road area, there are some traffic congestion problems that can be worsened by adding commercial access points."

The Land Use Element Development Guidelines, identified in the Access Management category, indicate that: "Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems."(pg. 211)

"Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, and provisions for access connections to adjoining properties, and dedication of public right-of-way."(pg. 211)

The Land Use Element Development Guidelines, identified in the Design, Signs and Historic Preservation category, indicate that:

"Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention." (Pg.211)

The Future Land Use Development Guidelines regarding buffering states (pg.210):

"Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline."

The Goals and Objectives section for Business Activity states (pg.7):

"Goal:  
Appropriate locations for businesses compatible with the surrounding area are provided in Boone County."

The Goals and Objectives section for Business Activity, regarding commercial uses states(pg.7):

"1. Commercial uses shall be limited to strategic locations serving trade area and neighborhood needs and shall have safe and effective access and ample parking."

"2. The large scale mixing of commercial and non-commercial uses shall occur in planned developments or in areas where consideration has been given to assure compatibility with surrounding land uses. The location of large scaled commercial uses shall take into consideration existing or planned infrastructure conditions so as to protect the existing and future population and businesses. Small scale mixing of commercial uses adjacent to residential areas shall be carefully assessed and properly placed so as to enhance the neighborhood."

"3. Highway commercial uses shall be in close proximity to highway interchanges for maximum convenience and economy to the traveling public, while minimizing impact to the community in terms of traffic congestion, local commuting patterns and access."

#### Staff Concerns

1. The submitted Concept Development Plan shows the boundary of the proposed lot but specific parking spaces and circulation routes are not delineated. Staff is concerned that the parking and vehicular movement on the lot will be conducted in a safe manner and conforms to the zoning regulations.
2. Inventory lots for car sales facilities are traditionally well lighted. Staff is concerned that excessive and misdirected lighting will adversely effect the adjoining residences.
3. The submitted Concept Development Plan shows the required buffer yards but a landscaping plan has not been submitted. Proper landscaping needs to be provided in order to buffer the site from the surrounding properties (especially the single family residences to the north) and mitigate any negative visual impacts this proposal may have.
4. The applicant intends to use the existing barn as a shop. This structure appears to be dilapidated and staff believes that it may be inappropriate to use this structure without extensive repair. The existing single family structure will also need to undergo some renovation.
5. The applicant is proposing to repair automobiles on this property but does not specifically state what type of repairs will be conducted i.e. engine repair and/or body work. One can assume from the submitted Concept Development Plan that these vehicles will be stored outdoors. Staff is concerned that the outdoor storage of severely damaged vehicles may create a "junkyard" appearance. Once again, buffering is necessary to mitigate such negative visual impacts.

Conclusion

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

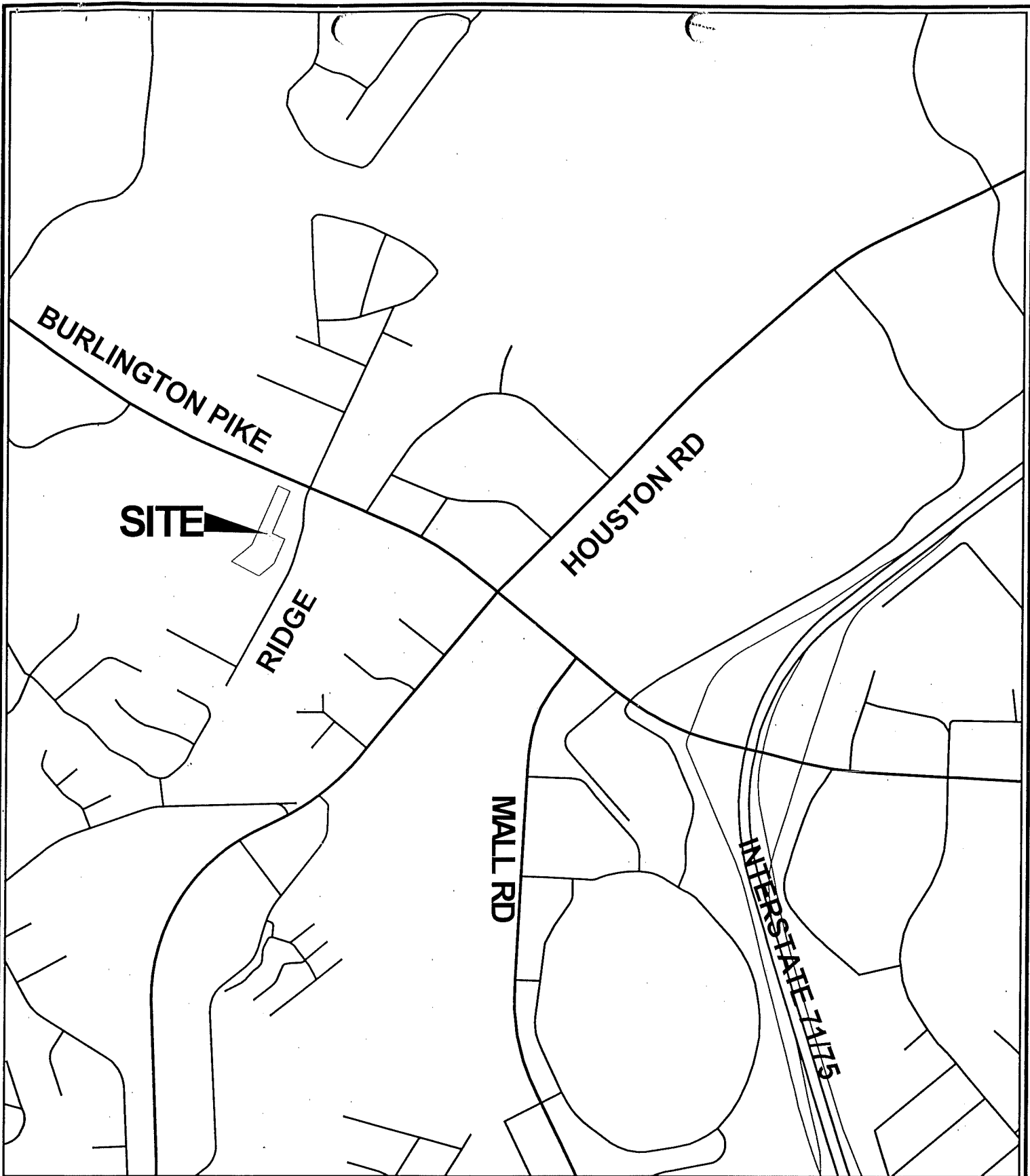
1. The map amendment request is in agreement with the adopted Comprehensive Plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or,
2. The existing zoning classification is inappropriate; or,
3. There have been major changes of an economic,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

Respectfully Submitted,



David R. Doerger  
Planner

DRD\pr

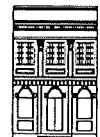


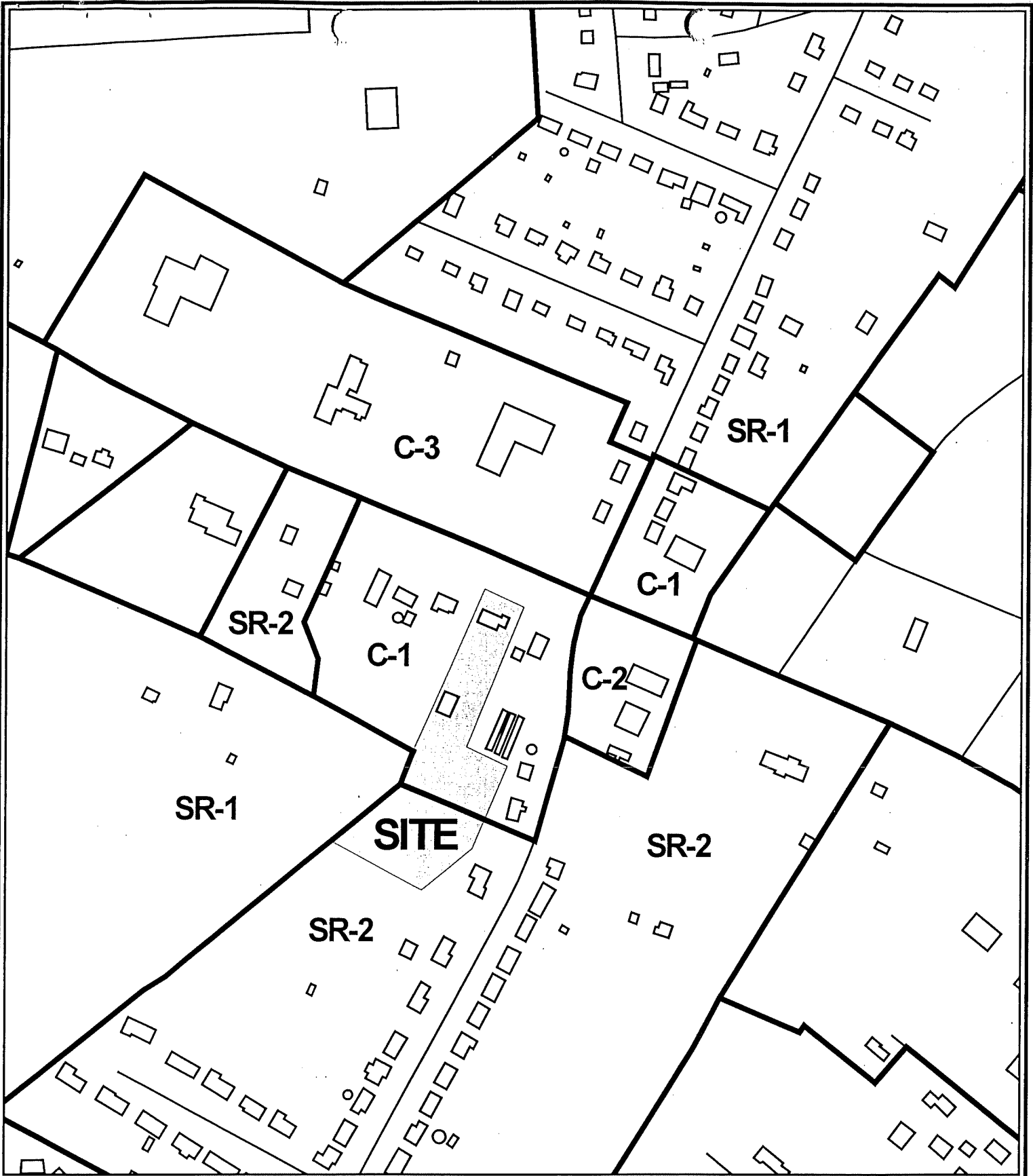
# VICINITY MAP

1000 0 1000 Feet

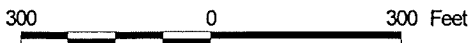


1 inch equals 1000 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
November 24, 1998



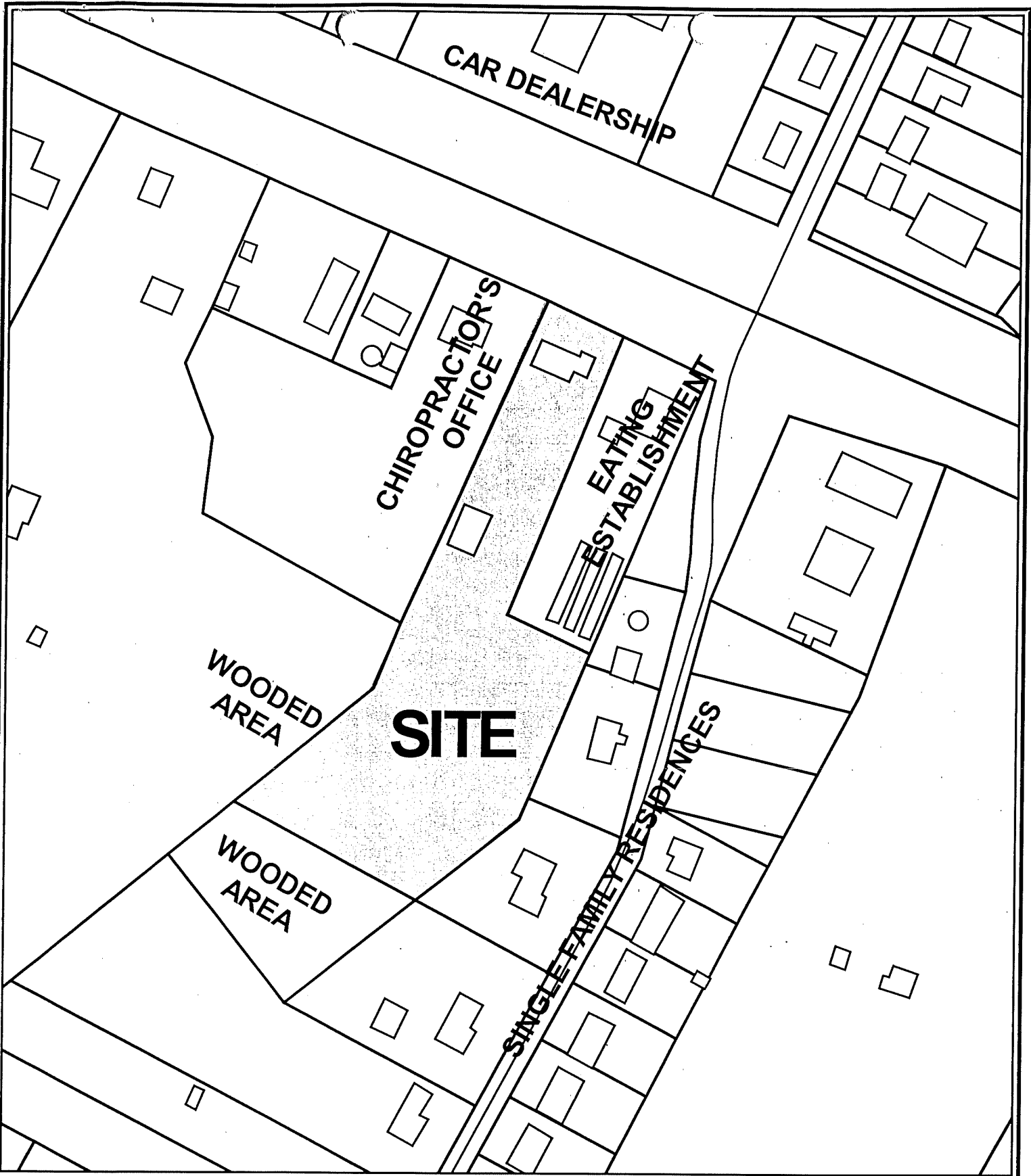


# ZONING MAP



1 inch equals 300 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
November 24, 1998





# LAND USE MAP

100 0 100 Feet



1 inch equals 150 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
November 24, 1998



PUBLIC HEARING ITEM NO. 2:

Commission members present: Mr. Damstrom, Mr. Hicks, Mr. McMillian, Mr. Millay - Chairman, Mr. Rush, and Mr. Newman.

Staff members present: Mr. Kevin Costello, AICP, Executive Director; Mr. David Doerger; and Ms. Jan Hancock, Secretary.

Following a short recess, Chairman Millay called the meeting back to order at 10:55 P.M. and introduced the last item on the Agenda:

2. Applicant: Dutch Properties c/o David E. Estes Engineering for Dutch Properties (owner)

Request: Zoning Map Amendment

The request of Dutch Properties c/o David E. Estes Engineering (applicant) for Dutch Properties (owner) to consider a Zoning Map Amendment from Suburban Residential Two (SR-2) and Commercial One (C-1) to Commercial Services (C-3) for an approximate 2.5 acre tract at 1013 Burlington Pike, Boone County, Kentucky. The request is for a zone change to allow automobile sales and automobile repair.

Staff Member David Doerger presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. Mark Jang, speaking on behalf of Dutch Properties, stated that the Staff Concerns, including the traffic flow within the property and the landscaping issues, will be addressed when they submit the Site Plan. They will meet the zoning requirements for issues such as lighting. He stated that when they decide to use the barn, it will be renovated. The house in front will be renovated on the interior and exterior.

Chairman Millay asked if there was anyone else present who wished to speak regarding this request.

Dr. Richard Broeg, 1029 Burlington Pike, which is immediately adjacent to the property in question, stated that the proposal says "auto repair". He questioned what type of "auto repair" it would be -- is it cleaning and detailing automobiles for resale or will it be a body shop for wrecked cars? Will they be changing engines and transmissions? Dr. Broeg stated that the proposed use is not consistent with the Comprehensive Plan. There are new car automobile dealerships in the area, rather than repaint/resell operations. He has a professional office next door. There is a bank a couple of doors down and then further down are more professional offices. There is a professional office building proposed for the area. He is concerned about the aesthetics and about property values in the area. He stated that there

will be automobiles on the site in disrepair, which will have a negative impact on the area. He knows of another auto repair/resell operation that looks like a junkyard. He is concerned about safety. He stated that the plan calls for use of the existing barn as a repair shop, but the barn is dilapidated. He is concerned about them meeting the fire codes. He believes there will be gas and oil and other flammable fluids on the site. He questioned the structure being suitable for this purpose. The barn is very close to his property. He is concerned about crime and theft in the area. Break-ins are of concern at repair facilities. He is also concerned about environmental issues regarding drainage. The property drains onto his property and he is concerned about fluids such as gas and oil that may run off the site. He has heard that the residential property in the back is in the process of being purchased by the same individuals who purchased this property -- which may be why there are no objections from those adjacent property owners. Dr. Broeg is opposed to the zone change.

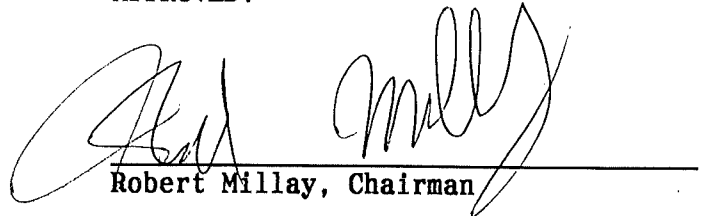
Chairman Millay asked if there was anyone else present who wished to speak for or against the request or to ask questions. There being no response, he asked if there were any comments or questions from the Commissioners. There was no response.

Mr. Jang stated that the barn is in an unsuitable condition. If they decide to go with an automobile repair shop, they would tear the barn down and build a new building. They have an automobile repair shop at 1117 North Main Street in Williamstown and would probably make repairs there and then bring the vehicles to the site. They would be doing detailing and cleaning on this site.

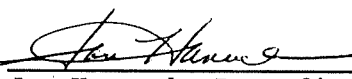
There being no further comments, Chairman Millay stated that the Committee Meeting for this item will be on December 7, 1998 at 5 PM in Courtroom 3B. This item will be on the Agenda for the Business Meeting on December 16, 1998 at 7 PM.

The Chairman closed this Public Hearing at 11:15 P.M..

APPROVED:

  
Robert Millay, Chairman

Attest:

  
Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
COURTROOM 3A  
BUSINESS MEETING  
January 20, 1999  
7:30 P.M.

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Mr. Earl White, Temporary Presiding Officer, called the meeting to order at 7:34 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer  
Mr. Larry Brown  
Mr. Arnold Caddell  
Mr. Phil Damstrom  
Mr. Mark Hicks  
Mr. Richard Knock  
Mr. Mike McKinney  
Mr. Don McMillian  
Mr. Robert Newman  
Mr. Robert Ries  
Mr. Ralph Rush  
Mrs. Carol Smith  
Mr. William Viox  
Mr. Earl White, Temporary Presiding Officer  
Mrs. Lisa Wilson

All members were present.

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director  
Ms. Susan Cabot  
Mr. David Doerger  
Ms. Jan Hancock, Secretary

2. Zoning Map Amendment

The request of Fischer Development Company, Miller Developers and Tom Schreiber (applicants) for Fischer Development Company and Tom Schreiber (owners) to consider a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One/Planned Development (SR-1/PD) for approximately 226 acres on the north side of Longbranch Road approximately 1,900 feet west of the Longbranch Road/Fowler Creek Road intersection, Boone County, Kentucky, and a Zoning Map Amendment from Rural Suburban Estates (RSE) to Rural Suburban/Planned Development (RS/PD) for approximately 120 acres on the west side of Longbranch Road at 2087 Longbranch Road, and along the south side of Longbranch Road approximately 1,100 feet west of the Longbranch Road/Fowler Creek Road intersection, Boone County, Kentucky. The request is for a zone change to allow single-family, detached residences.

Mr. White stated that Agenda Item #2 has been withdrawn.

Mr. Costello read a letter from the applicant addressed to Mr. Kevin Wall withdrawing the request (see Exhibit 1, 1/20/99). Mr. White stated that the Planning Commission will accept the letter withdrawing the request.

3. Zoning Map Amendment

The request of Dutch Properties c/o David Estes Engineering (applicant) for Dutch Properties (owner) to consider a Zoning Map Amendment from Suburban Residential Two (SR-2) and Commercial One (C-1) to Commercial Services (C-3) for an approximate 2.5 acre tract at 1013 Burlington Pike, Boone County, Kentucky. The request is for a zone change to allow automobile sales and automobile repair.

Staff Member David Doerger presented the Committee Report which recommended denial of the request based on the findings of fact (see Committee Report).

Mr. Ries moved by resolution to the Fiscal Court to deny the request based on the Staff and Committee Reports. Mr. McMillian seconded the motion.

Counselor Wilson explained that if the motion passes, it is a recommendation only to the Fiscal Court for their final action. Fiscal Court can override the recommendation.

There being no further comments, Mr. White asked for a vote on the motion made by Mr. Ries which found all voting members in favor. Mr. Knock did not vote. The motion carried.

# EXHIBIT "B"

## COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Earl White, Chairman

DATE: January 20, 1999

RE: Request of **Dutch Properties c/o David E. Estes Engineering (applicant)** for **Dutch Properties (owner)** to consider a Zoning Map Amendment from Suburban Residential Two (SR-2) and Commercial One (C-1) to Commercial Services (C-3) for an approximate 2.5 acre tract located at 1013 Burlington Pike, Boone County, Kentucky. The request is for a zone change to allow automobile sales and automobile repair.

### Remarks:

We, the Committee, recommend denial of the Zoning Map Amendment request based upon the following findings of fact:

### Findings of Fact:

1. The Committee has determined that the proposed Zoning Map Amendment and the accompanying Concept Development Plan is inappropriate for the property located on 1013 Burlington Pike, Boone County, Kentucky. The Committee's decision is based on the fact that the applicant's request is not in agreement with the 1995 Boone County Comprehensive Plan or the Future Land Use Map.

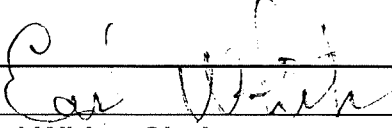
The Future Land Use Map of the Boone County Comprehensive Plan has designated a small portion of this site as Commercial which is described as: "Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc. "However, a great majority of the site is designated as High Suburban Density Residential. This designation is described as: "Single-family and/or attached housing of up to 8 dwelling units per acre. This classification is typified by townhouse, condominium, and zero lot line development, and also pertains to mobile home parks." Since this development is commercial in nature, it does not conform to this Future Land Use designation.

The Boone County Comprehensive Plan states that "The large area between Hopeful Road and Oakbrook Road, south of KY 18 to Pleasant Valley Road, should develop in a Suburban Residential fashion. The area must develop with local access and limited access collector road connections as a high priority"(pg.222). As stated previously, this proposal is commercial in nature.

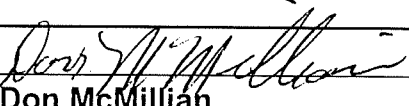
The Business Activity Element of the Comprehensive Plan does state that the mix of commercial, office and residential uses, along with limited access, should be encouraged along KY 18 (pg.82). However, The Comprehensive Plan also states that commercial uses along KY 18 must also be designed to be compatible with existing and proposed residential developments along KY 18"(pg.222). Additionally, the Goals and Objectives section for Business Activity states as a goal: "Appropriate locations for businesses compatible with the surrounding area are provided in Boone County"(pg.7). This section also states as a part of Objective 2 that: "Small scale mixing of commercial uses adjacent to residential areas shall be carefully assessed and properly placed so as to enhance the neighborhood"(pg. 7). This Committee does not believe that the proposed auto repair and sales facility is appropriate for this location or compatible with the existing surrounding use and, therefore, does not agree with these provisions of the Comprehensive Plan. Furthermore, the submitted proposal does not indicate how this Concept Development Plan will enhance the neighborhood.

2. The Committee has not found that the existing zoning classification is inappropriate and the proposed zoning classification is appropriate, nor has the Committee found any changes of an economic, physical, or social nature not anticipated in the adopted Comprehensive Plan that would substantially alter the area's character.

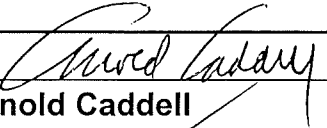
A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

  
\_\_\_\_\_  
**Earl White, Chairman**

For  Against \_\_\_\_\_  
Abstain \_\_\_\_\_ Absent \_\_\_\_\_

  
\_\_\_\_\_  
**Don McMillian**

For  Against \_\_\_\_\_  
Abstain \_\_\_\_\_ Absent \_\_\_\_\_

  
\_\_\_\_\_  
**Arnold Caddell**

For  Against \_\_\_\_\_  
Abstain \_\_\_\_\_ Absent \_\_\_\_\_

**TOTAL: 3 FOR — AGAINST — ABSTAIN — ABSENT**

PUBLIC HEARING ITEM NO. 2:

Commission members present: Mr. Damstrom, Mr. Hicks, Mr. McMillian, Mr. Millay - Chairman, Mr. Rush, and Mr. Newman.

Staff members present: Mr. Kevin Costello, AICP, Executive Director; Mr. David Doerger; and Ms. Jan Hancock, Secretary.

Following a short recess, Chairman Millay called the meeting back to order at 10:55 P.M. and introduced the last item on the Agenda:

2. Applicant: Dutch Properties c/o David E. Estes Engineering for Dutch Properties (owner)

Request: Zoning Map Amendment

The request of Dutch Properties c/o David E. Estes Engineering (applicant) for Dutch Properties (owner) to consider a Zoning Map Amendment from Suburban Residential Two (SR-2) and Commercial One (C-1) to Commercial Services (C-3) for an approximate 2.5 acre tract at 1013 Burlington Pike, Boone County, Kentucky. The request is for a zone change to allow automobile sales and automobile repair.

Staff Member David Doerger presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. Mark Jang, speaking on behalf of Dutch Properties, stated that the Staff Concerns, including the traffic flow within the property and the landscaping issues, will be addressed when they submit the Site Plan. They will meet the zoning requirements for issues such as lighting. He stated that when they decide to use the barn, it will be renovated. The house in front will be renovated on the interior and exterior.

Chairman Millay asked if there was anyone else present who wished to speak regarding this request.

Dr. Richard Broeg, 1029 Burlington Pike, which is immediately adjacent to the property in question, stated that the proposal says "auto repair". He questioned what type of "auto repair" it would be -- is it cleaning and detailing automobiles for resale or will it be a body shop for wrecked cars? Will they be changing engines and transmissions? Dr. Broeg stated that the proposed use is not consistent with the Comprehensive Plan. There are new car automobile dealerships in the area, rather than repaint/resell operations. He has a professional office next door. There is a bank a couple of doors down and then further down are more professional offices. There is a professional office building proposed for the area. He is concerned about the aesthetics and about property values in the area. He stated that there

will be automobiles on the site in disrepair, which will have a negative impact on the area. He knows of another auto repair/resell operation that looks like a junkyard. He is concerned about safety. He stated that the plan calls for use of the existing barn as a repair shop, but the barn is dilapidated. He is concerned about them meeting the fire codes. He believes there will be gas and oil and other flammable fluids on the site. He questioned the structure being suitable for this purpose. The barn is very close to his property. He is concerned about crime and theft in the area. Break-ins are of concern at repair facilities. He is also concerned about environmental issues regarding drainage. The property drains onto his property and he is concerned about fluids such as gas and oil that may run off the site. He has heard that the residential property in the back is in the process of being purchased by the same individuals who purchased this property -- which may be why there are no objections from those adjacent property owners. Dr. Broeg is opposed to the zone change.

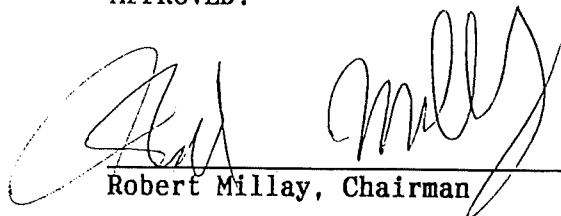
Chairman Millay asked if there was anyone else present who wished to speak for or against the request or to ask questions. There being no response, he asked if there were any comments or questions from the Commissioners. There was no response.

Mr. Jang stated that the barn is in an unsuitable condition. If they decide to go with an automobile repair shop, they would tear the barn down and build a new building. They have an automobile repair shop at 1117 North Main Street in Williamstown and would probably make repairs there and then bring the vehicles to the site. They would be doing detailing and cleaning on this site.

There being no further comments, Chairman Millay stated that the Committee Meeting for this item will be on December 7, 1998 at 5 PM in Courtroom 3B. This item will be on the Agenda for the Business Meeting on December 16, 1998 at 7 PM.

The Chairman closed this Public Hearing at 11:15 P.M..

APPROVED:

  
Robert Millay, Chairman

Attest:

  
Jan Hancock, Recording Secretary

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**February 23, 1999**  
**6:00 P.M.**

Commissioner Arnold then moved, seconded by Commissioner Flaig, to approve on Second Reading Ordinance No. 920.372, an ordinance of the Boone County Fiscal Court to consider the request of Post, Buckley, Schuh & Jernigan, Inc. (Applicant) for Industrial Developments International (Owner) for a Zoning Map Amendment, such Zoning Map Amendment being a zone change from Rural Suburban Estates (RSE) to Industrial One (I-1) on an approximate 41 acre site generally located on the east side of Graves Road, approximately 1,500 feet north of Williams Road, Boone County, Kentucky, recommended unanimously by the Boone County Planning Commission via Resolution No. R-98-034-A, with an additional condition that the setback for 80% of the buildings on Graves Road be a minimum of 120 from the property line. Said condition being agreed to by the applicant at the meeting. Judge Moore then called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "B"

Judge Moore encouraged residents to call if there is a problem with truck traffic, so that his office can see that compliance is enforced.

**ORDINANCE - BAPTIST CONVALESCENT CENTER**

Judge Moore declared a Public Hearing open at 6:59 relative to Ordinance No. 920.372. Hearing no objection, Judge Moore declared the Public Hearing closed at 7:00 p.m.

Commissioner Arnold move, seconded by Commissioner Flaig, to approve on Second Reading Ordinance No. 920.372, an ordinance of the Boone County Fiscal Court to consider the request of Baptist Convalescent Center (Owner) for a Zoning Map Amendment, such Zoning Map Amendment being a zone change from Agricultural Estate (A-2) to Suburban Residential One/Planned Development (SR-1/PD) on an 45 acre site generally located on the east side of KY 18 near Shady Hollow Lane, Boone County, Kentucky, recommended (vote of 8-2, with 1 abstention) by the Boone County Planning Commission via Resolution No. R-98-033-A. Judge Moore called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "C"

**RESOLUTION - DUTCH PROPERTIES C/O DAVID E. ESTES ENGINEERING**

Mr. Jerry Dusing, attorney representing the Estes Engineering, asked that a Public Hearing be granted concerning the Zoning Map Amendment requested by Estes Engineering on behalf of Dutch Properties. County Administrator Parsons suggested that Fiscal Court members very seriously consider the recommendation of denial for this project made by the Boone County Planning Commission as they have already conducted the necessary Public Hearing.

Commissioner Arnold moved, seconded by the Chair, to approve a resolution of the Boone County Fiscal Court recommending denial for a request of Dutch Properties C/O David E. Estes Engineering (Applicant) for Dutch Properties (Owner) for a Zoning Map Amendment, such Zoning Map Amendment being a zone change from Suburban Residential Two (SR-2) and Commercial One (C-1) to Commercial Services (C-3) on an approximate 2.5 acre site located at 1013 Burlington Pike, Boone County, Kentucky, recommended unanimously for denial by the Boone County Planning Commission via Resolution R-99-001-D. Judge Moore called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "D"

**ORDINANCE - CODE OF ETHICS**

The Fiscal Court Clerk presented for First Reading an ordinance relating to the establishment of a Code of Ethics for County Officials and Employees in Boone County, Kentucky and repealing Ordinance No. 11-97-02.