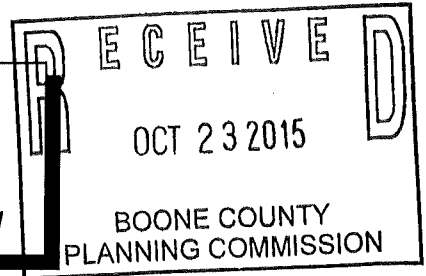


APPLICATION FORM

BOARD OF ADJUSTMENT AND ZONING APPEALS ACTION BOONE COUNTY PLANNING COMMISSION



FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

(Check One)

- 1. Boone Florence [checked] Walton Union

(Check One)

- 2. [checked] Conditional Use Permit Variance Appeal Change in Non-Conforming Use

- 3. Applicant's Name Steve Smith, Model Group Applicant's Address 210 Gilbert Ave Cincinnati OH 45206

- 4. Phone Number 513-559-5800 Fax No. 513-559-0840 E-Mail ssmith@modelgroup.net

- Description of Request: conditional use requested to build high quality senior housing in a C-2 district

- 5. Name of Development Walton KY Senior

- 6. Location of Development Towne Center Drive, southwest of Walton Towne Center, Lot 22 (no street address)

- 7. Acreage Under Review 3.4923

- 8. Lot Number and Name of Subdivision (if part of a subdivision)

Future Lot # 22, Walton Towne Center

- 9. Owner of Property Walton Land Development, LLC Address of Property Owner 2807 Amsterdam Rd, Villa Hills, KY 41017

- 10. City State Zip

- Phone Number 859-282-6900 Fax No. E-Mail

- 11. Proposed Use(s) on Site Senior Multifamily Housing

- 12. Total Square Footage of Existing and/or Proposed Buildings No existing, proposed ~52,000 sf

- 13. Current Zoning on Property C-2

- 14. Deed Book 908 Page No. 481 Group No. 2082

- 15. Is the site subject to a zone change? No

If yes, give date of approval n/a

- 16. Have you submitted a Site Plan with this request? Yes

- 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.

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 10-23-15 Fee Received 1082.00 Receipt # 072309
2. Is application complete? _____ Yes _____ No
3. Staff Reviewer _____
4. Scheduled Board Action Date _____
5. Board Action:
12/7/15 **Approved**
Approved with Conditions (See #6)
Denial (See #7)
6. Conditions of Approval: SEE 12/7/15 WBOA Meeting
MINUTES + CLR
7. Reasons for Denial: _____

**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: Steve Smith for Model Group

LOCATION: Southwest side of Towne Center Drive, immediately to the south of lot 23 of Walton Towne Center Subdivision, and approximately 625 feet to the south of the Towne Center Drive/Service Road intersection, Walton, Kentucky

ZONING: Commercial Two (C-2)

DATE: December 7, 2015

PROPOSAL

The applicant has submitted a Conditional Use Permit application to allow a 3-story, 45 unit apartment building and 86 parking stalls on a future 3.4923 acre site. The property is currently part of an approximate 95 acre tract that fronts on Towne Center Drive, Service Road, and Wenstrup Lane. The preliminary plan shows the apartment building will be approximately 52,109 square feet in area and contain 8 one-bedroom units and 37 two-bedroom units. Access to the site is shown from a single curb cut on Towne Center Drive. The building elevations show the building will be 43'-10 $\frac{7}{8}$ " tall and constructed with brick, split face CMU, vinyl siding, architectural shingles, and standing seam metal roofing.

SITE HISTORY

In 2005, the City of Walton approved a Zoning Map Amendment request from Industrial One (I-1) to Commercial Two (C-2) for an approximate 130 acre area (Walton Towne Center Subdivision).

APPLICABLE REGULATIONS

Section 220 of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to grant conditional uses permits as specified by the zoning order.

The Board should evaluate the applicant's request as it relates to the criteria necessary for granting a Conditional Use Permit as stated in Section 262 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 1023 of the Boone County Zoning Regulations allows an multi-family and/or attached dwelling units including customary accessory uses as Conditional Uses in the Commercial Two (C-2) district provided that:

- a. the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or
- b. the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and
- c. the arrangement of uses, buildings or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district.

Section 1024 of the Boone County Zoning Regulations states the building intensity shall not exceed 15,000 square feet of gross floor area per acre when a C-2 district is over 4 acres in area.

Table 31.1 of the Boone County Zoning Regulations indicates that the maximum building height in a C-2 district is 50'.

Section 3325 of the Boone County Zoning Regulations requires 1.5 parking spaces to be provided for each one-bedroom apartment and 2 parking spaces to be provided for each two-bedroom unit.

Sections 3620, 3625, and 3645 of the Boone County Zoning Regulations require street frontage buffers, perimeter landscaping, and vehicular use area landscaping to be installed when the property develops. All the perimeter buffers will need to be a minimum of 10' wide and contain trees and shrubs.

The Boone County Subdivision Regulations require 5' wide sidewalks to be provided on both sides of the street in a commercial subdivision. The sidewalks will be installed at the time the site develops.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The Land Use Element contains the following passage that relates to the request.

- A. The Walton area should experience gradual commercial, residential, and industrial growth. This growth should result primarily from the Walton Interchange, and its location near the intersection of I-71 and I-75. Walton lies along this regional interstate corridor, between Cincinnati to the north and Louisville, Lexington, and Frankfort to the south that is generally experiencing demand for industrial development. The extension of Mary Grubbs and development of the Walton Towne Center area will contribute to the growth potential of

Walton not only in Boone County, but also into Kenton County to the east. The potential for a mix of uses including high density residential, commercial, office, institutional, and recreational in the Towne Center should occur (Walton Area, pp. 172-173).

The Housing Element contains the following passages which relate to the request:

- A. With the exception of Walton, the County's incorporated areas and the unincorporated area, as a whole, have higher percentages of young and middle aged persons than Kentucky. Union has the highest youth and the lowest elderly percentages. Walton displays the lowest youth and the highest elderly percentages. Table 2.10, which appears in the Population Element, further shows the percentages for the remainder of the county and Kentucky. Boone County's population is becoming more elderly in proportion. This "graying" of the population will have an impact on housing demand. Many of these "empty nesters" will want to move out of their high-maintenance, large lot single-family homes and into condominiums, landominiums, or small lot single-family homes. This demographic shift, in part, engendered the recent development of the Elmcroft Senior Living center on Main St., in Florence, on the former site of the Florence YMCA (Housing Demand - Age Composition, pg. 74).
- B. Demand for multi-family housing has historically been in, or around Florence. The emphasis on new construction, however, has shifted to the unincorporated county. The continuing in-migration of a young, professional population combined with the increased growth of single-parent families and the overall graying of the population, means the demand for various multi-family housing options will continue in the future for Boone County (Housing Demand - Economic Factors, pg. 75).
- C. Multi-family housing developments should have convenient access to commercial districts or should provide their own supporting commercial uses. The developments should be designed to offer the shortest trips to the most people. High density residential developments help to hold down the cost of individual units due to many variables including lower land cost per unit, lower land development cost and building unit costs per unit. Clustering of the dwelling units allows this by requiring less site work and utility construction. Better design can correlate with more density, and walkable, multi-modal communities. This also provides a supply of affordable housing for county residents (Meeting Housing Needs - Housing Types, pp. 79-80).
- D. The previous section discussed the need for a variety of housing units for the special needs of specific demographic groups: young, unmarried adults, divorcees, and the elderly. A high percentage of these groups need truly affordable options other than traditional single-family homes. In order for Boone County to retain its youth, the county should strive to provide jobs and a variety of attached housing, as well as innovative clustering of detached dwelling units (Meeting Housing Needs - Affordable Housing and Homelessness, pp. 80-81).

The following Goals and Objectives from the 2010 Boone County Comprehensive Plan apply to the application:

- A. A broad range of housing opportunities shall be provided which meet the needs and desires for all household types (Housing, Objectives).
- B. No housing policy shall have the effect of causing discrimination against any person on the basis of age, race, color, religion, sex, familial status, disability, or national origin.

- C. Mixed use, higher density neighborhoods shall be encouraged near existing or proposed mass transit areas, commercial districts, and public facilities (i.e. parks) and also have convenient access to major streets and highways (Housing, Objectives).
- D. Where existing infrastructure, services, and the public school system are not adequate, development shall be phased to coordinate with the provision of these items.

SITE CHARACTERISTICS

The future 3.4923 acre site is located contains 265 feet of road frontage on the southwest side of Towne Center Drive. The property is currently part of an approximate an approximate 95 acre undeveloped tract that fronts on Towne Center Drive, Service Road, and Wenstrup Lane. Boone County G.I.S. shows that topography of the property falls from 866 feet above sea level at Towne Center Drive to 848' above sea level along the rear property line. A water main is located on the north side of Towne Center Drive and the sanitary sewer main is located to the east of the site. The site is currently comprised of grass and scrubby vegetation.

SURROUNDING LAND USES & ZONING

North: Future Boone County Library Site (C-2)

South: Future Lots in Walton Towne Center Subdivision (C-2)

East: Towne Center Drive and Future Lots in Walton Towne Center Subdivision (C-2)

West: Future Lot in Walton Towne Center Subdivision and Walton Fire Department (C-2)

STAFF COMMENTS

1. Model Group provided Staff with a brief description of their project and the tax credit program. Highlights include:
 - A. They will be applying for Low Income Housing Tax Credits (LIHTC) and awards will be announced in April 2016. The award of tax credits will impose certain rent and income restrictions on the property for 30 years.
 - The project would be 100% restricted to those 55 years of age or older. Some portion of the units will be restricted to those 62 years of age or older.
 - Approximately 12 units will be restricted for people who make 50% of AMI
 - Approximately 33 units will be restricted for people who make 60% of AMI
 - B. Their partner in the project is Episcopal Retirement Homes. They are an experienced senior housing developer and senior service provider. After 30 years the rent, income, and age restrictions will be lifted. However, it is important to note that the majority owner of the project, Episcopal Retirement Homes, deals exclusively in senior housing and has no intention of converting this project to family housing at any point.
 - C. Rents for 1 bedroom units will be around \$500 and rents for 2 bedroom units will be around \$630.
2. Model Group had a Conditional Use Permit approved last year for a site on Service Road. Model Group has decided not to pursue this site. A copy of the December 4, 2015, Walton

Board of Adjustment meeting minutes has been attached to this report for informational purposes.

3. On November 5, 2015, Staff sent the preliminary plans and agency memo to Walton-Verona Schools, Walton Fire Protection District, and Walton Public Works.

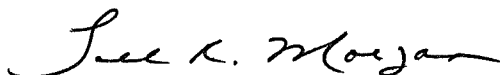
At the time the Staff Report was finalized, Walton-Verona Schools was the only agency that responded. They provided a list of questions, which have been addressed by the applicant (see attachment).

4. Staff has the following questions for the applicant:
 - A. Will the project be constructed if the tax credits are not approved?
 - B. Will any amenities, such as a sidewalk system or park benches, be provided in the rear portion of the site?
 - C. Could the vinyl siding be converted to a composite siding?
 - D. Will all trash from the facility be stored in the trash room until it is picked up?
5. Staff believes the proposal is in agreement with the various passages from the Comprehensive Plan. The project will have convenient access to Walton Towne Center Subdivision, St. Elizabeth's Physicians Office on Service Road, and Interstate 75.
6. Staff recommends the following conditions if the request is approved:
 - A. The approval shall be based on the preliminary plans plan and elevation drawings. Minor changes can be approved by the Zoning Administrator.
 - B. The vinyl siding shown on the building shall be replaced with hard board siding.
7. The Board needs to analyze the Conditional Use Permit criteria before acting on the request.

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

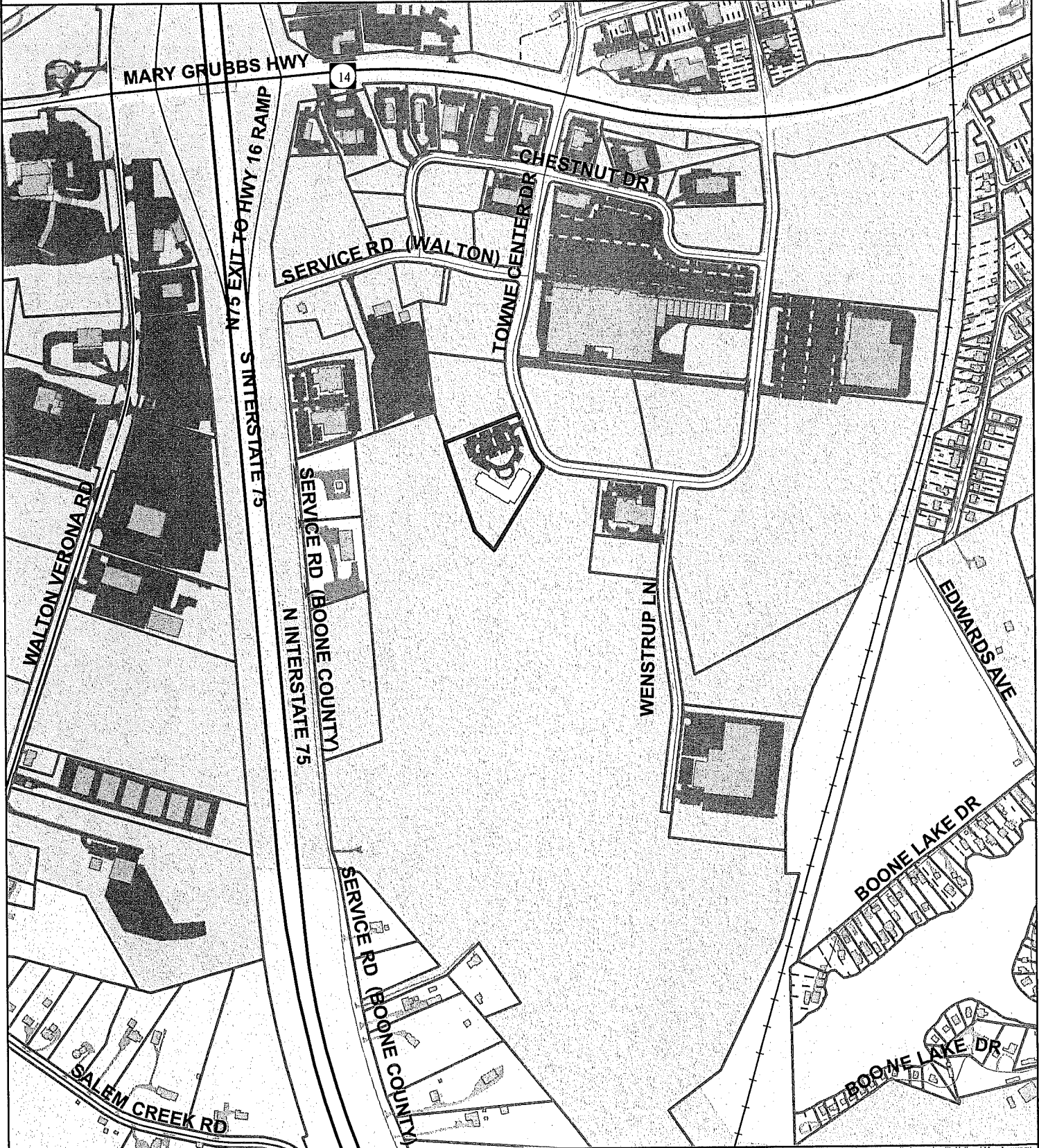
TKM/tlb

Attachments

- *Site Vicinity Map
- *Description of Request and Tax Credit Program
- *Preliminary Site Plan
- *Building Elevation Drawings
- *Floor Plans
- *11/5/14 Staff Memo
- *11/9/15 Email Exchange between Mark Krummen, Assistant Superintendent, Walton-Verona Independent Schools and Kelly Edelmann, with the Model Group
- *Zoning Map
- *Future Land Use Map
- *Topographical Map
- *2012 Aerial Map
- *12/4/14 Walton Board of Adjustment Meeting Minutes
- *Application

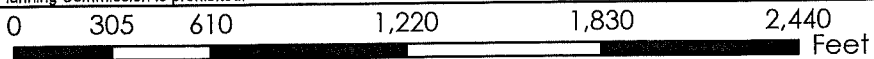
SITE VICINITY MAP

www.boonecountygis.com



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Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



Boone County GIS - Putting Northern Kentucky on the Map





November 2, 2015

Todd K. Morgan, AICP
Boone County Planning Commission
2950 Washington Street
Burlington, KY 41005

Hi Todd,

Here is a brief summary of the tax credit program and our project.

An award of tax credits imposes certain rent and income restrictions (and for this project, age restrictions) which last for 30 years. For 30 years:

- Our project will be 100% restricted to those ages 55 years or older. At least some portion will be restricted to those ages 62 years and older, and it's possible this older age restriction could be extended to the entire project.
- Approximately 12 units will be restricted for people who make 50% of AMI
- Approximately 33 units will be restricted for people who make 60% of AMI

This is, in effect, housing for older adults on fixed incomes. Because of the tax credit equity raised, we are able to produce housing that is affordable, but indistinguishable in quality from market rate housing. Our partner in this project, Episcopal Retirement Homes, is an experienced senior housing developer and senior service provider that will provide top-quality services to the residents. After 30 years, the rent, income, and age restrictions will be lifted. However, it is important to note that the majority owner of the project, Episcopal Retirement Homes, deals exclusively in senior housing and has no intention of converting this project to family housing at any point.

Under our current underwriting model, rents for 1-bedroom units will be around \$500 net and rents for 2-bedroom units will be around \$630 net. Rents may change marginally based on feedback from our market study provider. Preliminary feedback is that this project will be very marketable and our rents very achievable.

LIHTC awards will be announced in April 2016. If we are awarded credits, construction should begin around April 2017 with an estimated completion date of June 2018. In the event that we are not awarded tax credits, we may not exercise our purchase option and the owner may choose to look for a new buyer.

The examples of our work that you have from last year's application are still applicable as representatives of our breadth of experience and quality of developments.

<https://app.box.com/s/nlfcs5nnmdpj9y1xo6tv>

Thanks,
Kelley Edelmann
Developer, The Model Group

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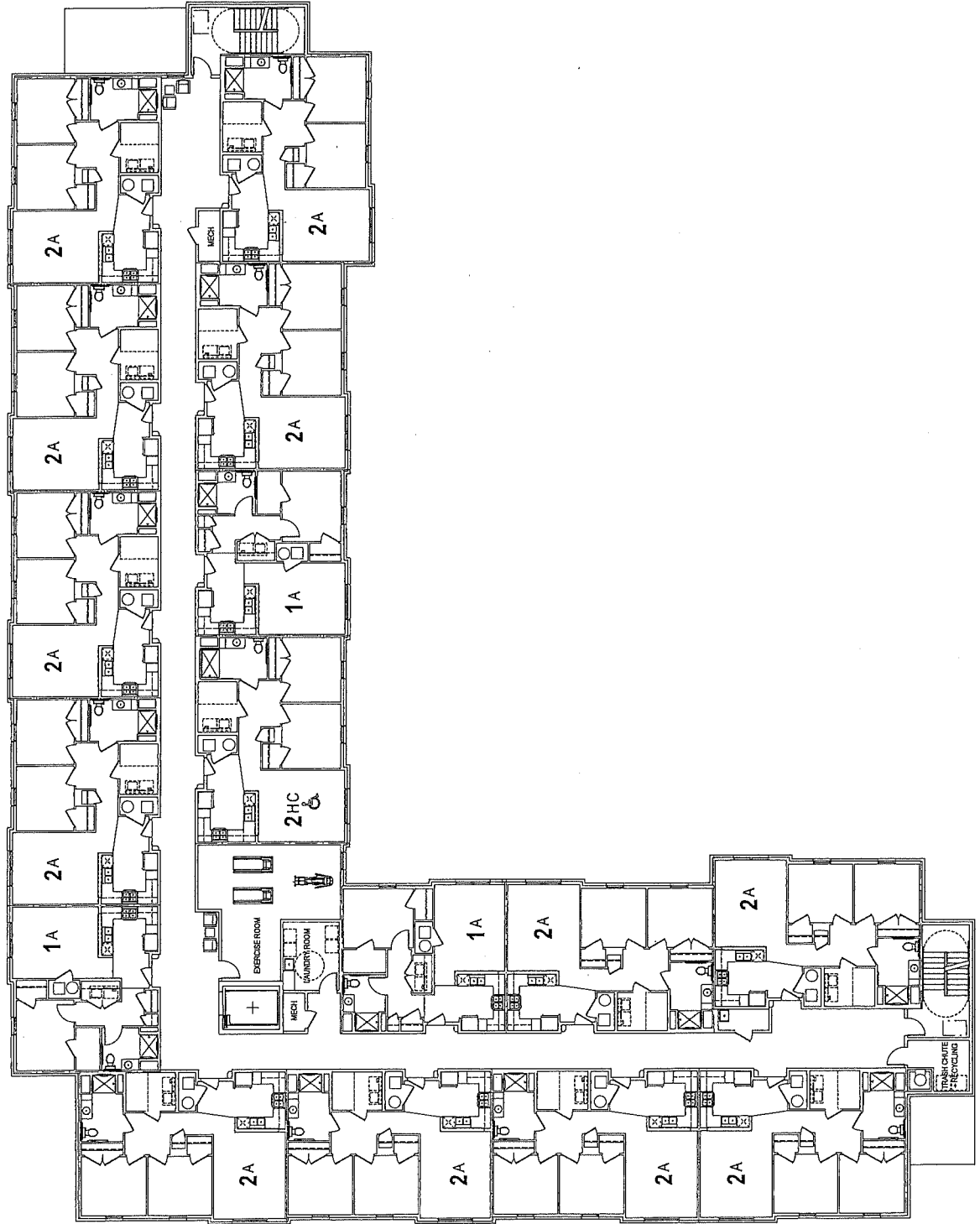
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**BUILDING FLOOR PLAN
SECOND FLOOR**
17,250 GROSS SF



PROJECT: WALTON HEIGHTS APARTMENTS
SHEET NO.: 202
DATE: 08/20/2015
DRAWN BY: J. B. BROWN
CHECKED BY: J. B. BROWN
DATE: 08/20/2015

UNIT FABRICATION	
UNIT	NO.
UNIT 1A	3
UNIT 1B	0
UNIT 2A	12
UNIT 2B	1
TOTAL	16



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BUILDING FLOOR PLAN
THIRD FLOOR
17,226 GROSS SF

SCALE: 1/8" = 1'-0"

DATE: 07/14/10

PROJECT: WALTON HEIGHTS APARTMENTS

DESIGNED BY: RDL ARCHITECTS

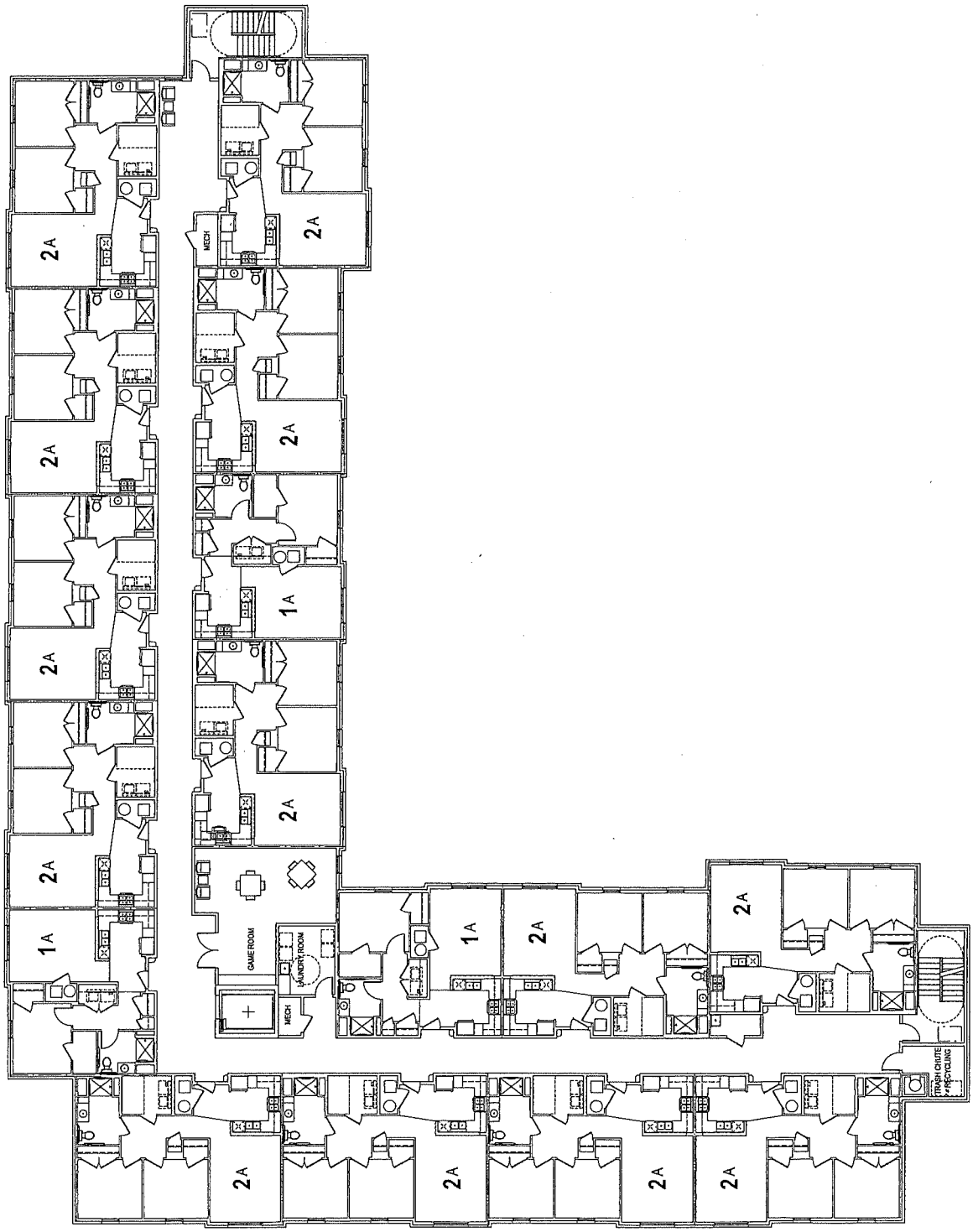
DATE: 07/14/10

PROJECT NO.: 10000000000000000000

CONTRACT NO.: 10000000000000000000

ALL RIGHTS RESERVED

UNIT TABULATION	
UNIT	NO.
UNIT 1A	3
UNIT 2A	15
UNIT 2B	0
UNIT 2C	0
UNIT 2D	0
UNIT 2E	0
UNIT 2F	0
UNIT 2G	0
UNIT 2H	0
UNIT 2I	0
UNIT 2J	0
UNIT 2K	0
UNIT 2L	0
UNIT 2M	0
UNIT 2N	0
UNIT 2O	0
UNIT 2P	0
UNIT 2Q	0
UNIT 2R	0
UNIT 2S	0
UNIT 2T	0
UNIT 2U	0
UNIT 2V	0
UNIT 2W	0
UNIT 2X	0
UNIT 2Y	0
UNIT 2Z	0
TOTAL	18





BOONE COUNTY PLANNING COMMISSION

www.boonecountyky.org/pc
www.boonecountygis.com

Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org

TO: Dr. Robert Storer, Superintendent, Walton-Verona School District
Deputy Chief Allan Roberts, Walton Fire Protection District
Roger Williams, City of Walton Public Works

FROM: Todd K. Morgan, AICP, Senior Planner, Zoning Services *TKM*

DATE: November 5, 2015

RE: Conditional Use Permit application to allow a three-story, 45 unit apartment building with accessory parking. The future 3.4923 acre lot is located on the southwest side of Towne Center Drive, is immediately to the south of lot 23 of Walton Towne Center Subdivision, and is approximately 625 feet to the south of the Towne Center Drive/Service Road intersection, Walton, Kentucky

I have attached copies of the preliminary plans and project narrative for the above referenced application.

The public hearing for this application has been scheduled for December 7, 2015. The meeting will take place in the Walton Senior Center and start at 6:30 P.M.

Please review this proposal relative to your agency's policies and service abilities and provide any comments in writing to me by November 25, 2015. Please provide a written response, even if your agency has no comments on the proposal. Comments can be faxed to me at (859) 334-2264 or e-mailed to tmorgan@boonecountyky.org. Your feedback is greatly appreciated.

TKM/tlb

Attachments

Todd Morgan

From: Kelley Edelmann <kedelmann@modelgroup.net>
Sent: Monday, November 09, 2015 4:29 PM
To: Todd Morgan; Steve Smith; Tim Morgan (tmorgan@jonesborocorp.com); 'rwilliams@cityofwalton.org'
Cc: 'Mark.Krummen@wv.kyschools.us'
Subject: RE: Conditional Use Permit applications for Walton Towne Center

Hi Todd,

Please see responses below.

Kelley Edelmann | developer
o:513.559.5867 | www.modelgroup.net

modelgroup

From: Todd Morgan [mailto:TMorgan@boonecountyky.org]
Sent: Monday, November 09, 2015 1:39 PM
To: Steve Smith <ssmith@modelgroup.net>; Kelley Edelmann <kedelmann@modelgroup.net>; Tim Morgan (tmorgan@jonesborocorp.com) <tmorgan@jonesborocorp.com>; 'rwilliams@cityofwalton.org' <rwilliams@cityofwalton.org>
Cc: 'Mark.Krummen@wv.kyschools.us' <Mark.Krummen@wv.kyschools.us>
Subject: FW: Conditional Use Permit applications for Walton Towne Center

Steve, Kelley, Tim, and Roger,

Can you provide answers to the questions below?

Thanks for your help.

Todd K. Morgan, AICP
Senior Planner, Zoning Services
Boone County Planning Commission
(859) 334-2196

From: Krummen, Mark [mailto:mark.krummen@wv.kyschools.us]
Sent: Monday, November 09, 2015 11:34 AM
To: Todd Morgan
Subject: Conditional Use Permit applications for Walton Towne Center

Todd Morgan,

Our district received information from your office regarding to new developments in the Walton Towne Center.

- I. The Model Group/ Episcopal Retirement Homes
 - Housing units for older adults (55+) on fixed income;

- Tax credits, rent, age, & income restrictions lifted after 30 years;
 - 3 story – 45 total units;
 - 8 One Bedroom Apartments;
 - 37 Two Bedroom Apartments.
- II. Walton Senior Village
- 3 story – 48 total units
 - 48 Two Bedroom Apartments;
 - Independent senior living with moderate income;
 - Tax credits.

Questions/ Concerns

1. Who will be the management group for The Model Group/ Episcopal Retirement Homes? *This complex will be next to the future Boone County Library site.*
 - a. Episcopal Retirement Homes will manage the property (www.episcopalretirement.com) ERH owns and/or manages 12 communities (and growing) in the Greater Cincinnati area. You are welcome to set up a time to tour one of their properties. Below are links to affordable senior living developments completed by the Model Group and Episcopal Retirement Homes partnership.
 - i. [Elberon Senior Apartments](#)
 - ii. [Forest Square Apartments](#)
 - iii. [St. Paul Village](#)
 - iv. [St. Pius Place](#)
 - v. [Shawnee Place](#)
 - vi. [Woodburn Pointe Apartments](#)
2. Will children under the age of 18 be permitted to live in these senior living apartment? *We enroll a lot of students who are in the custody of their grandparents. If the school district gets one student for every three apartments, we would enroll 31 total students. In a school district our size, it would cause us to employ at least 1 additional teacher and would have transportation cost too.*
 - a. No
3. [Winterwood Management](#) is the property manager for the Walton Senior Village. They currently manage Stephenson Mill Apartments and Walton Commons and Towne Homes (section 8) complexes in our community. We frequently conduct home visits to these two location. Stephenson Mill Apartments are average living conditions at best with below average exterior appeal (see attached pictures). The Walton Commons and Towne Homes are disgusting and poorly maintained by the residents and Winterwood Management (see attached pictures). This building will be the first thing you see when exiting I-75 North.
 - a. We assume this question is not for ERH and TMG as we are not involved with Winterwood Management, Stephenson Mill Apartments, or Walton Commons and Towne Homes.
4. Walton Senior Village does not clearly define “Senior” in their paperwork. What ages and restrictions will they have for rental?
 - a. We assume this question is not for ERH and TMG. However, our development will be for ages 55+
4. What type of tax credits are each of these developers seeking? Are these tax credits justifiable and fair to current residents and retail companies that do not receive such tax credits?
 - a. We will seek funding from Low Income Housing Tax Credits authorized under section 42 of the internal revenue code. These are federal credits, justifiable and fair to current residents and retail companies as they are federal tax credits and will not impact the local tax base.
5. What is the rental potential? Are these two place competing against each other for a small market of people in the area? *A market saturated with investors will reduce chances of successful rental returns. This will also create*

issues around capital appreciation each developer is seeking. This can result in a quick sale that no one anticipates.

- a. Professional market studies have been commissioned that demonstrate the demand for the ERH and Model Group development. It is also unlikely that both developments will be awarded the tax credits and therefore only one of these developments is likely to be awarded.
6. The access to commercial shopping outlets, grocery, banks, pharmacies, other retail, restaurants, and public transportation is not a finished paved road. Only the base layer of blacktop has been completed to this point (see attached pictures). Who is responsible for finishing the road?
 - a. We are simply buying a developed lot, so if the road has not been dedicated, this would be the responsibility of the shopping center developer.
7. Safety – Each location’s site map does not show public sidewalks near the public roads. Other developments in the Walton Towne Center have public sidewalks installed by the property owner. If sidewalks are installed by the property owner, residents of the apartment would have to walk on the unfinished, or potentially finished, blacktop road to access commercial shopping outlets, grocery, banks, pharmacies, other retail, restaurants, and public transportation if they do not drive. These areas do not have street lights.
 - a. The ERH provides a shuttle bus that will make regular trips for seniors who do not feel able or comfortable to walk to do their shopping.

Mark G. Krummen, Assistant Superintendent

Walton-Verona Independent Schools

16 School Road

Walton, KY 41094

O: 859-485-4181

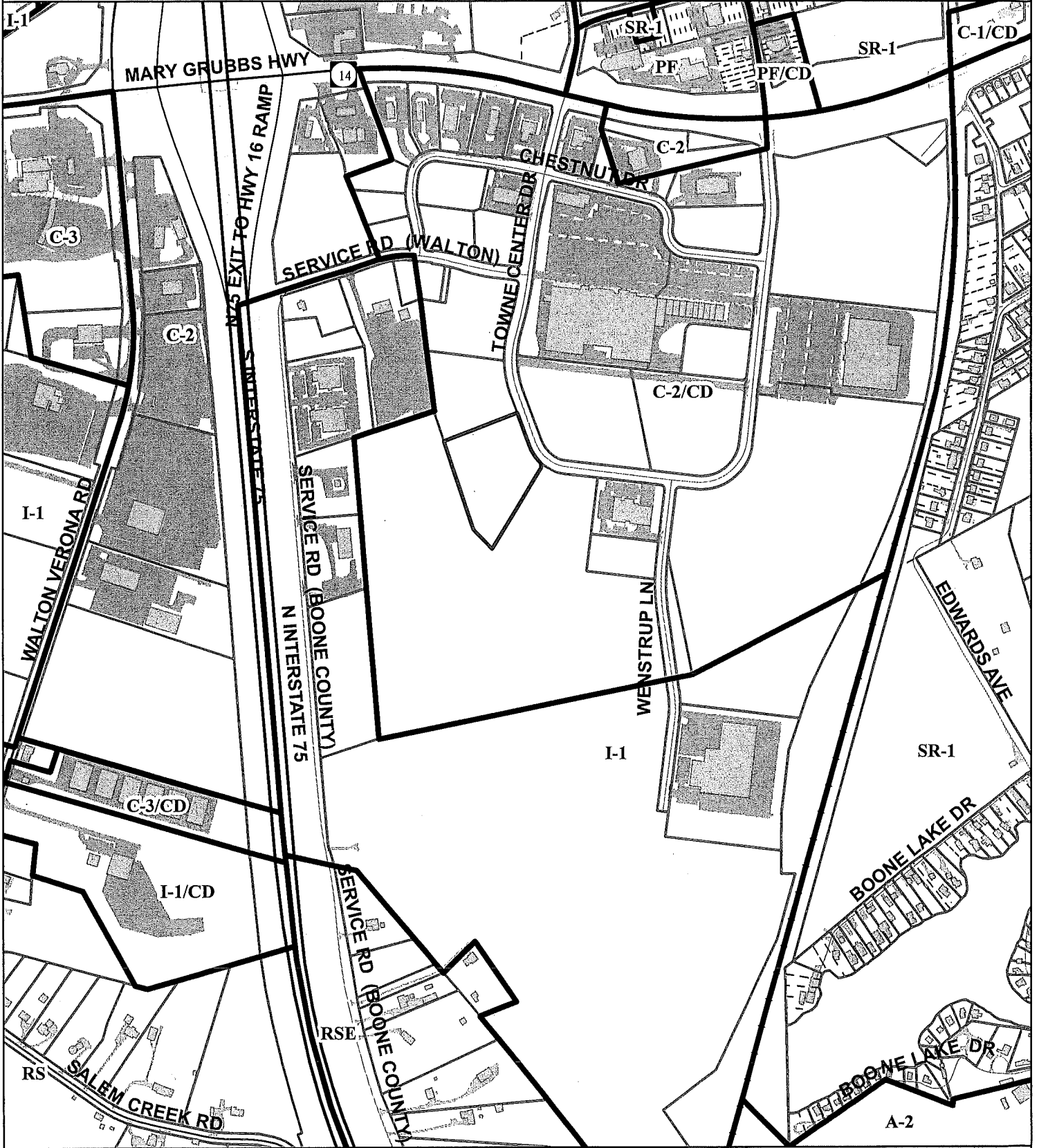
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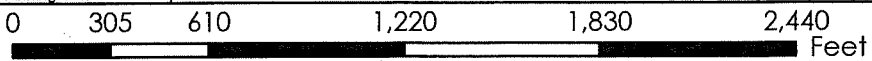
ZONING MAP

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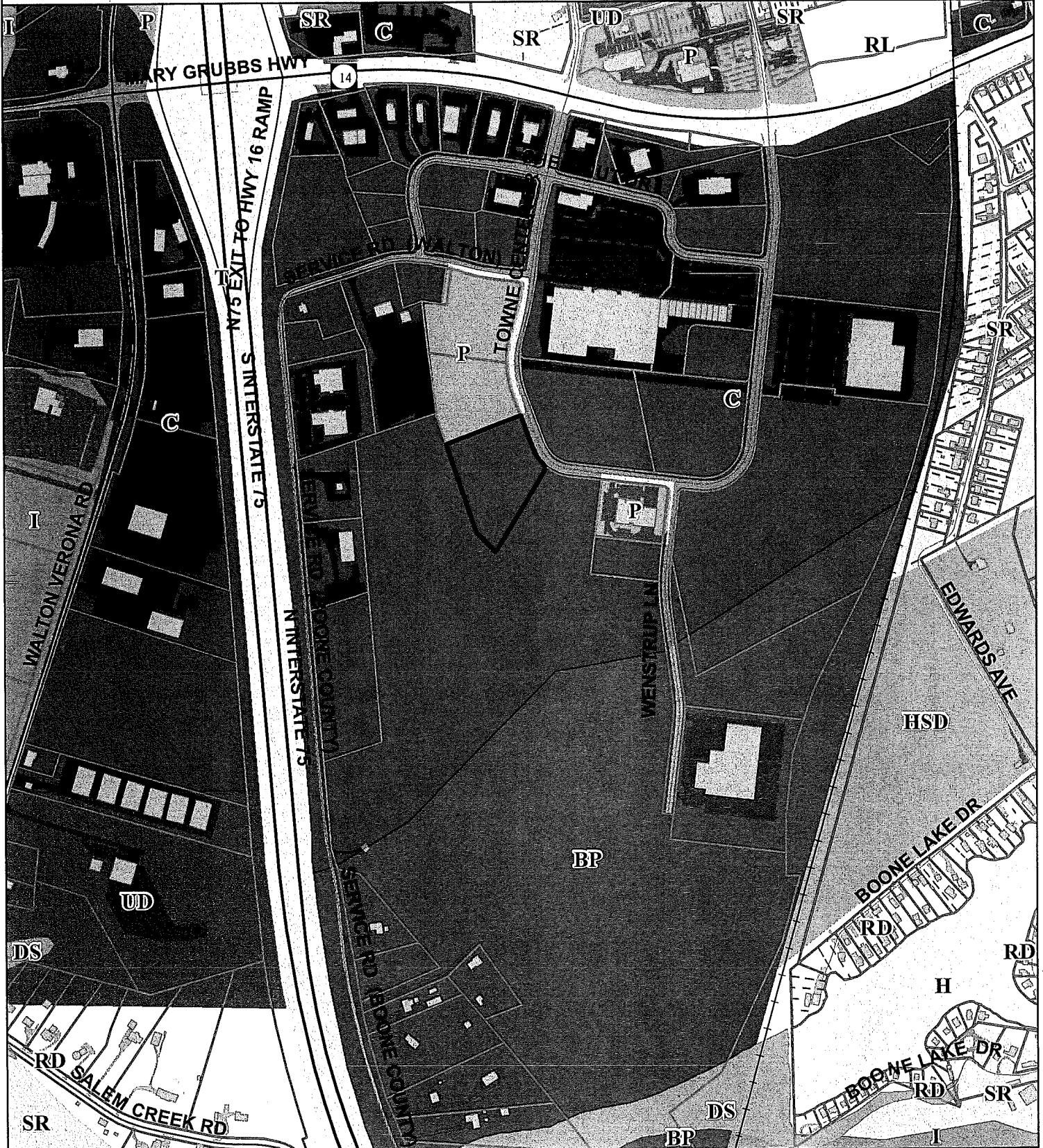
1 inch = 600 feet



Boone County GIS - Putting Northern Kentucky on the Map

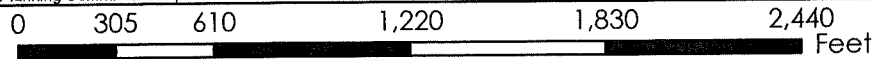
2035 FUTURE LAND USE MAP

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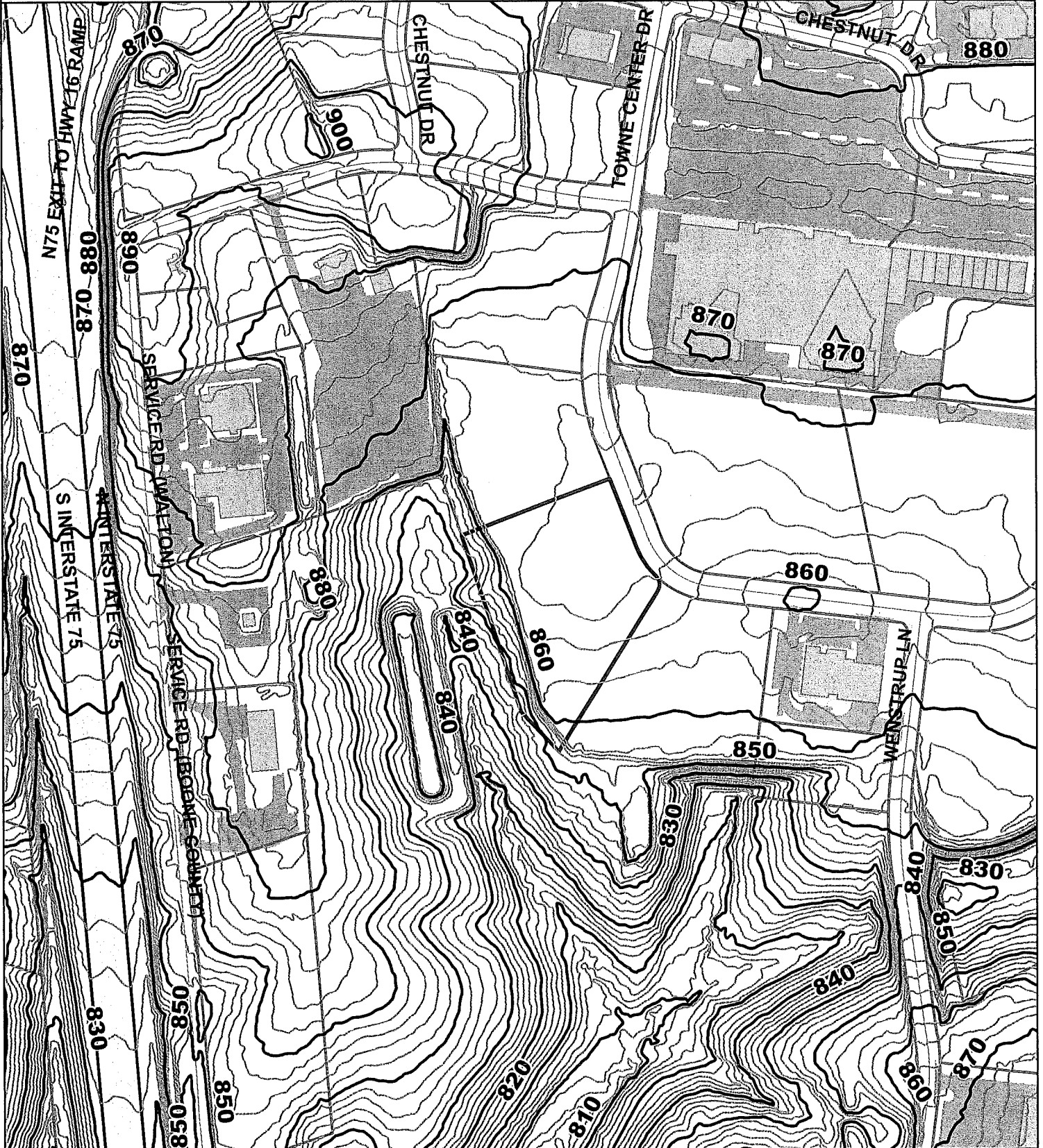
Boone County GIS - Putting Northern Kentucky on the Map

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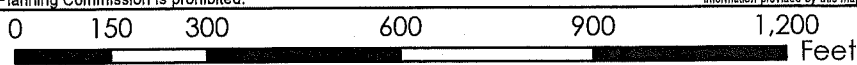
TOPOGRAPHICAL MAP

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1 inch = 300 feet



Boone County GIS - Putting Northern Kentucky on the Map

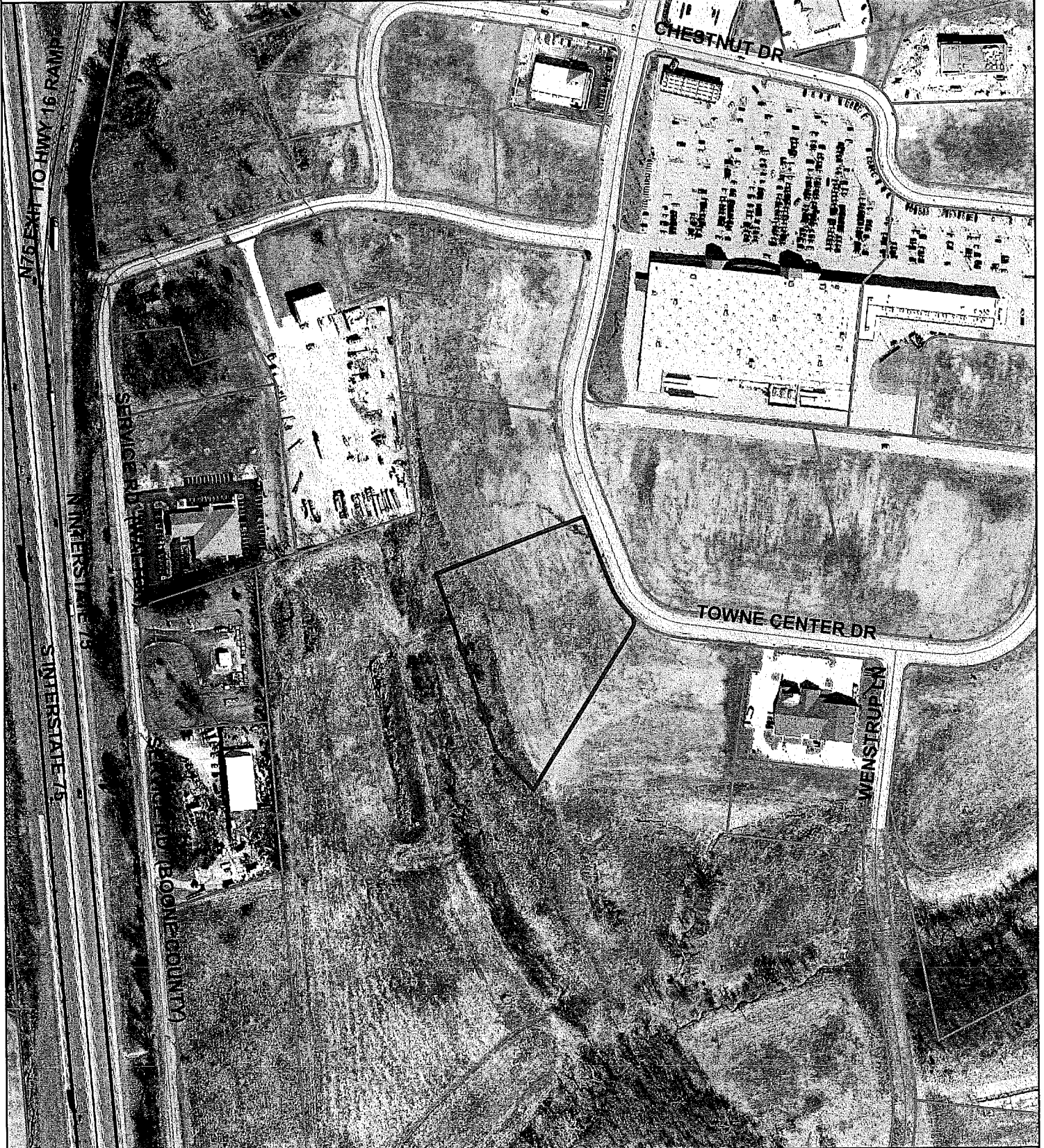


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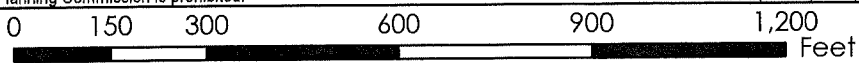
2012 AERIAL MAP

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**WALTON BOARD OF ADJUSTMENT
WALTON SENIOR CENTER
BUSINESS MEETING
December 4, 2014
6:30 P.M.**

Mr. Turner, Chairman, called the meeting to order at 6:30 P.M.

BOARD MEMBERS PRESENT:

Mr. Steve Turner, Chairman
Mr. Robin Baker
Mr. Jim Bridges
Mr. Edward Sedor

BOARD MEMBERS NOT PRESENT

Mr. Thomas Luebbe

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

APPROVAL OF MINUTES:

Mr. Turner stated that the Board members received copies of the minutes of the Walton Board of Adjustment meeting of July 24, 2014. Mr. Bridges moved that they be approved and Mr. Baker seconded the motion. Mr. Turner asked for a vote and it carried unanimously.

AGENDA ITEMS:

1. **Request of Steve Smith for Model Group for a Conditional Use Permit to allow a three story, forty-five unit apartment building with accessory parking. The approximate 4.3 acre property is located on the north side of Service Road, to the south of Waffle House (185 Mary Grubbs Highway), and to the east of the I-75/Mary Grubbs northbound exit ramp, Walton, Kentucky and is currently zoned Commercial Two (C-2).**

Mr. Bridges said he is going to recuse himself from both requests this evening because he is employed with Owen Electric Cooperative. Owen Electric will provide electric to both of these buildings and for their protection and his he will recuse himself from these proceedings. Mr. Bridges left the building at this time.

Staff Member, Todd Morgan, AICP, presented the Staff Report which included a PowerPoint presentation (see Staff Report).

Mr. Sedor asked Mr. Morgan how tall the Marathon gas freestanding sign was? Mr. Morgan replied that he didn't know the answer but could research it. Mr. Sedor he was

wondering how tall the apartment building would be in relationship to that sign? Mr. Morgan replied the apartment building would be approximately 33 feet tall and the Marathon sign would still be taller than anything in the area. Mr. Morgan reviewed the topographical map from the PowerPoint presentation with the Board.

Mr. Turner asked if the applicant would like to make a presentation?

Mr. Steve Smith said he was the CEO of the Model Group. The mission of their company is to do transformative developments. They are excited about Walton because a lot of exciting things are happening at the interchange. There is a fantastic grocery store, restaurants, medical services, pharmacy, and bus stop. These are things that senior citizens need. They also know that there are a lot of senior citizens that live in Walton. Their market study shows a lot of seniors do not want to take care of their homes and properties anymore. They are hoping to provide a great facility and give older citizens the ability to stay in Walton. They have been doing affordable housing for many years but 6 or 7 years ago they entered into a partnership with Episcopal Retirement Homes. Episcopal Retirement Homes own very high end nursing homes all over Ohio. They are a non-profit company and their mission is to improve the lives of older adults. At one point, they realized they were only catering to wealthy adults and began to look at providing housing for older adults that were living on limited funds or social security income. As a result, they got into quality senior housing for older adults that were not wealthy. They can provide a high level of service because they have a large endowment ministry fund where they can provide transportation, bring nurse practitioners on site, and provide basic medical services. However, it is not a nursing home. They found that seniors do not typically address medical needs until things get serious. There are wellness and fitness spaces in the community areas of the apartment buildings so the seniors can exercise. They also do a lot of programming to get the seniors out of the apartments and to form a community feeling. When the Model Group saw what Episcopal Retirement Homes was able to do they realized that they should never do another senior housing project without them.

Mr. Smith said they have come up with a building, in terms of scale, building materials, and site placement, that will complement the area. The development of the senior apartments will preserve the adjoining retail sites for future development. The site is a little challenging because there are some topographical issues but they believe they have everything worked out. He offered to answer any questions.

Mr. Turner asked if anybody wanted to ask any questions?

Ms. Christine Miskell said she was Director of the Walton Senior Center. She asked if the building would have elevators? The existing senior living buildings in Walton do not have elevators and most of the seniors need the bottom floor. Mr. Smith said the building will have an elevator. He added that Episcopal Retirement Homes will also do things with contrasting colors and flooring. All flooring will use non-slip materials and eliminate trip hazards. Grab bars will also be installed in appropriate areas without making the facility look institutional. A lot of the bath tubs and showers will be accessible without steps. Even the sink faucets are offset so the seniors do not have to reach as far. The most serious injuries involving seniors typically occur in bathrooms. This building will also have a lot more lighting than your typical apartment building.

Ms. Margie Stewart asked if the facility was a wellness age in place facility? Mr. Smith said it was. She asked if people could live in the apartments if they were incapacitated or receiving bed baths? Mr. Smith replied no and indicated that the apartments are an independent living facility. It is not assisted living. There will be no meals prepared on site and they will not be administering medicine on a daily basis. They are independent living apartments for seniors but they also have a very robust service that is provided by Episcopal Retirement Homes. Skilled nurses will come on site and provide medical screenings for prevention. If a senior becomes sick and needs constant medical attention they will need to go to a hospital or nursing home.

Mayor Carnahan said City Council is behind the project. He asked if Episcopal Retirement Homes has ever sold one of their properties and changed it from senior apartments to another type of housing? Mr. Smith replied no and added that restrictive covenants will be added to the deed requiring the property to remain as senior housing for 30 years. He added that he does not see the property being changed to another type of housing after 30 years unless something catastrophic happens. The building will be designed for senior living and Episcopal Retirement Homes is not in the business of selling properties and they have an enormous balance sheet.

Mrs. Phyllis Sparks said that they will be seeking a tax credit for their construction. She asked if they will be able to move forward with the project if they do not receive the tax credit? Mr. Smith said they will not be able to. She asked what type of tax credit were they applying for? She asked if it would exempt them from property taxes? Mr. Smith the financing is the Low Income Housing Tax Credit and what that means is that this housing is set aside for seniors whose income is 60% or less of the area median income. That range of income in this area is approximately \$32,000 or less. This is a perfect fit for seniors living on social security income. This is not Section 8 housing and there are no rental subsidies. When seniors move in they will pay full rent. The idea behind it is that wealthy seniors have all the options in the world but low income senior can get trapped in their homes because they cannot afford to get out or end up in an apartment that is not suited for them. They will sell the tax credit to investors for cash and they will use the cash to construct the building. So the tax credits pay for a portion of the building and they will finance the rest. This minimizes their debt and keeps the rents lower. The rent range for a 1 bedroom unit is \$500 to \$550 and the range for a 2 bedroom unit is \$630 to \$680. Mrs. Sparks asked if all taxes (city, school, property) were paid without discounts? Mr. Smith said they pay all taxes and receive no discounts.

Mr. Turner asked if any of the Board members had any questions?

Mr. Baker asked why so many 2 bedroom units were being proposed? Mr. Smith said most seniors prefer them because they are moving out of homes and the extra bedroom helps ease their transition. He said another factor is the way the federal program is setup. The amount of tax credits you get is based on the number of bedrooms. The most expensive rooms to construct are kitchens and bathrooms so adding an extra bedroom is not as expensive and gets the financing to work out. They would not be able to make the facility as amenity rich if they constructed all 1 bedroom units. For example, they would not be constructing the building with so much brick, stone, and board siding. They also have community facilities and landscaping. The two bedrooms also rent out first.

Mr. Sedor said he has recently been looking into housing for his older brother and is a senior himself. He said they are restricting the age of the residents to those that are 55 and older. He asked if that was discriminatory? Mr. Smith said it is not because the Fair Housing Act allows discrimination based on the age of seniors but not for other populations. Mr. Sedor said most seniors are not that mobile and he asked what security provisions they will have? Mr. Smith said the building will have a security system with cameras and doors will be locked at a designated time. They will not have 24 hour, 7 day a week security on site. Once Staff leaves they will have a security detail do a loop every so often to make sure everything is locked up. Mr. Sedor asked if there is always a Staff person on site. Mr. Smith there is always a maintenance technician, caretaker, and a manager on site.

Mr. Sedor asked what the apartments look like? Mr. Smith passed out the preliminary site plan, building floor plans, and building elevations (see Exhibit 1). He said they are able to spend a lot more on these apartments because of the tax credits and there will be nothing like them at the proposed rent price points. Mr. Sedor how many square feet does a 2 bedroom unit have? Mr. Smith said one bedroom units are 695 square feet and two bedrooms are 864 square feet. Mr. Sedor asked if the rents can change? Mr. Smith said the rents can change a little bit. There is a limit on the rents they can charge because of the tax credits. He said their rents are under the limit and they could raise them if the units are full and there is a long waiting list. Mr. Sedor asked how many units they need to construct to break even each month? Mr. Smith said that 45 units would be the low end. They still only need 1 maintenance man and caretaker with 65 units. They need more employees when they get up near 100 units.

Mr. Sedor asked if they have a lobby area? Mr. Smith reviewed the floor plans with the Board. He showed them the location of the entrance vestibule, lobby area, community room, café, wellness room, and office areas on the first floor. There is an exercise and open room on the second floor. Mr. Sedor said he sees the front door on the elevation drawings. He asked if there are also side entrances? Mr. Smith said there are side entrances but they try to get everyone to use the main entrance unless there is an emergency.

Mr. Sedor asked if transportation services could be provided? Mr. Smith said they could. Mr. Sedor asked if the building would be handicapped accessible and would have emergency switches in the bathrooms? Mr. Smith replied that it would. Mr. Sedor said the plans show they are providing approximately two parking spaces per unit. He questioned where visitors would park because he see scenarios where husbands and wives will live together and some of their children will visit. Mr. Smith said they usually average one car per unit. Most of the people that reside at their facilities are single women. They have never had a scenario where two spaces per unit did not accommodate their parking needs. Mr. Sedor asked if there was any assigned parking? Mr. Smith replied only the handicapped spaces. Mr. Sedor asked if they would be doing a detention or retention basin. Mr. Smith said right now they are showing a retention pond because it can be an amenity. However, due to the topography of the site they are not sure if the seniors will be able to walk down to the pond. As a result, they may switch it to a detention basin as they get further into the engineering. Mr. Sedor said a retention pond would be nice if it had trees and walkway around it. Mr. Smith said they have that feature at other facilities and it is not out of the question here. They will need to analyze it further as they get into the

engineering of the site. Mr. Sedor asked if sidewalks were required along Service Road? Mr. Morgan replied that he has included that item as a recommended condition if the application is approved. Mr. Smith said they want to install sidewalks. The main reason they chose this site is the proximity to the Walton Town Center. Mr. Sedor asked what type of signage they are looking at? The building will sit high on the site and he doesn't think a big freestanding sign is necessary. Mr. Smith said they will have a small scale monument sign. Mr. Morgan added that he has a recommendation that the freestanding sign be limited to a 10' tall, 100 square foot monument sign. Mr. Sedor asked if the lighting would be environmentally friendly (down lighting)? Mr. Smith said it would. Mr. Sedor said the fire department wants to have an emergency access way because they want the ability to fight a fire from both sides of the building. Mr. Smith said he will defer to their wisdom. He questioned if they will be able to make a nice level road because of the ravine that is located at the rear of the site.

Mr. Sedor said he looked on-line at some of their other developments and they are pretty elaborate. He said it doesn't look like this facility will compare with the one in Lexington, KY. Mr. Smith said the difference is that the City gave them the land for almost nothing and nearly a half million dollars on top of that. Mr. Sedor said he also looked at the Anna Louise Inn in Cincinnati. That facility provides female living. Mr. Smith they have done around 70 of these developments and this building will be different than the others.

Mr. Turner asked if the emergency access drive was feasible based on the topography? Mr. Morgan said that would need to be analyzed more closely during Site Plan Review. Mr. Morgan said they could word a condition requiring the emergency access only if it were feasible. Mr. Smith said he would prefer the "if feasible" language because there is a significant drop off. Mr. Morgan said the Planning Commission's Engineer and Walton Fire Department would be looking at the proposed grades when the Site Plan was submitted.

Mr. Sedor asked where fire hydrants were located? Mr. Morgan said Walton Fire's letter says they will want hydrants to be added so they can fight a fire from the back of the building. Mr. Morgan said the PowerPoint slides show a hydrant is located on Service Road.

Mr. Ray Branscum asked what happens if the apartments fail and there is a foreclosure? He said the residents do not want to see Section 8 housing here in the future. Mr. Smith said that is the same questions their investors ask. He said they will be selling the tax credits to someone. He said they will put in an operating deficit reserve that gets funded at closing and the bank controls it. That way they have a fund if there is a time when they don't have any money for taxes or other payments. The investors will also look at the balance sheets of the owners/operators. The operator for the project will be Episcopal Retirement Homes and they will need to provide a operating deficit guarantee to the investors. If the operating deficit reserve fund is depleted then Episcopal Retirement Homes will need to start writing the checks. The good news is that Episcopal Retirement Homes has a sixty million dollar balance sheet and they could write checks for awhile if needed.

Mrs. Sparks asked Mr. Smith why they settled on the subject lot when so many others were available? Mr. Smith said the first reason was the location. Some of the other lots on the

other side of the subdivision (behind Kohl's) were too far away from the amenities. They need to be so many feet from a bus stop and there is only one bus stop in the area. They also didn't want to slow down the momentum of the retail development with the apartment location. The commercial subdivision still has vacant lots and they wanted to be a little bit removed from all the traffic, especially during Christmas time. He wishes they could have chose a lot that was a little flatter.

A woman from the audience asked if children could reside at the property? Mr. Smith said the apartments are for seniors only and children could not reside in the building. The woman asked if the bathrooms will have tubs and showers? Mr. Smith said it would either be a walk in shower or a tub. He added that they are trending towards doing fewer tubs. Mr. Branscum asked who polices that children are not living in the building. Mr. Smith responded that 47 other seniors will be living in the building and any children will be obvious. Enforcement of the rules will be done by on-site Staff.

Mr. Russell Sparks said he owned the business across Service Road. His concern is they have heavy equipment and cranes that come in and out of their site. He sees commercial developing on the subject site and the sidewalks being extended but has concerns about his vehicles interacting with the seniors. The sidewalks do not extend all the way to the Kroger lot. Mr. Smith said they would install sidewalks on their side of the street and they would go to the property line. Mr. Sparks said he is worried about seniors walking in the street because the sidewalk system will not be fully built out. He said extending the Waffle House driveway on the apartment lot would deter a lot of traffic from coming into the subdivision and turning down Service Road. He believes the ravine can be filled when they start moving dirt on their site. Mr. Smith said he will have to let the engineers look at that. Mr. Smith said from his perspective, sending the seniors to the light at the Mary Grubbs Highway/Towne Center Drive intersection is a safer alternative than having them turn out of Waffle House.

Mrs. Phyllis Sparks said she is the Vice President of Sparks Contracting. They have been in business for 28 years and they have been located on their current site for about 15 or 16 years. They were on their site before Kroger Marketplace was ever considered. There used to be a lot of trees and houses in the area. The building of the subdivision exposed them. They are now visible from the retail center and she would agree that they are not very sightly. They build mining equipment. She submitted some pictures into the record (see Exhibit 2) which show the types of plants they build and equipment they use at rock quarries, sand quarries, and coal mines. They are a heavy industrial crane and rigging company and anything that comes in and out of their shop normally has a wide load sign attached to it. The hauling of the equipment is also loud and they can work 24 hours a day, 7 days a week. The photos show the trucks hauling equipment. They also have three large cranes, two large boom trucks, two 26,000 pound service trucks, smaller service trucks, pickup trucks, and tankers that come in and out of the site. They also have Ray Branscum dropping off trailers at their facility which are being recovered from the Interstate Highways. He uses their facility because they have industrial zoning. She said the proposed apartment facility sounds wonderful and has everything seniors need. However, she asked to Board to take a closer look at Service Road and the photos (see Exhibit 2). Service Road is basically a one-lane road. One of the photos shows gravel in the ditch. This is due to the wide turns trucks make to enter and exit the Sparks Contracting site.

Their trucks can haul up to 60' trailers. The proposed driveway for the apartments is located directly across from their driveway. The pictures show that trucks will be turning in the proposed apartment driveway. She knows that one of the main Conditional Use Permit criteria deals with safety and the last thing they want is for someone to get hurt. They don't want seniors pulling out in front of a wide load or walking on their property. She has seen people walking to the Doctors office and some of them cut through their property. They have never needed a fence to secure their property. She is worried that seniors could wander onto their property and get hurt. This would make them liable. She said the area around the Towne Center is being built industrially and the application would put a residential use in the area. She said if the scenario was flipped and Sparks Contracting was trying to come in after the apartments she is certain the Board would turn them down. She said it is not safe and safety should be the number one concern. She is asking the Board to consider this. There are many other lots available in the subdivision. There are also other industrial uses located further down Service Road, such as Myers Trucks Parts and Empire Gas, that use large trucks.

Ms. Connie Goins, with the City of Walton, asked Mrs. Sparks how many truck go in and out of her property in a month? Mrs. Sparks said trucks go in and out all day long. Ms. Goins said she has lived in Walton her whole life and hasn't seen much vehicle activity in the Sparks Contracting lot. Mr. Branscum said he could go into the facility 3 or 4 times a day and it is tight getting in and out. Ms. Goins said she knows that Empire Gas has moved their operation to Mullen Drive and Myers Truck Parts does not operate any longer. Mrs. Sparks said those properties are still zoned I-1 and would allow trucking. She added that a oil company comes onto their property 3 times a day with a large tanker. They have 3 cranes and 2 boom trucks and these vehicles go in and out. She said the vehicles leave out at 6:30 AM and come back. Sometimes they go out two and three times. It depends on whether they are running a second or third shift. They are a loud operation. Ms. Goins said she grew up near the Interstate and lives near a railroad track. She said it is a noisy place and people get used to it. She said as far as safety, this is independent living. She is over 55 years of age and intends to live in a place like the one being proposed. She has her faculties and knows how to watch traffic. She is on the road enough to know that Service Road is not a busy road. She used to ride a school bus on it daily and now uses it to go to the Doctor. Mrs. Sparks said 100 additional cars will be using Service Road a day if the apartment building is approved. Ms. Goins said the people that live their will not be going in and out frequently because they are seniors. Mrs. Sparks said she sees it as a safety issue because their trucks and trailers go in and out all day long. She said they are currently looking at the possibility of adding another building on their property. They are a growing business.

Somebody from the audience asked whose property Sparks Contracting was on when they made the turn? Mr. Morgan replied that Service Road is either a city or county right-of-way. Mrs. Sparks said it is a great plan but she doesn't think it is located in the right place. The driveway causes a safety issue. They did not anticipate a commercial subdivision or apartment building when they moved to their property. Ms. Goins replied there were 4 houses on Service Road when Sparks Contracting moved there. She asked if there was a safety issue then? Mrs. Sparks said the parcel was zoned I-1 when they bought it and a trucking company was located on the property before them. She said there were 4 houses then and 45 apartment units are being proposed now. Ms. Goins said even with all the apartments on School Road there is not constant traffic going in and out. They have school busses and transfer trucks using that road at the same time as the residents and there is no safety issue. Mrs. Sparks said she believes her photos and presentation show the safety issue. She knows that Sparks Contracting would not be permitted if the situation were reversed.

Mrs. Sparks said she also knows that the School Board came out in full force against an apartment building that was proposed behind Kroger a couple years ago. Ms. Goins said someone started a rumor. Mrs. Sparks asked how many apartment buildings the City of Walton wants? Mayor Carnahan said that depends on private property owners, investors, and City Council. Ms. Goins added that the City of Walton is in desperate need of senior housing. People come into the City offices and ask when they are going to do something for seniors. The City can't do it on their own. It takes someone like the Model Group to come in and say that they have a plan. She is a senior that is ready to leave her house and move into an apartment. She would like to stay in Walton.

Mr. Smith said one of the first projects they did with Episcopal Retirement Homes was on Madison Road in Cincinnati. He said it is a very dangerous road because it has 4 lanes of traffic and very little buffering. He said he was very concerned about seniors safety when they started the project. However, they discovered that the seniors do not leave the building that often because of all the building amenities and programs. When they do leave they have transportation or use the transportation being provided. As far as walking, they want the sidewalks and for everything to be connected.

Mrs. Sparks said she would like to make one other point. Pages 1 and 2 of the Staff Report contain the applicable regulations and Conditional Use Permit criteria. She doesn't believe Sparks Contracting fits them but they already located on Service Road. Mr. Turner said the Sparks Contracting property is zoned differently and they didn't need a Conditional Use Permit. She said approving the apartments will create a situation that is not conducive to the area in which they are working. Mr. Turner said he is not sure Sparks Contracting would be permitted at their location today because of the condition of the road. Mr. Morgan said a new industrial subdivision would have to meet the appropriate street standards from the Boone County Subdivision Regulations. Mrs. Sparks said St. Elizabeth was supposed to widen Service Road before they went in and they did not. After they built, the City tried to assess them to widen the road. The City later retracted the assessment because it wasn't legal.

Mr. Sedor said he understands Mrs. Sparks comments regarding safety. However, he believes she is distorting a couple of things. He said Sparks Contracting is not coming in now and they are not applying for a Conditional Use Permit. He said the Board is looking at the apartments as a Conditional Use on the subject property. He said the Board is looking at whether this is something the community wants and needs and if it is harmonious with the Comprehensive Plan. He believes it is consistent with the Comprehensive Plan from everything he has read. He said the Model Group has indicated that they have looked at other sites and this one best fits their needs. He believes there is no problem with the apartments vehicular approaches. Sparks Contracting trucks will not be coming in and out of Service Road every minute.

Mrs. Sparks said the Towne Center is beautiful and will be even better when it is completed. The Board would not allow a business like Sparks Contracting if a senior apartment building was located next nearby.

Mr. Baker asked if the apartment building would have sound proofing due to the proximity of the interstate highway? Mr. Smith said he is sure the residents will hear the traffic from the interstate. However, there is an interior decibel standard that the building has to meet. Mr. Baker said Sparks Contracting is loud industrial use. He asked if the sound proofing would need to be beefed up on the front of the building? Mr. Smith said they will have to do an Environmental Impact Study and study the noise. The interior of the building will have to comply with the required decibel levels.

Mr. Baker asked if the apartment driveway could be moved further down Service Road so it didn't align with the Sparks Contracting driveway? Mr. Smith said they could look at that. Mr. Morgan said the Boone County Zoning Regulations require curb cuts to be aligned if they are located in close proximity to one another. Mr. Morgan said the proximity of the apartment driveway to Sparks Contracting's driveway and the curve would need to be analyzed further if an offset driveway configuration is proposed. Drivers leaving the apartments would need to see through the curve in the road.

Mr. Turner asked Mr. Smith if they were flexible with their parking lot and driveway? He would like to see the driveway opening be made wider. Mr. Morgan said it could be made wider but it would have to meet the Zoning Regulations and an Encroachment Permit would need to be issued. Mr. Turner said making the access point a little wider would allow the trucks to use it and swing in and out of the Sparks Contracting site. Mr. Smith they want to be good neighbors and would have no problem with that.

Mr. Turner asked if anybody else wanted to speak?

Mr. Sedor said the only negative thing that was raised tonight was the safety issue from Sparks Contracting. Mr. Turner said he doesn't think the vehicular approach to the apartments will be an issue. The vehicles coming in and out of Sparks Contracting will be large and moving slow and any senior with visibility issues will be able to see them.

Mr. Sedor asked if construction would start in 2015? Mr. Smith they would start by submitting for the allocation of tax credits and they will get an answer back in March. If they are approved, they are looking at a 6 to 9 month process to close on the property. At the earliest, they could start construction at the end of 2015. He added that they need the Conditional Use Permit approval to apply for the tax credits.

Mr. Turner made a motion to approve the Conditional Use Permit with the following conditions:

1. The approval is based on the preliminary plans plan and elevation drawings. Minor changes can be approved by the Zoning Administrator.
2. The following recommendations of Walton Fire Protection District:
 - A. Fire hydrants shall be located at the east and west ends of the facility.
 - B. A gated, gravel, emergency access driveway, which is a minimum of 10 feet wide and 150 foot long, shall be provided on the north end of the property if the Planning Commission's Engineer determines it is feasible. The emergency access driveway shall extend off of the Waffle House driveway that currently terminates at the common property line. The emergency access drive will allow an aerial truck to fight a fire from the middle of the building.
 - C. Standpipe connections shall be provided in the hallways to allow the fire department to hook fire hoses to the system.
3. Sidewalks shall be provided along the Service Road frontage so a continuous sidewalk system can be provided between the front door of the apartments and Chestnut Drive.

4. The permitted freestanding sign shall be limited to a 10' tall, 100 square foot monument sign.
5. The proposed curb cut on Service Road shall be made as wide as possible to allow the neighboring property to have better ingress and egress (the maximum rural commercial driveway width standard is 40 feet per Table 32.5 of the Boone County Zoning Regulations).

Mr. Baker seconded the motion. Mr. Turner called for the vote and it carried unanimously.

2. **Request of Charter Foods, Inc. for two (2) Variances to increase building mounted signage on the northern and eastern building facades of a Taco Bell restaurant. The 0.903 acre property is located at 211 Mary Grubbs Highway (lot 4A, Walton Towne Center Subdivision), Walton, Kentucky and is currently zoned Commercial Two (C-2).**

Staff Member, Todd Morgan, AICP, presented the Staff Report which included a PowerPoint presentation (see Staff Report).

Mr. Turner asked if the applicant would like to speak? Mr. Brent Stevens said he lives in Independence and drives to Lexington every day. He is excited that a Taco Bell is developing in Walton. Taco Bell concentrated on more highly populated areas for years but has recently began to look at more rural locations. He thinks the proposed signage is classy and is not overpowering in any way. He thinks the LED lighting makes a beautiful difference at night.

Mr. Sedor asked how many parking spaces they are required to provide? Mr. Morgan said there are 50 seats so they are required to provide 25 parking spaces.

Mr. Turner said he believes the proposal is tasteful and is not gaudy in anyway. He also does not believe the request will set a precedent because they look at each request on its own merits. Mr. Baker said he thinks the new Taco Bell restaurants are appealing to the eye. They certainly look better than the old buildings.

Mr. Sedor made a motion to approve the request with the following condition:

1. **The building mounted signage on the front and eastern facades shall be installed as presented. Additional signage shall not be permitted.**

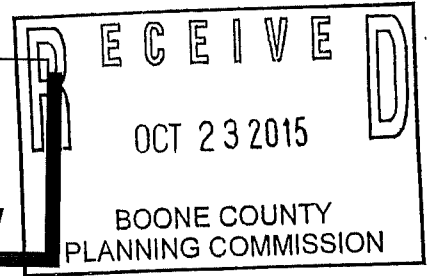
Mr. Baker seconded the motion. Mr. Turner called for the vote and it carried unanimously.

ADJOURNMENT

Mr. Turner asked for a motion to adjourn. Mr. Baker so moved and Mr. Sedor seconded the motion. The motion carried by unanimous consent and the meeting adjourned at 8:13 P.M.

APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION



FIVE (5) SCALED COPIES AND ONE (1) 11X17 REDUCTION OF SUBMITTED DRAWINGS ARE REQUIRED

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

(Check One)

1. Boone Florence Walton Union

(Check One)

2. Conditional Use Permit Variance Appeal
 Change in Non-Conforming Use

3. Applicant's Name Steve Smith, Model Group

Applicant's Address 270 Gilbert Ave
Cincinnati OH 45206
City State Zip

4. Phone Number 513-559-5800 Fax No. 513-559-0840 E-Mail ssmith@modelgroup.net

Description of Request: conditional use requested to build high quality senior housing in a C-2 district

5. Name of Development Walton KY Senior

6. Location of Development Towne Center Drive, southwest of Walton Towne Center, Lot 22 (no street address)

7. Acreage Under Review 3.4923

8. Lot Number and Name of Subdivision (if part of a subdivision)

Future Lot # 22, Walton Towne Center

9. Owner of Property Walton Land Development, LLC

Address of Property Owner 2807 Amsterdam Rd. Villa Hills, KY 41017

10. City State Zip

Phone Number 859-282-0900 Fax No. _____ E-Mail _____

11. Proposed Use(s) on Site Senior Multifamily Housing

12. Total Square Footage of Existing and/or Proposed Buildings No existing, proposed 52,000 sf

13. Current Zoning on Property C-2

14. Deed Book 908 Page No. 481 Group No. 2082

15. Is the site subject to a zone change? No

If yes, give date of approval n/a

16. Have you submitted a Site Plan with this request? Yes

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.

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

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

COPY

CLUR #15-WBOA-001-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

Walton Land Development, LLC
2807 Amsterdam Road
Villa Hills, KY 41017

2. ADDRESS OF PROPERTY

Towne Center Drive
Walton, KY

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

Walton Heights Apartments

4. DEED BOOK 908

PAGE NO. 481

GROUP NO. 2082

5. TYPE OF RESTRICTION(S) (Check all that apply)

Zoning Map Amendment:
From _____ To _____

Conditional Use Permit

Development Plan

Conditional Zoning

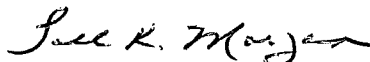
Subdivision Plat
(Not Recorded)

Other:

Variance

6. NAME AND ADDRESS OF PLANNING COMMISSION, BOARD OF ADJUSTMENT, LEGISLATIVE BODY OR FISCAL COURT WHICH MAINTAINS THE ORIGINAL RECORDS CONTAINING THE RESTRICTION

BOONE COUNTY PLANNING COMMISSION
2950 WASHINGTON STREET, ROOM 317
P.O. BOX 958
BURLINGTON, KENTUCKY 41005



SIGNATURE OF COMPLETING OFFICIAL

Todd K. Morgan, Senior Planner

Name and Title of Completing Official

CONDITIONS OF APPROVAL

The following Conditions of Approval apply to the conditional use permit approved by the Walton Board of Adjustment and in accordance with the current zoning in effect as of December 7, 2015 Certificate of Land Use Restriction (#15-WBOA-001-A), for Walton Land Development, LLC, Property Owner(s).

The following conditions will apply:

1. Unless modified by other conditions, the approval is based on the preliminary plans and elevation drawings. Minor changes can be approved by the Zoning Administrator.
2. The vinyl siding shown on the building shall be replaced with hard board or composite siding.

The approved conditional use permit as well as the preceding conditions apply to the property described in:

DEED BOOK 908

PAGE NO.481

GROUP NO. 2082