

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)

- 1. (Check One) Boone \_\_\_ Florence X Walton \_\_\_ Union \_\_\_
2. (Check One) X Conditional Use Permit \_\_\_ Variance \_\_\_ Appeal \_\_\_
3. Applicant's Name The Woda Group (Tammy Stansbury, Applicant)
Applicant's Address 189 Alpine Drive
Shelbyville Kentucky 40065
City State Zip
Phone Number 502.609.4633 Fax No. N/A E-Mail TStansbury@wodagroup.com
4. Description of Request: Conditional Use Approval to construct 44 Townhomes & Community Building in a C-2 Zoning District
5. Name of Development Towne Creek Crossing
6. Location of Development (no street address) Service Road adjacent and south of Mary Grubbs Parkway
7. Acreage Under Review 4.31 Acres
8. Lot Number and Name of Subdivision (if part of a subdivision)
9. Owner of Property William T. Bay and Joann Bay, co-Trustees
Address of Property Owner P.O. Box 77
Burlington Kentucky 41005
City State Zip
Phone Number 859-638-9393 Fax No. N/A E-Mail ourway77@aol.com
10. Proposed Use(s) on Site Multi-family townhome residences
11. Total Square Footage of Existing and/or Proposed Buildings Proposed - 49,268 sq. ft.
12. Current Zoning on Property C-2
13. Deed Book 584 Page No. 134 Group No. 2079
14. Is the site subject to a zone change? NO
If yes, give date of approval
15. Have you submitted a Site Plan with this request? Yes
16. Have you submitted a list of adjoining property owners with this request? Yes
17. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

RECEIVED DEC 01 2016 BOONE COUNTY PLANNING COMMISSION

ORIGINAL Property Owner's Signature: William T Bay, Joann Bay D.O.C. (Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

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

**BOARD OF ADJUSTMENT AND  
ZONING APPEALS ACTION  
APPLICATION  
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**SECTION B** (To be completed by the Boone County Planning Commission Staff)

1. Date Received 12-1-10 Fee Received \$1082.00 Receipt # 74589
2. Is application complete? \_\_\_\_\_ Yes \_\_\_\_\_ No
3. Staff Reviewer \_\_\_\_\_
4. Scheduled Board Action Date 1/10/17
5. Board Action:  
\_\_\_\_\_  
 **Approved**  
 **Approved with Conditions** (See #6)  
 **Denial** (See #7)
6. Conditions of Approval: SEE 1/10/17 UBOA meeting  
MINUTES + CLK
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](http://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.**

PLAN

## STAFF REPORT

APPLICANT: The Woda Group

LOCATION: 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 Highway northbound exit ramp, Walton, Kentucky

ZONING: Commercial Two (C-2)

DATE: January 10, 2017

### PROPOSAL

The applicant has submitted a Conditional Use Permit application to allow a 44 unit townhouse style apartment complex with a community building, playground, and 92 parking stalls on the approximate 4.3 acre site. The preliminary plan shows the apartments will be located in 7 two-story buildings and the community building and playground will be located in the center of the complex. Notes on the plan indicate there will be 6 one-bedroom units, 24 two-bedroom units, and 14 three-bedroom units and the total building area will be 47,912 square feet (proposed building intensity of 11,142 square feet of building per acre of land). Access to the site is shown from a single curb cut on Service Road, which is directly opposite the Sparks Contracting driveway. The submitted building elevations show the 6 unit apartment buildings and community building will be constructed with brick veneer, stone, fiber cement siding, and asphalt shingles. The applicant indicated the community building would be identical to the one shown at their Breas Crossing community (see attached photo).

### PERTINENT SITE HISTORY

On April 19, 2000, Boone County Planning Commission approved a Conveyance Plat for the 0.7501 acre Waffle House lot. The subject lot is shown as a 4.3766 acre remainder tract. The plat shows the Waffle House lot will contain a 35' wide ingress and egress easement and a 10' wide sanitary force main easement that terminate at the southern property line. The subject lot is shown with a storm water easement, shared storm water detention basin, and future access easement.

The property was rezoned to Commercial Two (C-2) during the 2001/2002 Zoning Update.

On December 4, 2014, the Walton Board of Adjustment approved a Conditional Use Permit allowing a 3-story, 45 unit senior apartment building, with 86 parking stalls on the site (see attached meeting minutes and conditions).

On December 7, 2015, the Walton Board of Adjustment approved a Conditional Use Permit allowing a 3-story, 48 unit senior apartment building, with 96 parking stalls on the site (see attached meeting minutes and conditions).

### 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 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 unit and 2 parking spaces to be provided for each two-bedroom unit or three-bedroom apartment unit.

Section 3325 of the Boone County Zoning Regulations requires the community building to provide 1 additional parking space for every 4 seats if it can be rented out for parties.

Sections 3620, 3625, and 3645 of the Boone County Zoning Regulations require street frontage buffers, perimeter 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.

Section 3413 (3) of the Boone County Zoning Regulations would allow a 30' tall, 200 square foot architectural freestanding sign along to be constructed along the Chestnut Drive or I-75 frontage.

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 Population Element contains the following passages which relate to the request:

- A. The Population Element outlines population estimates based on OKI transportation analysis zone "regions." The site is located within the Richwood/Walton transportation analysis zone. The population of this region is estimated to change to 22,085 in 2020, and to 27,761 in 2030.

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

**Table 6.1 Boone County Population and Households**

	1980	1990	2000	2010	2020	2030
Population	45,842	57,589	85,991	118,811	153,933	190,270
Households	14,848	20,127	31,258	43,216	57,870	71,530
People/H.H.	3.09	2.85	2.73	2.73	2.66	2.66

Source: U.S. Census; KY State Data Center estimate (University of Louisville)

- A. Table 6.1 reveals an important trend where household sizes are continuing to decrease, but are expected to level off by 2020. The household projections are used as a general guideline for future housing need. Because they represent occupied housing units, the total number of housing units for any given year will be greater by the amount of the vacancy rate. Household characteristics also change as evidenced by the increase in single-parent families. The resulting housing needs impact the size, type, and location of units demanded by the population. Multi-family units near commercial areas often constitute the demand of singles or single-parent families and 'empty nesters'.

The demand for more affordable single-family and multi-family residences, generated by the commercial and industrial employment growth centers, has helped generate the development of many new subdivisions and apartment developments. New subdivision and apartment design has been uniform in suburban areas and has in the past offered little variation or innovation from one development to another. Recent development proposals have contained concepts that include landminiums, neotraditional single-family, and a greater variety of attached housing. Mixed-use, planned developments that provide a mix of housing options, commercial, office, and public uses with multiple transportation options (i.e. transit, pedestrian, park-and-ride) could be one strategy for meeting this demand (see Housing Densities in this element and the Land Use/Transportation Connection section in the Transportation Element). The local development community should be encouraged to examine other markets around the nation to uncover new trends that may be beneficial in Boone County (Housing Demand, Population Trends, pg. 73-74).

- B. 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, landminiums, 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).
- C. 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).

**Table 6.2 Housing Unit Types by Jurisdiction**

	Single-Family			Multi-Family & SF Attached			Mobile Homes			Totals		
	1990	2000	2010	1990	2000	2010	1990	2000	2010	1990	2000	2010
Flor.	4,209 30.2%	4,808 22.2%	N/A	3,060 56.4%	5,399 58.4%	N/A	31 1.6%	45 1.9%	N/A	7,300 21.9%	10252 30.7%	N/A
Union	307 2.2%	867 4%	N/A	3 <0.1%	5 <0.1%	N/A	2 0.1%	2 <0.1%	N/A	312 1.5%	874 2.6%	N/A
Walt.	548 3.7%	751 3.5%	N/A	240 4.4%	542 5.9%	N/A	12 0.6%	7 0.3%	N/A	800 3.8%	1,006 3.5%	N/A
Uninc. B.C.	8,846 63.9%	15260 70.4%	N/A	2,122 39.1%	3,593 38.9%	N/A	1,860 97.6%	2,351 97.8%	N/A	12828 60.4%	21219 63.6%	N/A
Total	13910	21686	33307	5,425	9,239	11056	1,905	2,405	1,897	21240	33351	46260

Source: Boone County Building Inspection Data & U.S. Census

**Table 6.3 Percent Housing Unit Types by Jurisdiction**

	Single-Family			Multi-Family			Mobile Homes		
	1990	2000	2010	1990	2000	2010	1990	2000	2010
Flor.	57.7	46.9	N/A	41.9	52.7	N/A	0.4	0.4	N/A
Union	98.4	99.2	N/A	1.0	0.6	N/A	0.6	0.2	N/A
Walt.	68.5	74.7	N/A	30.0	24.1	N/A	1.5	0.7	N/A
Uninc.	68.9	71.9	N/A	16.5	16.9	N/A	14.5	11.1	N/A
B.C.	65.5	65.0	72.0	25.5	27.7	23.9	9.0	7.2	4.1

Source: Boone County, Florence & Walton Building Inspection Data & U.S. Census

- D. It should be noted that the number of housing units increased in all the major housing construction types for each municipality, except multi-family units in the City of Union. County-wide, the percentage of total housing units that are single-family detached units, has decreased while multi-family units have increased in percentage. The City of Florence has a lower percentage of single-family units than other areas of the county.

In 1980, multi-family housing comprised 20.9% of the total housing units in Boone County. This percentage continued to rise as the county urbanized and stood at 25.5% in 1990 and 27.7 in 2000 (see Table 6.3). This was during a time of enormous growth in single-family housing development. This increase in multi-family housing happened primarily in the unincorporated part of Boone County. Since 2000, the percentage of multi-family decreased to 23.9. The percentage of mobile homes throughout the county has decreased steadily since 1990 and now stands at 4.1% of the total 46,260 housing units in the county in 2010 (Housing Supply, Housing Type by Municipality, pg. 76).

- E. The major reason for Boone County's rapid population growth is in-migration. Often the higher income families (or new population) locate in the developing rural areas of the county. While this is practical because they can afford the estate lifestyle and cost of transportation over greater distances, this spatial phenomenon separates people of different income levels. A variety of housing opportunities within the established urban areas and within developing areas would encourage some of the higher income residents to reside there and thus encourage mixing of different income levels. Therefore, single-family housing should remain an ingredient of the urban areas instead of being targeted only for rural or suburban areas. Large, left-over parcels in urban service areas are well suited for planned residential development that includes high density housing. However, established single-family housing areas in urban settings should not experience an influx of multi-family or duplex construction unless adequate buffering or proper development design can be provided. Housing for the elderly population or for those who are handicapped needs to be located near public transit, commercial areas, and public facilities (Meeting Housing Needs, Population Needs, Pg. 79).

- F. 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).

- G. High density residential areas should be located sufficiently near and with convenient access to major streets, highways, and shopping and public facilities. A progression of densities of residential uses from high (multi-family) to low (single family) shall be encouraged. Where traditional progressions of high to low net density are not possible through creative development design, an appropriate and attractive visual transition should be achieved. This could include existing vegetation or new landscaping and/or fencing. Existing vegetation (such as wooded fence rows) should be retained as much as possible to provide buffer strips and stormwater filters. This serves a dual purpose in that woodland is becoming relatively scarce in the eastern uplands of the county, and these areas buffer different land uses. Housing that is proposed on smaller, remnant tracts needs to be carefully designed (Housing Densities, pg. 81).

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

- A. Boone County shall strive to achieve both a diversity and balance in land use. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of the general public in a fair and impartial manner ("Overall," Objective 6).
- B. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. Development design should minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ("Environment," Objective 2).
- C. A broad range of housing opportunities shall be provided which meet the needs and desires for all household types (Housing, Objectives).
- D. 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.
- E. 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).
- F. Where existing infrastructure, services, and the public school system are not adequate, development shall be phased to coordinate with the provision of these items.
- G. The local transportation system in Boone County shall be maintained and improved so that overall safety and level of service will be enhanced. Inefficiencies in the system will be identified and addressed. New land development shall be closely coordinated with the local transportation system to assure efficiency and continuity with the regional multi-modal transportation system ("Transportation," 2nd Goal).
- H. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops ("Transportation," 2nd Goal, Objective 3).

### SITE CHARACTERISTICS

The approximate 4.3 acre site is currently undeveloped and has approximately 483 feet of frontage on Service Road and 597 feet of frontage along I-75. Boone County G.I.S. shows that topography of the property falls from 900 feet above sea level at the southeast property corner to 864 feet above sea level along the western property line. Overhead utilities are located along the eastern property line and Service Road. A water main is located on the south side of Service Road and a sanitary sewer main terminates at the rear property line of Waffle House. The northern and western portions of the site are currently comprised of scrubby vegetation. Significant deciduous tree cover exists in the I-75 right-of-way.

### SURROUNDING LAND USES & ZONING

North: Waffle House and Marathon Gas Station/Dairy Queen (C-2)

South: Service Road, Sparks Contracting, and Vacant Lot (I-1)

East: Undeveloped Lots in Walton Towne Center Subdivision (C-2)

West: I-75/Mary Grubbs Highway Northbound Exit Ramp, Delightful Days, and Truck Wash (C-3)

### STAFF COMMENTS

1. The applicant could have used the 12/4/14 or 12/7/15 Conditional Use Permit approvals if they would have complied with the submitted plans and conditions of approval.
2. The application was submitted on December 1, 2016 and Staff sent the applicant thirteen (13) preliminary comments. The applicant submitted some additional written information and revised plans to address some of these comments (see attachments).

The supplemental information included a more thorough description of their project and the tax credit program. Highlights include:

- A. Towne Creek Crossing (the proposed development) will be applying for Low Income Housing Credits through Kentucky Housing Corporation. Applications are due on January 12, 2017. Announcements for awards are made in late April or early May.
  - B. Investors buy income tax credits in qualified properties that have received state allocation, creating cash equity for owners that reduces project development debt burden. In exchange, the owner agrees to rent a specified number of units to qualified tenants at specified rents that are normally below-market rate.
  - C. Construction probably would not start until January 2018.
3. Staff has the following comments and concerns based on the revised plans, elevations, and written narratives:
    - A. The preliminary plan shows the development will have 92 parking spaces and 85 spaces are required for the apartments. The community building will have an additional parking requirement of 1 parking space for every 4 people that can occupy the structure if the building can be used by a resident for private parties. As

a result, the current parking would allow a resident to have a party in the building with 28 people or less.

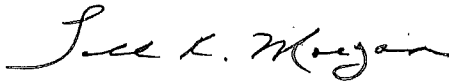
- B. The submitted plans and elevations show that the rear of the 8 unit apartment building will be the dominant feature from Service Road. The plans show this building will be 154 linear feet across and will be located at the 30' front yard setback line (patio pads are located 20' from the front property line). Staff would like to note that this is the only 8 unit apartment building in the complex and that elevations were only submitted for the 6 unit buildings. Staff would like the applicant to review the proposed building materials on this building.
- C. The width of Service Road and the mixing of more residential traffic with commercial and industrial traffic.
- D. Staff has concerns that the proposed apartment complex will generate a lot more traffic than the senior apartment buildings that were previously approved by the Board. However, the proposed use will probably generate a lot less traffic than a lot of principally permitted C-2 uses. Staff has asked the applicant to prepare a Traffic Impact Study and review the conclusions at the meeting.
- E. Potential impacts on Walton-Verona Schools.
- F. What are the heights of the proposed light poles? Are wall packs or sconces being proposed on the buildings?
- G. The plan does not show that sidewalks will be provided along the Service Road frontage.
- H. The applicant indicated the final color of the brick, stone, and siding would be chosen once the project is approved by Kentucky Housing. Does this cause the Board any concern?
- I. Staff would like to make the applicant aware that the required 10' wide landscaping buffer along the eastern property line may need to be shifted further into the site because there is an overhead utility easement.
- J. Staff would like the applicant to address where snow removal and lawn equipment will be stored?
- K. Does the applicant have any policies regarding disabled vehicles, storage of recreational vehicles, operation of family daycares, or construction of accessory structures or gardens?
- L. Has the access easement issue between the current owners of the property and Waffle House been resolved? The Conveyance Plat that was approved in 2000 showed a future access easement across the subject lot and Staff's understanding is that Waffle House wanted this driveway to be built. Staff contacted Kentucky Transportation Cabinet back in 2015 and they indicated they would not permit the Marathon/Waffle House entrance to be used for shared residential access (see attachment).

4. On December 16, 2016, Staff sent an agency memo to Walton-Verona Schools, Walton Fire Protection District, and Walton Public Works. Their comments are attached to the Staff Report.
5. The City of Walton approved a Special Sign District request in 2009 which allows a 50' tall, 433.5 square foot Walton Towne Center Subdivision sign to be constructed in the Service Road right-of-way. The approved sign location is immediately to the southwest of the subject site (see attachments).
6. Staff recommends the following conditions if the request is approved:
  - A. The approval shall be based on the preliminary site plan and elevation drawings. Minor changes can be approved by the Zoning Administrator.
  - B. The rear and side facades of the 8 unit building shall be constructed with 50% brick and/or stone and fiber cement siding that complements the other buildings.
  - C. Buffer Yard B plantings shall be required along the front property line. Buffer Yard B is a 20' wide buffer with the following plantings required every 100 linear feet:
    - 5 Evergreen from Plant List D and
    - 6 large trees/medium/small/or evergreens from Plant List A, B, C, or D and
    - 30 shrubs from Plant List E or 15 shrubs from Plant List C
  - D. The dumpster enclosure shall comply with the following:
    - The rear and sides of the dumpster shall be constructed with brick that matches the buildings.
    - The gate shall be solid wood or vinyl
    - The enclosure shall be at least 1 foot taller than the dumpster being screened.
  - E. Freestanding signage shall be limited to a 10' tall, 100 square foot monument sign. The base of the sign shall be constructed with brick that matches the building. Building mounted signage shall be prohibited.
  - F. Public sidewalks shall be required along the Service Road frontage and a sidewalk connection to the development shall be required.
  - G. A bicycle rack shall be required near the community center.
  - H. Residents shall not be permitted to store disabled vehicles or recreational vehicles in the parking lot.
  - I. The recommendations of Walton Fire Department.
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

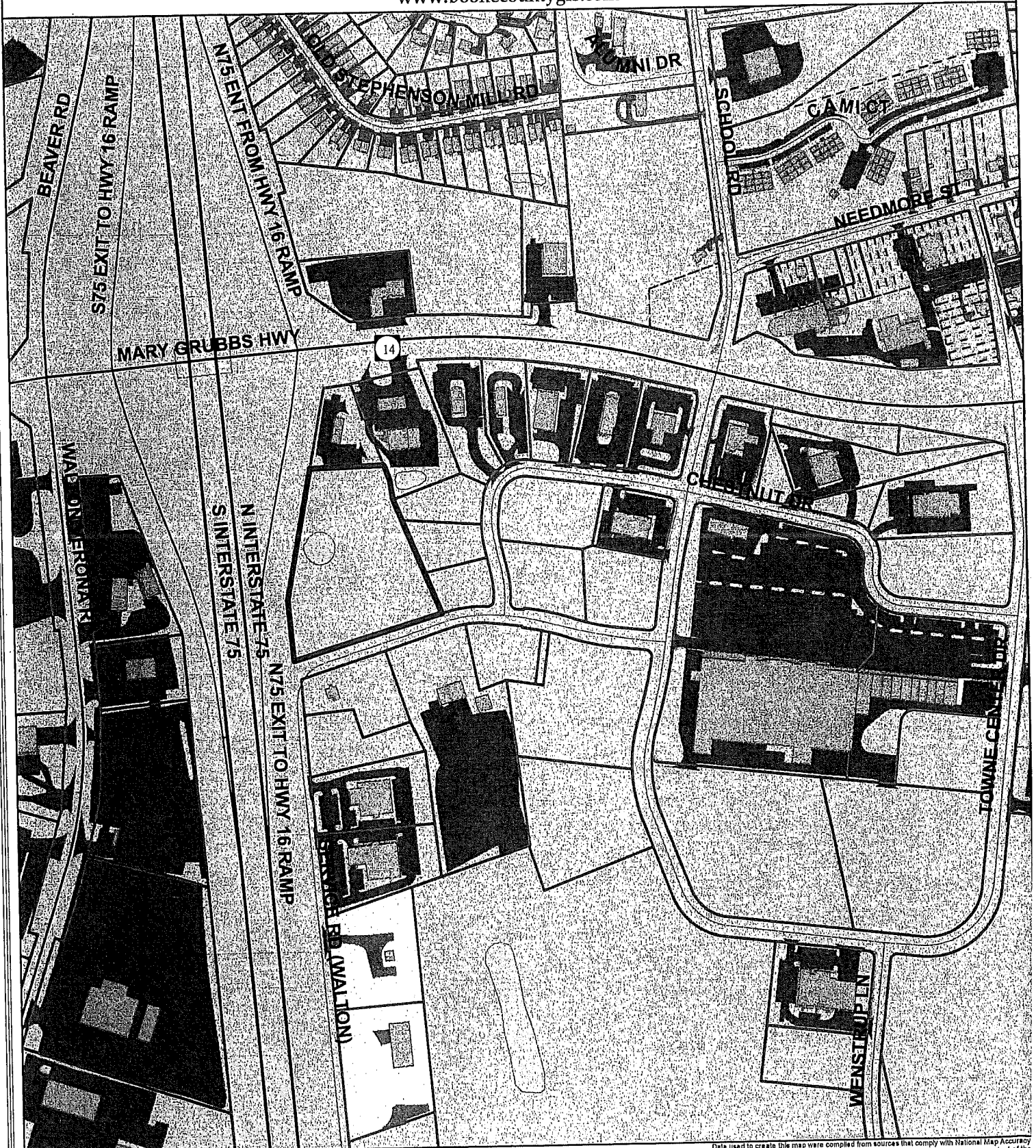
TKM/ss

Attachments

- \*Site Vicinity Map
- \*12/1/16 Project Narrative
- \*12/12/16 Preliminary Staff Comments
- \*Additional Information Supplied by Applicant to Address Preliminary Comments
- \*Pictures of Playground Equipment, Community Buildings, and Apartment Buildings in other Woda Group Communities
- \*Revised Preliminary Plan and Building Elevations
- \*Zoning Map
- \*2035 Future Land Use Map
- \*Topographical Map
- \*2012 Aerial Map
- \*12/16/16 Agency Memo
- \*12/21/16 Email From Mark Krummen, Walton-Verona Schools
- \*1/4/17 Email from Roger Williams, City of Walton
- \*1/4/17 Email from Deputy Chief Roberts, Walton Fire
- \*4/19/00 Conveyance Plat Approval
- \*11/6/15 Email from Matt Bogen, Kentucky Transportation Cabinet
- \*Walton Towne Center Special Sign District Approval
- \*12/4/14 Approved Plan
- \*12/4/14 Walton Board of Adjustment Meeting Minutes
- \*12/7/15 Approved Plan
- \*12/7/15 Walton Board of Adjustment Meeting Minutes
- \*Application

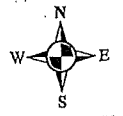
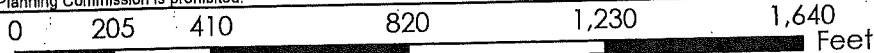
# SITE VICINITY MAP

www.boonecountygis.com



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**Boone County GIS - Putting Northern Kentucky on the Map**

## Project Narrative

### Towne Creek Crossing Walton, Kentucky

#### *The Development*

Towne Creek Crossing is a proposed 44-unit new construction townhomes/flats located in Walton, Kentucky. The site is located in the city limits. The development will consist of one bedroom flats and two and three-bedroom townhome units that will be constructed to a high level of energy efficiency and green construction techniques. The three-bedroom units will consist of two full baths. The building design is intended to create an environment in which individuals can have a sense of ownership and security.

Out of the 45 units, ten 10% percent of the developments units will be targeted for physically disabled tenants and will be fully accessible.

Unit amenities include window blinds, porch/patio, cable hook-ups, washer/dryer hook-ups, ceiling fans, built in microwave and dishwasher, stove, and refrigerator. All appliances will be Energy Star rated. Each unit will include its own central heating and cooling system, overhead light fixtures with a wall switch in each bedroom and living room, energy efficient windows, and additional insulation.

The units will be designed to create a supportive and healthy environment. The development will offer a spacious community room with kitchenette, a computer lab, laundry facilities, fitness center, a green space area with picnic tables and grills with a seating area, children's playground, additional storage space off the patio's for each unit. There will be an on-site manager and maintenance technician.

The exterior of the townhomes will be constructed of brick/fiber cement siding and cultured stone. There will be no vinyl siding (see attached picture of development recently completed in Shelbyville, KY). The dumpster will be constructed of the same masonry and will include a solid flat gate enclosure. The dumpster wall will be 6 ft. and 8 inches tall, which is one foot taller than the dumpster. See attached picture of the sign that is smaller than the 10' tall requirement, and the base will match the buildings.

The proposed development is located in a high median income area, that doesn't currently offer affordable housing options. The location will afford those who work in the retail shops located in Towne Center, housing options to stay and live within the area instead of living in Florence or other neighboring towns due to the high market rate rents currently in Walton. You will see a lot of seniors or young professionals wanting to live in proximity to all the amenities that Towne Center has to offer. The surrounding land uses will have a positive effect on the marketability of the site. Access is good, due to generally moderate traffic patterns located on Service Road.

The rents for the proposed development are as follows: 1BR - \$595, 2BR- \$710, 3BR - \$825

The rent will include, water, sewer and trash pick-up. Tenants will be responsible for electric only.

### ***Concerns from the City***

There are currently easements attached to the property, however, our attorney has reviewed the documents and the results of our findings are as follows:

The storm sewer easement can be relocated with a thirty-day notice to Waffle House, which must be approved by Waffle House and the Boone County Planning Commission. At this time, we don't see a reason to relocate this easement.

The Detention Basin will be constructed by the development. Ongoing repair, maintenance, etc. is to be paid proportionately (based on the developed square footage of each parcel to the total square footage) for all the land owned by the Waffle House and this development. This development has the right to move the basin or change its boundaries without consent of anyone so long as it continues to properly hold all the storm water.

Utility Easement is for both the Waffle House and this development to utilize. Costs are allocated proportionately among the owners who benefit from the utilities installed. The easement can be relocated with a thirty-day notice to other parties without disruption and party doing the work has to pay for it.

Future extension of the roadway - The Kentucky Department of Transportation will not approve any additional roads to be added to Service Road since the existing signalized intersection at School Road provides connectivity to the proposed development there is no reason to add another roadway. This would only increase traffic and individuals would use this additional roadway as a short cut. We are not showing on our site plan the continuation of this roadway.

We were also informed there might be some concerns with The Board of Education as it pertains to school age children. While we can't predict who will live in our units, we can share some statics that we recently ran a couple of months ago pertaining to The Woda Group's portfolio. The report focused on the targeted population living in our units, the number of children, singles and the number of seniors. Woda Management and Real Estate currently manage over 215 properties and 9,000 units. In this recent study it was estimated that out of the 9,000 units around 30% was children. For the state of Kentucky, we currently have six general occupancy developments. In most of these developments the percentage was four percent (4%) or below. However, there were a couple that did have an average of thirty-five percent (35%). These developments are located in areas that do not offer any other type of housing in the area. For instance, Raceland Meadows has thirty-two units with two children living in the development. Raceland is located in Raceland, Kentucky in Greenup County. However, this study did not take into account the age of the children reported.

Again, we can't predict who our clientele will be, but we feel with the location to the amenities, will make this development more attractive to young single professionals or seniors wanting to downside and not worry about the upkeep or maintenance of their home.

## ***The Development Company***

The Woda Group, founded in 1990, currently owns and manages over 215 properties with approximately 9,000 units in 12 states located in the Midwest, Northeast and Southeast regions of the country. The Woda Group, Inc. is nationally recognized and is currently ranked in the top ten of the largest affordable housing developer's in the country by Affordable Housing Finance magazine. Woda has a strong financial background and has a deep bench to draw resources from. Woda applies each year to obtain Low Income Housing Tax Credits in several states and is constantly awarded each year tax credits from the respective State Housing Agencies. Woda has a development team with a dozen executives, a construction arm (Woda Construction, Inc.) and a property management organization (Woda Management & Real Estate, LLC).

The Woda Group, Inc., Woda Construction, Inc., and Woda Management & Real Estate, LLC are vertically integrated in all respects. Woda provides full service development, construction, and management services. Woda has in-house capability to find sites, address right to build issues, obtain favorable construction pricing, implement efficient deal structures that maximize the yield for equity and minimize the cost of debt, build quality properties, lease-up properties, manage and maintain properties, and comply with funding source requirements, state housing agencies, U.S. Housing and Urban Development (HUD), and other regulations.

Our success would not be achieved without the faith and support of our many partners including Federal and State Housing Agencies, lenders, investors, non-profit partners and local governments/communities. We appreciate the confidence they have shown in us, and strive to maintain that trust in order to provide affordable, quality housing to low and moderate income households.

Woda or one its affiliates is a member of the National Association of Home Builders Housing Credit Group, National Housing and Rehabilitation Association, the Affordable Housing Tax Credit Coalition, the Council for Affordable and Rural Housing, the Building Industry Association of Central Ohio, and the Michigan, Ohio, Kentucky, Maryland, South Carolina, Georgia, New York, and North Carolina state affordable housing councils.

Underlying Woda's success is its uncommon ability to develop strong partnerships with private financial institutions and public funding sources, social service agencies, local government authorities and community organizations. Sensitivity to the specific affordable housing needs of local families is likewise a key Woda strength. The team believes that a successful housing development is more than simply putting a building on a site and moving residents in. Rather, it is a true community project, involving input and cooperation from neighborhood residents, community officials, local and state agencies, financial stakeholders, and the entire design team. This multifaceted approach ensures that the project will be successfully woven into the vibrant fabric of the existing community, and will in turn help to strengthen and reinvigorate that community, for both present and future generations.

Pictures of a development recently completed in Shelbyville, KY. We will use the same type of exterior components for our townhomes as we did for the garden patio homes shown below.



Community Room at Breas Crossing

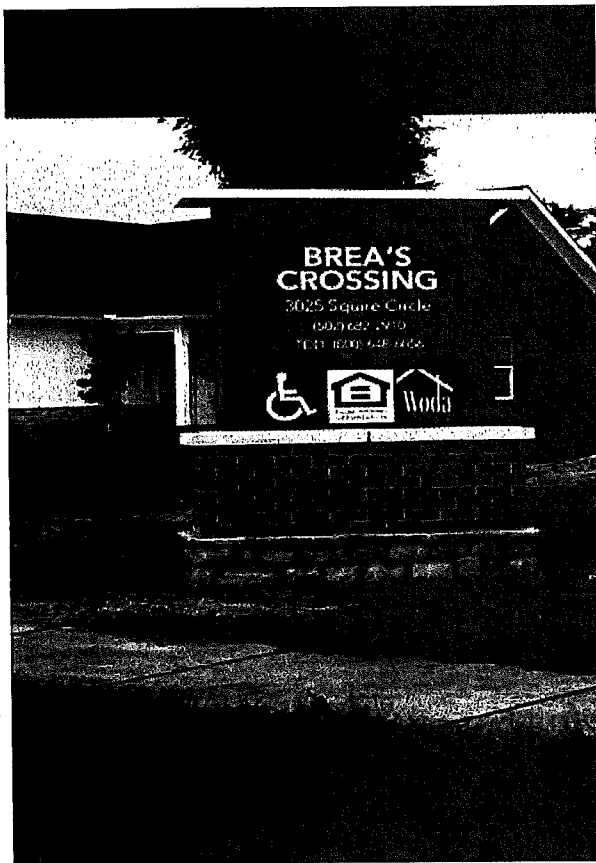
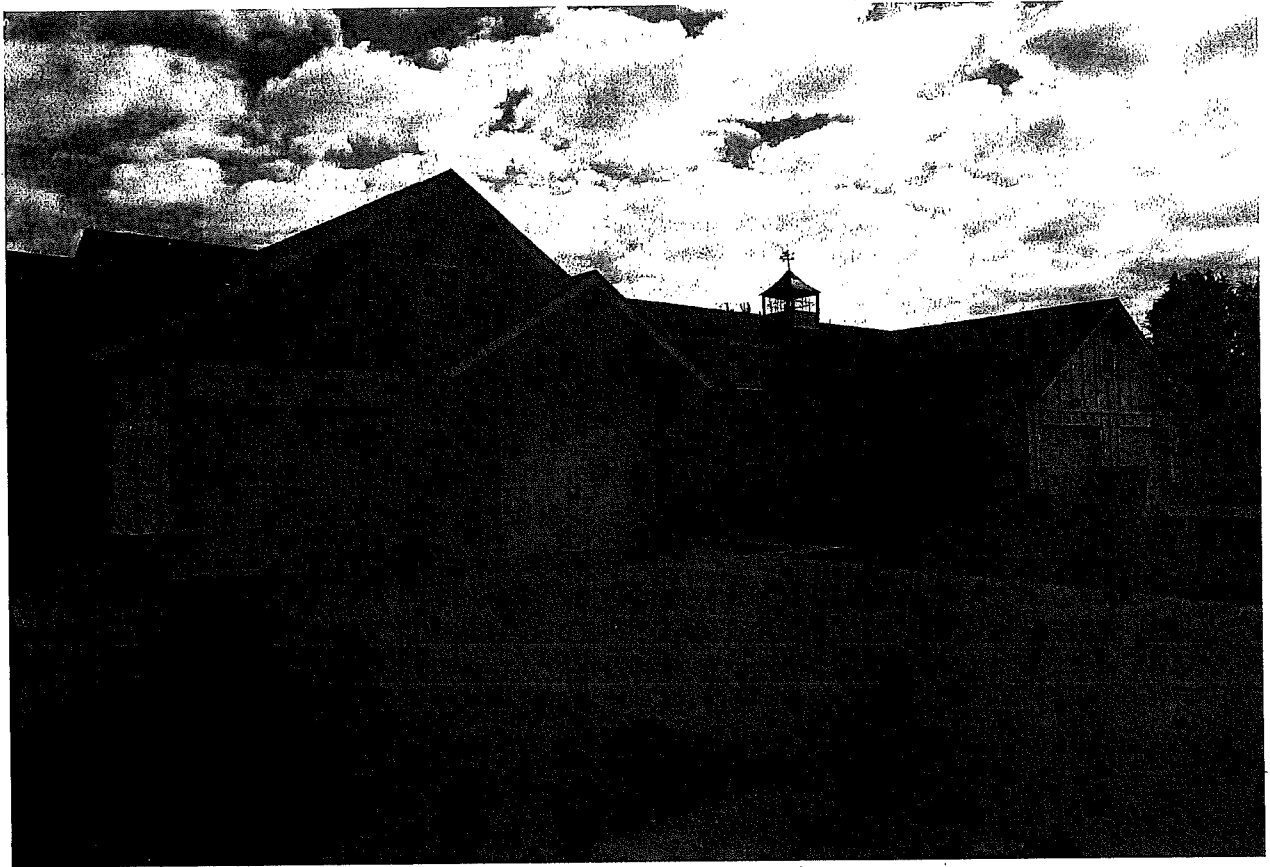


Typical Community Room



Proposed Outside Terrace off the community building





Picture of our standard signs

## Todd Morgan

---

**From:** Stansbury, Tammy <tstansbury@wodagroup.com>  
**Sent:** Monday, December 12, 2016 5:33 PM  
**To:** Todd Morgan  
**Cc:** Daniel Grimm; Fugate, Frank  
**Subject:** RE: Towne Creek Crossing - Woda  
**Attachments:** Towne Creek Crossing (additional info).docx

Todd,  
It was nice talking to you today. In the attached narrative I have addressed some of your concerns as outlined below. Please let me know if any additional information is required concerning the narrative. Our architect is working on the site plan and making the changes indicated below. We should have those to you within the next day or two. We are looking into contracting someone to do the traffic impact study. If you know of anyone, please send me their contact information. Again, if the meeting isn't scheduled until January 17<sup>th</sup>, we will have missed out deadline for submission to Kentucky Housing Corporation. Thank you again for your time with this matter.

---

**Tammy J. Stansbury** | Vice President of Development  
Kentucky Office  
(c): 502-609-4633



**The Woda Group, Inc.**  
189 Alpine Drive  
Shelbyville, KY 40065

(p) 502-414-1259

DEVELOPMENT  
CONSTRUCTION  
MANAGEMENT

[www.wodagroup.com](http://www.wodagroup.com)



**From:** Todd Morgan [mailto:TMorgan@boonecountky.org]  
**Sent:** Monday, December 12, 2016 12:09 PM  
**To:** Stansbury, Tammy <tstansbury@wodagroup.com>  
**Subject:** RE: Towne Creek Crossing - Woda

Tammy,

We are still in the process of scheduling the meeting. I have one Board of Adjustment member that is on vacation and I cannot reach him. We are targeting 1/10/17 or 1/17/17 at 6:00 p. m. I will be back in touch with you once we make a final determination. You will also get an official notice in the mail.

I reviewed the plans and have the following preliminary comments:

1. I would recommend submitting a more thorough description of Low Income Housing Credits, the award process, and the restrictions that will be placed on the development if the credits are awarded. This will allow the Board of Adjustment members to review the information prior to the meeting.

2. I am concerned that the development is at the minimum parking requirement. The plan doesn't show any extra guest parking.
3. Please outline how the community center will be used. Can tenants rent the building and have a party? If so, extra parking needs to be provided. I would need seating information to compute the parking requirement.
4. Where are mailboxes proposed?
5. Are any light poles being proposed in the parking lot? If so, provide locations and proposed heights.
6. The plans show that each unit will have a patio pad. I want to confirm that these are patio pads and not decks. Decks would have to meet the applicable building setback requirement.
7. I am concerned about the offset driveway alignment with Sparks Contracting. I would prefer to see the proposed driveway directly aligned with Sparks Contracting or be offset as far as possible. See Section 3122 of the Boone County Zoning Regulations.
8. I will be delivering plans to Walton Fire Department and Walton Public Works shortly to get their comments. Has anyone spoken with them regarding the plan?
9. I am concerned about the building materials shown on the sides and rears of the buildings (especially the ones that are highly visible from Service Road). The rear facades of the buildings are 121' and 154' across and are almost entirely shown with fiber cement siding. I will be recommending the amount of masonry on the side and rear facades should correlate to the front facades.
10. Do you have elevation drawings and/or pictures of the community center/terrace and playground equipment?
11. I would recommend submitting a material sample board.
12. I would recommend submitting a Traffic Impact Study.
13. If the project is approved, I will be recommending a sidewalk connection along the Service Road frontage and sidewalk connections to the development.

Please call or email me if you have any questions.

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

---

**From:** Stansbury, Tammy [<mailto:tstansbury@wodagroup.com>]  
**Sent:** Friday, December 09, 2016 2:03 PM  
**To:** Todd Morgan  
**Cc:** Fugate, Frank; Daniel Grimm  
**Subject:** Towne Creek Crossing - Woda

Hi Todd,  
Just checking to see if there was anything else you needed from us at the moment and when you think there might be a possible planning meeting? Thanks.

---

**Tammy J. Stansbury** | Vice President of Development  
Kentucky Office  
(c): 502-609-4633

## **Towne Creek Crossing** (additional information)

At this time Towne Creek Crossing is only seeking a Zoning letter as to the classification of zoning allowed at this site. This letter must be submitted with our application to Kentucky Housing Corporation to order to apply. If an award of funds is allocated by Kentucky Housing Corporation, The Woda Group, Inc. and our architect will work closely with the city and county concerning local planning and zoning requirements. This will include working with the local Public Works department, the local fire department, road department, etc. If approved for funding, a full set of construction plans will be completed and submitted to Planning and Zoning for final approval prior to the commencement of any construction work. Our civil engineer will be involved in this process as well.

### **Time Schedule**

Towne Creek Crossing will be applying for Low Income Housing Tax Credits through Kentucky Housing Corporation for Housing Credits. Applications are due January 12, 2017. Announcements for awards will be made in late April or first of May. Due diligence and final construction plans will be completed sometime in October 2017. We will work with Planning and Zoning through the summer months. Closing could occur sometime in December 2017 with construction starting sometime in January 2018 with a final completion of January 2019 or thereafter.

If an award of credits is not issued to Towne Creek Crossing, the development will not move forward. Because we are applying for these credits, we will be held to a higher standard of construction. That will include Energy Efficiency and Green Construction Techniques as well as Kentucky Housing Corporation's Minimum Design Standards in addition to local and state building requirements.

### **What are Credits?**

The Low Income Housing Tax Credit (LIHTC) program was created by the Tax Reform Act of 1986 as an alternate method of funding housing for low- and moderate-income households. It is currently the country's most extensive affordable housing program. The program was added to Section 42 of the Internal Revenue Code in 1986 in order to provide private owners with an incentive to create and maintain affordable housing. Without the use of LIHTC, individuals in the medium income level were forced to pay Market Rate rents. Because the Market Rate rents are much higher, individuals are likely to pay more than 30% of their income towards rents, thus not allowing them to ever get ahead. With the LIHTC, the rents are at an affordable level, which allows individuals the flexibility to save and hopefully become homeowners.

The LIHTC program works through a subsidy mechanism. The Internal Revenue Service (IRS) allocates funds on a per capita basis to each state. Currently, each state receives \$2.00 per capita. However, the Housing and Economic Recovery Act of 2008 temporarily increased the maximum allocation per person to \$2.20 through 2009. Each state has a housing finance or other agency (HFA) that assumes responsibility for allocating tax credits to developers. The process by which the HFA allocates the credits is competitive and uses criteria enumerated in the state's **Qualified Allocation Plan**.

Investors buy income tax credits in qualified properties that have received state allocation, creating cash equity for owners that reduces project development debt burden. In exchange, the owner agrees to rent a specific number of units to qualified tenants at specified rents, **usually below-market**. Two levels of tax credits are available: one at 9% of depreciable basis, competitively allocated; the other, at 4% of depreciable basis, comes with state bond financing. The location of Towne Creek Crossing meets all the

check boxes through the Kentucky Housing Corporations scoring criteria and will score extremely high with this year's application round due to the proximity of the site to amenities, the census tract, etc.

### **Income Restrictions**

There are income restrictions placed on these units at initial move-in. Once an individual is approved at move-in, their income can continue to increase, however, their rent will not increase based upon their income. Since Boone County is considered a Metropolitan area outside of Cincinnati, the Area Median income for a 4-person household is \$70,700. The National Metropolitan Median Income for counties not located in a Metropolitan area is \$53,300 for a 4-person household. For Towne Creek Crossing the median income limit for a 4-person household is \$42,420.

### **Site Plan**

The community center can be utilized by the residents of Towne Creek Crossing only and there is no rental cost. In most instances, developments for families rarely take advantage of the community room for parties, however, our architect will design some additional parking spaces for the community center. The community center will contain the office, a small fitness room and a computer lab. The community room itself will be no more than 620 square feet. A living area with a large TV, along with a small kitchenette and one dining table will be present in the community room.

The mail boxes will be located at a location near the community center. However, we will work with the local Post Office prior to finalizing our plans as to their recommendation for one mail box location or separate mailboxes for each unit.

The patios for the individual units will be poured concrete pads. There will be light poles throughout the property with down lighting for security. Our architect will show these on the revised site plans. The terrace off the community building will be covered. Attached is a picture of the terrace for Breas Crossing that will use the same type of materials. The playground equipment will be commercial grade.

With regards to the driveway aligning with Sparks Contracting, if we were to move our entrance, it would put our development entrance closer to the sharp curve on Service Road, which could pose as a danger to individuals exiting the development. We would also lose some units by moving this entrance in order to meet all the set-back requirements, etc. due to the layout of the land. If this property were sold for retail, I'm sure the entrance(s) could be at several different locations, depending on what would be constructed, as well as increasing the traffic flow. This could become a burden for Sparks Contracting if retail were to be constructed and not housing. Traffic for this development is less likely than a proposed retail space.

Final materials, brick color, etc. have not been picked out for this development yet since we are only in the conceptual stage. Once approval is granted from Kentucky Housing, we will then finalize all materials and will seek final approvals from the Planning and Zoning board.

## Todd Morgan

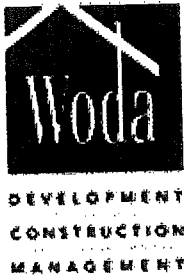
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**From:** Stansbury, Tammy <tstansbury@wodagroup.com>  
**Sent:** Thursday, December 15, 2016 3:45 PM  
**To:** Todd Morgan  
**Cc:** Daniel Grimm  
**Subject:** Towne Creek Crossing - playground equipment  
**Attachments:** IMG\_1087.JPG; Sharepoint4Race.jpg; 0824151315\_resized.jpg; 0824151316a\_resized EDITED.jpg; Sharepoint 1.jpg; Sharepoint5Penn.jpg; Sharepoint 3.jpg; Bayberry Place 4 edit.jpg; Breas 1404.jpg

Todd,  
Attached are some pictures of playground equipment at some of our properties. I have also included some pictures of recent developments that include the outdoor picnic area and another picture of a community room. Our architect is finalizing changes to the site plan to include elevations for this development. I will send a PDF once completed and he will overnight the copies to your attention. I have also contracted with someone to do a traffic study for the development as well, however, this report won't be completed until the week of the 10<sup>th</sup>. I hope we have address any concerns and that you can schedule a meeting for the 10<sup>th</sup> since this is very important to us. Again, thank you for everything and hope you have a Merry Christmas.

---

**Tammy J. Stansbury** | Vice President of Development  
Kentucky Office  
(c): 502-609-4633



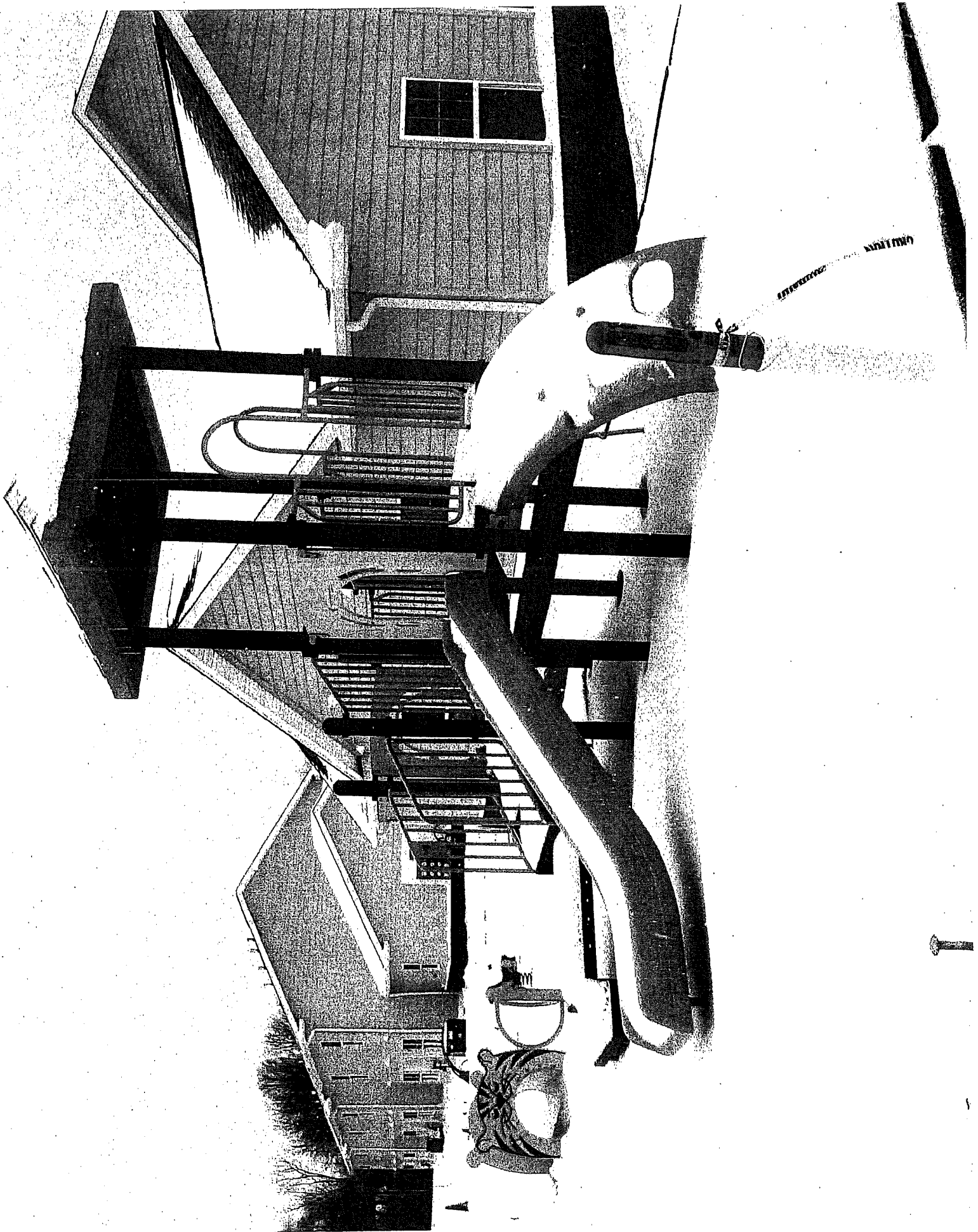
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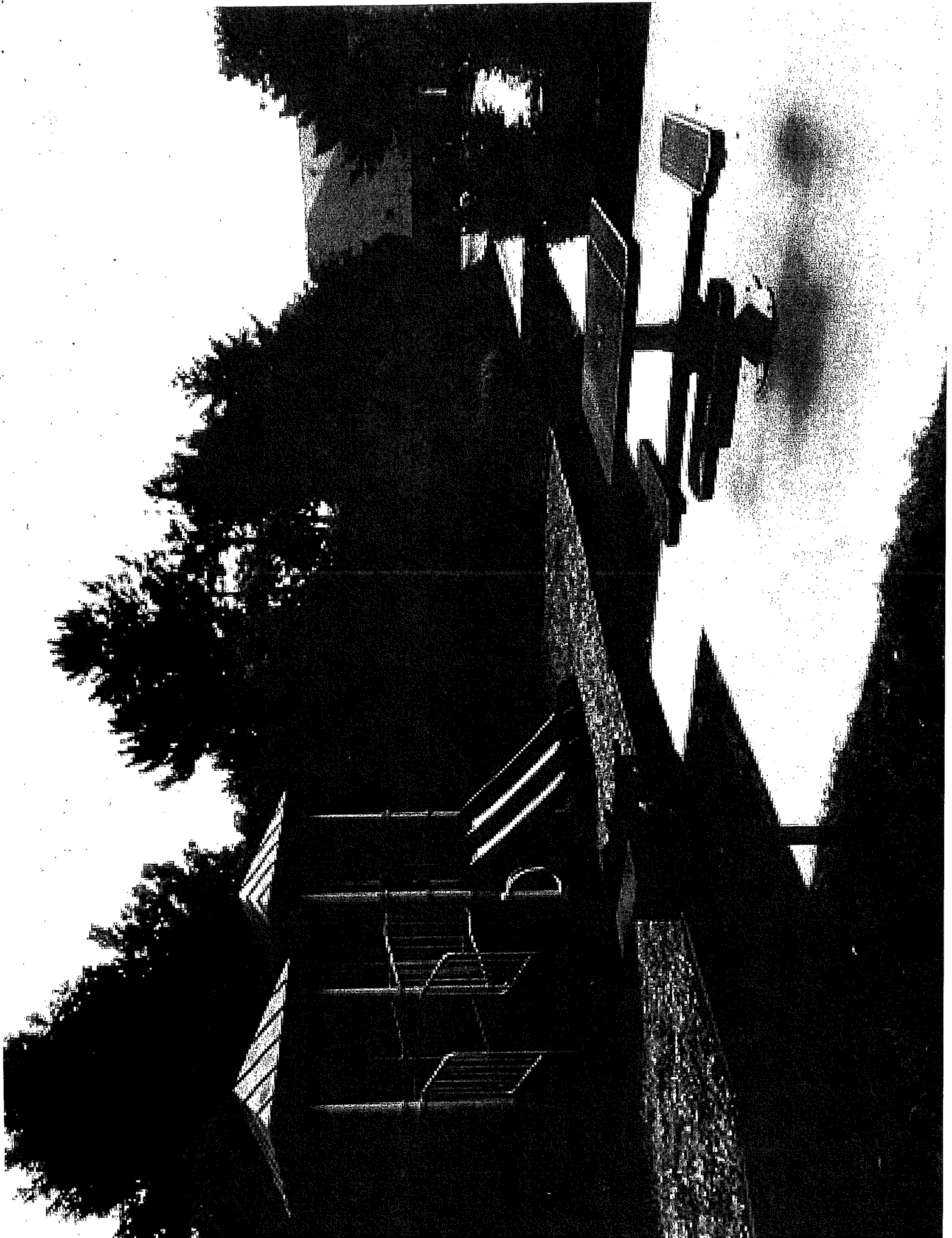
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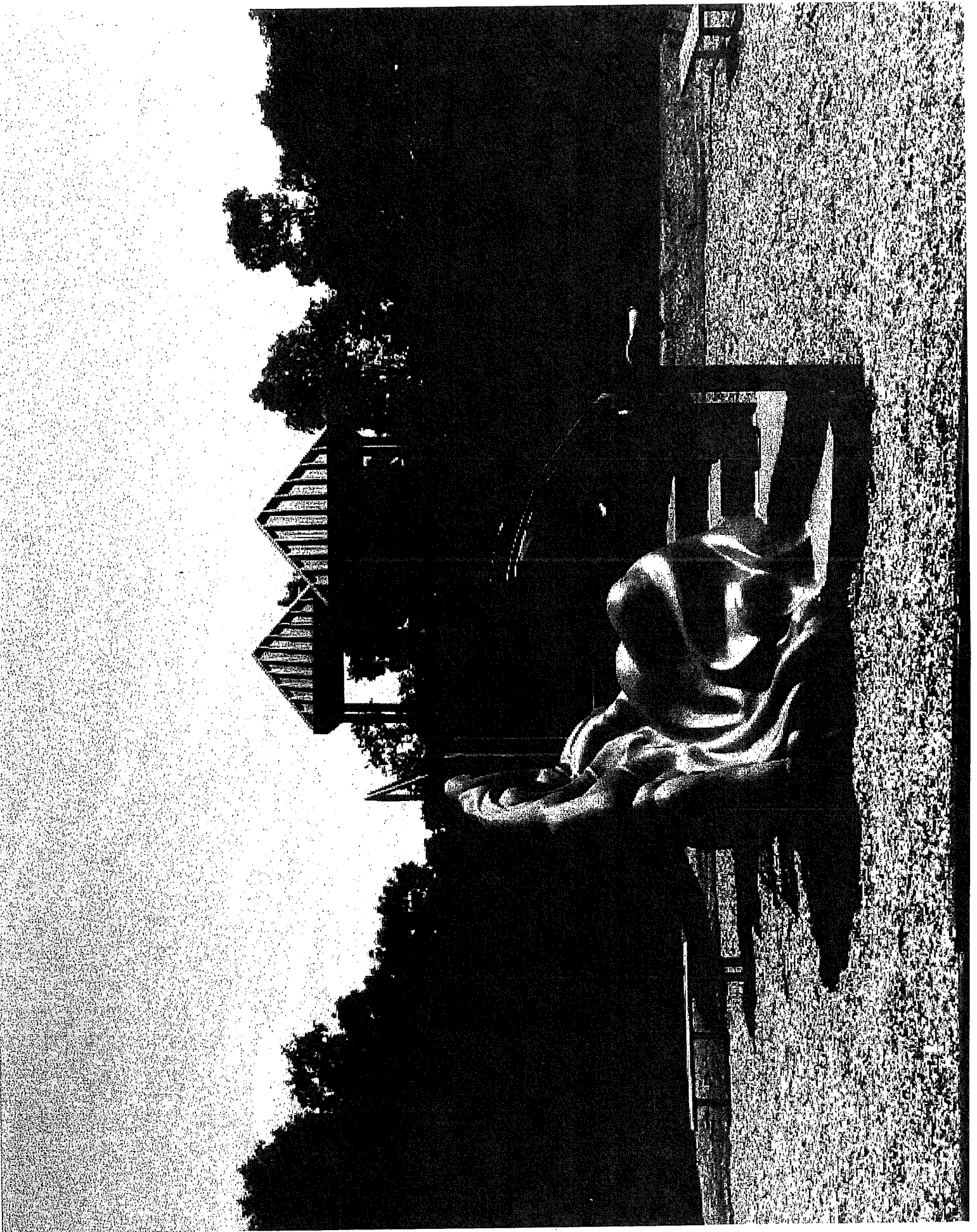


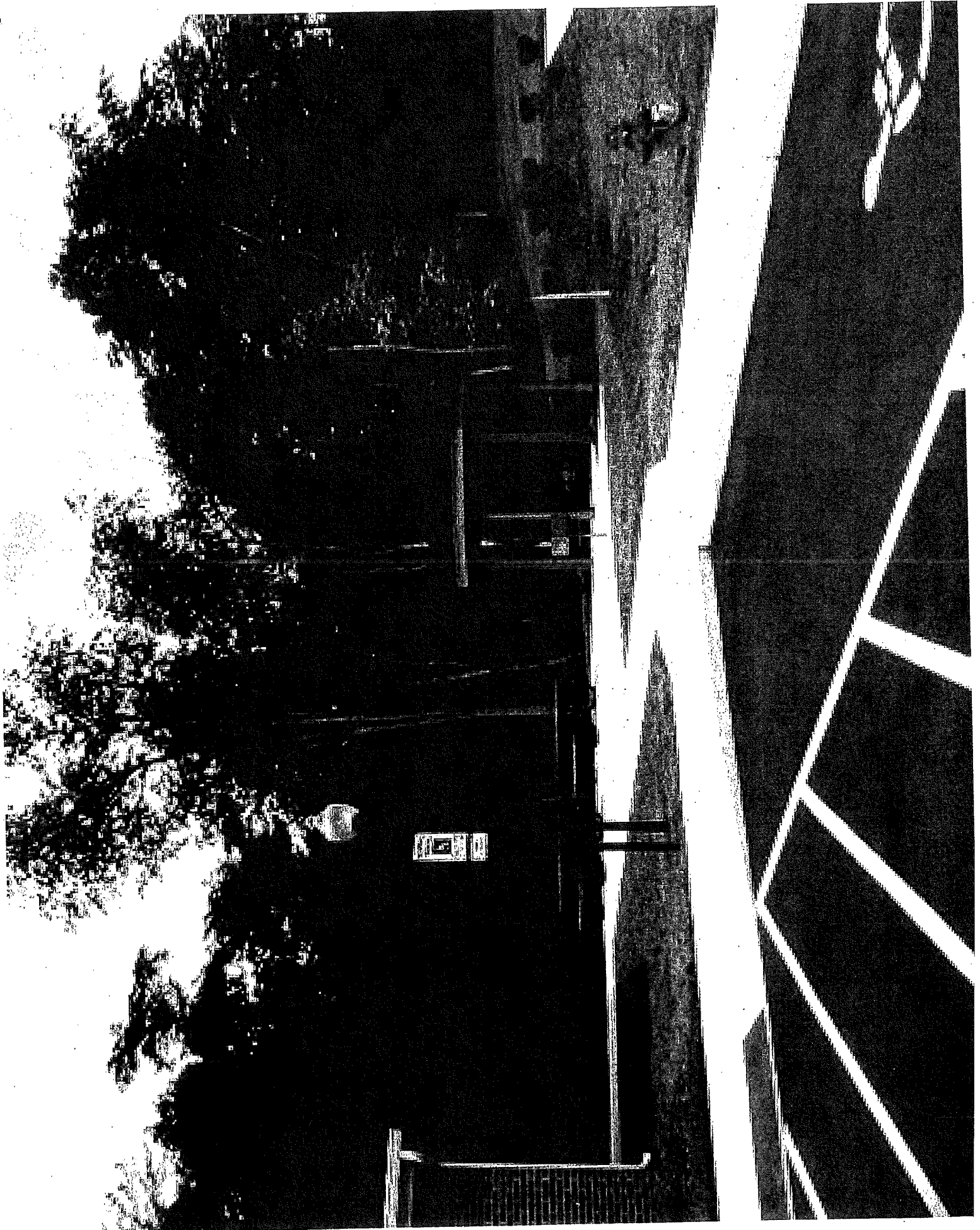
**From:** Daniel Grimm [<mailto:dgrimm@grimm-arch.com>]  
**Sent:** Thursday, December 15, 2016 2:35 PM  
**To:** Stansbury, Tammy <[tstansbury@wodagroup.com](mailto:tstansbury@wodagroup.com)>  
**Subject:** playground equipment

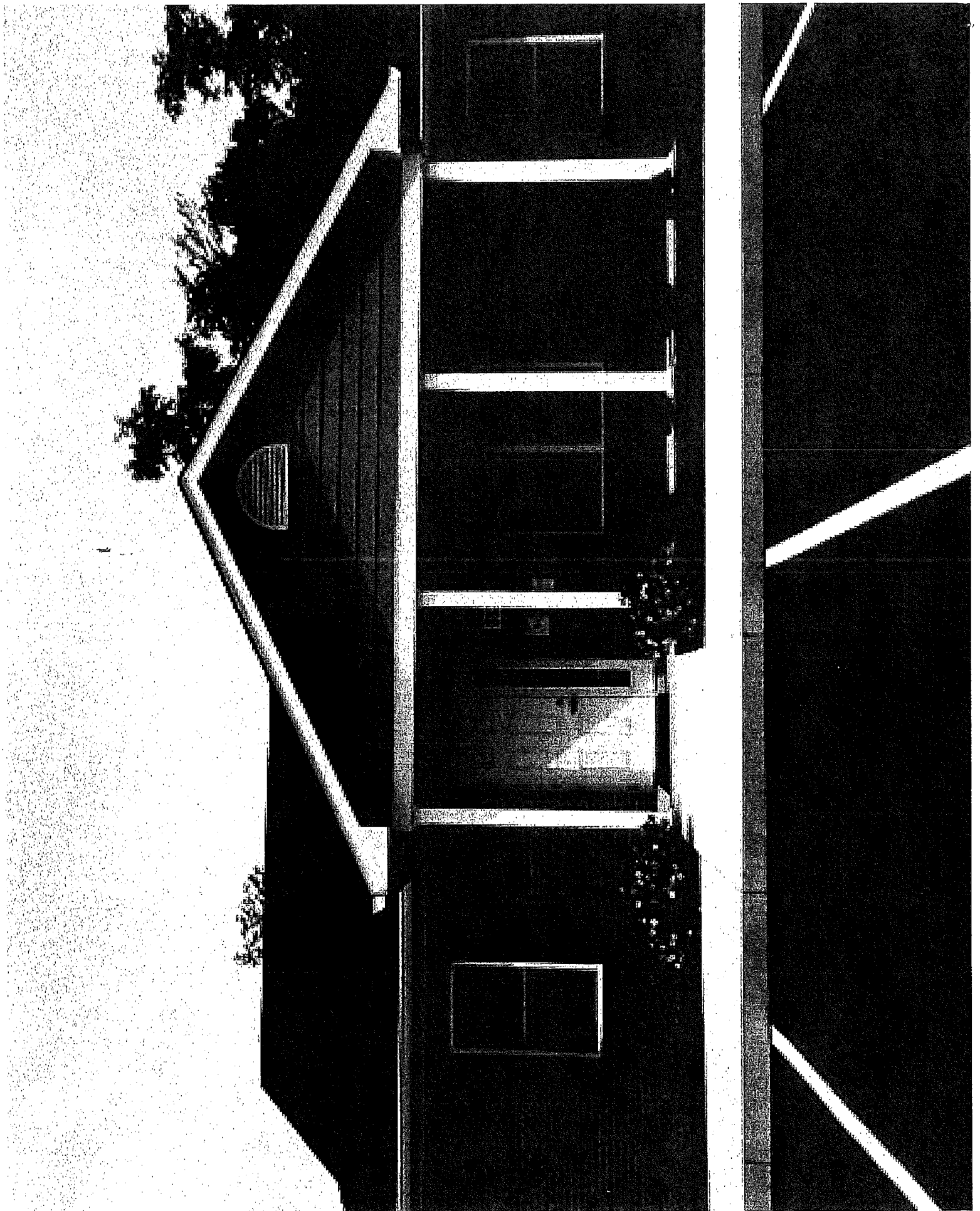
See images of playground equipment

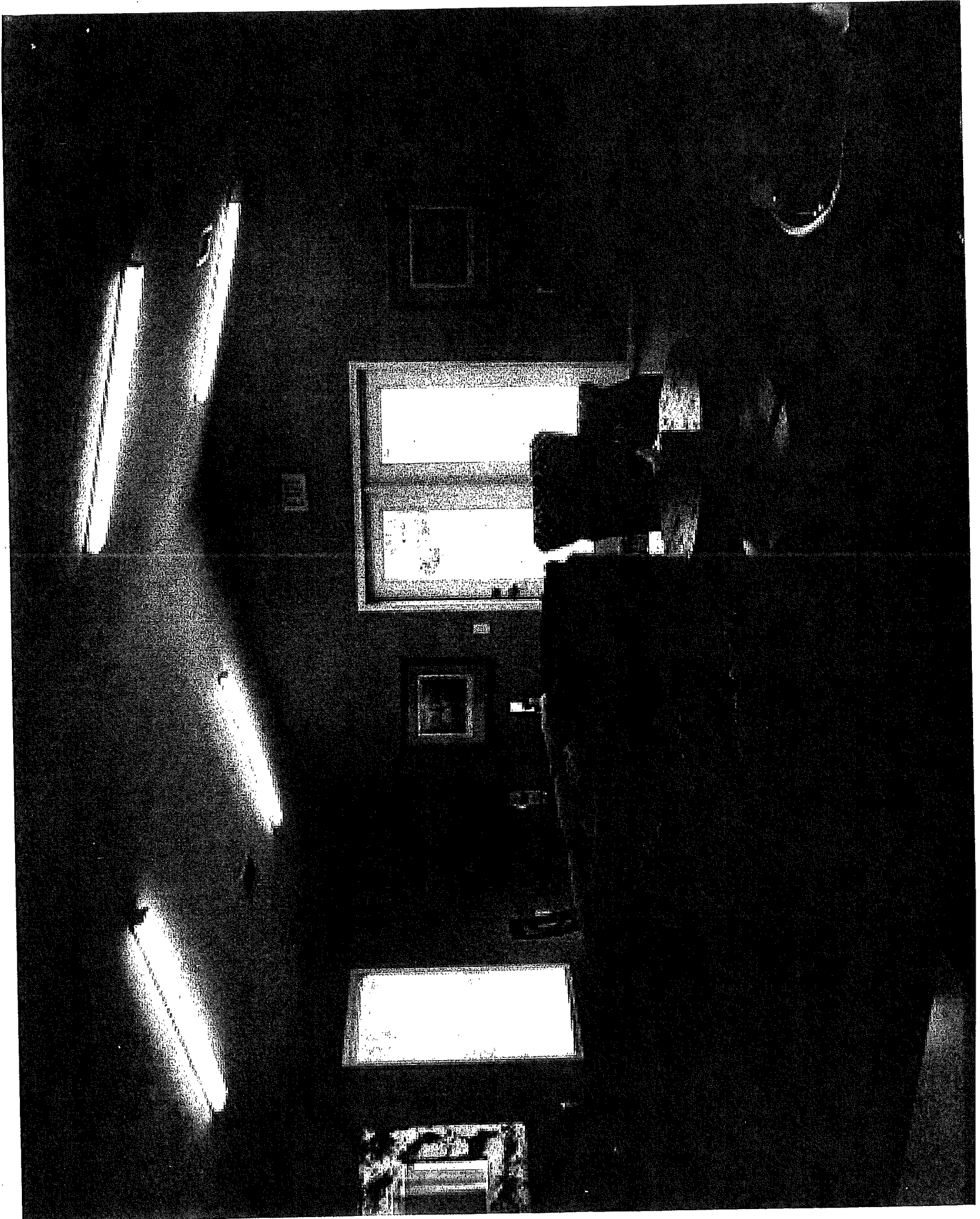


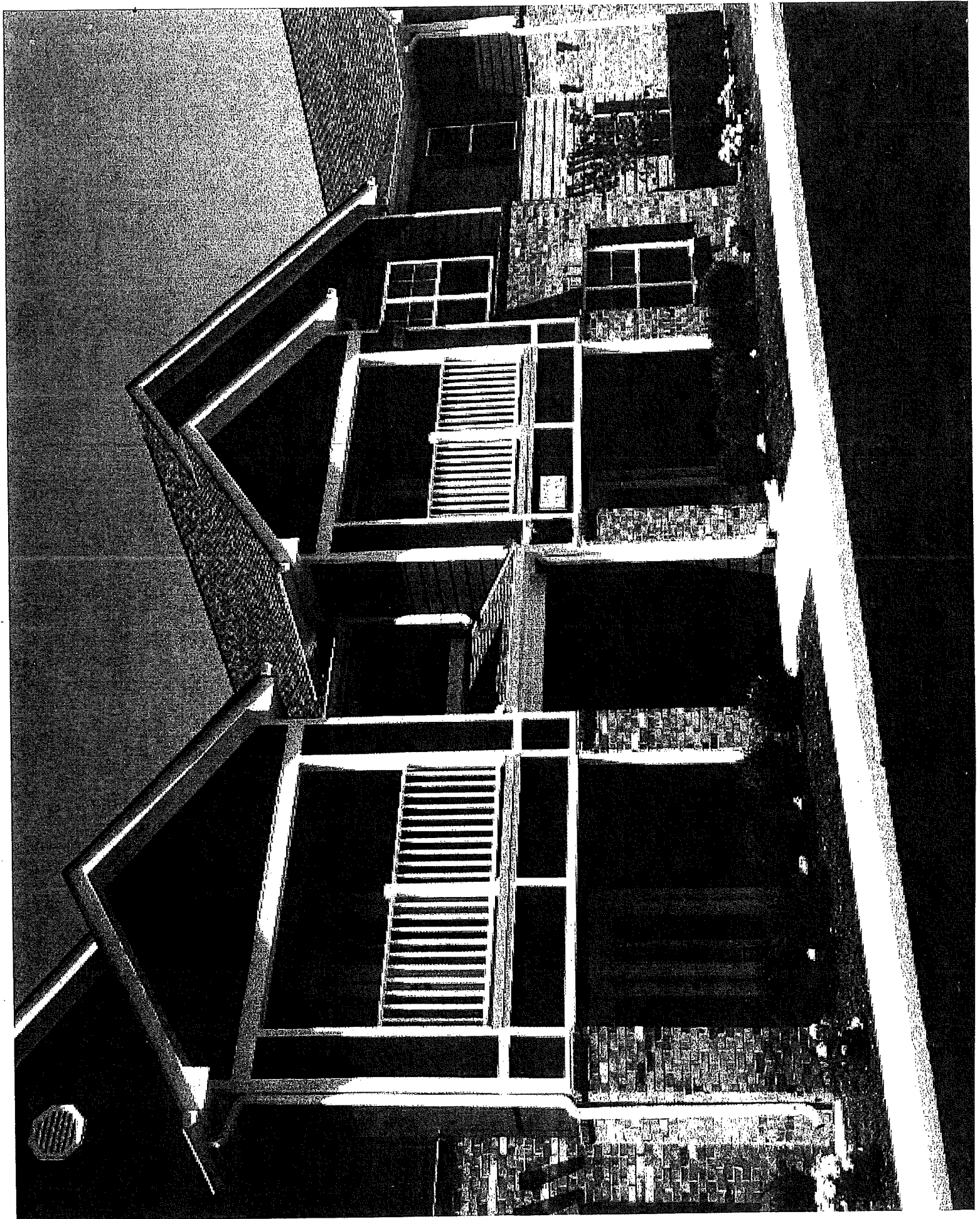




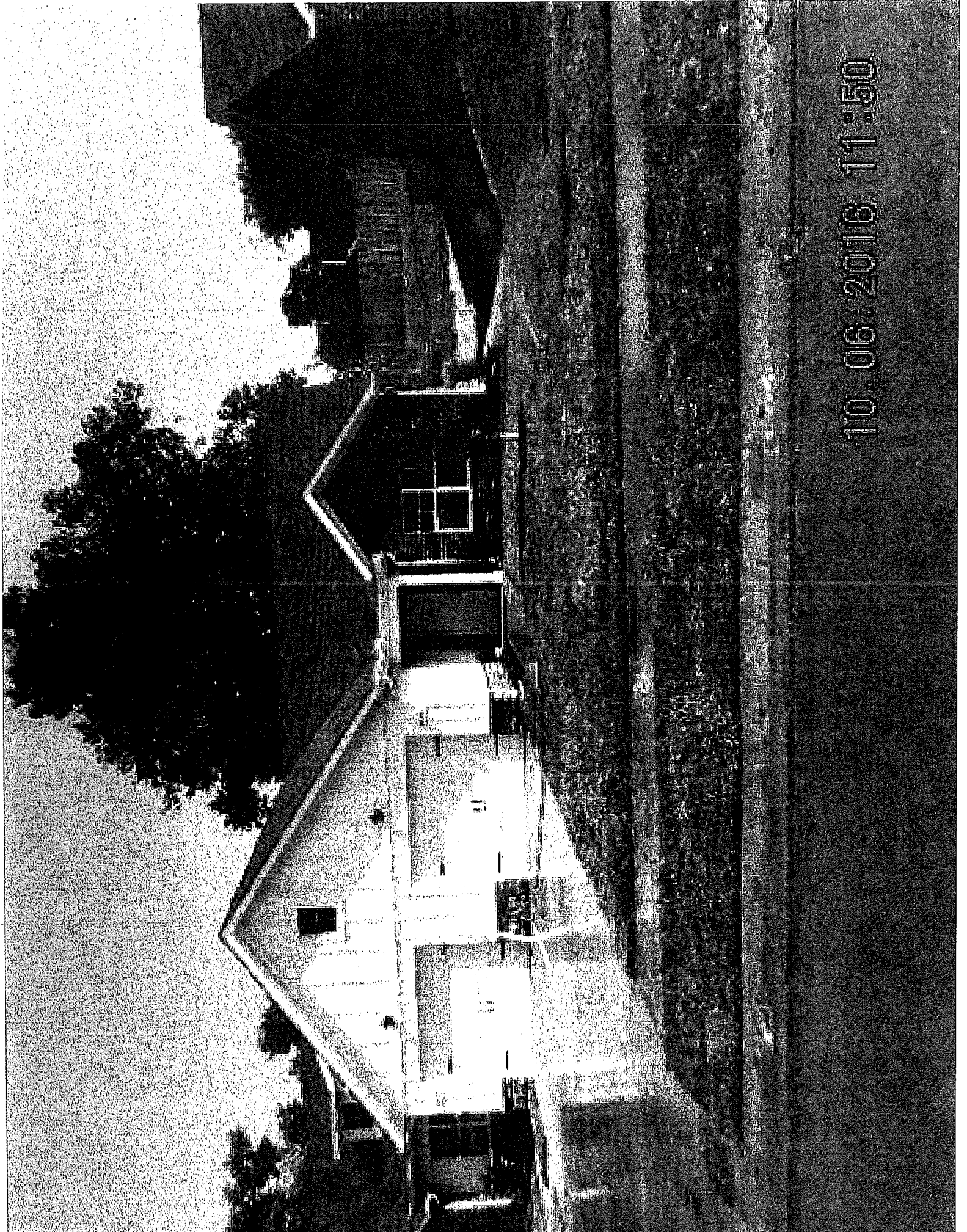








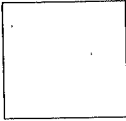




10.06.2018 11:50



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8401 Shadybriar Rd  
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Phone: 502.467.1616  
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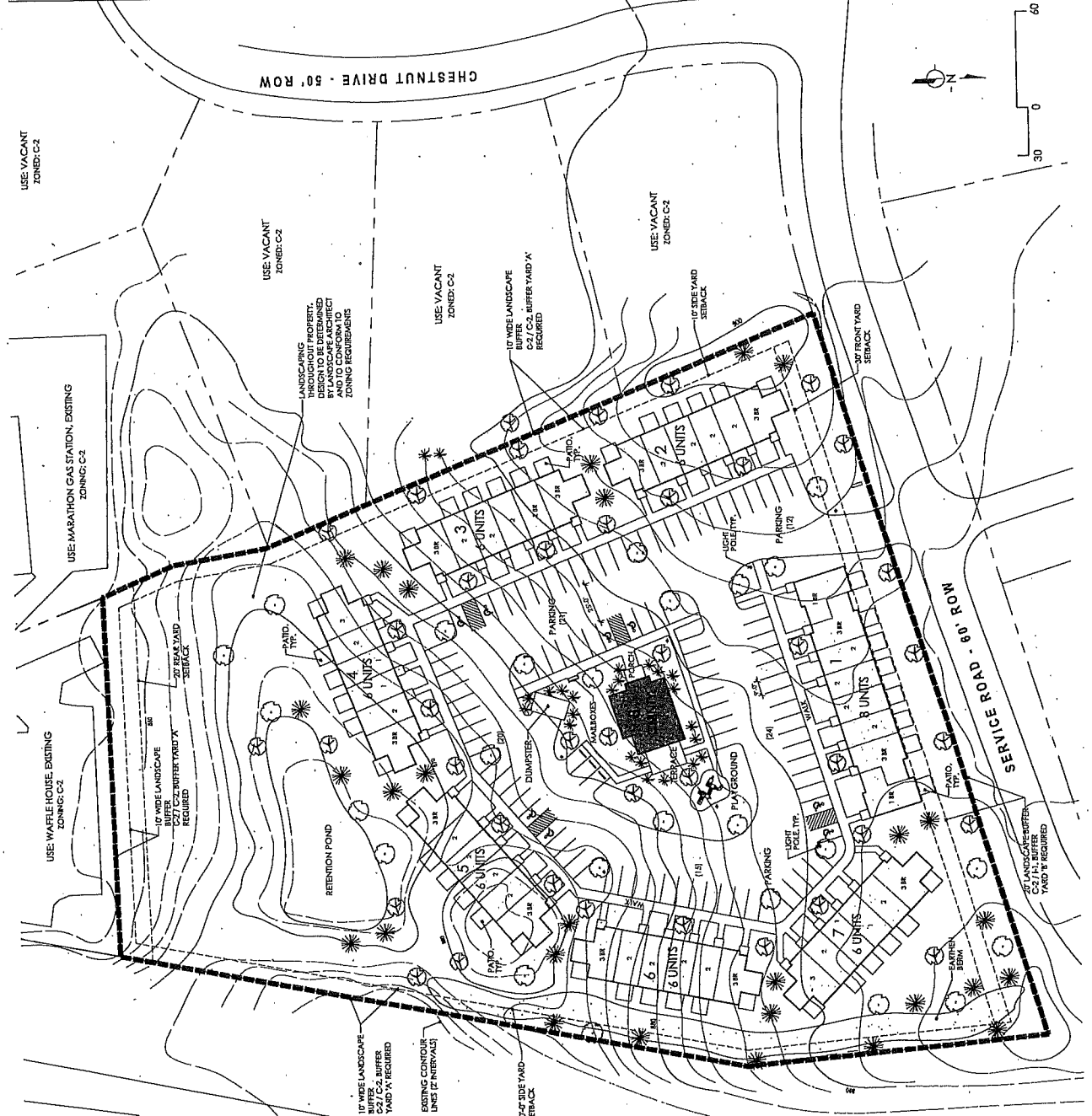
**Towne Creek Crossing**  
44-Unit  
Townhome  
Development  
w/ Community  
Building  
City of Walton,  
Kentucky



**OWNER INFORMATION**  
CONTACT: Terrence Strohman  
COMMUNITY DEVELOPMENT  
MANAGER, THE WODA GROUP, INC.  
10000 WOODLAND DRIVE  
SUITE 200, WOODLAND, KY 40063  
PHONE: 502.607.4433  
FAX: 502.607.4433  
EMAIL: tstrohman@woda.com

DESIGNED BY: **DBG**  
DRAWN BY: **DBG**  
ISSUE NO.: **SCHEMATIC**  
SCALE: **1" = 30'-0"**  
DATE: **REV. 1.3.2017**  
SHEET NUMBER: **1**

**PROPOSED SITE PLAN**  
PAGE **1** OF **1**



**SITE DATA**  
Address: Spence Road, Walton, KY  
Parcel ID #: 076000004100  
Owner: Big William (C)-Institute  
Zoning: C-2  
Zoning (proposed): C-2  
Proposed Use: Multi-Family - Apartments  
Intensity of Use: 44 Residential units + Community Building  
Building 1: 4,000 sq. ft. (6 Units)  
Building 2: 4,000 sq. ft. (6 Units)  
Building 3: 4,000 sq. ft. (6 Units)  
Building 4: 4,000 sq. ft. (6 Units)  
Building 5: 4,000 sq. ft. (6 Units)  
Building 6: 4,000 sq. ft. (6 Units)  
Building 7: 4,000 sq. ft. (6 Units)  
Building 8: 4,000 sq. ft. (6 Units)  
Total building area: 32,000 sq. ft. (Community Bldg.)  
12.2% of site (44-20,950 of building footprint)  
37% of site (147-67,245 sq. ft. of impervious surface)  
All apartment buildings: 20' to top of roof eave  
Height: 35'-0" (to top of roof eave)  
Parking: 88 spaces  
Provided: 88 spaces (includes 8 accessible spaces)  
Building setbacks: 10' (front), 10' (side), 10' (rear)  
10' WIDE LANDSCAPE C2 / C2.1 BUFFER YARD "A" REQUIRED  
Clay (northern portion of site)  
Dumsters  
Playground  
Retention Pond  
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 Phone: 502.261.1116  
 Fax: 502.261.1117  
 www.grimmarchitect.com

**Towne Creek Crossing**  
 44-Unit  
 Townhome Development  
 w/ Community Building

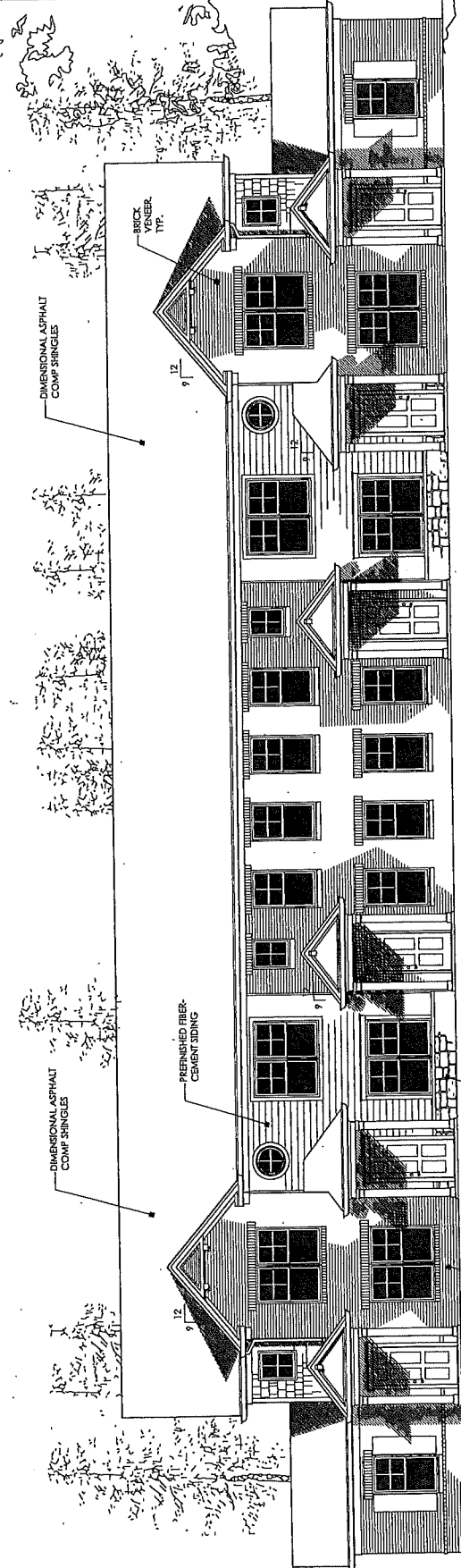
City of Walton, Kentucky



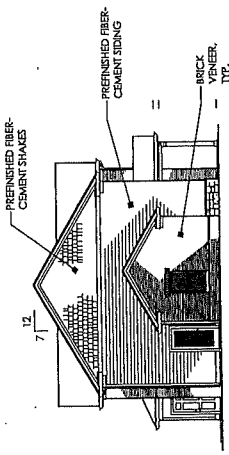
**OWNER INFORMATION**  
 CONTACT: Teresa Stankovskiy  
 COMPANY: The WODA Group, Inc.  
 ADDRESS: 117 Almond Dale  
 Louisville, KY 40222  
 PHONE: 502.699.4433  
 FAX: 502.699.4434  
 Email: Tstankovskiy@woda.com

DRAWN BY: DBG  
 DESIGNED BY: DBG  
 ISSUE NO.: SCHEMATIC  
 SCALE: 1/8" = 1'-0"  
 DATE: 12.14.2016  
 SHEET NUMBER: 2

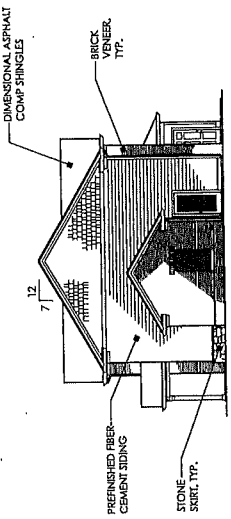
TYPICAL EXTERIOR ELEVATIONS  
 PAGE 2 OF 2



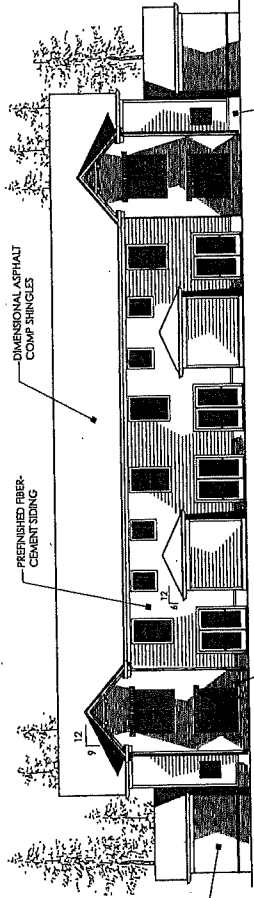
① BUILDING TYPE A - FRONT ELEVATION  
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③ BUILDING A - LEFT ELEVATION  
 SCALE: 1/8" = 1'-0"



② BUILDING A - RIGHT ELEVATION  
 SCALE: 1/8" = 1'-0"



④ BUILDING A - REAR ELEVATION  
 SCALE: 1/8" = 1'-0"

**RECEIVED**  
 DEC 16 2016  
 BOONE COUNTY  
 PLANNING COMMISSION

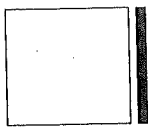
RECEIVED

JAN 04 2017

BOONE COUNTY  
PLANNING COMMISSION



**GRIMM ARCHITECTURE & DESIGN PLLC**  
 ARCHITECTURE PLANNING  
 801 Southville Rd  
 Lexington, KY 40522  
 Phone: 502.448.7116  
 www.grimmarchitect.com



**Towne Creek Crossing**  
 44-Unit Townhome Development w/ Community Building  
 City of Walton, Kentucky

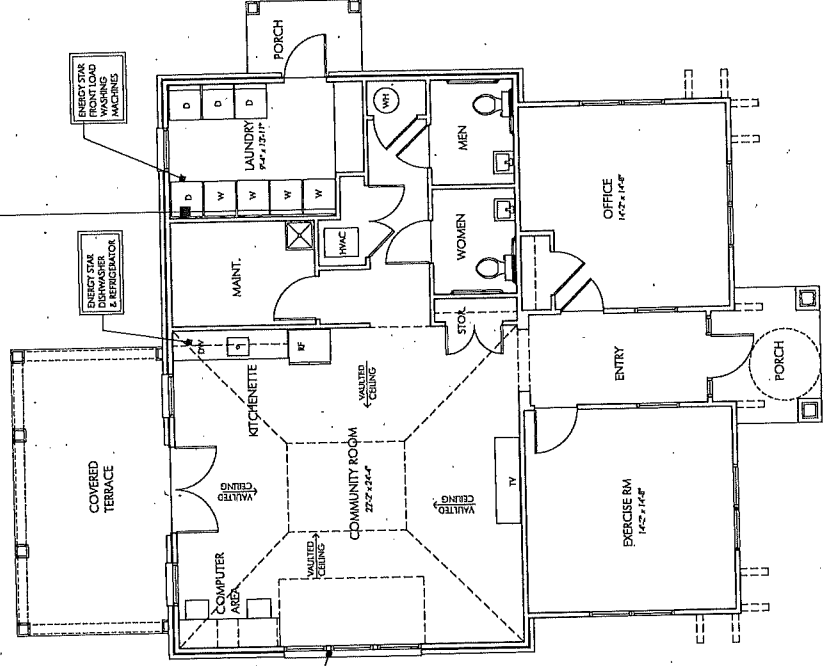


**OWNER INFORMATION**  
 CONTACT: Terry Stuehrer  
 Woda Development, LLC  
 ADDRESS: 187 Adams Dale  
 Louisville, KY 40005  
 PHONE: 502.582.6433  
 FAX: 502.582.6434  
 EMAIL: Tstuehrer@woda.com

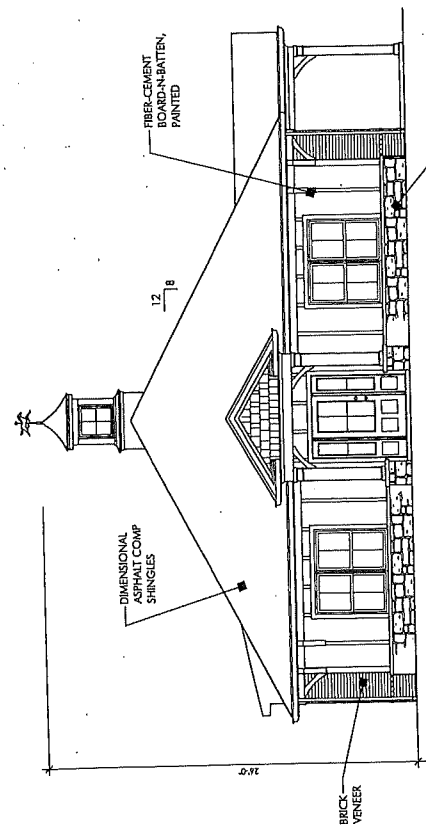
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 DESIGNED BY: **DEB**  
 DATE: **1/4/17**  
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 SHEET NUMBER: **3**

**3**  
 COMMUNITY BUILDING  
 PAGE **3** OF **3**

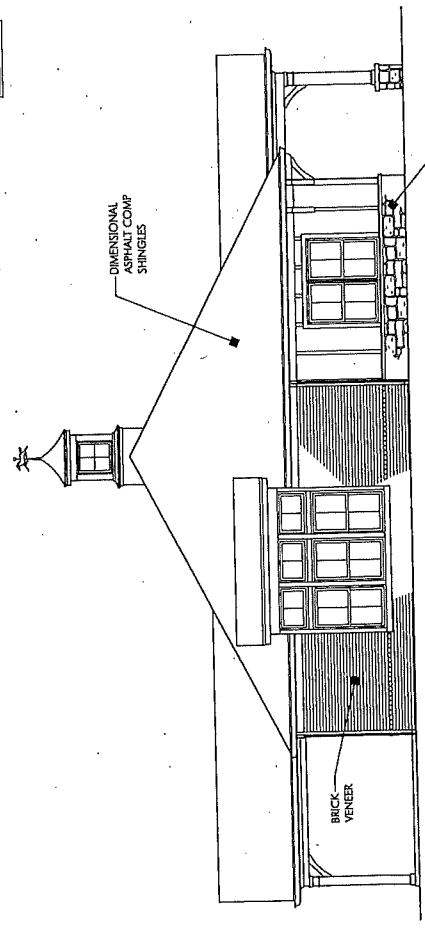
**COMMUNITY BUILDING**  
 1,590 SQ. FT. (GROSS)  
 1,522 SQ. FT. (NET)



**1** COMMUNITY BUILDING - FLOOR PLAN



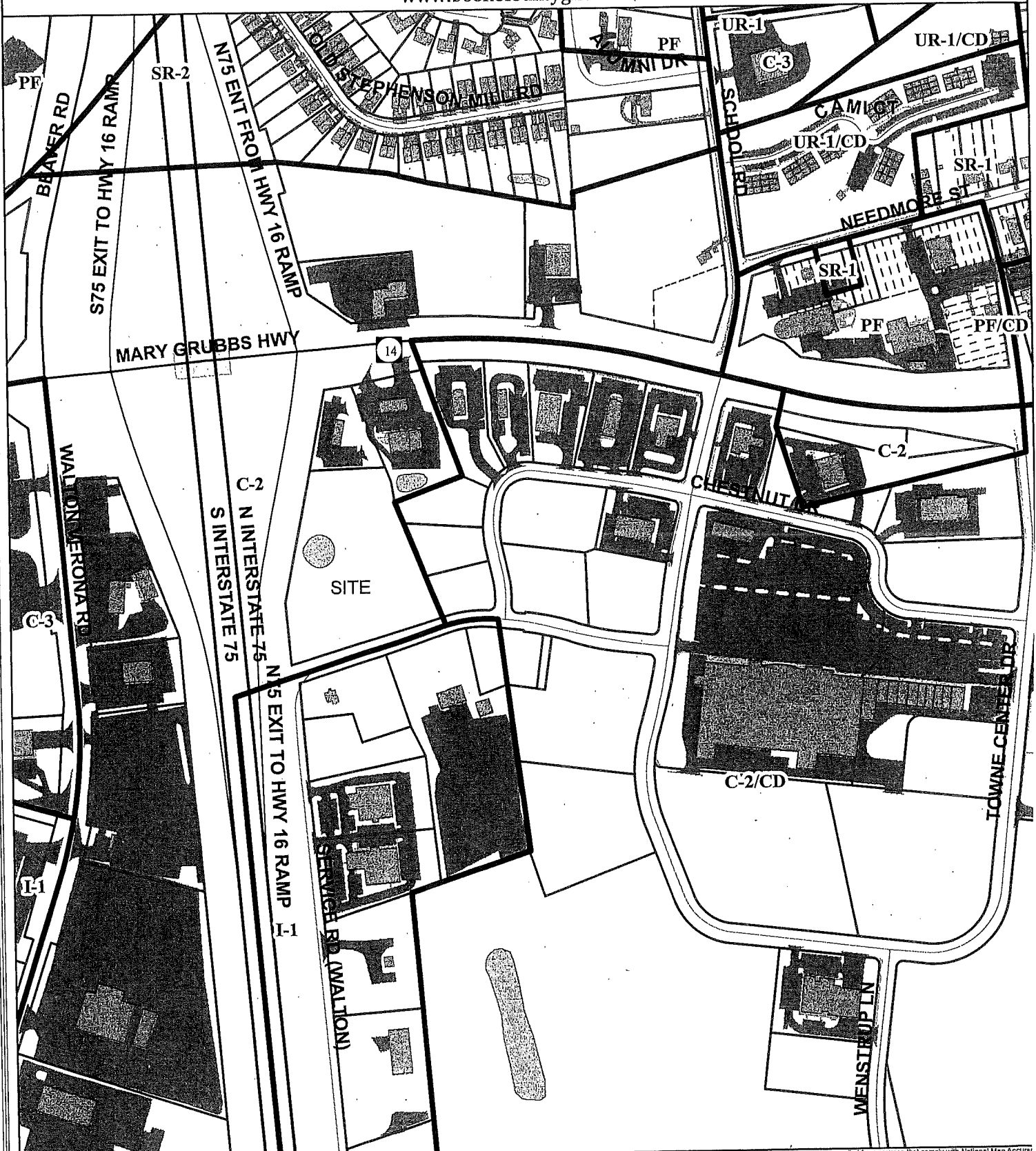
**2** COMMUNITY BUILDING - FRONT ELEVATION



**3** COMMUNITY BUILDING - LEFT ELEVATION

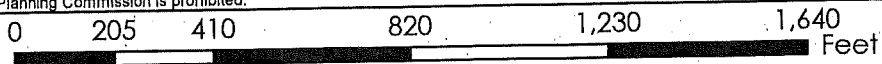
# ZONING MAP

www.boonecountygis.com

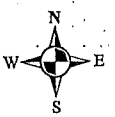


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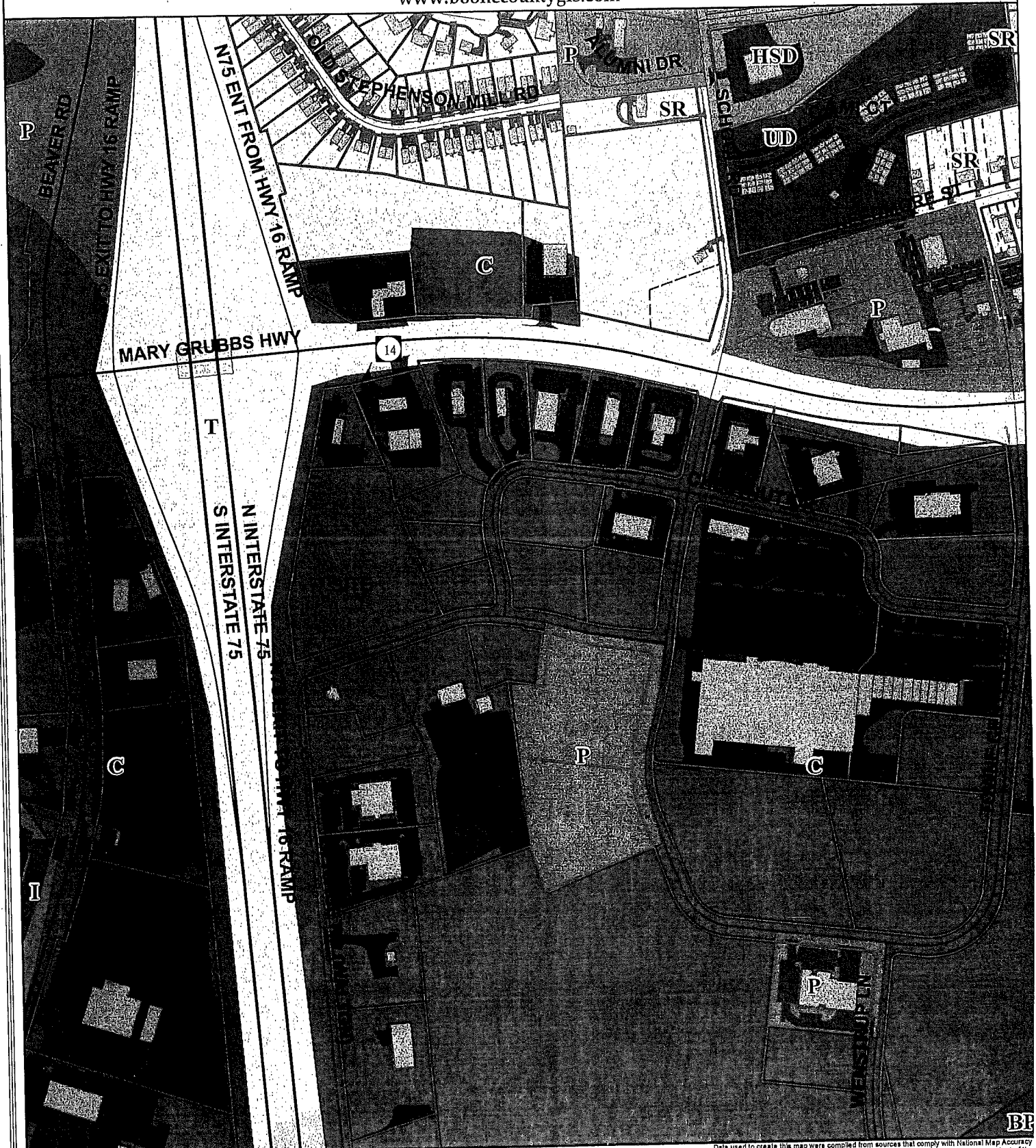


**Boone County GIS - Putting Northern Kentucky on the Map**



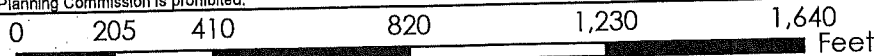
# 2035 FUTURE LAND USE MAP

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1 inch = 400 feet



Map Created: 07/01/2013

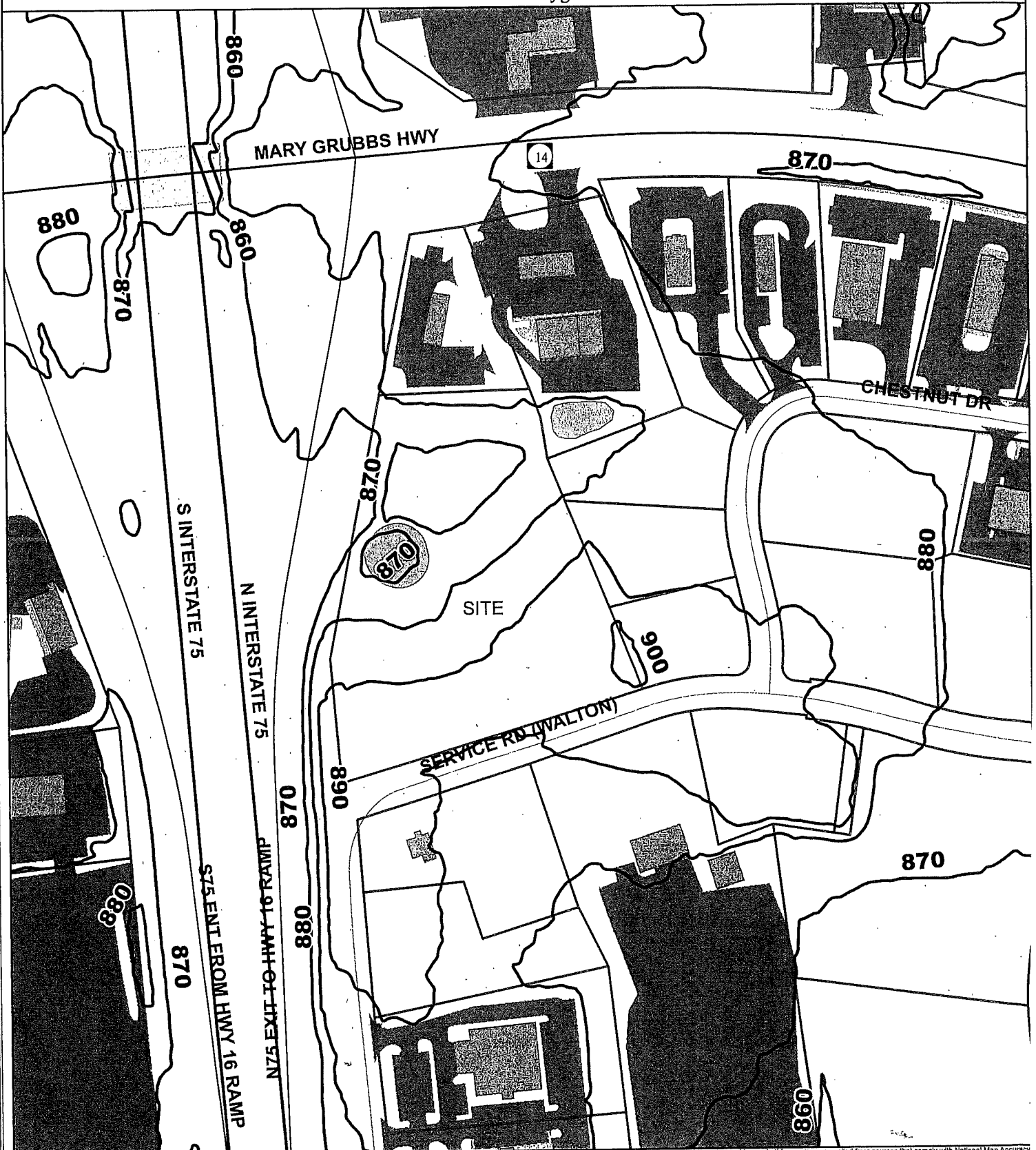
**Boone County GIS - Putting Northern Kentucky on the Map**



ArcMap Document: BooneMap (title).mxd

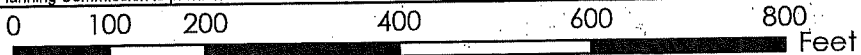
# TOPOGRAPHICAL MAP

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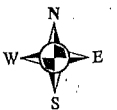
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1 Inch = 200 feet

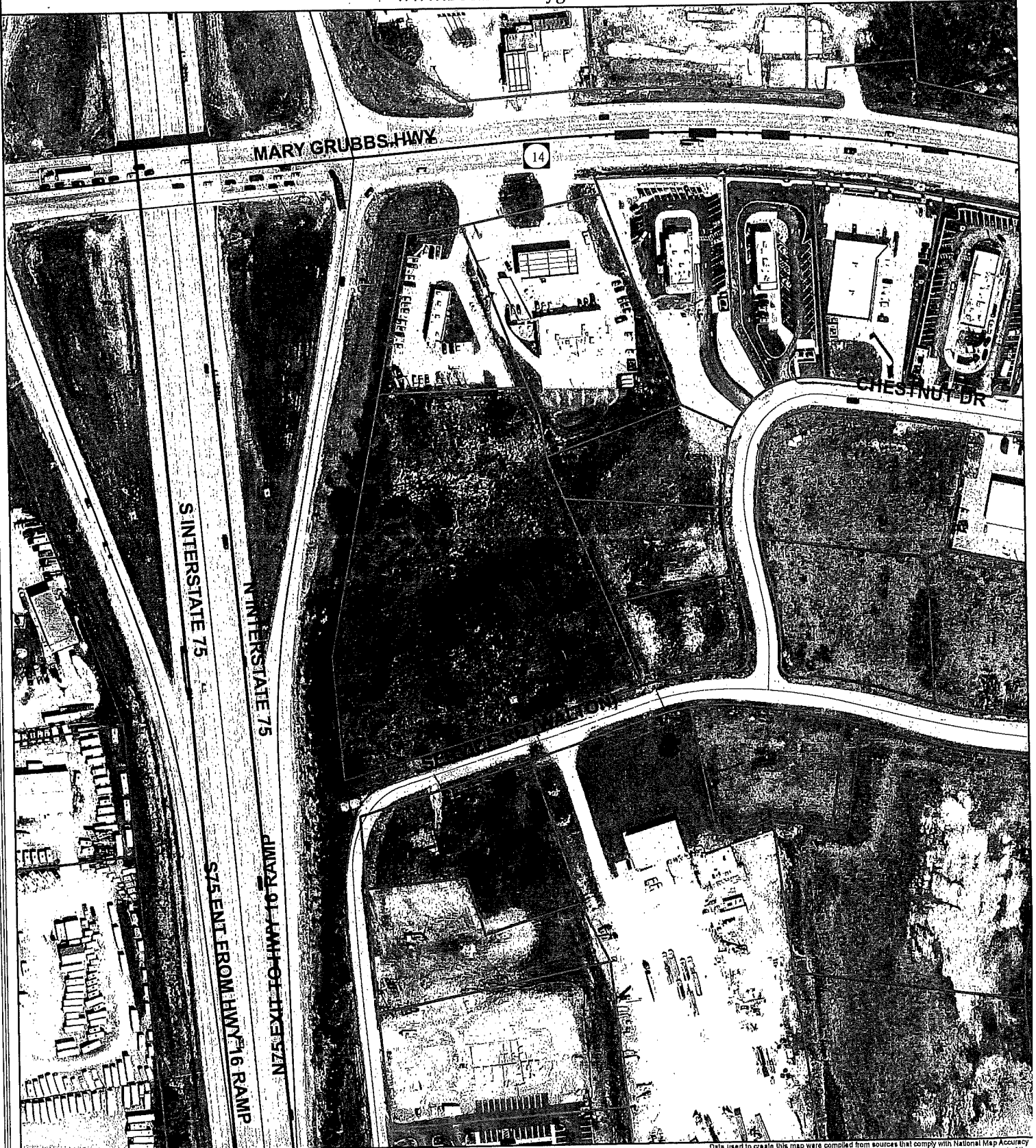


**Boone County GIS - Putting Northern Kentucky on the Map**



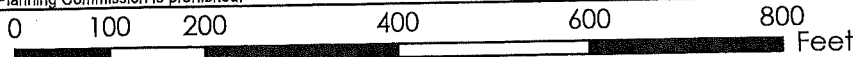
# 2016 AERIAL MAP

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1 inch = 200 feet



**Boone County GIS - Putting Northern Kentucky on the Map**



## **BOONE COUNTY PLANNING COMMISSION**

[www.boonecountyky.org/pc](http://www.boonecountyky.org/pc)  
[www.boonecountygis.com](http://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](mailto:plancom@boonecountyky.org)

**TO:** Mark Krummen, Assistant Superintendent, Walton-Verona School District  
Allan Roberts, Assistant Chief, Walton Fire Protection District  
Roger Williams, City of Walton Public Works

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

**DATE:** December 16, 2016

**RE:** Conditional Use Permit application to allow 44 townhouse style apartments with a community building and accessory parking on an approximate 4.3 acre property. The 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 Marry Grubbs northbound exit ramp, Walton, Kentucky

I have attached copies of the preliminary plans and application materials for the above referenced project. The plans show 44 townhouse style apartment units, a community building, and 92 parking stalls. The townhouse apartments are located in 7 two-story buildings. Notes on the preliminary plan show there will be 6 one bedroom units, 24 two bedroom units, and 14 three bedroom units.

The public hearing for this application has been scheduled for January 10, 2017. The meeting will take place in the Walton Senior Center and start at 6:00 P.M.

Please review this proposal relative to your agency's policies and service abilities and provide any comments in writing to me by January 3, 2017. 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](mailto:tmorgan@boonecountyky.org). Your feedback is greatly appreciated.

TKM/ss

attachments

## Todd Morgan

---

**From:** Krummen, Mark <mark.krummen@wv.kyschools.us>  
**Sent:** Wednesday, December 21, 2016 11:03 AM  
**To:** Todd Morgan  
**Cc:** Storer, Robert  
**Subject:** Towne Creek Crossing - 44 Multi-family Apartments

Todd Morgan,

Walton-Verona Schools received information from the Boone County Planning Commission on Monday, December 19, 2016. We have reviewed the plans and other pieces of information provided to us. Below are the preliminary comments:

1. Safety Concerns:
  - a. Sidewalks;
  - b. Adequate Parking for visitors and community center;
  - c. Retention Pond - will this area be fenced off to keep people, especially children out.
2. We would like to see a schematic drawing of the playground – equipment & fencing?
3. According to Boone County demographic data, how many students would be generated from 44 units?
4. Walton-Verona Schools is currently at capacity in grades K-8.
5. How many dedicated single family lots are on the books in our school district?
6. What is the average building permits per month with in the Walton-Verona School District?
7. The proposal states *"location will afford those who work in retail shops located in Towne Center, housing options to stay and live within the area."* Most of the employees at the fast food restaurants and Kroger are high school students.
8. The proposal also states, *"attractive to young single professionals or seniors wanting to downsize."* If this is the targeted clientele, then why are there 14 three bedroom & two bathroom units in the proposal?
9. How many families are permitted to live together? The high number of two and three bedroom units cause us to ask this question. Current multiple bedroom and bathroom units in our community tend to cause families to double up. Serving multi-family dwellings can influence tax rate necessities. This puts pressure on Walton-Verona citizens.
10. Upon enrollment, Walton-Verona Schools requires all people residing at a residence to be listed on the lease document.
11. Is there a tax credit? - City only Conversion
12. Once the project is completed what is the approximate assessed value estimate?
13. This development would increase the amount of traffic into the Walton Towne Center development. We have problems with traffic on School Road each morning, afternoon, and during large events because School Road is a one lane road with no turning lanes located at School Road and Mary C. Grubbs. Does the City of Walton have plans to widen School Road?
14. The community building with a computer lab is a fantastic amenity that would support learning for children and adults.
15. An adequate fitness center in the community building, green space with picnic tables, grills, and seating area would attract the young professionals and seniors looking to downsize.
16. If each unit is equipped with washer/ dryer hook-ups, why is there a laundry facility in the community center?

Mark G. Krummen, Assistant Superintendent

Walton-Verona Independent Schools

16 School Road

Walton, KY 41094

O: 859-485-4181

F: 859-485-1810

[Mark.Krummen@wv.kyschools.us](mailto:Mark.Krummen@wv.kyschools.us)

*Twitter @KrummenMark*

## Todd Morgan

---

**From:** Roger Williams <rwilliams@cityofwalton.org>  
**Sent:** Wednesday, January 04, 2017 11:22 AM  
**To:** Todd Morgan  
**Subject:** town creek crossing

Todd,

Looks like water will not be an issue for them its on service road a cross the street from the property. Sewer access is at the property line on back side of property with a dead end manhole that they could get into.

Thanks

Roger



# WALTON FIRE DISTRICT WALTON EMS

Deputy Chief Allen Roberts

Allen.Roberts@waltonfireky.com

12600 Towne Center Dr. P.O. Box 007

Walton, Kentucky 41094

Phone: (859) 485-7439 Cell: (859) 991-2555 Fax: (859) 485-4161

Date: January 4, 2017

RE: Towne Creek Crossing

Todd,

After reviewing the proposed plan the only recommendation we request is that fire hydrants be placed at the following locations in the complex. (1) As you turn into the complex on the left side about 75' from Service Road, where proposed light pole and tree are, (2) 120' from Service Road on the left about 7'-10' east of the dumpster. These locations would cover the complex well, along with the ability to maneuver incoming and outgoing fire apparatus as well as ambulances if there was to be a fire or any other type of emergency. If you should have additional questions please feel free to contact me.

---

Sincerely,

*Deputy Chief Allen Roberts*

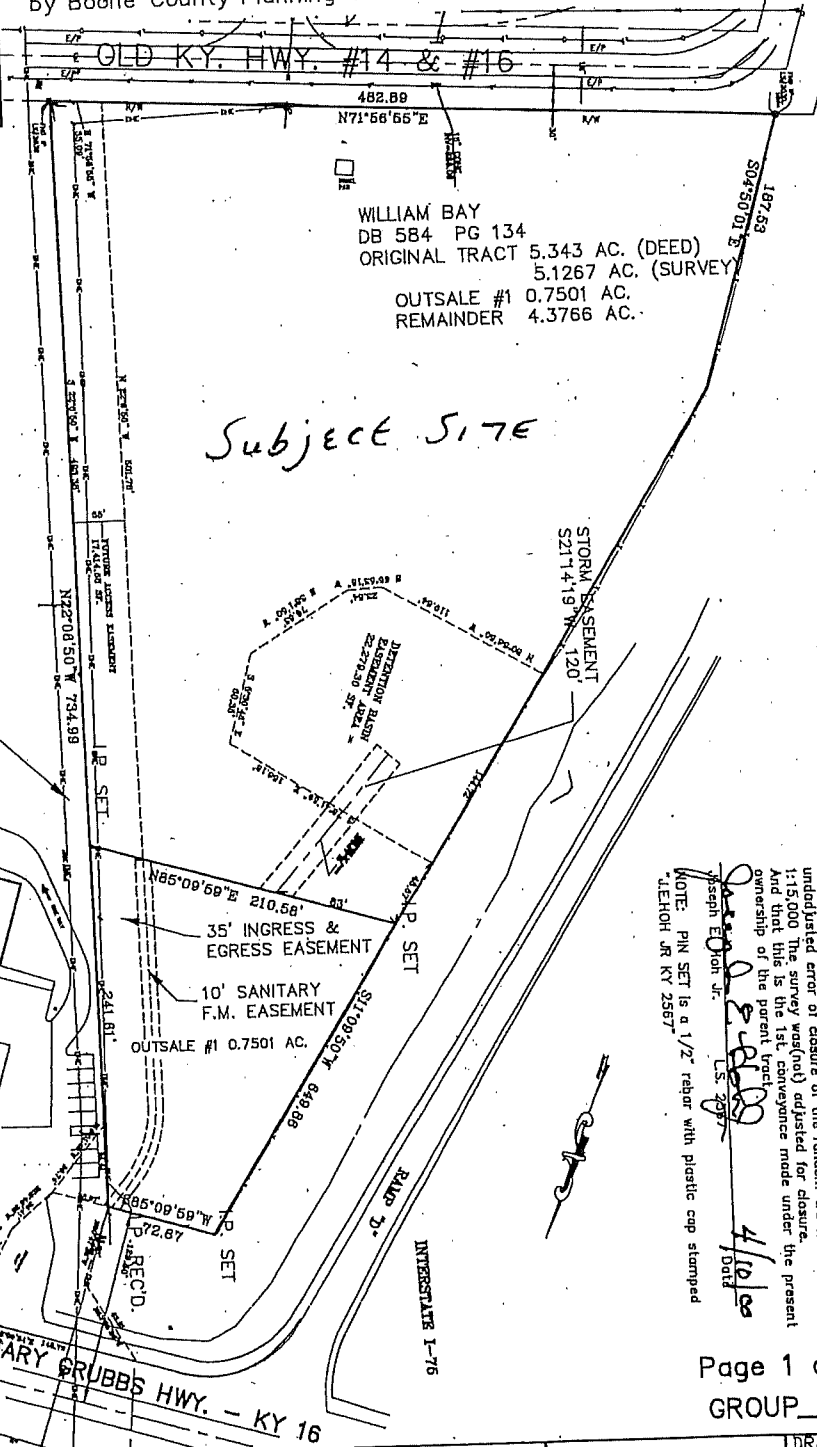
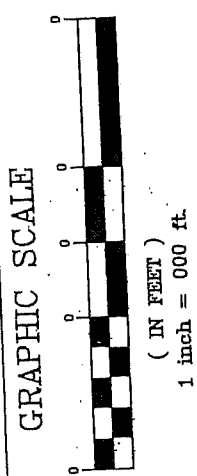
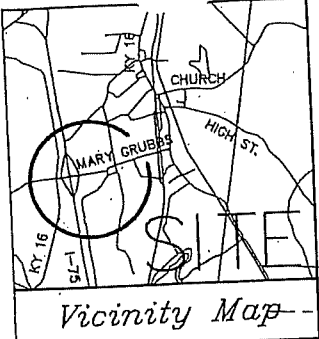
**BOONE COUNTY PLANNING COMMISSION APPROVAL**

Approved for recording the transfer of property only by the Boone County Planning Commission this 19th day of April 2000

Date 4-19-00 TPO Chairman's Signature Robert Ross

Plat must be recorded within 2 years of approval by Boone County Planning Commission

C-3  
4-18-00  
TRM

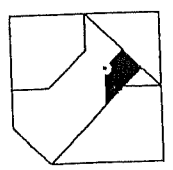


I, Joseph E. Hoh, Jr., a Registered Land Surveyor in the State of Kentucky, do hereby certify that the class "A" survey shown hereon was performed under my direct supervision and that the monuments shown hereon were found or set as noted. The monuments shown of closure of the random traverse is undisturbed error of closure of the random traverse is 1:15,000. The survey was found adjusted for closure. And that this is the 1st convenience made under the present ownership of the present tract.

Joseph E. Hoh, Jr. U.S. 2077  
Date 4/19/00

NOTE: PIN SET is a 1/2" rebar with plastic cap stamped "LEHOB JR KY 2567"

Page 1 of 4  
GROUP 2079



CARDINAL  
ARCHITECTURE  
ENGINEERING  
LAND SURVEYING

IDENTIFICATION & EASEMENT PLAT  
WILLIAM BAY TO  
SHERRINGTON FOOD'S INC.  
1-75 AT KY. 16  
WALTON, KY.  
BOONE COUNTY

P & Z Code No. 3526  
ONE MOOCK ROAD  
WILDER, KENTUCKY  
41071 (606) 581-9600

STATE OF KENTUCKY  
JOSEPH E. HOH, JR.  
2567  
LICENSED PROFESSIONAL LAND SURVEYOR

DRAWN BY:  
GEG  
DATE:  
2/11/00  
SCALE:  
1" = 10'  
FILE NO.  
99-362

## Todd Morgan

---

**From:** Bogen, Matthew (KYTC-D06) <Matthew.Bogen@ky.gov>  
**Sent:** Friday, November 06, 2015 8:58 AM  
**To:** Todd Morgan  
**Cc:** Minckley, James (KYTC-D06); Arlinghaus, Matt (KYTC-D06)  
**Subject:** RE: Proposed Senior Apartment Project

Todd,

As we discussed on the phone yesterday, KYTC would not permit using the existing Marathon/Waffle House commercial access for a shared residential access for a number of reasons. The proposed development would drastically change the land use at this access point, and the conditions on Mary Grubbs will not accommodate any turn lanes warranted by the increased traffic. The proximity to the I-75 interchange could also lead to safety concerns with a lot of elderly drivers entering and exiting that access point.

Since the existing signalized intersection at School Rd. provides connectivity to the proposed development, we would prefer this to be the primary access point.

Please let me know if you have any other questions.

Thanks,

Matt Bogen, PE  
KYTC District 6  
Permits Section Supervisor  
Phone: (859) 341-2700 x304  
Cell: (859) 462-8718

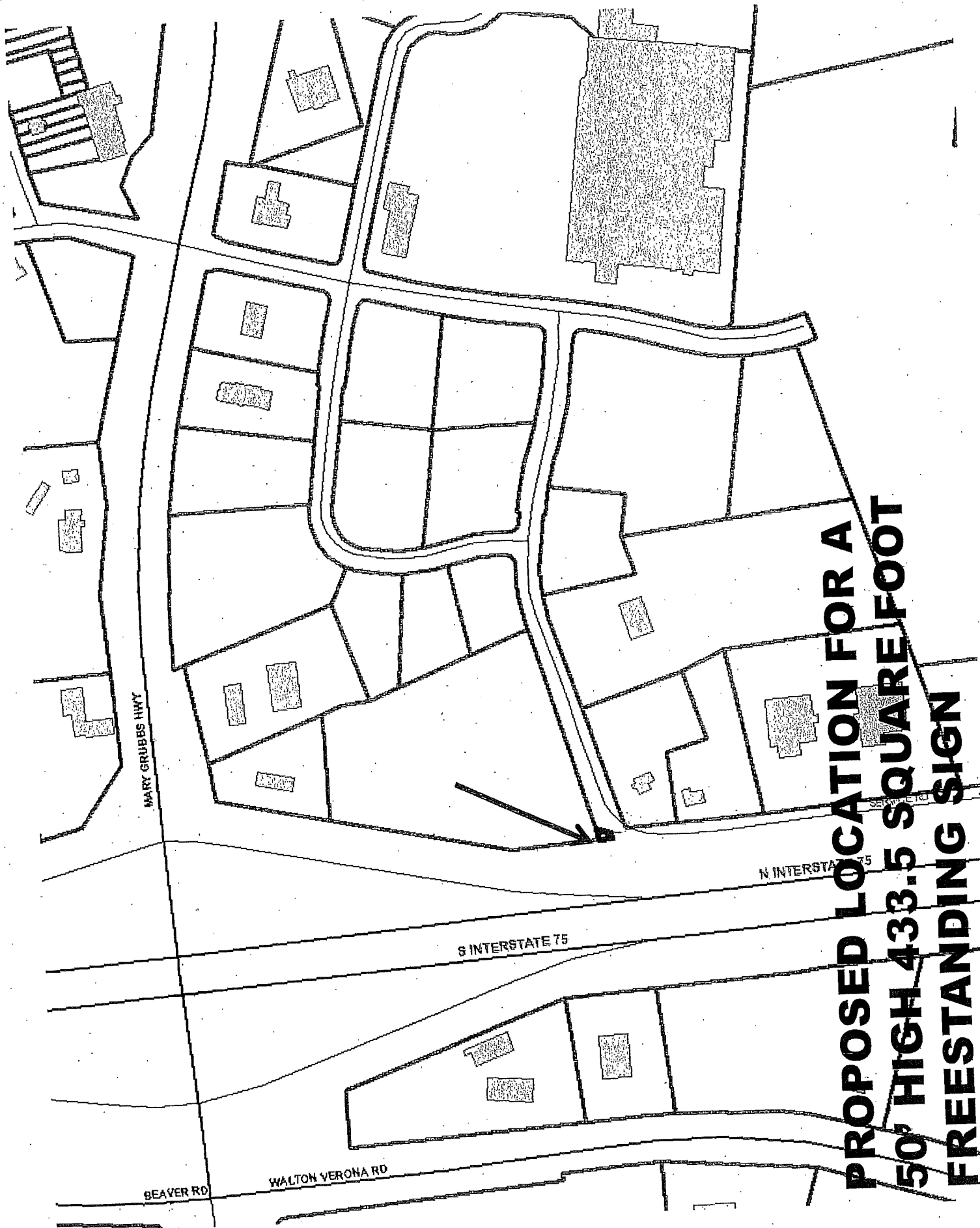
**From:** Todd Morgan [<mailto:TMorgan@boonecountyky.org>]  
**Sent:** Thursday, November 05, 2015 12:01 PM  
**To:** Bogen, Matthew (KYTC-D06)  
**Subject:** FW: Proposed Senior Apartment Project

**From:** Todd Morgan  
**Sent:** Thursday, November 05, 2015 11:58 AM  
**To:** 'Matt Bogen'  
**Subject:** Proposed Senior Apartment Project

Matt,

This is the Concept Plan for the proposed Senior Apartment complex that we discussed this morning. The Walton Board of Adjustment will act on the Conditional Use Permit application on 12/7/15. I will be mailing you out full size copies of the plans and the project narrative this afternoon. I would like you to comment on the shared driveway that is shown between Mary Grubbs Highway and Service Road. I have concerns regarding the increased use of the Waffle House/Marathon/Dairy Queen curb cuts on Mary Grubbs Highway.

Call or email me if you have any questions.



**PROPOSED LOCATION FOR A  
50' HIGH 433.5 SQUARE FOOT  
FREESTANDING SIGN**

HIGHWAY I-75

ON RAMP

K.D.O.T. R/W

K.D.O.T. R/W

WILLIAM T. BAY  
CO-TRUSTEE  
584/134

PROPOSED  
HIGH RISE  
PYLON SIGN



N 04°50'02" W 56.04'  
N 71°55'34" E 50.00'  
0.0501 Ac.  
S 72°04'32" W 30.00'  
S 12°56'08" W 63.75'

30.00'  
25.00'

SERVICE ROAD

PROPOSED HIGH RISE PYLON SIGN

STATE OF KENTUCKY  
JAMES W. BERLING  
206  
LICENSED  
LAND SURVEYOR

SERVICE ROAD  
BOONE COUNTY, KENTUCKY

JAMES W. BERLING  
KY. SURVEYOR 206

DRAWN BY  
Chris D. Berling  
DATE: 4/2/09  
SCALE: 1" = 50'





**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

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.



Mr. Dykes asked if UC Health Air Care would have a helicopter stationed at the facility and if trips would be more than random? Mr. Gunderman said there should be several take-offs and landings every day.

Mr. Sedor said they keep speaking about noise but the citizens of Walton are used to noise because there are two rail lines. He doesn't think the helicopters will have much impact.

Mr. Turner asked if they will be providing a sidewalk system or benches in their rear yard? Mr. Smith said they would like to provide something back there. With other projects they have provided walking trails, landscaping beds, or benches. They have not committed to anything specific at this point because of the tax credits. Mr. Morgan said the amenities would need to be conditioned if that is something the Board wants them to provide.

Mr. Sedor asked what will happen if they do not get the funding? Mr. Smith indicated the project will not be constructed.

Mr. Sedor asked what security provisions they have on the entrances? Mr. Smith said during business hours the entrances are monitored by Staff. During non-business hours the doors are locked and there are buzzers and an intercom system. There are also security cameras.

Mr. Turner said he would entertain a motion if there were no more questions.

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

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.

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

2. Request of Jonesboro Investments Corp. for a Conditional Use Permit for a three-story, forty-eight 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 Hwy.), and to the east of the I-75/Mary Grubbs Hwy. northbound exit ramp, 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). He stated he received an email today from Phyllis Sparks and has made copies. The email is part of the record (see Exhibit 3).

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

Mr. Tim Morgan said he was the President of Jonesboro Investments. Their project is for senior apartments and they are asking for a total of 48 units. They will be applying to the Kentucky Housing Corporation for an award of housing tax credits. This is a very competitive process and awards are not guaranteed. He said he would address the Staff questions.

- A. **Will the project be constructed if the tax credits are not approved?** He replied that they would not move forward with the project if they weren't awarded tax credits.
- B. **Will any amenities, such as a sidewalk system or park benches, be provided in the rear portion of the site?** They often provide walking trails with their senior projects. They will evaluate if they want to install a sidewalk system or other amenities before they submit the Major Site Plan application.
- C. **Could the vinyl horizontal and board and batten siding be converted to a composite siding?** Yes.
- D. **Will the dumpster be constructed with masonry that matches the building and solid gates?** The current plan shows an external dumpster. They have made a revision and are willing to move the dumpster inside the building.

Mr. Tim Morgan offered to answer any additional questions that the Board had.

Mr. Turner said a Conditional Use Permit was approved last year to allow senior apartments on the subject site. He asked what conditions they couldn't meet. Mr. Tim Morgan said they were concerned about the location of the building on the site so they decided to change the site layout. Due to the topography of the site, they decided to pull the building closer to the road. Another change is the prior approval only permitted 45 units and their proposal is for 48 units. Mr. Todd Morgan said they would also be eliminating condition 5 because the apartment driveway no longer aligns with the Sparks Contracting driveway. Mr. Tim Morgan said they like the new curb cut and parking lot design better because it places more parking in close proximity to the building. This is a concern because many seniors have mobility problems.

Mr. Turner asked if building access was proposed on the sides of the building. Mr. Tim Morgan said they have a main entry and doors at the ends of the building.

Mrs. Gloria Trunnel said she lived on Service Road. She asked if Service Road was going to be widened? There is already truck traffic on the road and the residents have trouble getting past them. The road is also falling apart from the truck traffic. She would like to see the road improved and more room provided so Sparks Contracting could get in and out of their site. Mr. Todd Morgan said Service Road is a city street. The City of Walton would have to decide to widen or improve the street. Mr. Wilson said he agrees. The Board cannot commit the legislative body to spend money on road improvements.

Mr. Travis Dykes, with Sparks Contracting, asked if the Board has the authority to condition the project and require it to go before City Council before this application is approved? He added that Service Road is like a one-way road. The road condition has not changed since they moved onto their lot. He doesn't believe the City and taxpayers should have to pay for improvements because of the apartment building. He believes a lot of utility poles will need to be relocated if the road is ever widened. Mr. Todd Morgan said the Board would need to table the application if they wanted Walton City Council to discuss the possibility of making road improvements. Mr. Wilson said the U.S. Constitution talks about exactions. The Board cannot make a developer of property correct a problem which already exists. The only way a condition like that can be imposed is if the proposed development is contributing in a proportionate way to an existing condition. Mr. Dykes said the road condition barely gets by now. He believes the project will have an impact on the road because 48 two-bedroom apartment units are being proposed. Most people have their own vehicle so there will be a lot of additional traffic on the road. Mr. Tim Morgan responded that senior apartments are typically very low traffic generators. He added that a lot of seniors do not drive and that many of their two bedroom units are occupied by a single person. One of the reasons they chose this site is its proximity to public transportation. He does not believe the proposed development will exacerbate the traffic problem on the road.

Mr. Dykes asked if the apartments would have restrictions that would prevent a senior's 30 year old son from living in the apartment? Mr. Tim Morgan said they require every person on the lease and living in the unit to be 55 years of age or older. He added that the school board had the same concern and they echoed the same response.

A woman in the audience asked about the traffic impacts from families and friends visiting the seniors? Mr. Tim Morgan said those trips are transient and normally occur during non-peak hours. They have done Traffic Impact Studies for other locations and senior developments are at the low end of generating traffic versus commercial uses.

Mr. Dave Trunnel said he lived on Service Road. He heard that the apartment sites were chosen based on their proximity to public transportation. He questions this. He has never seen a bus come down Service Road. The seniors will have to walk all the way up to Mary Grubbs Highway. Mr. Tim Morgan said the bus service could also be used by someone that wants to visit the senior. He agrees that it would be a good walk from the apartments to the bus stop on Mary Grubbs Highway but it is not outside the ability of some seniors.

Mr. Sedor said within the last month he has become a partially disabled senior and there is no way he could walk from the proposed building to Mary Grubbs Highway. He said if public transportation isn't located on site then they don't have access to public transportation. Mr. Tim Morgan said he agrees that many seniors will not contemplate that walk. But conversely, there will be many that will. There will be many seniors, aged 55 or older, that will not have mobility impairments. In addition, they typically work with Northern Kentucky Community Action Commission and additional transportation services could be provided.

Mr. Baker said that TANK buses provide pickup and drop off as long as you call ahead. A gentleman from the audience said that service wasn't convenient. His mother had to use it and she had to make arrangements two weeks ahead of time.

Mr. Turner asked if anybody else wanted to speak?

Mr. Baker asked about the required landscaping? Mr. Morgan said they will need to show the requirements when the Site Plan is submitted for review.

Mr. Turner asked Mr. Morgan if he had heard from the fire department regarding this proposal? Mr. Morgan said the fire department prefers the current site design over last year's proposal because it gives them better access to the building. Mr. Turner said he prefers the current layout as well because there are no entrances facing the road.

Mr. Dykes asked what landscaping would be required along Service Road? Mr. Morgan said a minimum 10' wide street frontage buffer is required. He added that the building needs to be setback a minimum of 30' from the front property line.

Mr. Turner asked what will happen if the road is ever widened? Mr. Morgan reviewed an aerial map and indicated that there appears to be sufficient right-of-way for the road to be widened in the future. It doesn't look like future road widening would effect the senior apartment property or the street frontage buffer.

Mr. Turner asked if the future Walton Towne Center Subdivision sign concerned the applicant? Mr. Tim Morgan said he would prefer the subdivision sign not to be constructed. However, he understands that it was approved in 2009 and can be constructed. He added that they have no concern about accepting the Staff recommendation regarding their freestanding sign.

Mr. Sedor said the new proposal is better in many ways than the proposal they approved last year. However, they already have an senior apartment complex approved in Walton Towne Center and they have no idea how it is going to work. Now, they are being asked to quickly approve a second senior apartment project. He believes they are moving too fast. Although the project has been well presented, he is opposed to approving a second senior housing development in the subdivision. Mr. Turner said the Board doesn't know if either project will be receive the tax credits and be constructed.

Mr. Margaret Rinehart asked if both developments would be constructed? Would the second project be constructed if the other was already under construction? Mr. Tim Morgan said both groups are aware of the other proposal. Kentucky Housing Corporation will ultimately decide whether one, both, or neither project receives tax credits.

Mr. Turner asked how they should address the dumpster concern if the project is approved? Mr. Todd Morgan said another condition could be drafted stating that trash had to be stored inside the building. Mr. Tim Morgan said that is their intent.

Mr. Todd Morgan said he is also recommending that sidewalks should be required along the Service Road frontage of the subject lot.

Mr. Turner asked if landscaping would need to be conditioned because it is a code requirement? Mr. Todd Morgan responded it would only need to be conditioned if the Board wanted to require something above and beyond what code requires.

Mr. Dykes said the project is proposed directly across from an industrial zone and use. He would hate to see the industrial property owners troubled in the future because of the proposed apartments. He doesn't believe the Board would allow an industrial use across from apartments if the apartments were there first. Mr. Turner said he appreciate that. He added that the way roads seem to work is that they have too much activity on them before improvements are made. Mr. Todd Morgan added that if a property is zoned a certain way certain uses are principally permitted and this Board doesn't have a say in the matter.

Mr. Turner made a motion to approve the request with the following conditions:

1. Unless modified by the conditions below, the approval is based on the preliminary plans and elevation drawings. Minor changes can be approved by the Zoning Administrator.
2. The vinyl horizontal and board and batten siding shall be replaced with composite siding.
3. An external trash dumpster shall not be permitted. All trash shall be stored inside the building.
4. Freestanding signage shall be limited to a 10' tall, 100 square foot monument sign. The base of the sign shall be constructed with brick that matches the building.
5. 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.

Mr. Bryan seconded the motion.

Mr. Turner called for a roll call vote. Mr. Turner, Mr. Baker, and Mr. Bryan voted "yes" and Mr. Sedor voted "no". The motion carried 3 - 1.

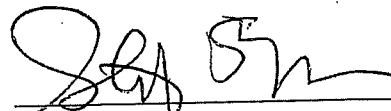
OTHER

Mr. Turner welcomed Mr. Bryan as a new Board member.

ADJOURNMENT

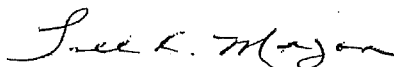
Mr. Turner asked for a motion to adjourn. Mr. Sedor so moved and Mr. Baker seconded the motion. The motion carried by unanimous consent and the meeting adjourned at 7:58 P.M.

APPROVED



Steve Turner  
Chairman

Attest:



Todd K. Morgan, AICP  
Senior Planner, Zoning Services

COPY

CLUR #17-WBOA-001-A

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)  
William T. Bay and Joann Bay, co-Trustees  
P.O. Box 77  
Burlington, KY 41005
  
2. ADDRESS OF PROPERTY  
Service Road  
Walton, KY
  
3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)  
The Woda Group
  
4. DEED BOOK 584      PAGE NO. 134      GROUP NO. 2079
  
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

Todd Morgan  
 SIGNATURE OF COMPLETING OFFICIAL

Todd Morgan, AICP – Senior Planner  
 Name and Title of Completing Official

COPY

CLUR #17-WBOA-001-A

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 January 10, 2017 Certificate of Land Use Restriction (#17-WBOA-001-A), for William T. Bay and Joann Bay, co-Trustees, Property Owner(s).

The following conditions will apply:

1. The approval shall be based on the preliminary site plan and elevation drawings. Minor changes can be approved by the Zoning Administrator.
2. The rear and side facades of the 8 unit building shall be constructed with 50% brick and/or stone.
3. Buffer Yard B plantings shall be required along the front property line. Buffer Yard B is a 20' wide buffer with the following plantings required every 100 linear feet:
  - 5 Evergreen from Plant List D and
  - 6 large trees/medium/small/or evergreens from Plant List A, B, C, or D and
  - 30 shrubs from Plant List E or 15 shrubs from Plant List C
4. The dumpster enclosure shall comply with the following:
  - The rear and sides of the dumpster shall be constructed with brick that matches the buildings.
  - The gate shall be solid wood or vinyl.
  - The enclosure shall be at least 1 foot taller than the dumpster being screened.
5. Freestanding signage shall be limited to a 10' tall, 100 square foot monument sign. The base of the sign shall be constructed with brick that matches the building. Building mounted signage shall be prohibited.
6. Public sidewalks shall be required along the Service Road frontage and a sidewalk connection to the development shall be required.
7. A bicycle rack shall be required near the community center.

COPY

8. Residents shall not be permitted to store disabled vehicles or recreational vehicles in the parking lot.
9. Fire hydrants shall be placed in the following locations:
  - A. Approximately 90' from Service Road. The location is on the left side of the driveway as you turn into the development and is near a light pole and tree.
  - B. Approximately 250' from Service Road. The location is about 7' to 10' east of the dumpster.
10. The colors of the buildings shall be reviewed through a Staff Design Review process. Bright colored building materials shall be prohibited.
11. The proposed curb cut on Service Road shall be made as wide as possible to allow the neighboring property across the street to have better ingress and egress. The maximum permitted rural driveway width is 40 feet (see Table 32.5 of the Boone County Zoning Regulations).

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

DEED BOOK 584

PAGE NO. 134

GROUP NO. 2079

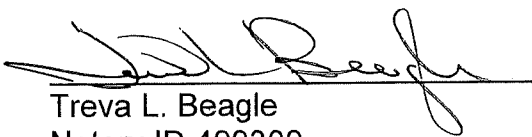
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COMMONWEALTH OF KENTUCKY

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Todd Morgan

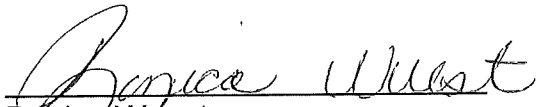
on behalf of the Boone County Planning Commission this 11 day of January, 2017.



Treva L. Beagle  
Notary ID 499309  
NOTARY PUBLIC, State at Large

My commission Expires:  
November 12, 2017

This instrument was prepared for recording purposes only by:



Ronica Wuest  
Boone County Planning Commission  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, Kentucky 41005

NO TITLE EXAMINATION

(Legal Description and source of Title and Group Number furnished by the applicant.)