

10. Proposed Use(s) on Site: Home improvement store w/ garden center and associated parking facilities
11. Total Square Footage of Existing and/or Proposed Buildings: 107,504 sq.ft.
12. Current Zoning: C-2/CD
13. 1196 467 2082
Deed Book Page Group Number
14. Is the site subject to a zone change: Yes No
If yes, date of approval: N/A
15. Have you submitted a Site Plan with this request: Yes No
16. Have you submitted a list of adjoining property owners with this request: Yes No
17. I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

Property Owner's Signature:

Anthony Berling

Applicant's Signature:

David A. Yost

SECTION B: (To be completed by Planning Commission staff)

1. Date Received: 7/29/25 Fee Received: \$2266 Receipt #: 93073

2. Is application complete: _____

3. Staff Reviewer: Stan Self

4. Scheduled Board Action Date: 8/26/25

5. Board Action: 8/26/25 4-0

Approved

Approved with Conditions (see #6)

Denial (See #7)

6. Conditions of Approval: _____

7. Reasons for Denial: _____

Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
Phone: 859-334-2196
plancom@boonecountyky.org
www.boonecountyky.org

STAFF REPORT

#1

APPLICANT: Lowe's Home Improvement per David Yost (applicant)
LOCATION: 12100 Towne Center Drive
ZONING: Commercial Two (C-2)
DATE: August 26, 2025

PROPOSAL

- A. The applicant is requesting three (3) Variances for the subject location as follows:
1. A Variance to reduce a Buffer Yard "D" along the east property line from eighty (80) feet to forty (40) feet.
 2. A Variance to reduce a Buffer Yard "A" for a portion of the north property line from ten (10) feet to approximately three and a half (3.5) feet.
 3. A Variance to reduce a Buffer Yard "A" along the street frontage from ten (10) feet to zero (0) feet.

SITE HISTORY

- 2005 On October 10, 2005, the City of Walton adopted Ordinance 2005-14 changing the zone from Industrial One (I-1) to Commercial Two (C-2) for an approximate 130-acre area.
- 2008 On February 11, 2008, the City of Walton adopted Ordinance 2008-03 approving a zoning map amendment for a special sign district at the Walton Towne Center.
- 2025 On March 24, 2025, the Boone County Planning Commission approved a Final Plat application for Walton Towne Center, Section 14 creating the approximate 12-acre site.

APPLICABLE REGULATIONS

- A. Section 202.C of the Boone County Zoning Regulations states that one of the duties of the Board of Adjustment is to hear and decide on applications for variances.
- B. Section 4000 of the Boone County Zoning Regulations defines a variance as a departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.
- C. The Board should evaluate the request as it relates to the criteria necessary for granting a Variance as stated in Section 204.D and 204.E of the Boone County Zoning Regulations.
1. Findings listed in Section 204.D and 204.E:

- a. Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:
 - (1) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - (2) The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
 - (3) The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
- b. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

D. Section 3620 of the Boone County Zoning Regulations states that when a use adjoins a street, regardless of whether it is public or private, landscaping shall be required from Buffer Yard A (See Table 36-2). This landscaping is not required to be placed in a linear design, but shall be required to be dispersed throughout the street frontage and not clustered entirely at the ends of the property. This landscaping will provide screening for vehicular use areas, while also allowing flexibility for uses which require high visibility from street frontages. The required shrubs from Plant List C and E can be reduced by fifty percent (50%) if the buffer yard width is increased from 10 feet to twenty (20) feet and can be eliminated if the buffer yard area is increased to thirty (30) feet. However, in all cases the trees required from Plant List A, B, C, or D shall still be required.

E. Section 3645 of the Boone County Zoning Regulations states that Table 36-1 indicates the buffer yard which is required when one zoning district adjoins another zoning district. If the adjoining property falls within the same zoning district as the use being developed, a buffer yard shall still be required. This buffer yard along with all buffer yards are identified within Table 36-2. This table specifies the width of the required buffer yard and the plant material required for the specified buffer yard (also refer to Figure 36-8).

Table 36-1 indicates that a Buffer Yard D will be required along the eastern property line of the site.

Table 36-2 provides the required plantings for a Buffer Yard D as follows:

BUFFER YARD D - 80 FOOT WIDTH

Landscaping required per 100 linear feet at 80 and 40 feet wide.

20 Evergreen Trees - Plant List D Planted in a double row spaced 10 feet on center in an equal lateral triangle configuration, AND

11 Large Trees - Plant List A
40 shrubs - Plant List C

40 FOOT WIDTH

The same number of trees are required as for the 80' width buffer yard, but the width may be reduced to 40 feet if a 6-foot-high berm, fence or masonry wall is used and the number of shrubs may be reduced to 20 from Plant List C. The maximum slope for the berm is 2.5 to 1.

SITE CHARACTERISTICS

- A. The approximate 12-acre site is located along the south side of Mary Grubbs Highway and the east side of Towne Center Drive.
- B. The site is currently vacant with an existing tree line within the right-of-way for Mary Grubbs Highway and along the railroad right-of-way and eastern property line.
- C. Topographically, most of the site is relatively flat. Slopes along Towne Center Drive are at an average 33% grade. The slopes along the railroad right-of-way are at an average of 40% grade.

SURROUNDING LAND USES AND ZONING

North: Single family homes (SR-1) and a religious facility (PF)

East: Single family homes (SR-1)

South: Kohl’s Department Store (C-2)

West: Commercial buildings and a vacant parcel (C-2)

STAFF COMMENTS

- A. Staff does not have any reservations regarding the requests. There is sufficient existing vegetation within both the right-of-way of Mary Grubbs Highway and CSX Railroad. In regard to Buffer Yard A along the street frontage of Towne Center Drive, there are easements of record and the topography slopes down from the roadway at approximately 33% grade. The applicant is proposing trees and shrubs along the exterior of the proposed parking lot that should provide adequate screening from the roadway.

One item that the Board should consider is Buffer Yard D along the eastern property line and railroad right-of-way. Buffer Yard D requires twenty (20) evergreen trees planted per 100 linear feet.

- B. Matt Bogen, City of Walton Engineer, did not have any comments and is supportive of the request.

CONCLUSION

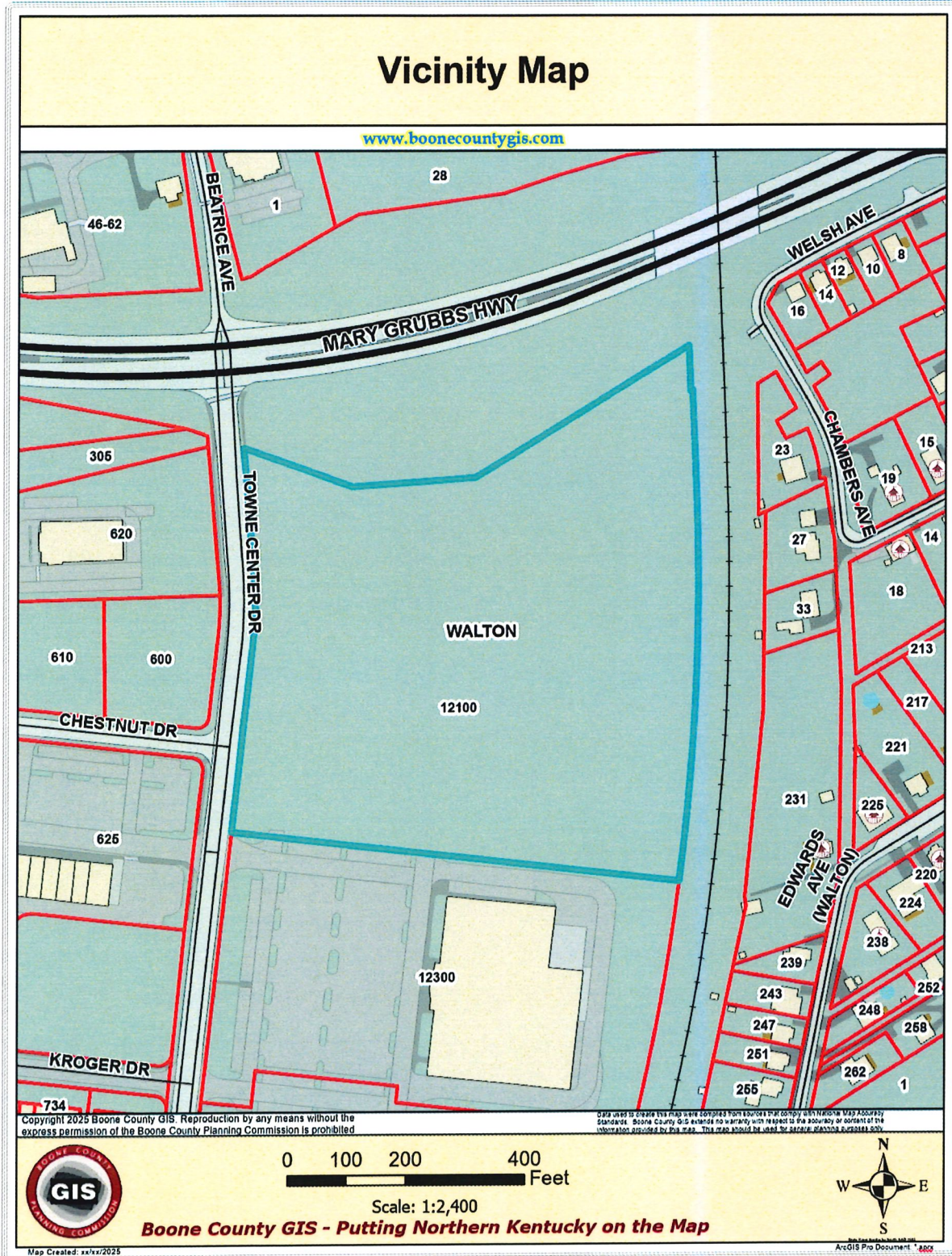
- A. KRS 100.241 and Section 220 of the Boone County Zoning Regulations give the Florence Board of Adjustment and Zoning Appeals the authority to act on the request.
- B. Sections 204.D and 204.E of the Boone County Zoning Regulations identifies criteria necessary for granting a Variance. The applicant needs to provide information as to how their application meets these criteria.

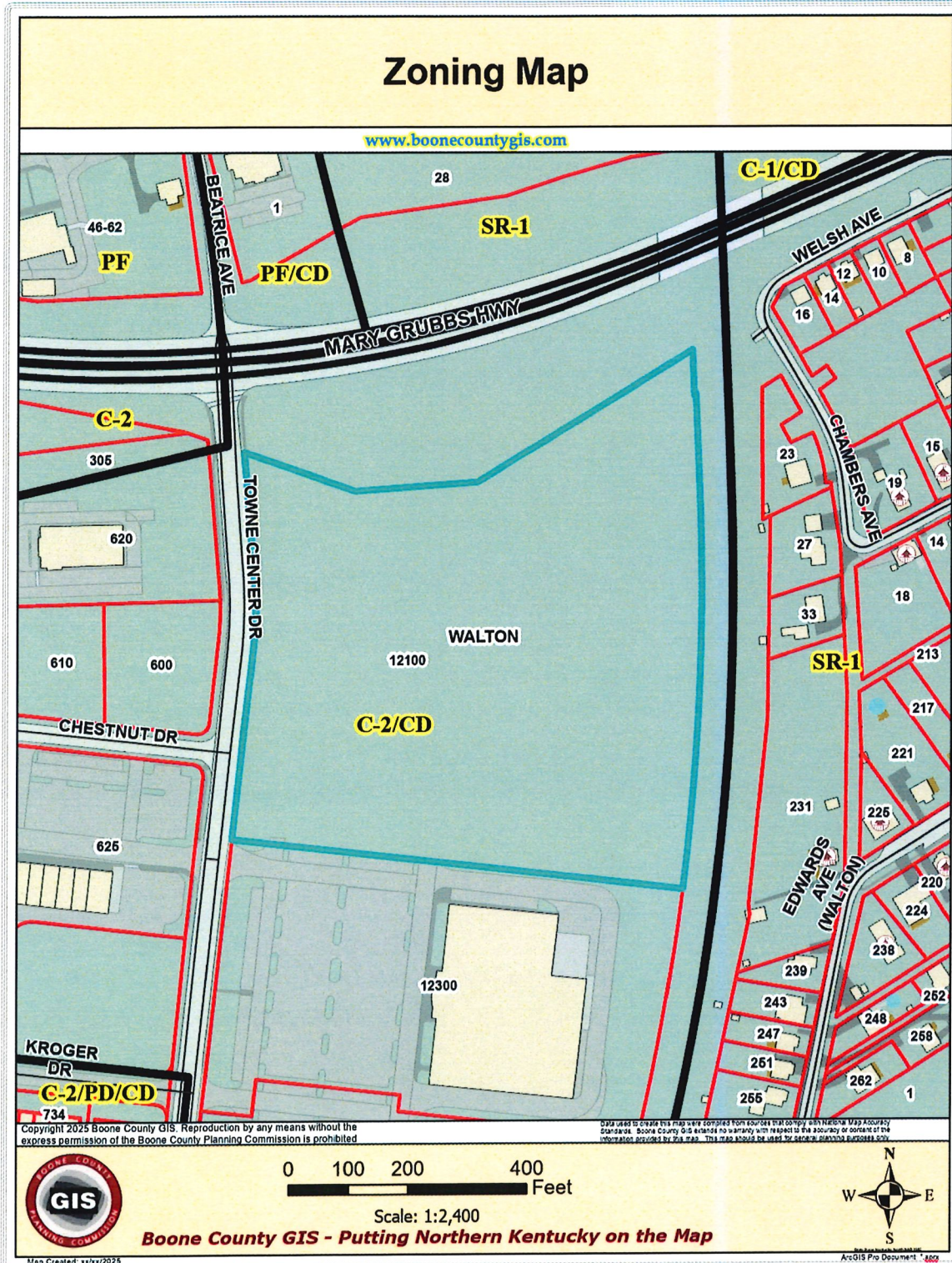
Respectfully submitted,

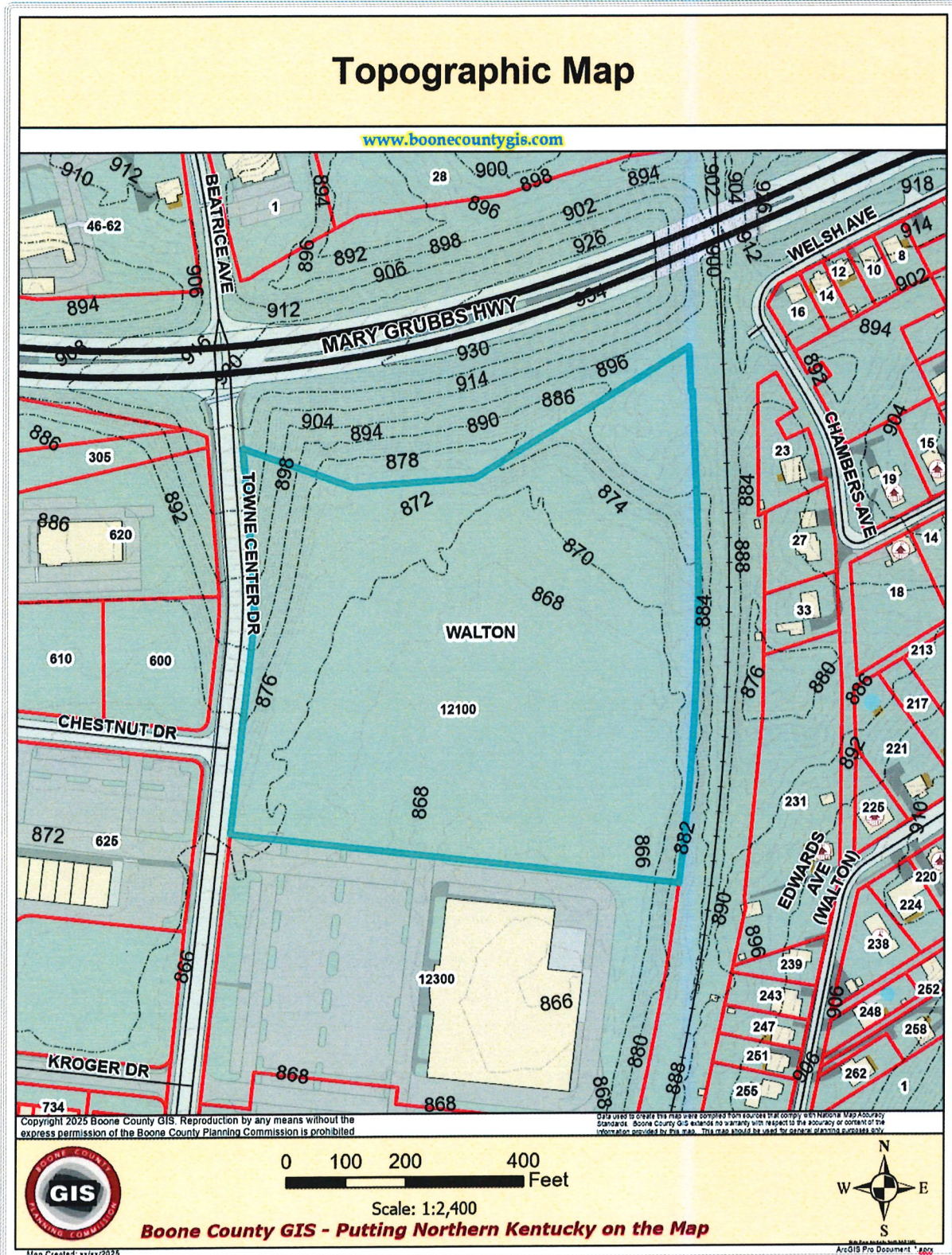


Steven C. Lilly, PLS
Planner, Zoning Services

SCL/ss







Board of Adjustment
Page 2

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Property Owner's Signature: Anthony Berling

Applicant's Signature: David A. Yost



July 23, 2025

RE: Lowe’s Walton – Variance Request
Parcel ID: 078.00-00-050.00
Parcel Zoning: C-2/CD
Gross Lot Area: 11.98 acres
Development Area: 11.98 acres

Dear Board Members,

On behalf of Lowe’s Companies, Inc., please accept this letter and enclosed supporting documents as a formal request for a variance from the zoning ordinance requirement of a 10 ft wide, Type A Buffer yard on the north and west side of the property and a reduction to the eastern buffer yard. The following provides additional context to the request.

Please find enclosed a completed variance application for the proposed Lowe’s development. The submittal package includes the following materials:

- Property owner’s signed authorization
- Legal description of the property
- Names and mailing addresses of all adjoining property owners
- Site plan illustrating the proposed buffer yard
- Required application fees.

VARIANCE – North and West Buffer Yard A – 10 Foot Width:

The County Ordinance Section 3645 – Table 36-1 Indicates *The buffer yard which is required when one zoning district adjoins another zoning district. If the adjoining property falls within the same zoning district as the use being developed, a buffer yard shall still be required. A buffer yard A shall be required in all cases that do not appear this table, except when the developing district is EPD, RPD, or PD.*

All perimeter buffer yards for the proposed Lowe’s lot meet ordinance requirements, with the exception of a section along the northern property line, which adjoins the State Route 14 & 16 right-of-way and the western property line that is limited by the slope and presence of easements. **This variance request specifically seeks an elimination of the buffer yard along the a portion of the north as shown in the included exhibit and from the west side.**

The elimination of a portion of the north side buffer is requested to allow the construction of the parking lot as proposed. The shape of the property encroach in portion of the property; however, greater than 100-feet of vegetated green space will remain between the property and Mary Grubbs Highway providing significant buffer.

The west side includes a utility and easement along Towne Center Drive that does not allow the installation of trees in the area. The slope in the area further impacts the ability to plant and maintain trees along that side of the property.



VARIANCE – East Buffer Yard D:

Residential zoning is located to the east of the property, across an 86-foot railroad right-of-way. Based on this zoning a Buffer Yard D would be required. **This variance request specifically seeks relief from the 80-foot buffer yard requirement and request a reduction to 40-feet of buffer. With the width of the ROW more than 80-feet of distance will be maintained between the property and the residential parcels. The elevation of the railroad is generally 6 to 20 feet high than the proposed Lowe’s development and included vegetation to further screen the property. With the natural elevation change creating a berm we want to confirm that the variance would remove the need for an additional berm or fence.**

Strict adherence to the ordinance would impose an unreasonable burden, as the building and associated parking facilities have already been positioned as far south as possible to accommodate the required buffer yards along the southern property line. Further relocation of the building is not feasible without compromising safe and efficient site circulation, particularly given the heavy truck traffic anticipated for Lowe’s daily operations. Additionally, both on-site and off-site topography present significant challenges. A 50–60 foot elevation change in the open space between State Routes 14 and 16 and the subject parcel effectively places the developable area in a depression bordered by the railroad, State Routes 14 and 16, and Towne Center Drive. As such, there is limited flexibility to shift the building or its appurtenances without incurring excessive costs or creating unsafe, non-navigable slopes across the parking areas.

Please contact us with questions or comments at jantoniewicz@atwell.com.

Regards,

Jamie Antoniewicz, PE
Atwell, LLC

CSX RAILROAD

**LOWE'S
94K DEEP**

**MARY STATE ROUTE 14 & 19
WAYPOINTS 14 & 19
STATE ROUTE 14 & 19
WAYPOINTS 14 & 19**

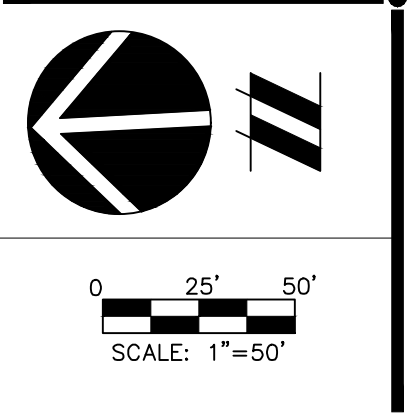
TOWNE CENTER DRIVE
60' RIGHT-OF-WAY

CHESTNUT DRIVE
50' RIGHT-OF-WAY

- GENERAL**
- THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR IMPLEMENTING ALL WORK AS SPECIFIED IN ACCORDANCE WITH THE PLANS AND AS LISTED IN THE GENERAL NOTES.
 - BEFORE BEGINNING ANY WORK, ALL UTILITIES AND UNDERGROUND CONSTRUCTION SHALL BE LOCATED BY THE LANDSCAPE CONTRACTOR SO THAT PROPER PRECAUTIONS MAY BE TAKEN NOT TO DISTURB OR DAMAGE ANY SUBSURFACE IMPROVEMENTS. WHERE PUBLIC UTILITIES ARE PRESENT, THE LANDSCAPE CONTRACTOR SHALL REQUEST ON-SITE LOCATIONS BY ALL UTILITY COMPANIES AND CONFIRM THAT SUCH LOCATIONS HAVE BEEN COMPLETED. THE LANDSCAPE CONTRACTOR SHALL BE HELD RESPONSIBLE FOR MAKING, AT HIS OWN EXPENSE, ALL REPAIRS TO DAMAGED UTILITIES RESULTING FROM WORK COVERED BY THIS CONTRACT.
 - ANY DAMAGE DONE BY THE LANDSCAPE CONTRACTOR TO ANY PAVING, BUILDINGS, CURBS, OR WALKS SHALL BE REPAIRED OR REPLACED BY THE LANDSCAPE CONTRACTOR.
 - THE LANDSCAPE CONTRACTOR SHALL TAKE MEASURES TO PREVENT DUST, MUD, MARKS, ETC. FROM SOILING AND DAMAGING IMPROVEMENTS. ANY DAMAGE SHALL BE THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR.
 - THE LANDSCAPE CONTRACTOR SHALL ASSURE POSITIVE DRAINAGE FROM ALL PARTS OF THE PROJECT.
 - ALL PLANTING BEDS TO RECEIVE SHREDDED HARDWOOD MULCH TO A DEPTH OF 3 INCHES.
 - CONTRACTOR TO PROVIDE IRRIGATION DESIGN FOR LANDSCAPE ARCHITECTS APPROVAL PRIOR TO INSTALLATION.
 - ALL PLANT MATERIALS SHALL MEET OR EXCEED SIZE AND SHAPE RELATIONSHIP SPECIFIED IN THE LATEST EDITION OF THE AMERICAN STANDARDS FOR NURSERY STOCK.
 - GENERAL CONTRACTOR TO PROVIDE, STRIP AND PILE TOPSOIL FOR THE LANDSCAPE CONTRACTOR TO BACKFILL LANDSCAPE ISLANDS, MOUND LANDSCAPE ISLANDS A MINIMUM 18 INCHES FROM CENTER TO BACK OF CURB.
 - ALL SUBSTITUTIONS OF PLANT MATERIALS MUST BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
 - SEE PAGE C 35 FOR ADDITIONAL NOTES AND DETAILS.

REVISIONS

DATE	DESCRIPTION
07-28-2025	BID SET

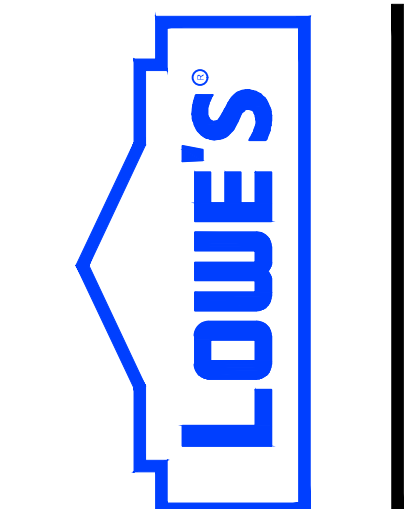


811
Know what's below.
Call before you dig.

NOTICE:
CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. NEITHER THE OWNER NOR THE ENGINEER SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK, OF PERSONS ENGAGED IN THE WORK, OR OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS.

ATWELL
666.850.4200 www.atwell.com
12745 23 MILE ROAD | SUITE 200
SHELBY TOWNSHIP, MI 48315
(616) 768-6600

LOWE'S HOME CENTERS, LLC
1000 LOWE'S BOULEVARD
MOORESVILLE, NC 28117
704.758.1000 (PH.)



SITE PLANS & IMPROVEMENT DWGS
LANDSCAPE PLAN
LOWE'S OF
WALTON
BOONE COUNTY, KENTUCKY

PROJECT NO: 2407339-1
DESIGNED BY: BFB
CHECKED BY: EMB
PERMIT SET
ISSUE DATE: 06-18-2025
CONSTRUCTION SET
ISSUE DATE:
DRAWING NUMBER:
C34

PLANT SCHEDULE						
SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	SIZE	SPACING	REMARKS
TREES						
AO	7		ACER RUBRUM / OCTOBER GLORY / OCTOBER GLORY MAPLE	2' CAL., 8' HT.	AS SHOWN	FULL WELL BALANCED CANOPY
MS	6		MAGNOLIA SOULANGIANA / JANE / JANE SAUCER MAGNOLIA	2' CAL., 8' HT.	AS SHOWN	MULTI STEM, 3-5 CANES MIN. WELL BALANCED HEAD
OS	8		QUERCUS SHUMARDII / SHUMARD OAK	2' CAL., 8' HT.	AS SHOWN	FULL WELL BALANCED CANOPY
SI	8		SYRINGA RETICULATA / IVORY SILK / IVORY SILK, JAPANESE TREE LILAC	2' CAL., 8' HT.	AS SHOWN	FULL WELL BALANCED CANOPY
UP	15		ULMUS PARVIFOLIA / EMER II / EMER II ALLEE ELM	2' CAL., 8' HT.	AS SHOWN	FULL WELL BALANCED CANOPY
EVERGREEN TREES						
TG2	10		THUJA PLICATA GROVPL / SPRING GROVE WESTERN RED CEDAR	1.5' CAL., 6' HT.	AS SHOWN	FULL TO GROUND
SHRUBS						
AGK	178		ABELIA X GRANDIFLORA / KALEIDOSCOPE / KALEIDOSCOPE ABELIA	3 GAL.	3' O.C.	FULL EVEN HEAD
ICH	14		ILEX CRENATA / HELLER / HELLER JAPANESE HOLLY	3 GAL.	AS SHOWN	FULL EVEN HEAD
IH	45		ILEX CRENATA / HOOGENDORFF / HOOGENDORFF JAPANESE HOLLY	3 GAL.	AS SHOWN	FULL EVEN HEAD
IOC	29		ILEX GLABRA / COMPACTA / COMPACT BIKBERY	3 GAL.	AS SHOWN	FULL EVEN HEAD
IV2	176		ITEA VIRGINICA / VIRGINIA SWEETSPIRE	3 GAL.		FULL EVEN HEAD
EXISTING SHRUBS						
JR2	5		JUNIPERUS CHINENSIS / SAKAUREA / GOLD STAR JUNIPER	EXISTING		EXISTING
GROUND COVERS						
FA	73,000 SF		FESTUCA ARUNDINACEA / TALL FESCUE	SEED		
FA2	30,800 SF		FESTUCA ARUNDINACEA / TALL FESCUE	SOD		2 YR CERTIFIED SEASON PERMITTING
LB	421		LIRIOPE MUSCARI / BIG BLUE / BIG BLUE LILYTURF	4" POT		
MU			SHREDDED HARDWOOD MULCH	MULCH		MIN. 3 INCH

BENCHMARKS
BENCHMARK #1:
NE FLANGE BOLT OF HYDRANT
N: 494269.388
E: 1536620.875
Z: 874.89
REFER TO ALTA SURVEY FOR ADDITIONAL BENCHMARK(S)

ITEM	REQUIREMENT	QTY. REQUIRED	QTY. PROVIDED	FORMULA
BUFFER YARD 1 TYPE A 30' OPTION	PER 100 LINEAR FEET AT 10 FEET WIDE = 5 SMALL TREES - PLANT LIST C OR 3 LARGE TREES / 3 MEDIUM TREES / OR 3 EVERGREEN TREES OR ANY COMBINATION OF 3 - PLANT LIST A, B, OR D, AND 30 SHRUBS - PLANT LIST E OR 15 SHRUBS - PLANT LIST C. GROUND COVER REQUIRED IN ALL AREAS NOT COVERED WITH GRASS.	18 TREES	N/A	STREET FRONTAGE TOTAL WIDTH 646'-85" ENTRANCE CURB CUT & 10' (AREA 2) = 5.71 X 3 LARGE TREES = 18
SHARED BUFFER YARD 2 TYPE A	SEE REQUIREMENT ABOVE	22 TREES 213 SHRUBS AND MULCHING	22 TREES 213 SHRUBS AND MULCHING	747'-10 (AREA 1) & 30' EASEMENT CURB CUT = 7.07 X 3 LARGE TREES = 22 & 7.07 X 30 SMALL SHRUBS = 213
BUFFER YARD 3 TYPE D	PER 100 LF 20 EVERGREEN TREES PLANT LIST D, 11 LARGE TREES PLANT LIST A, 40 SHRUBS PLANT LIST C. BUFFER CAN BE REDUCED WITH THE ADDITION OF A 6' HT. BERM, FENCE OF MASONRY WALL	180 EVERGREEN TREES 99 LARGE TREES 360 SHRUBS	EXISTING VEGETATION TO REMAIN	901 LF / 100 = 9 9 X 20 = 180 9 X 11 = 99 9 X 40 = 360
BUFFER YARD 4 TYPE A	SEE REQUIREMENT FOR TYPE A LISTED ABOVE & (EXISTING & SAVED VEGETATION PROVIDES SCREENING REQUIREMENTS)	EXISTING TREES TO REMAIN	EXISTING TREES TO REMAIN	STREET FRONTAGE TOTAL LENGTH = 824.1 LF / 100 = 8.2 X 3 LARGE TREES = 25
VUA PARKING AREA	5 PERCENT OF VUA SHALL BE LANDSCAPED. 1 TREE PER 162 SF OF ISLAND PLANTING AREA. ALL ISLAND SHALL BE PLANTING WITH A MIXTURE OF TREES, SHRUBS, GROUND COVERS AND MULCH.	6,633 SF	9,500 SF IN WESTERN ISLANDS AND WEST PERIMETER ADJACENT TO THE PARKING AREA.	VUA = 132,667 SF X 5% = 6,633 SF



CERTIFICATE OF LAND USE RESTRICTION

- 1. NAME AND ADDRESS OF PROPERTY OWNER(S)
Walton Land Development LLC
2807 Amsterdam Rd
Villa Hills, KY 41017

- 2. ADDRESS OF PROPERTY
1000 Lowe's Blvd
Walton, KY 41094
- 3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)
Lowe's

- 4. DEED BOOK 1196 PAGE NO. 467 GROUP NO. 2082

- 5. TYPE OF RESTRICTION(S) (Check all that apply)
 - Zoning Map Amendment: Conditional Use Permit
 - From _____ To _____
 - Development Plan Conditional Zoning
 - Subdivision Plat Other:
 - (Not Recorded)
 - Variances (3)

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

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

SIGNATURE OF COMPLETING OFFICIAL

Steven C. Lilly, Planner
Name and Title of Completing Official

COMMONWEALTH OF KENTUCKY


COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by Steven C. Lilly on behalf of the Boone
County Planning Commission this 27th day of August, 2025.

Treva L. Beagle
Notary ID KYNP37603
NOTARY PUBLIC, State at Large

My commission Expires:
November 12, 2025

This instrument was prepared for recording purposes only by:



Nicole Dierna
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.)