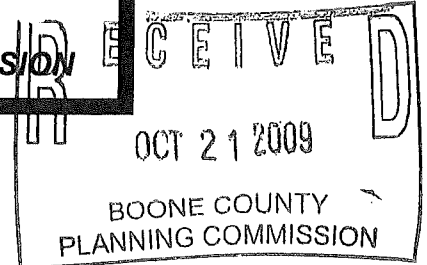


APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION



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

- (Check One)
1. Boone Florence x Walton Union
- (Check One)
2. x Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use
3. Applicant's Name WALTON PARK, INC.
Phone Number 344-8760 Fax No.
Applicant's Address 813 SQUIRE HILL DRIVE
CRESCENT SPRINGS KY 41017
City State Zip
4. Description of Request: TO ALLOW DUPLEXS WITHIN SR-1 ZONE
5. Name of Development
6. Location of Development MARY GRUBBS HWY & NICHOLSON AVE.
7. Acreage Under Review
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property SAME AS APPLICANT
Address of Property Owner Phone No.
10. City State Zip
11. Proposed Use(s) on Site DUPLEX
12. Total Square Footage of Existing and/or Proposed Buildings NONE
13. Current Zoning on Property SR-1
14. Deed Book Page No. Group No. 2081 B
15. Is the site subject to a zone change? NO
If yes, give date of approval
16. Have you submitted a Site Plan with this request? CONCEPT PLAN
17. Have you submitted a list of adjoining property owners with this request? YES
18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

DB 726
PG 48
DB 726
PG 68
DB 941
PG 445

ORIGINAL Property Owner's Signature: [Signature]
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature: [Signature]
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

**BOARD OF ADJUSTMENT AND
ZONING APPEALS ACTION
APPLICATION
PAGE 2**

SECTION B (To be completed by the Boone County Planning Commission Staff)

1. Date Received 10-21-09 Fee Received \$782.00 RH
2. Is application complete? Yes No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
 Approved
 Approved with Conditions (See #6)
 Denial (See #7)
6. Conditions of Approval: _____

7. Reasons for Denial: _____

*APPLICATION
WITHDRAWN ON 1/28/10
SEE E-MAIL FROM
PROPERTY OWNER*

**Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page**

NOTE: See Boone County Planning Commission Fee Schedule for Board of Adjustment Fees.

Site Plan Review is not granted by the appropriate Board of Adjustment.

An application consists of all fees paid in full, submitted drawings and a completed application form.

STAFF REPORT

APPLICANT: Walton Park, Inc.

LOCATION: North of Nicholson Avenue, south of the future Mary Grubbs Highway extension, east of S. Main Street (U.S. 25); and to the west of the Norfolk-Southern railroad right-of-way, Walton, Kentucky

ZONING: Suburban Residential One (SR-1)

DATE: November 10, 2009

Proposal

The applicant has applied for a Conditional Use Permit to allow three duplexes (6 units) to be constructed on three future lots on Nicholson Avenue.

The submitted Conceptual Plan shows that three duplex buildings will be oriented toward Nicholson Avenue and that each unit will have its own driveway and garage. The plan also shows that Nicholson Avenue will be extended and that existing portion of the road will be widened. The proposed single family residential dwelling shown at the corner of U.S. 25, Nicholson Avenue, and Mary Grubbs Highway is not part of the request because detached single-family residential dwellings are principally permitted in the Suburban Residential One (SR-1) zone.

Applicable Regulations

Section 220 of the Boone County Zoning Regulations states that one duty of the Board of Adjustment is to act on Conditional Use Permit requests.

Section 933 of the Boone County Zoning Regulations lists "duplex dwelling units with garages" as a conditional use within the Suburban Residential One (SR-1) zoning district.

The Board needs evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Sections 262 and 933 of the Boone County Zoning Regulations.

Findings listed in Section 262 (Findings for all Conditional Uses):

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's Comprehensive Plan, a specific corridor plan and/or the zoning order;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;
3. Will not be hazardous to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately such services;

5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
6. Will not involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, dust, fumes, glare, or odors;
7. Will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares.

Section 933 of the Boone County Zoning Regulations allows duplex dwelling units with garages as a conditional use in the SR-1 district provided that:

- a. the activity is an integral and subordinate function of a permitted use; or
- b. the activity will not contradict the low density character of the district; and
- c. the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

Table 31.1 of the Boone County Zoning Regulations provides the following requirements for single-family residential dwellings and duplexes in the Suburban Residential One (SR-1) zone:

	Min. Lot Size	Min. Road Frontage	Max. Height	Min. Front Yard Setback	Min. Rear Yard Setback	Min. Side Yard Setback
Detached Single-Family	8,000 Sq. Ft.	65 Feet	45 Feet	30 Feet	30 Feet	5 Foot Min./ 15 Feet Total
Duplex	16,000 Sq. Ft.	75 Feet	45 Feet	30 Feet	30 Feet	5 Foot Min./ 15 Feet Total

Section 3619 of the Boone County Zoning Regulations requires street trees to be installed when new dwelling units are constructed. Large canopy trees (deciduous and single trunk) from Plant List A with a minimum installation size of 2 inch caliper shall be provided at a minimum rate of one tree per 40 linear feet of lot width for each road frontage.

Section 4000 of the Boone County Zoning Regulations defines a duplex dwelling unit as "a single residential structure that contains two dwelling units for use by two separate families living independent of each other. The two dwelling units within a duplex dwelling unit structure are separated by a common wall, floor, and/or ceiling."

Relationship to the Comprehensive Plan

The 2005 Boone County Comprehensive Plan's 2030 Future Land Use Plan designates the site in question for Suburban Residential (SR) uses. This designation is described as "single family housing of up to four units per acre. This classification does not preclude low density or estate residential developed as a formal subdivision."

The Land Use Element (Walton Areal Area, pg. 149) contains the following regarding the general area:

East of Mary Grubbs Highway and U.S. 25 to the Boone County line will be a critical development area because of the proposed roadway construction associated with the High Street Bridge relocation. Some commercial uses may be appropriate at the front of this area, if designed to serve growing residential uses in the area. Most development at this future high visibility location should be of a Business Park nature. Commercial development should also occur at the southeast quadrant of the interchange, and be designed carefully to provide a front door to the City of Walton. Business Park development should occur behind the commercial uses. Development at this location should not be oriented to truck-traffic. Attention should be given to the appearance of industrial uses from the interstate in this area, because it represents the southern entrance into Boone County. Residential uses to the south of the city and east of the interstate should not exceed the Rural Density classification unless adequate sanitary sewer and water services are extended.

The Historic Preservation Element (Walton South Main Street National Register Historic District, pp. 102-103) makes the following statements regarding the general area:

Walton was founded in the mid-1790s and prospered in part due to its association with Abner Gaines, who built a striking Federal style brick residence (Gaines Tavern; National Register 1980) at the north end of town c. 1814. In 1818, Gaines founded the first stagecoach line carrying mail and passengers between Cincinnati and Lexington on the Lexington Pike. In the 1920s this route was rebuilt as the Dixie Highway and designated US 25. Main Street in Walton now follows US 25. In the late 1860s and mid-1870s, two railroads were built through Walton. The town grew rapidly and became the railroad center for Boone County. Walton developed as a classic linear railroad town, bounded by rail lines to east and west of Main Street. A business district flourished along Main Street, with residential neighborhoods to the north and south. A small industrial and warehouse district grew up beside the L&N tracks, and worker housing was built near the Southern Railroad depot.

Walton lost its pre-eminent position among Boone County cities in the 1950s, as the post-World War II suburban boom took hold. A tornado swept through the town in 1956, and a 1971 fire damaged parts of the business district. Walton met these challenges by joining the Kentucky Main Street program, which has brought new life to the town along with a deeper recognition of its distinctive heritage. In 1999 the city received a Preservation Award from the Boone County Historic Preservation Review Board. Continuation of the mixed-use development that characterizes Walton Main Street is enabled by a special Walton Downtown District in the Boone County Zoning Regulations. While design guidelines exist for Florence Main Street, the Walton Downtown District focuses on encouraging a mix of land uses rather than on regulating aesthetics.

In 1996, the Comprehensive Architectural Survey of Boone County noted that the residential district on South Main Street in Walton had good National Register District potential. In 2004, a National Register Historic District nomination was prepared for the residential portion of South Main Street in Walton; the nomination is currently under review by the National Park Service. The nomination was funded by a Federal Survey and Planning Grant administered by the Kentucky Heritage Council with local matching funds from the City of Walton and Boone County Fiscal Court. In 2004 - 2005, the Boone County Historic Preservation Review Board will use that Federal grant program to fund development of National Register nominations for several residences on North Main Street in Walton.

The Walton South Main Street Historic District is a linear district straddling Walton's primary thoroughfare - US 25. The 31-acre district includes 47 primary buildings, mostly residences built between c. 1900 and 1925. Colonial Revival, Tudor Revival, Craftsman/Bungalow and American Foursquare are the most common architectural styles/types in the district. Churches located within the district include the 1949 Walton Christian Church and 1922 Walton Methodist Church, which blends Tudor Revival and Craftsman elements. Also, included are three houses previously listed in the National Register: the Bruce Wallace

House, the Edwards House and the Chandler House. The district is bounded by Depot Street on the north and the Norfolk Southern overpass on the south. The nomination asserts that the Walton South Main Street district is significant under National Register Criterion A in the area of Community Development between 1868 to 1950.

Main Street in Walton is the most intact and functional historic downtown in Boone County. Like Burlington, new development along Walton's Main Street should be carefully reviewed to encourage development that is compatible with the mixed-use character of this historic downtown. Rehabilitation and adaptive reuse of historic structures should be strongly encouraged.

Surrounding Land Uses and Zoning

North: Mary Grubbs Highway Extension (under construction) and Single-Family Residential Dwellings Fronting on S. Main Street and Loreco Street (SR-1)

South: Single-Family Residential Dwelling Fronting on S. Main Street (SR-1)

East: Norfolk-Southern Railroad Right-of-Way and Vacant Lots in Walton Industrial Park (I-1)

West: Mary Grubbs Highway, Single-Family Residential Dwelling Fronting on Welsh Avenue (SR-1), and Tri-State Land Company (C-1)

Site Characteristics

The approximate 1.5 acre site is currently undeveloped and is located to the north of Nicholson Avenue, south of the Mary Grubbs Highway extension, east of S. Main Street (U.S. 25), and west of the Norfolk-Southern railroad right-of-way. Access to the site is provided from Nicholson Avenue. The topography of the site falls from approximately 930 feet above sea level at the Nicholson Drive right-of-way to approximately 890 feet above sea level at the northeast property corner (Mary Grubbs Highway extension).

Staff Comments

1. The future single-family residential dwelling shown between Nicholson Avenue and the Mary Grubbs Highway extension is not part of the request. Single-family residential dwellings are principally permitted in the Suburban Residential One (SR-1) zoning district. It should be noted that the applicant could construct 6 or 7 single-family residential dwellings on the property as a matter of right.
2. According to Boone County GIS, the Kentucky Transportation Cabinet acquired approximately 1.2 acres of property out of the parent tracts so that Mary Grubbs Highway extension could be constructed.
3. Staff has the following questions for the applicant:
 - A. Are the buildings one-story or two story-buildings?
 - B. Will the buildings have covered porches or decks?

4. Staff has the following concerns:
- A. Part of the subject property and some of the adjoining properties are located in a National Register Historic District. At the time the Staff Report was finalized, the applicant had not provided any elevation drawings of the proposed duplexes. Staff recommends that the Board should analyze building elevations and building materials to determine if the duplexes are appropriate and correlate with other properties in the Historic District.
 - B. The rear of the three duplexes will be highly visible from Mary Grubbs Highway extension because of the approximate 40' change in grade between Nicholson Avenue and Mary Grubbs Highway. The applicant informed Staff that they wanted to orient the duplexes toward Nicholson Avenue so they could be constructed with walkout basements.
 - C. Staff questions if the duplexes are the highest and best use on the property. The Land Use Element in the Boone County Comprehensive Plan states that "east of Mary Grubbs Highway and U.S. 25 to the Boone County line will be a critical development area because of the proposed roadway construction associated with the High Street Bridge relocation. Some commercial uses may be appropriate at the front of this area, if designed to serve growing residential uses in the area. Most development at this future high visibility location should be of a Business Park nature. Commercial development should also occur at the southeast quadrant of the interchange, and be designed carefully to provide a front door to the City of Walton. Business Park development should occur behind the commercial uses." On the other hand, the topography of the parcel could make commercial development difficult.

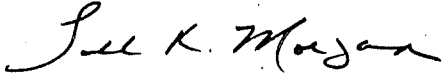
4. If the Board approves the request, Staff recommends the following conditions:

- A. A Staff Design Review shall occur when the duplexes are submitted for review. The duplexes shall meet the following architectural guidelines:
 - The architectural design of the duplexes shall be compatible with other residential structures found in the general vicinity (S. Main Street Historic District) in terms of roof shape and facade composition (spacing of windows and doors).
 - The duplexes shall contain basic design elements of one of the prominent architectural styles found in the S. Main Street Historic District.
 - The rear facade of the duplexes shall be designed as a street facing facade.
 - Each building shall be constructed with at least 60% brick and dimensional asphalt shingle roofing. Proposed siding shall be hardi-plank or vinyl and shall have a lap siding appearance. In addition, exposed concrete foundations shall be finished with brick or material having that appearance (this brick cannot be used to fulfill the first clause of this condition). Concrete foundations can be exposed for a maximum of two feet if screened with landscaping.
- B. The plateau area behind each building shall be screened with 3 evergreen trees, 2 large deciduous trees, 8 large shrubs, and 10 small shrubs. All plantings shall meet the minimum installation size requirements from the Boone County Zoning Regulations.
- C. Accessory structures shall not be permitted in the front, side, or rear yards.

Conclusion

KRS 100.237 and Section 220 of the Boone County Zoning Regulations gives the Walton Board of Adjustment and Zoning Appeals the authority to act on the request.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM/pr

Attachments

- *Site Vicinity Map
- *Concept Development Plan
- *Zoning Map
- *Future Land Use Map
- *Topographical Map
- *Aerial Map
- *Walton S. Main Street National Register Historic District
- *Application

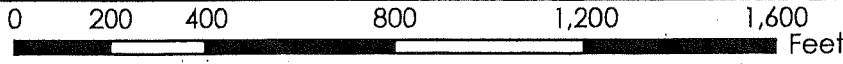
SITE VICINITY MAP

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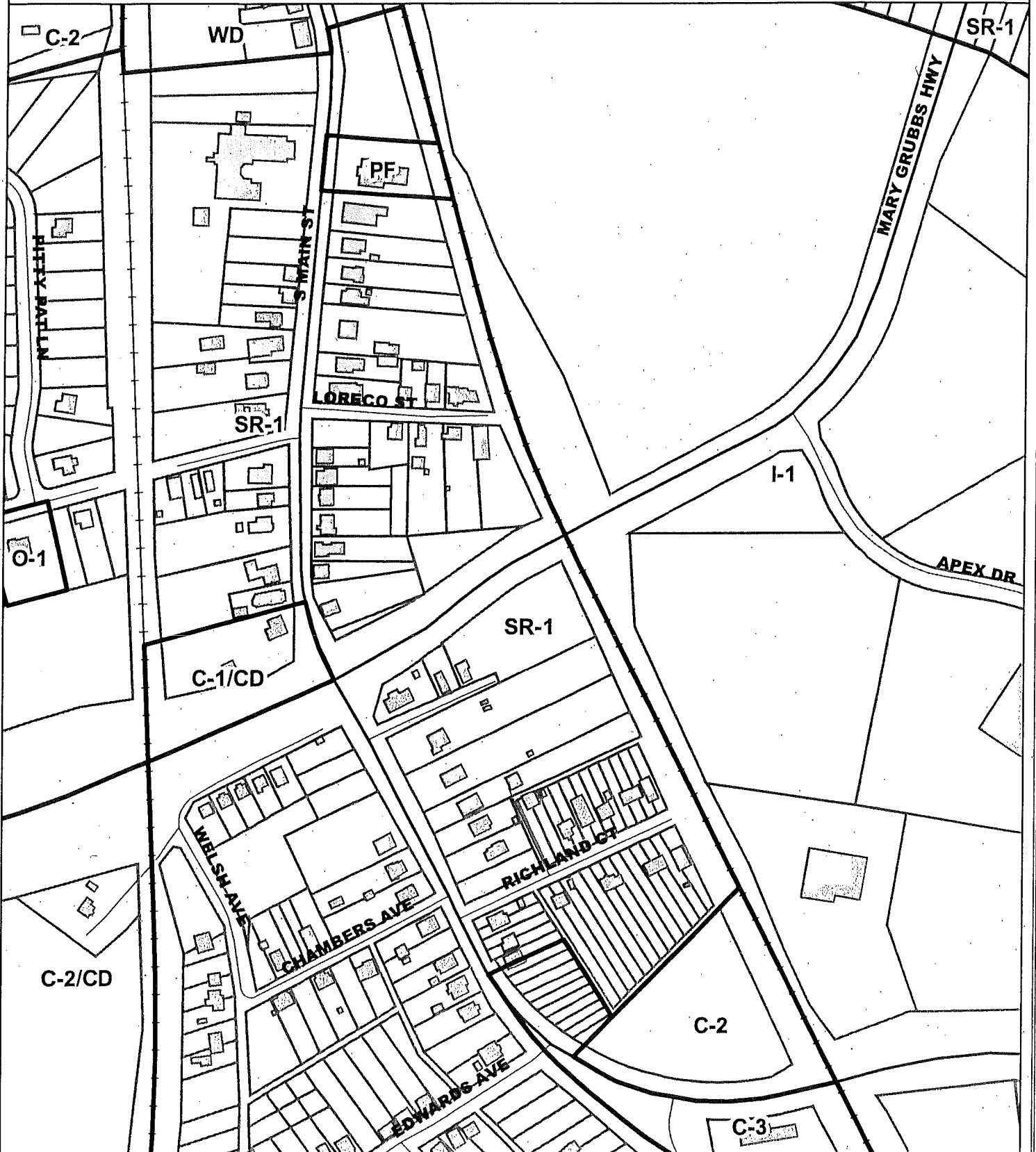
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 01/10/2008

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Arch: Map Document: 1.mxd

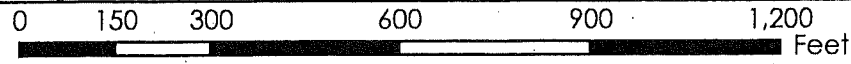
ZONING MAP

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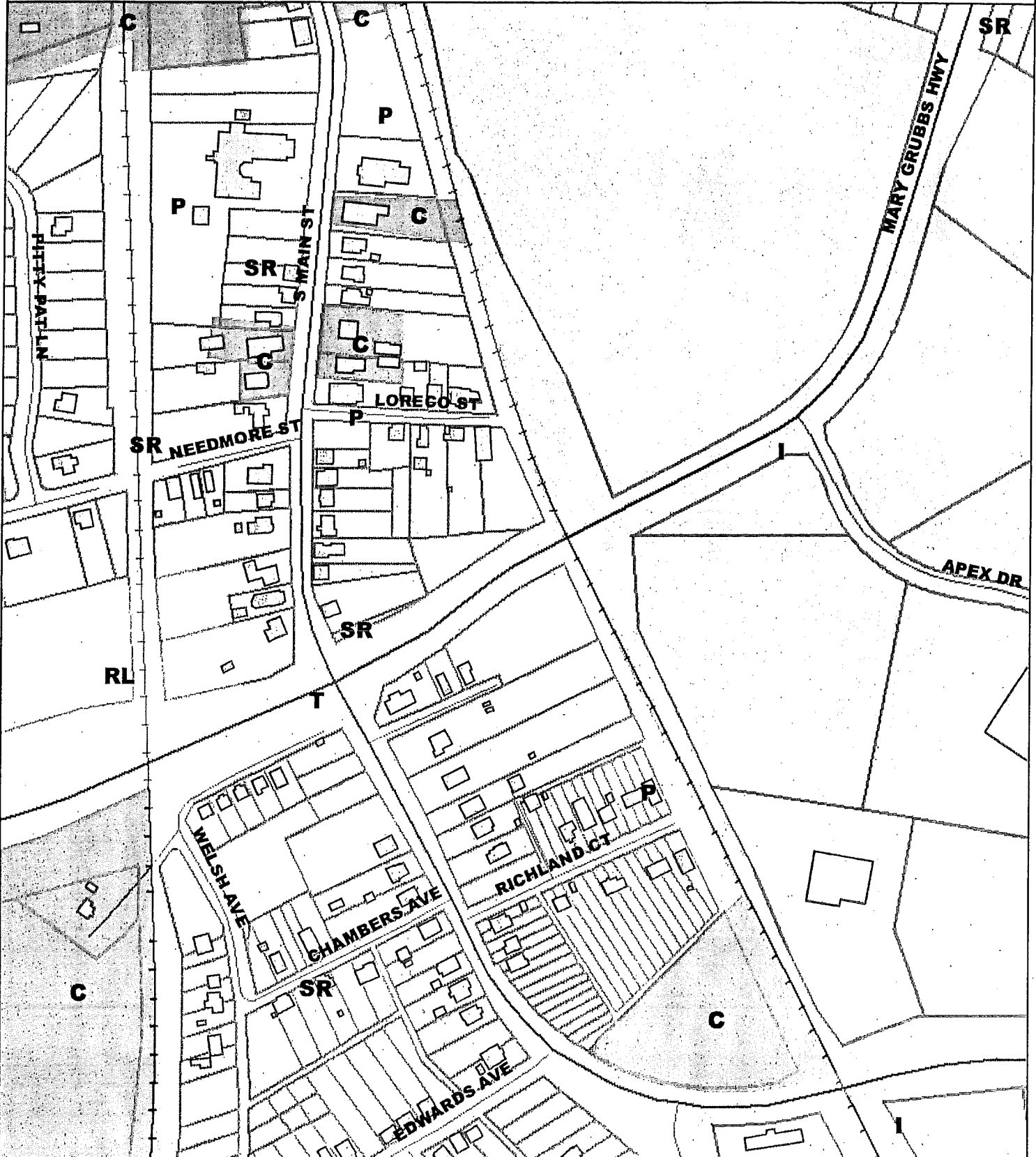
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Boone County GIS - Putting Northern Kentucky on the Map

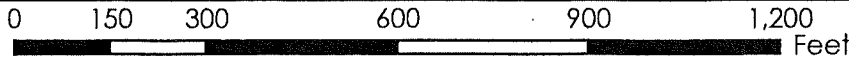
FUTURE LAND USE MAP

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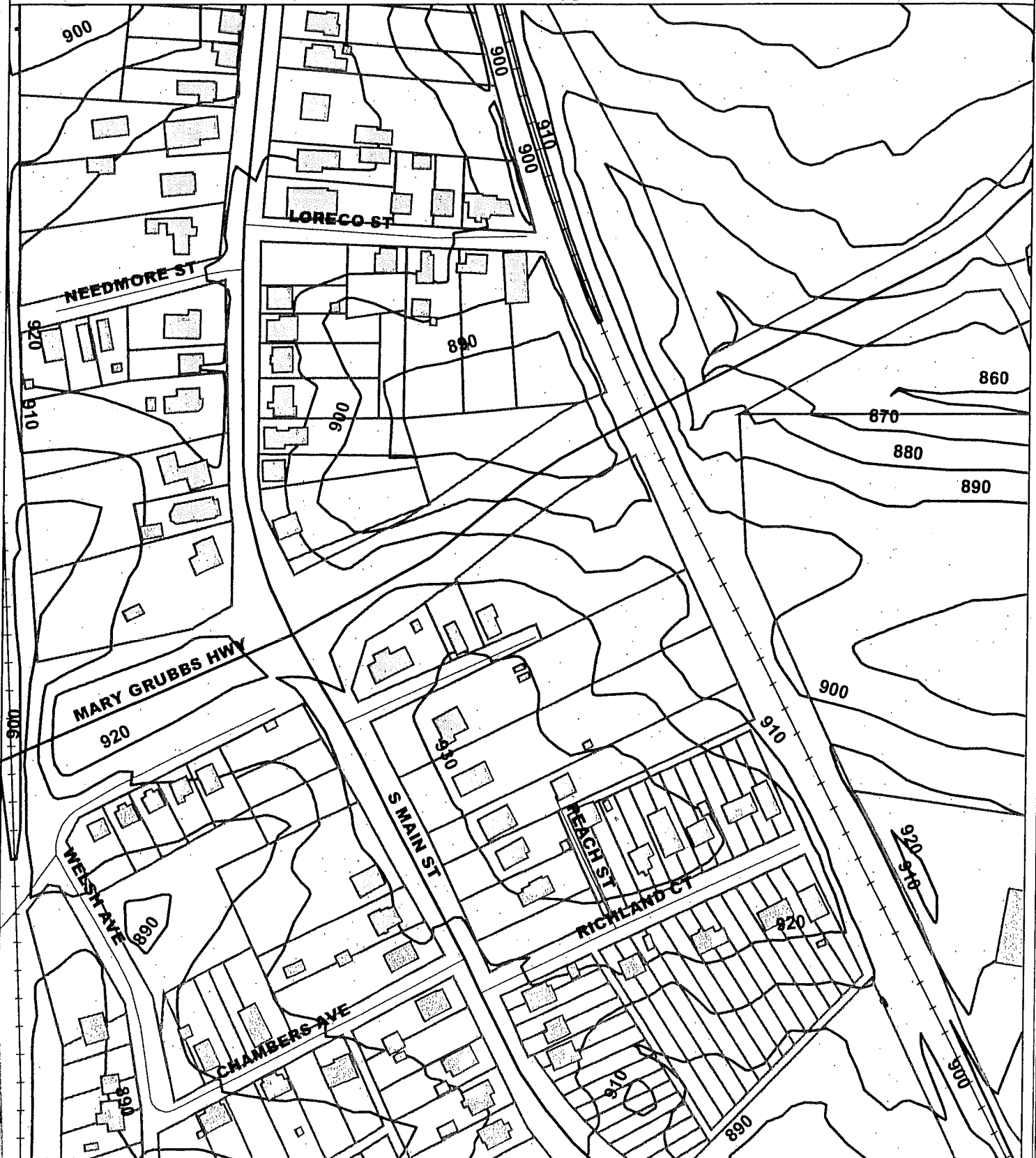


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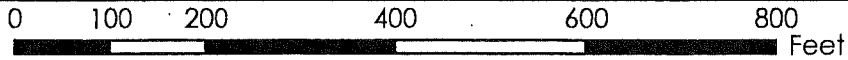
TOPOGRAPHICAL MAP

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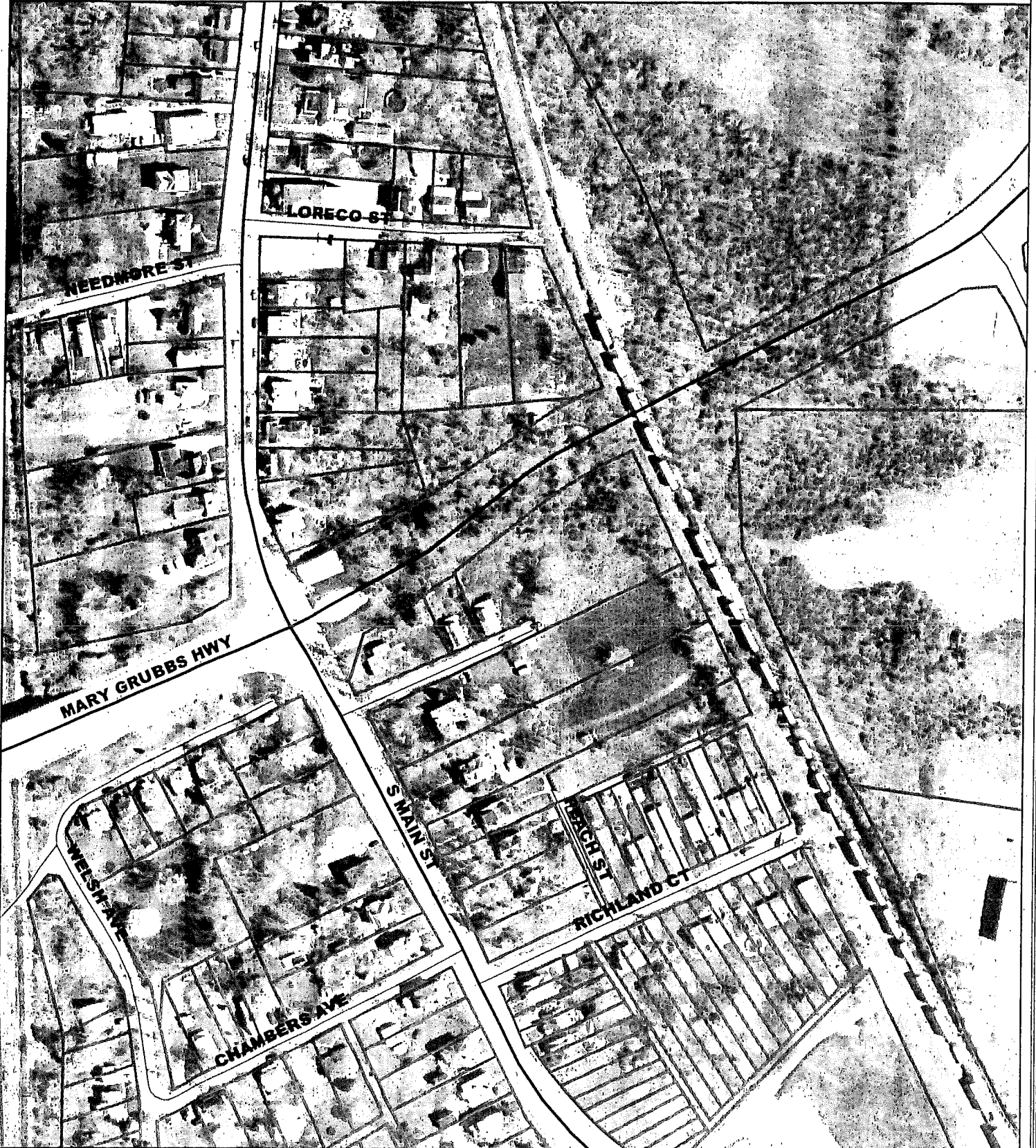
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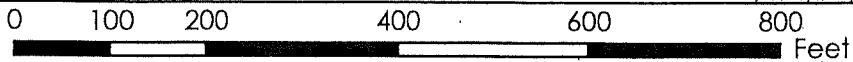
2007 AERIAL MAP

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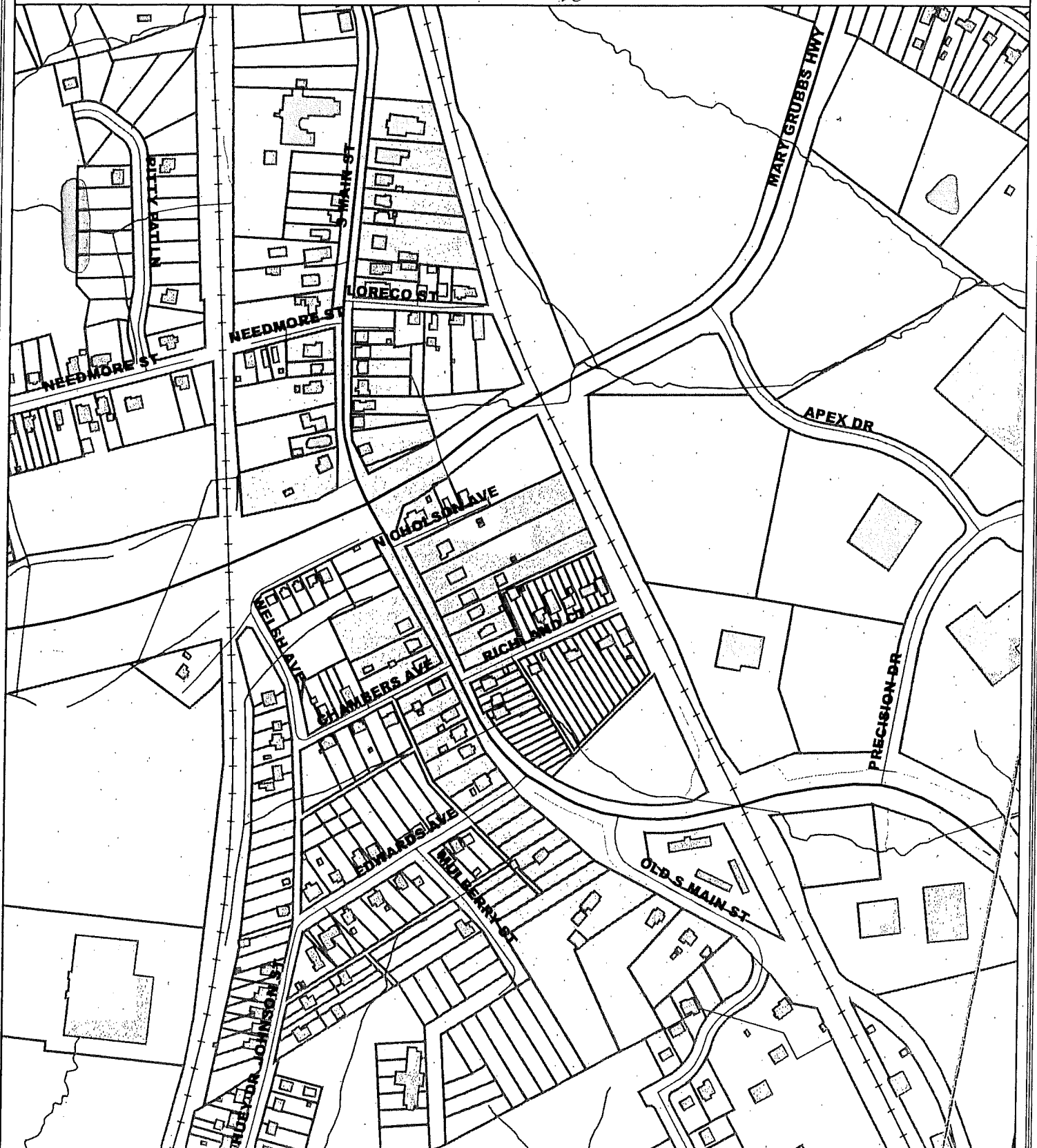


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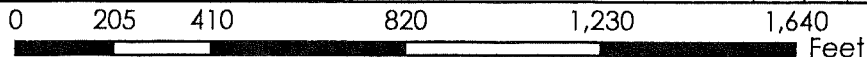
WALTON SOUTH MAIN STREET NATIONAL REGISTER HISTORIC DISTRICT

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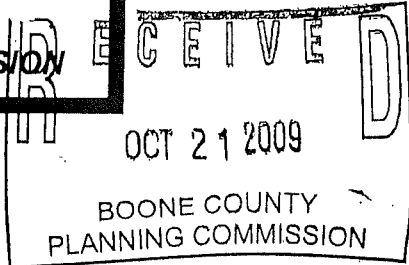


Boone County GIS - Putting Northern Kentucky on the Map



APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION



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

- 1. (Check One) Boone Florence X Walton Union
2. (Check One) Conditional Use Permit X Variance Appeal
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4. Description of Request: TO ALLOW DUPLEXES WITHIN SR-1 ZONE
5. Name of Development
6. Location of Development MARY GRUBBS HWY & NICHOLSON AVE.
7. Acreage Under Review
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17. Have you submitted a list of adjoining property owners with this request? YES
18. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

726 48 726 68 3941 445

ORIGINAL Property Owner's Signature: [Signature] (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

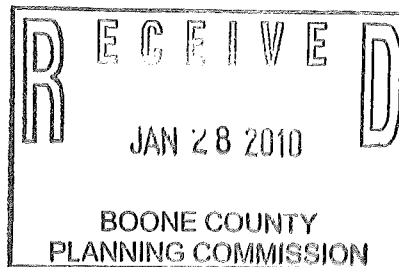
ORIGINAL Applicant's Signature: [Signature] (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

Todd Morgan

From: John Goering [jboering@fuse.net]
Sent: Thursday, January 28, 2010 10:23 AM
To: Todd Morgan
Subject: 2/8/10 Walton Board of Adjustments Meeting

I hereby withdraw my application for a Conditional Use Permit to allow 3 duplexes on Nicholson Ave. The conditions recommended by the staff make the proposal uneconomical.

Walton Park, Inc. by, John B. Goering



The WBOA tabled the request until 2/8/10 at their 11/10/09 meeting. The 2/8/10 meeting did not take place because of this e-mail.

TKM