

STAFF REPORT

DEVELOPMENT: Flying J Travel Plaza  
APPLICANT: Flying J Inc.  
LOCATION: KY 14/16 at Stephenson Mill Road,  
Walton, KY  
ZONING: Commercial Services (C-3)  
DATE: October 27, 1988

REMARKS:

The applicant is requesting review for revision of a Conditional Use Permit, which was recently approved by the Walton Board of Adjustment and Zoning Appeals on September 22, 1988. Enclosed as Exhibit 1 is a copy of the September 22, 1988 Conditional Use Permit (Conditional Use Permit CP-14-88) and plan as presented to the Board. This request is to modify or revise the Conditional Use Permit granted last month in order to allow the construction of a truck stop. This modification or revision is based upon new information to be presented to the Board by the applicant.

HISTORY OF SITE:

The 6.39 acre site adjoins a 10.386 acre tract that will also be utilized as part of the overall development. This adjoining property previously received approval (with conditions) for a Zone Change and Conditional Use Permit from the Boone County Planning Commission. The following table outlines the history of the site and the actions by the appropriate bodies.

<u>DATE</u>	<u>REVIEW BODY</u>	<u>REVIEW</u>	<u>STATUS</u>
5-4-88	Planning Commission	Zone Change & Conditional Use Permit - 10.386 acres	Approved
6-9-88	Walton Bd. of Adj.	Condition Use Permit - 3.01 acres	Approved
8-3-88	Planning Commission	Revised Concept Plan & Conditional Use Permit - 10.386 acres	Approved
9-22-88	Walton Bd. of Adj.	Revised Conditional Use Permit - 6.39 acres	Approved
12-21-88	SCPC	Site Plan	Approved

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Presently, a unoccupied structure exists on the site (former Tee-jays Creamy Whip). At one time, the site was used for the sale of gasoline to truck drivers.

In addition, the City of Walton has approved the revised Concept Development Plan and Conditional Use Permit for the 10.386 acre tract (tract subject to original zone change application) with conditions as recommended by the Boone County Planning Commission. For your information, I have included a copy of the revised Concept Development Plan (approved by the Boone County Planning Commission) for the 10.386 acre site marked as Exhibit 2.

#### Surrounding Land Uses And Zoning

An important note to this request is the existing land uses and zoning of the site's surrounding properties. The existing land uses and zoning of the adjoining properties consist of the following.

- North - An existing service station (Gulf) zoned C-3, and agricultural land zoned Agricultural Estate (A2) and Industrial One (I-1).
- East - Across KY 14/16 is Boone Inn Restaurant and an existing Union 76 truckstop (zoned C-3).
- South - A mobile home dealership and vacant property in the C-3 zone and a trucking company in the I-1 zone.
- West - Directly west of the subject site is the 10 acre site which was recently rezoned, west of the 10 acre site is a concrete plant in the A-2 zone and the City of Walton's sanitary sewage treatment facility.

#### Relationship to the Comprehensive Plan

This request should be reviewed on the basis of its relationship to the 1986 Boone County Comprehensive Plan. The Plan's "Future Land Use Map" indicates future land uses of commercial and industrial for the vicinity of the site.

The Plan's Goals and Objectives state that the county (and the cities within it): shall seek a balance between land uses that generate revenue and those that create public cost (Economy, page G-2); that commercial uses, and especially highway services, shall be developed at locations with convenient access to their designated markets, however, these developments should not be located so close to interchanges that undue traffic congestion results (Business Activity, page G-3); that public services and facilities must be adequate for all developments (Public Services and Facilities, page G-4, and Land Use, page G-6); and that access management principles shall be utilized to help prevent traffic congestion (Transportation, page G-6).

The Plan's Business Activity Element states: "the I-75 interchange at Walton is capable of additional commercial growth as appropriate levels of infrastructure become available. This development shall occur in such a manner

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as to not overload the interchange with access points" (page B-15); and "the Richwood and Walton interchanges will serve an increasing amount of industrial traffic along the U.S. 25 and I-75 corridor. Most of the industrial activity should locate near the interchange to minimize travel on non-interstate roads" (page B-16). The Plan's Land Use Element (Section D-7) states that the more intense commercial development in the Walton area should occur around the I-75 interchange (page L-22).

#### Revised Conditional Use Permit Application

The revisions to the Conditional Use Permit result from the applicant's acquisition of an additional 4.3 acre parcel, which is zoned Commercial Services (C-3), and is located adjacent to the 3.01 acre tract for which the June 9, 1988 Conditional Use Permit was granted (see Exhibit 3). The applicant is proposing to utilize a portion of the recently acquired 4.3 acre parcel and the previous 2 acre out-parcel (see Exhibit 4). The applicant has revised the plan to provide access to the truck fueling islands and parking area from KY 14/16 instead of truck traffic utilizing the Stephenson Mill Road entrance. The main reason for this change is the existing condition and grade of Stephenson Mill Road. Stephenson Mill Road drops off significantly from the intersection of KY 14/16 or towards the northwest corner of the Flying J Inc. site (see Exhibit 5). The applicant has stated that due to the existing conditions of the site and Stephenson Mill Road, it will result in trucks driving downhill to the proposed entrance and then turning left and driving uphill to the fueling stations. Presently, there is a 15 foot drop from the top of the site's proposed entrance on Stephenson Mill Road. In addition to the change in access, the revised plan indicates an increase in the amount of truck parking (from 151 spaces to 227 spaces), a fast food restaurant with a drive thru window, a dumping station for recreational vehicles and area designated for a future motel. These above changes or items are not part of this Conditional Use Permit application.

The purpose of this review is to determine if the proposed use, a truck stop, and general layout of the 6.39 acre site are appropriate relative to the seven general standards applicable to Conditional Uses in Section 263 of the Boone County Zoning Regulations (see Exhibit 6) and the criteria set forth in the (Section 943) Commercial Services (C-3) zoning classification based upon the new information submitted by the applicant.

In addition to the submitted plan, the applicant upon previous submittals completed a traffic study of the I-75 interchange and Stephenson Mill Road - KY 14/16 intersection. The study, in general, indicates the amount of traffic generated by the development. The existing roadway should be able to handle the increased traffic. However, the study indicates that problems might eventually occur at the highway ramp intersections. This problem can be eliminated by signalization, which is one of the reasons why the Planning Commission placed condition number 1 on the applicant (see Exhibit 7).

Finally, the applicant has submitted a letter from the Kentucky Transportation Cabinet requesting a recommendation on improvements to KY 14/16 (see Exhibit 8). Based upon the information presented to the Kentucky Transportation Cabinet, the

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recommendation consists of adding deceleration or right-hand turning lanes for the proposed truck and automobile access points on KY 14/16. The applicant has already agreed to construct a west bound left-hand turning lane on Stephenson Mill Road.

STAFF CONCERNS

1. ACCESS

As part of this request, the plan indicates that the truck traffic will use KY 14/16 due to the current topography of the site and the elevation of Stephenson Mill Road. The result will be trucks turning left at the intersection of KY 14/16. The Staff's concern is that this turning movement may cause congestion at the intersection in the future as the site develops and the surrounding area generates additional traffic from new businesses and residences. It is known that trucks exiting I-75 southbound will have an extremely short distance to merge into the left-hand turning lane on KY 14/16 from the exit ramp. There is approximately 170 feet for trucks to make this movement and to provide adequate stacking for vehicles turning left onto KY 14/16. In addition, placing the truck entrance on KY 14/16 does not separate the auto and truck traffic to any great extent since there is a proposed automobile entrance for the proposed restaurant and gas islands. A possible recommendation is to limit the automobile entrance to right turn in and out only in order to avoid potential truck and automobile left-hand turning conflicts. Automobile traffic may then exit the site from Stephenson Mill Road. The mixing of such traffic may become more of a concern when the future motel is constructed.

2. INTERNAL CIRCULATION

A primary concern in terms of internal circulation is the stacking distance the trucks will have waiting to refuel. The distance from the fuel island to KY 14/16 is only 230 feet, allowing for little distance for trucks to wait safely off the roadway. One possibility is to address this issue and the final layout of the proposed building at a later stage through Site Plan Review to assure traffic safety within the site.

3. FUTURE ANALYSIS OF SITE AND SITE PLAN REVIEW

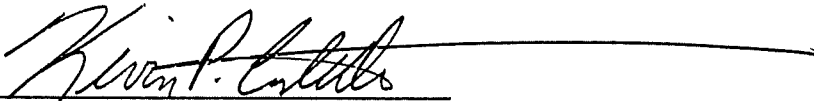
Since it is difficult to understand the exact impact of this development on the public road system due to limited development activity in the surrounding area, the Staff would recommend that upon subsequent reviews (e.g. Site Plan Review and/or Conditional Use Permit review for a future hotel) an analysis of the present conditions and traffic patterns be done by the Boone County Planning Commission and the Kentucky Transportation Cabinet to determine traffic-related problems and to require the applicant to make any of the necessary adjustments or road construction improvements necessary to eliminate those problems which are attributable to this site. This recommendation or condition would be consistent with the Planning Commission's condition in the August 3, 1988 Committee Report. This can be achieved by designating the proposed access points as temporary until designated permanent by the Boone County Planning Commission staff through the Walton Board of Adjustment and Zoning Appeals at subsequent reviews.

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Finally, if the Board grants this revised Conditional Use Permit application, it is recommended that a site plan be submitted to the Boone County Planning Commission for review and approval.

CONCLUSION

The major issue regarding this request is the project's relation to the Boone County Comprehensive Plan. While the document identifies the area for commercial growth, it hinges that growth on an appropriate level of infrastructure and not overloading the interchange with access points. Specifically, the mixing of traffic types, turning movements and internal traffic circulation must be reviewed both in the short term and in the long term as the interchange area redevelops and the surrounding area develops. In addition, the Board shall consider the new information supplied by the applicant and the comments from the Kentucky Transportation cabinet. In conclusion, the Board shall review this request in relation to the applicable standards of Conditional Uses in Article 2 of the Boone County Zoning Regulations and the Conditional Use criteria in the Commercial Services (C-3) zoning classification.



Kevin P. Costello,  
Assistant Director/Senior Planner

KPC:kat

APPENDIX

- Exhibit 1 - Copy of 9/22/88 C.U.P. (CP-14-88) and submitted plan
- Exhibit 2 - Copy of 8/3/88 Revised Concept Development Plan approved by Boone County Planning Commission for 10.386 acre site
- Exhibit 3 - Copy of 4/27/88 Concept Plan showing original 3.01 acre tract
- Exhibit 4 - Copy of 9/22/88 plan submitted to Walton Board of Adjustment showing location of newly acquired 4.3 acre parcel
- Exhibit 5 - Copy of U.S.G.S. topographic map showing the site
- Exhibit 6 - Copy of General Standards Applicable to all Conditional Uses
- Exhibit 7 - Copy of 8/3/88 Boone County Planning Commission Committee Report
- Exhibit 8 - Copy of letter and drawing from Forrest M. Rankin to Lafe Feller of PDG, Inc.
- Exhibit 9 - Copy of Kentucky Transportation Cabinet Encroachment Permit Application

CERTIFICATE OF LAND USE RESTRICTION

1. NAME AND ADDRESS OF PROPERTY OWNER(S)

<u>FLYING J</u>	<u>50 WEST 990 SOUTH, P.O. BOX 678</u>
<u>CHESTER STURGEON</u>	<u>BRIGHAM CITY, UT 84302</u>
	<u>13470 SERVICE RD</u>
	<u>WALTON, KY 41094</u>

2. ADDRESS OF PROPERTY

SOUTH WEST CORNER OF  
KY Hwy. 14-16 (VERONA ROAD)  
AND STEPHENSON MILL ROAD,  
WALTON, KY 41094

3. NAME OF SUBDIVISION OR DEVELOPMENT (if applicable)

DEED BOOK 188/387 PAGE NO. 182/202 GROUP NO. 2077/2077B

4. TYPE OF RESTRICTION(S) (Check all that apply):

- Zoning Map Amendment  Conditional Zoning Condition
- to  Zone
- Development Plan  Other specify \_\_\_\_\_
- Subdivision Plat
- Variance
- Conditional Use Permit

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

WALTON BOARD OF ADJUSTMENT AND ZONING APPEALS, c/o  
BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
2950 WASHINGTON STREET - ROOM 205  
BURLINGTON, KENTUCKY 41005

*Jim Sturdevant*  
 SIGNATURE OF COMPLETING OFFICIAL

JIM STURDEVANT, PLAN EXAMINER/PLANNER  
 NAME AND TITLE OF COMPLETING OFFICIAL  
 (type or print)

COMMONWEALTH OF KENTUCKY .

COUNTY OF BOONE

Subscribed, sworn to, and acknowledged before me by James Studevant  
on behalf of the Boone County Planning Commission this 10<sup>th</sup> day  
of October, 1988.

Gerald A. Newton  
GERALD A. NEWTON  
NOTARY PUBLIC, State at Large

My commission Expires:

March 8, 1992

This Instrument was prepared for recording purposes only by:

Gerald A. Newton  
GERALD A. NEWTON  
Boone County Planning Commission  
Boone County Administration Bldg.  
2950 Washington Street - Room 205  
Burlington, Kentucky 41005

NO TITLE EXAMINATION

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

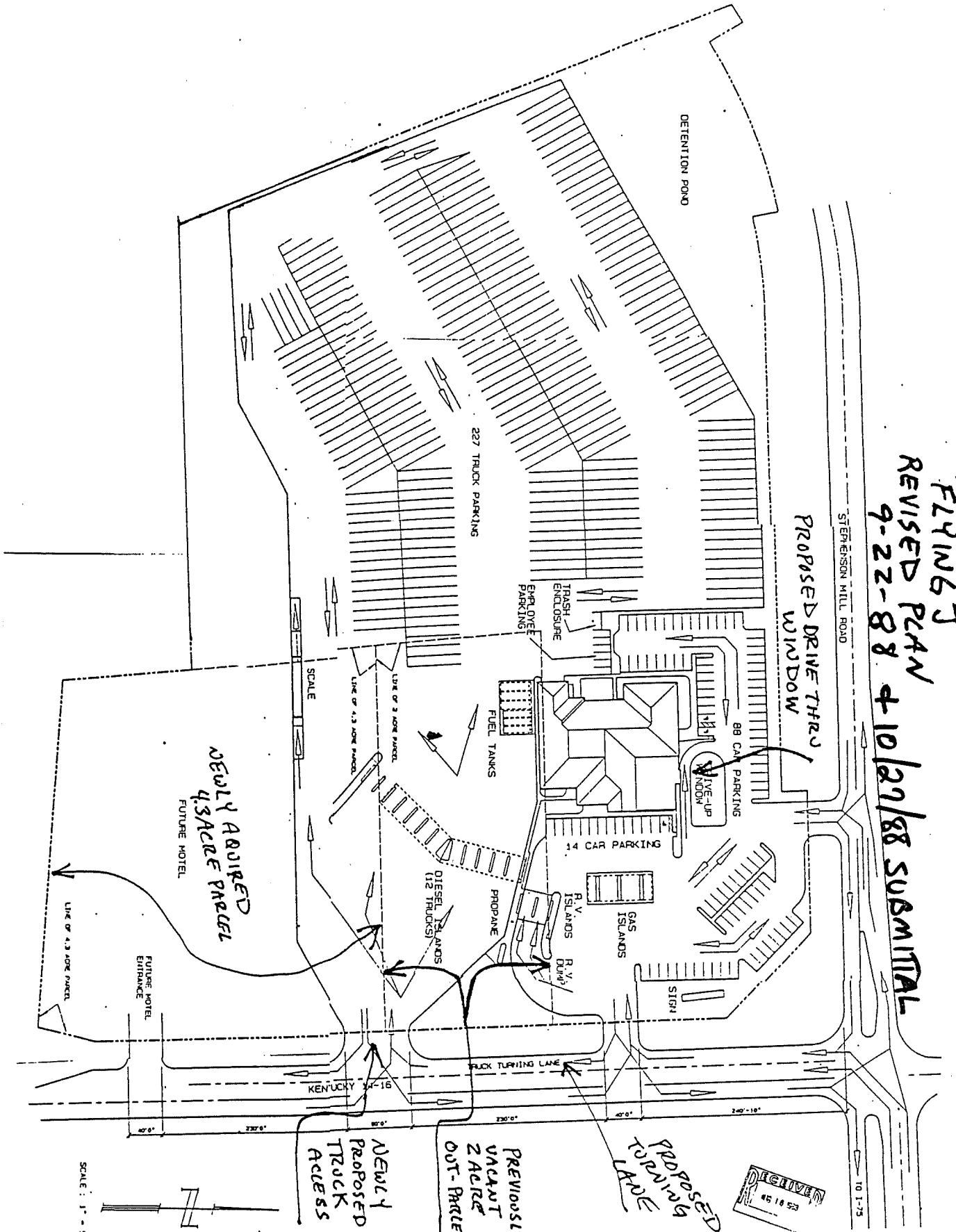
CONDITIONS OF APPROVAL

The following Conditions of Approval apply to Conditional Use Permit CP-14-88 (Land Use Restriction code 88-WBOA-001), approved on September 22, 1988 for applicant Flying J. Inc.

Conditions on this Conditional Use Permit include those imposed by the Walton Board of Adjustments and Zoning Appeals on the Conditional Use Permit approved for the applicant Flying J. Inc. on June 9, 1988, with the conditions being modified as follows:

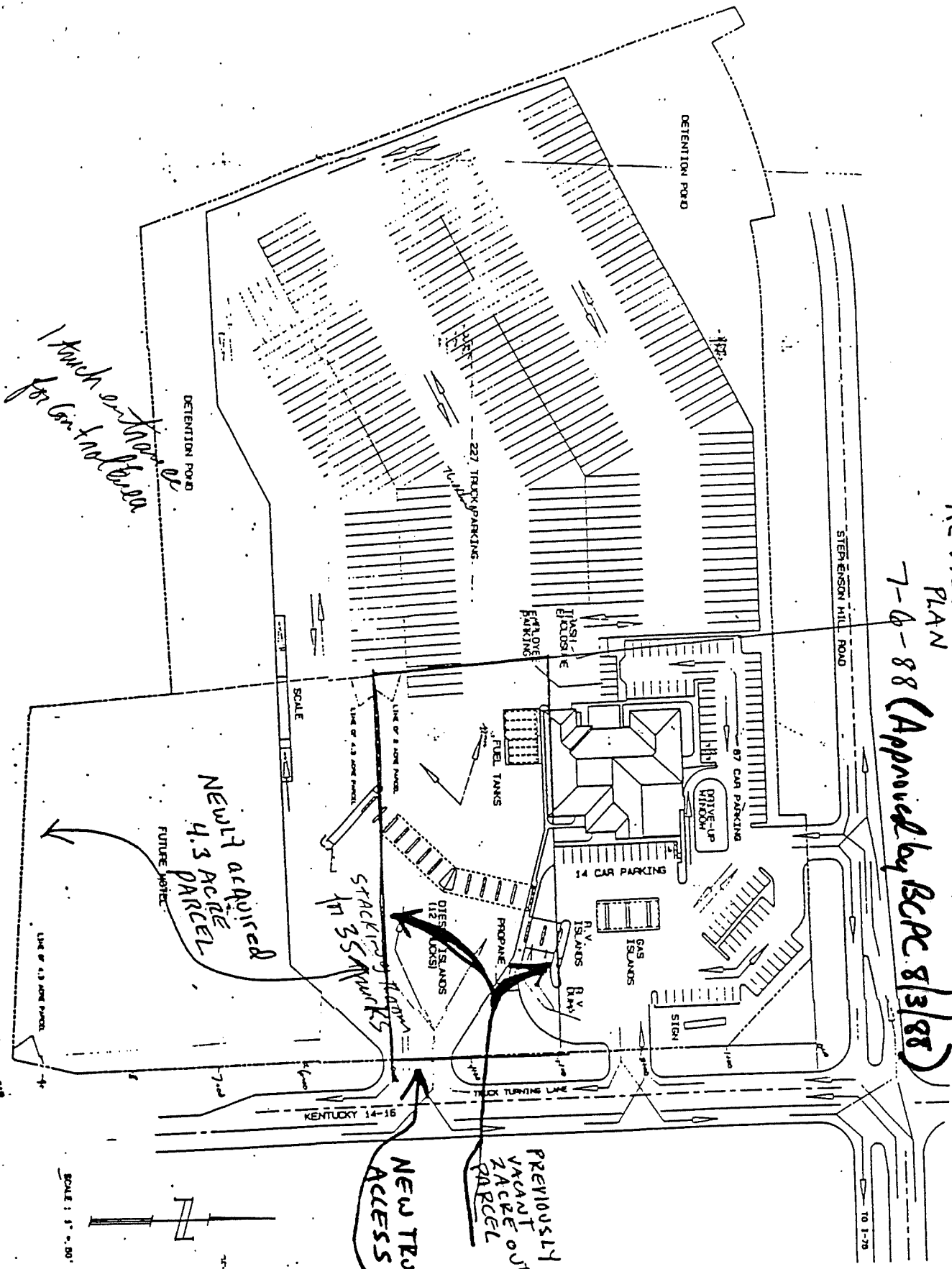
1. Access to the proposed truck fueling area shall be limited to Stephenson Mill Road as far west as practical to provide the greatest amount of stacking room for trucks on Stephenson Mill Road.
2. The applicant shall construct, in cooperation with the Kentucky Transportation Cabinet, an extra westbound lane on Stephenson Mill Road to carry through traffic past the truck stop's entrance and vehicles waiting to turn left into the truck stop facility.
3. The location, design, and configuration of the access to the site will be reviewed at the time the Site Plan is reviewed for the development. This is to assure that the interior circulation of traffic will not create traffic stacking up and blocking the public roadway. This may involve terracing of the truck area relative to the restaurant and automobile area or other adjustments as necessary to assure safe and expeditious flow of traffic into and out of the site.
4. The design of the fast food drive-thru window and its traffic circulation pattern will be reviewed at Site Plan Review.

FLYING J  
 REVISED PLAN  
 9-22-88 + 10/27/88 SUBMITAL



SHEET 1-12-88 L. PELLER ARCHT. & ENGR. 2075-10 W. 1158-1-01	REVISIONS NO. DATE BY	FLYING J TRAVEL PLAZA WALTON, KENTUCKY	REVISED SITE CONCEPT	
	SCALE: 1" = 50'	NEWLY ACQUIRED TRUCK ACCESS	PREVIOUSLY VACANT 2 ACRE OUT-PARCEL	

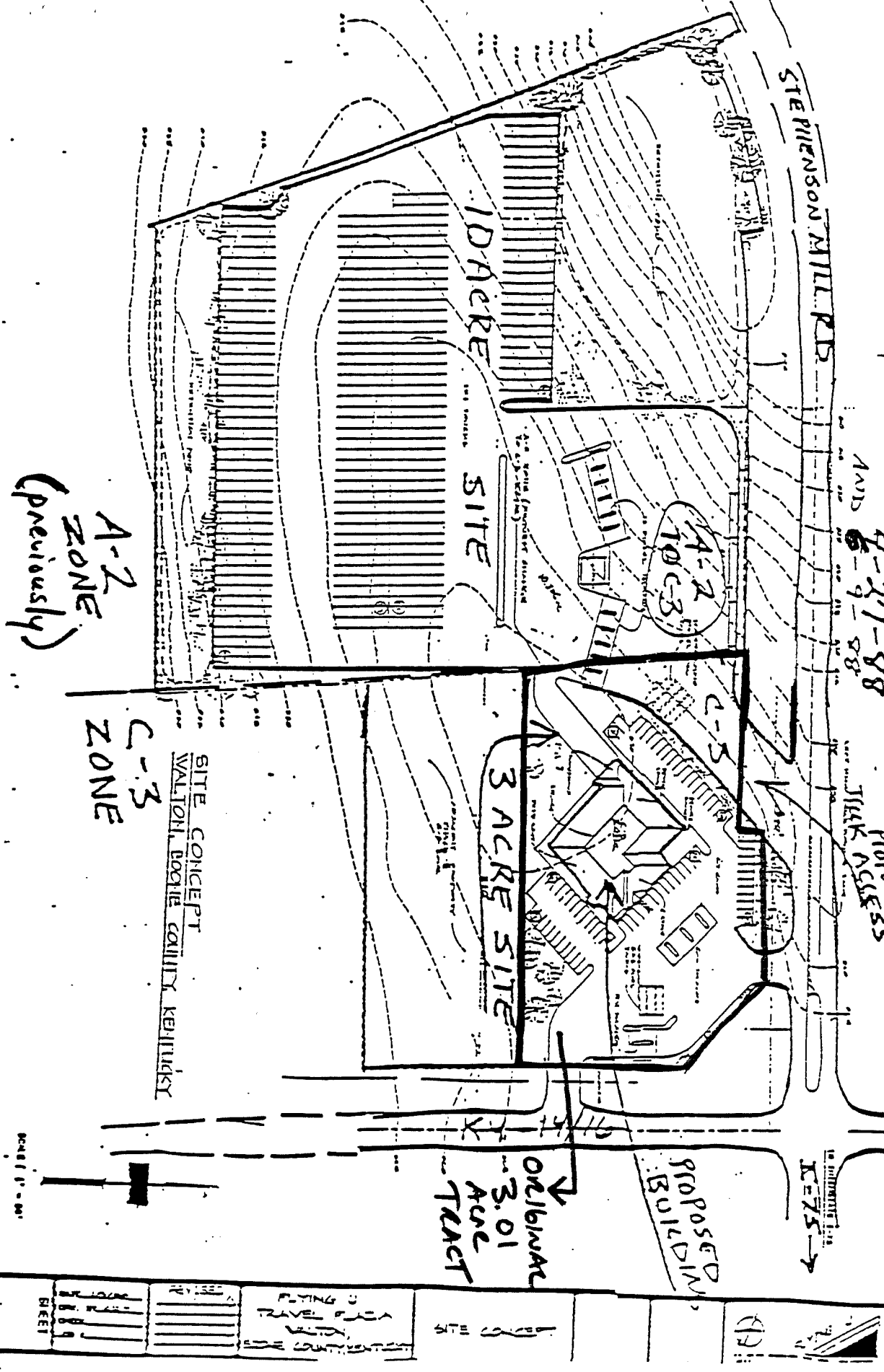
FLYING J  
REVISED CONCEPT  
PLAN  
7-6-88 (Approved by BCC 8/3/88)



SHEET		FLYING J TRAVEL PLAZA WALTON, KENTUCKY	REVISED SITE CONCEPT	

PREVIOUSLY APPROVED PLAN EXHIBIT 3

FLYING J  
CONCEPT PLAN  
4-27-88  
AND 6-9-88



A-2  
ZONE  
(previously)

C-3  
ZONE

SITE CONCEPT  
WALTON BOONE COUNTY KENTUCKY

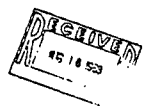
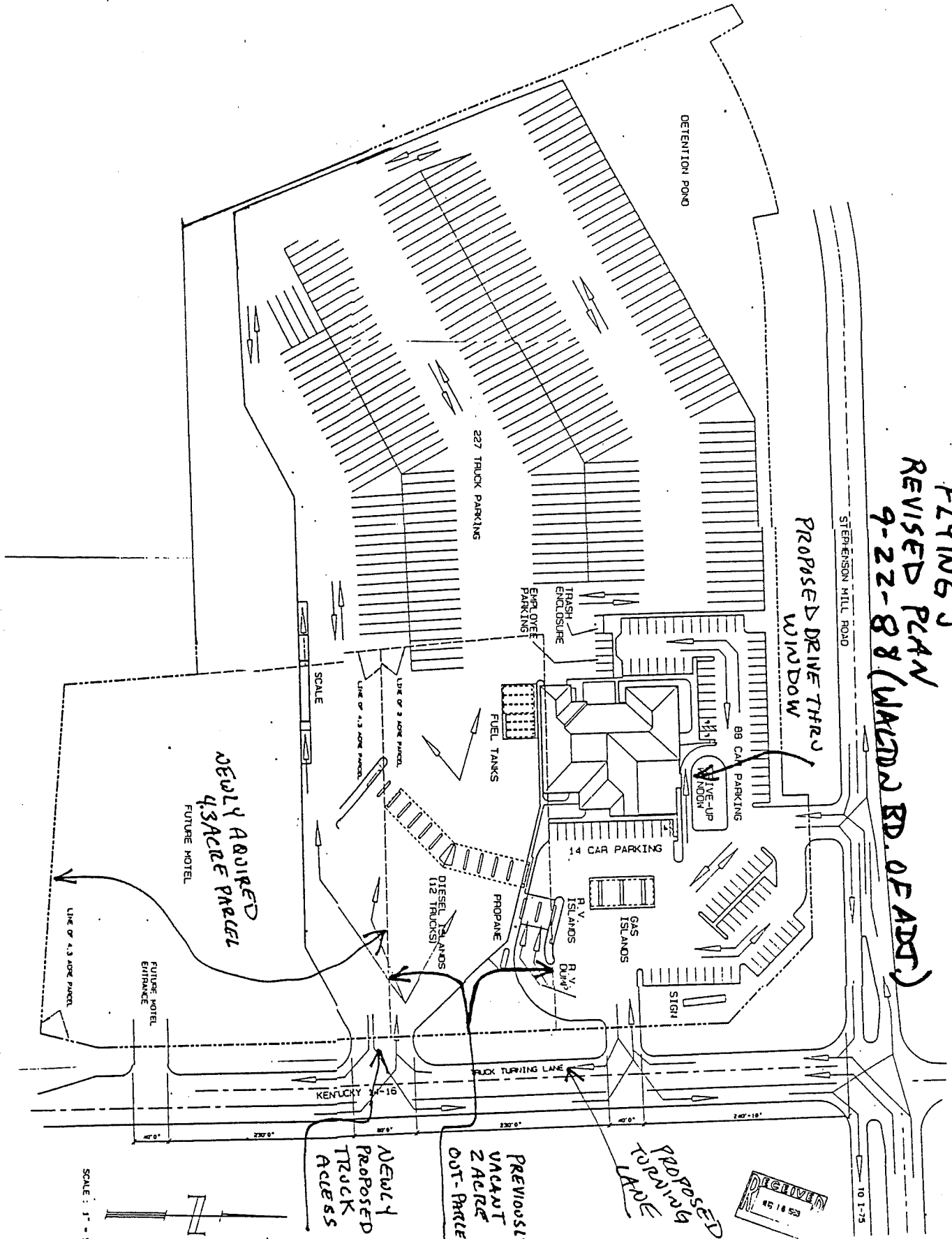
ORIGINAR  
3.01  
ACRE  
TRACT

PROPOSED  
BUILDING

FLYING J TRAVEL PLACE	FLYING J TRAVEL PLACE	FLYING J TRAVEL PLACE	FLYING J TRAVEL PLACE
SITE CONCEPT	SITE CONCEPT	SITE CONCEPT	SITE CONCEPT
BUILT	BUILT	BUILT	BUILT

SCALE 1" = 20'

FLYING J  
 REVISED PLAN  
 9-22-88 (WALTON RD. OF ADJ.)



SHEET	7-12-88	REVISIONS 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50	FLYING J TRAVEL PLAZA WALTON, KENTUCKY	REVISED SITE CONCEPT	PDG ARCHITECTS CENTRAL CORP. 212 N. 5TH STREET, CINCINNATI, OHIO 45219
	L. P. MILLER ARCHITECT 2075-11 212 N. 5TH CINCINNATI, OHIO 45219				

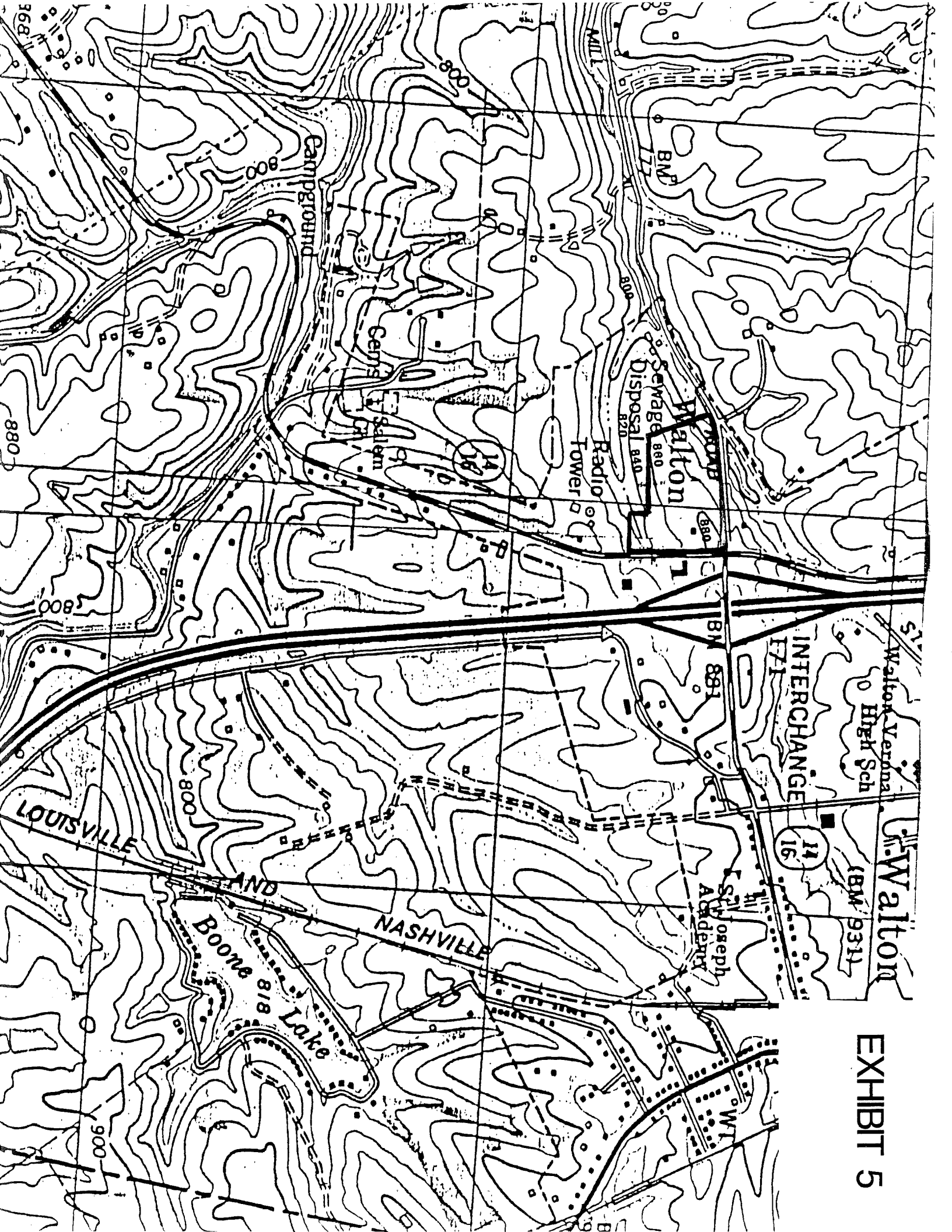


EXHIBIT 5

Section 263

General Standards Applicable to All Conditional Uses

In addition to any specific requirements for conditionally permitted uses deemed appropriate by the Board of Adjustment and Zoning Appeals, the Board shall review the particular facts and circumstances of each proposed use and determine that the use is in fact a conditional use as established under the provisions of Articles 6-12 or 16. The Board may consider whether such use at the proposed location:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive 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 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 any such services;
5. Will create excessive additional requirements at public cost for public facilities and services and will be detrimental to the economic welfare of the community;
6. Will 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, fumes, glare or odors.
7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;

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COMMITTEE REPORT

1

TO: Boone County Planning Commission

FROM: Donald McMillian, Chairman

DATE: August 3, 1988

RE: Request of Flying J, Inc. for revision of a previously approved Concept Development Plan and Conditional Use Permit for a truck stop and travel plaza. The 10.286 acre site is located at the southwest quadrant of the I-75 / Walton Interchange, Walton, Kentucky, and is zoned Commercial Services (C-3).

REMARKS:

We, the Committee, recommend approval of the proposed Concept Development Plan presented at the July 6, 1988, Public Hearing, based upon the following findings of fact and with the following conditions:

Findings of Fact

1. The request is in agreement with the 1986 Boone County Comprehensive Plan. The Future Land Use Map shows future development of this area as commercial and industrial, and the requested use (a truck stop facility) is principally permitted in the industrial zones as well as conditionally permitted in the Commercial Services zone. In addition, specific references to the text of the Comprehensive Plan, as they relate to this request, are in the July 6, 1988 Staff Report.
2. With completion of the below recommended roadway improvements, the Committee believes that the public facilities necessary to support the proposed development will be adequately provided.
3. The Committee believes that this development will have a substantial impact upon the existing roadway network. Future development in the surrounding area will greatly increase the traffic on this section of roadway. The development of this site is important to the safe and efficient operation of the Walton interchange, both now and in the future.

Conditions

The applicant is being asked to agree to include these items as part of the Concept Development Plan and as conditions of approval of the conditional Use Permit in order to clarify the plan as presented at the July 6, 1988 Public Hearing. Further, these

EXHIBIT 7

conditions are intended to clarify the suitable uses and arrangement of facilities for development of the presented plan:

1. The applicant agree to cooperate with the Kentucky Transportation Cabinet, the Boone County Planning Commission and the City of Walton to provide any necessary improvements to the existing roadway network. This may include the improvements to the intersections of the I-75 ramps and Mary Grubbs Highway, as well as the intersection of Stephenson Mill Road and KY 14 / 16.
2. The location and design of the drive-through window will be reviewed at the time the Site Plan is reviewed for the development. This is to insure safety in the internal circulation of the development.

Donald McMillian  
Donald McMillian, Chairman

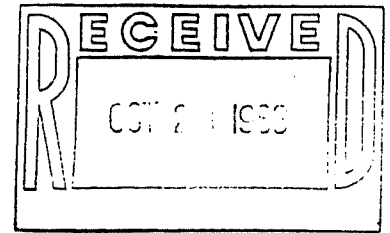
Fred Burch  
Fred Burch

Carol Smith  
Carol Smith

DM:jdh

Larry Barnett  
Larry Barnett

Rector Jones  
Rector Jones

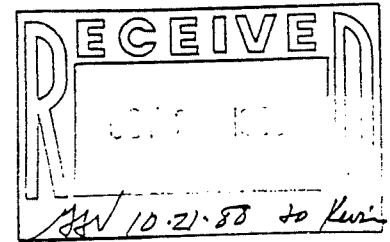


COMMONWEALTH OF KENTUCKY  
TRANSPORTATION CABINET  
FRANKFORT, KENTUCKY 40622

WALLACE G. WILKINSON  
GOVERNOR

October 19, 1988

MILO D. BRYANT  
SECRETARY  
AND  
COMMISSIONER OF HIGHWAYS



PDG, Inc.  
50 West 990 South  
Brigham City, Utah 84302

Attention: Mr. Lafe Feller

Dear Sir:

RE: ACCESS REQUEST  
Flying J Inc.  
KY 14  
City of Walton  
BOONE COUNTY

Please find enclosed one (1) copy of your preliminary site plan on which we have drawn our recommended roadway improvements.

There is to be no dual left turn from KY 14 and right turn storage lanes shall be required with appropriate radii at the access points.

The truck entrance lane is to be fourteen (14) feet in width and the automobile lane can be twelve (12) feet.

I have enclosed a check list with items that shall be included on your detailed site plan.

Enclosed also are copies of TC99-1 Encroachment Permit and TC99-7 Bond Form.

if you have any questions regarding this letter, please do not hesitate to contact this office.

Very truly yours,

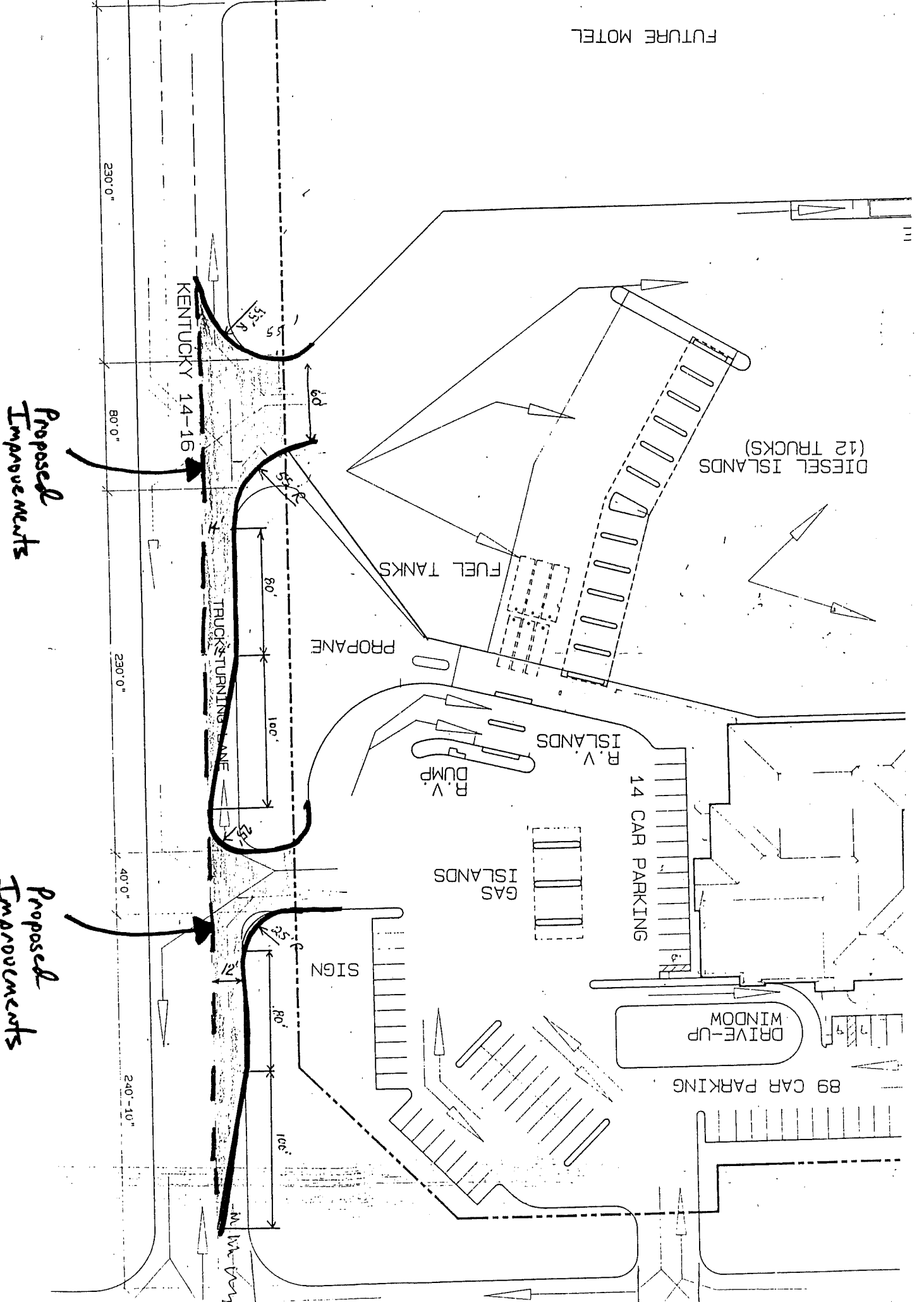
J. E. KEARNES  
CHIEF DISTRICT ENGINEER

BY: Forrest M. Rankin  
Forrest M. Rankin  
District Permit Engineer

FMR/plm  
Enc.  
cc: J. E. Kearnes  
D. J. Shea  
City of Walton

EXHIBIT 8

FUTURE MOTEL



Proposed Improvements

Proposed Improvements

**ENCROACHMENT PERMIT**

PERMIT NO. \_\_\_\_\_

APPLICANT IDENTIFICATION

NAME \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CITY \_\_\_\_\_  
STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_  
PHONE: A.C ( ) \_\_\_\_\_

PROJECT IDENTIFICATION

Access Control  By Permit  Partial  Full  
COUNTY: \_\_\_\_\_ PRIORITY ROUTE NO: \_\_\_\_\_  
MILEPOINT: \_\_\_\_\_  LEFT  RIGHT  X-ING  
PROJECT STATUS  MAINTENANCE  CONST.  DESIGN  
PROJECT NO. STATE \_\_\_\_\_  
PROJECT NO. FEDERAL \_\_\_\_\_  
ROAD/STREET NAME: \_\_\_\_\_

TYPE OF ENCROACHMENT:

- COMMERCIAL ENT.; BUS. TYPE \_\_\_\_\_
- PRIVATE ENTRANCE:  SINGLE FAMILY,  FARM
- UTILITY:  OVERHEAD,  UNDERGROUND
- GRADE:  FILL:  LANDSCAPE ON R-O-W
- AIRSPACE: AGREEMENT:  LEASE
- OTHER (SPECIFY) \_\_\_\_\_

ATTACHMENTS:

- STANDARD DRAWINGS: (LIST ON TC 99-21 UNDER MISC.)
- APPLICANTS PLANS
- HIGHWAY PLAN AND PROFILE SHEETS
- TC 99-3 (PONDING ENCROACHMENT SPECS & CONDITIONS)
- TC 99-4 (REST AREA SPECS. & CONDITIONS)
- TC 99-5 (TREE CUTTING/TRIMMINGS SPECS. & CONDIT.)
- TC 99-6 (CHEMICAL USAGE SPECS. & CONDITIONS)
- TC 99-12 (OVERHEAD UTILITY ENCROACHMENT DIAGRAM)
- TC 99-13 (OPEN TRENCH, PAVEMENT RESTORATION)
- TC 99-21 (GENERAL NOTES AND SPECIFICATIONS)
- TC 99-23 (MTS SPECS. & CONDITIONS)
- OTHER ATTACHEMENTS: (Specify) \_\_\_\_\_

TYPE OF INDEMNITY:  BOND  CASH  
 SELF-INSURED AMOUNT ENCUMBERED \$ \_\_\_\_\_  
 OTHER \_\_\_\_\_

NAME AND ADDRESS OF LOCAL INSURANCE AGENCY OR SELF-INSURED REPRESENTATIVE: \_\_\_\_\_

INDEMNITY: The applicant in order to secure this obligation, has deposited with the Transportation Cabinet, as a guarantee of conformance with the Departments Encroachment Permit requirements an indemnity in the amount of \$ \_\_\_\_\_ as determined by the Department. It shall be the responsibility of the applicant or permittee, his heirs and assignees to keep all indemnities in full force until construction or reconstruction has been completed and duly accepted by an authorized agent of the Transportation Cabinet, Department of Highways.

**BRIEF DESCRIPTION OF WORK TO BE DONE:** (If private entrance show sketch with pipe location). Separate attached drawings required for encroachments other than private entrances.)

**IMPORTANT: (PLEASE READ)** (Applicant does  does not  intend to apply for excess R/W)

WHEN THE WORK IS COMPLETED IN ACCORDANCE WITH THE TERMS OF THIS ENCROACHMENT PERMIT YOUR INDEMNITY WILL BE RELEASED. HOWEVER THE PERMIT IS EFFECTIVE UNTIL REVOKED BY THE TRANSPORTATION CABINET AND THE TERMS ON THE PERMIT AND ACCOMPANYING PERMIT DOCUMENTS AND DRAWINGS REMAIN IN EFFECT AS LONG AS THE ENCROACHMENT EXISTS. FUTURE MAINTENANCE OF THE ENCROACHMENT IS THE RESPONSIBILITY OF THE PERMITTEE. IT IS IMPORTANT THAT YOU UNDERSTAND THE REQUIREMENTS ON THIS ENCROACHMENT PERMIT APPLICATION AND ACCOMPANYING DOCUMENTS. IF YOU HAVE NOT DONE SO IT IS SUGGESTED THAT YOU REVIEW THESE DOCUMENTS AND PLACE THE PERMIT PACKAGE IN A SAFE PLACE FOR FUTURE REFERENCE.

A COPY OF THIS PERMIT AND ALL DOCUMENTS SHALL BE GIVEN YOUR CONTRACTOR AND SHALL BE READILY AVAILABLE AT THE WORK SITE FOR THE ENCROACHMENT PERMIT INSPECTOR TO REVIEW AT ALL TIMES. FAILURE TO MEET THIS REQUIREMENT MAY RESULT IN CANCELLATION OF THIS PERMIT.

The permittee agrees to the following terms and conditions:

2. Permittee agrees that if the Department determines that vehicular capacity deficiencies or over capacity conditions develop as a result of the installation and use of this facility the permittee shall adjust, relocate or reconstruct the facilities and/or provide and bear the expense for signs, storage lanes or other corrective measures reasonably deemed necessary by the Department and as set forth in the Department's Permits Manual with a reasonable length of time after receipt of written notice regarding such adjustments, relocation, additions, modifications and/or corrective measures such time to be specified in the notice. In cases where traffic signal, are permitted or required, as determined by the Department, the controller, signal heads, detector amplifiers, and any necessary control equipment will be furnished by the Department. All poles, cable, interconnect, and required hardware shall be furnished by the Permittee. The Permittee shall be responsible for making the installation in accordance with the plans approved by the Department, at the Permittee's expense. Any interconnections to the Permittee's entrance necessary to accommodate signalization shall be the responsibility of the Permittee, at no expense to the Department. (This applies only to Entrance Permits).

4. Any permit granted hereunder shall be with the full understanding that it shall not interfere with any similar rights or permits heretofore granted to any other party except as otherwise provided by law.

5. A plan prepared by \_\_\_\_\_ and dated \_\_\_\_\_ is attached hereto and made a part hereof, which plan describes the facilities to be constructed by the Permittee for which facilities this permit is granted, and the Permittee agrees as a condition to the Issuance of the permit to construct and maintain such facilities in accordance with said plan, and the Permittee shall not use the facilities authorized herein in any manner contrary to that prescribed by this permit and plan. Normal usage and routine maintenance only are authorized under this permit.

6. Permittee shall comply with the Department's Manual on Uniform Traffic Control Devices for Highway Construction and Maintenance Projects as revised to and in effect on the date of the issuance of this permit which is made a part hereof by reference.

7. Permittee shall at all times from the date when work is first commenced and until such time as all facilities are removed from the right-of-way premises, defend, protect and save harmless the Department from all liability, claims, and demands arising out of work undertaken by the Permittee pursuant to this permit, due to any negligent act or omission by the Permittee, its servants, agents, employees or contractors. This provision shall not inure to the benefit of any third party or operate to enlarge any liability of the Department beyond that existing at common law if this right to indemnity did not exist.

8. Upon a violation of any of the provisions of this permit the Department may revoke the permit by giving notice to the Permittee in writing to remove from the right-of-way, any facilities placed thereon within a reasonable time as set forth in the notice, and in the event said facilities are not so removed, and the right-of-way restored the Department may cause same to be removed, and the cost thereof, shall be charged to the Permittee.

9. The Permittee, his successors and assigns shall use the encroached premises in compliance with all Federal requirements imposed pursuant to the provisions of the Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000-1) and regulations of the U.S. Department of Transportation as set forth in Title 49 C.F.R., Part 21, and as said regulations may be amended.

10. Permittee agrees that in the event it should become necessary, as may be reasonably determined by the Department, for the facilities covered by this permit to be removed or relocated in connection with the reconstruction, relocation or improvement of the abutting highway, the Department may revoke this permit and require removal or relocation by the Permittee at his own expense according and pursuant to the procedures, provided in Paragraph 8 above, except in those cases where the Department is required by law to pay any or all the same.

11. The Permittee understands and agrees that this permit is personal to the Permittee and shall not inure to his successors, and assigns without the written approval of the Department and that he is bound by the provisions of this permit as long as the encroachment exists unless a written release has been obtained from the Department. (Does not apply to utilities serving the general public.)  
IN THE EVENT THIS APPLICATION IS APPROVED, THIS DOCUMENT SHALL CONSTITUTE A PERMIT FOR THE APPLICANT TO USE THE RIGHT-OF-WAY, BUT ONLY IN THE MANNER AUTHORIZED BY THIS DOCUMENT AND REGULATIONS OF THE DEPARTMENT AND THE DRAWINGS, PLANS, ATTACHMENTS AND OTHER PERTINENT DATA ATTACHED HERETO AND MADE A PART HEREOF.

THE UNDERSIGNED APPLICANT (BEING DULY AUTHORIZED REPRESENTATIVE/OWNER) DOES AGREE TO ALL TERMS AND CONDITIONS SET FORTH HEREIN.

JANUARY 1st,  JULY 1st,  19 \_\_\_\_\_  
Completion Date \_\_\_\_\_ Date \_\_\_\_\_  
Signature \_\_\_\_\_ Signature \_\_\_\_\_

APPROVED  
Chief District Engineer \_\_\_\_\_ Date \_\_\_\_\_  
Signature \_\_\_\_\_ Date \_\_\_\_\_

LET BY PERSONNEL INSTALLING FACILITY.

CITY OF WALTON  
BOARD OF ADJUSTMENT

October 27, 1988 - 3:00 P.M.

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At the beginning of the meeting, Dale Wilson, Attorney stated that Mr. Earl Abshire had been sworn in as a member of the Walton Board of Adjustments and Zoning Appeals. Mr. Ed Berkemeier's term had expired.

BOARD MEMBERS PRESENT:

Mr. Wally Wireman, Chairman  
Mr. Maynard Meadows  
Mr. Earl Abshire

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

Chairman Wireman called the meeting to order at 3:05 P.M.

AGENDA ITEM:

Chairman Wireman read the request:

1. The request of Flying J, Inc. (owner) for a revision of a previously approved Conditional Use Permit to allow the development of a travel plaza, which will include a truck stop located at the southwest quadrant of the I-75/KY 14/16 Walton Interchange, Walton, Kentucky. The 6.39 acre site is zoned Commercial Services (C-3).

Chairman Wireman stated that at the previous meeting of the Walton Board of Adjustments, the request was denied because of the traffic congestion on KY 14/16 and preferred access to be from Stephenson Mill Road. Chairman Wireman further stated that information was to be received from the applicant and was not received.

Staff member, Kevin Costello, gave a presentation of the Staff Report (see attached Staff Report). Mr. Costello stated that the Staff Report is in two sections, one being the actual Staff Report, the other an appendix which consists of several labeled exhibits.

Mr. Costello pointed out that this request is not dealing with the drive-thru restaurant. The drive-thru restaurant is a principally permitted use. It is not a conditional use. The use has to be approved through Site Plan Review by the Boone County Planning Commission. This request is to review the truck stop and part of the travel plaza. The request also does not deal with the use of a hotel either. Hotels are a conditional use. If the applicant would want to pursue development of a hotel, the applicant would have to come back with a request to the Board of Adjustment for a Conditional Use Permit.

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Mr. Costello referred to the "History of Site" section of the Staff Report and stressed that no part of the requests before the Planning Commission or the Board of Adjustments has been denied (See attached Staff Report - Page 1). Mr. Costello further stated that a Conditional Use Permit has been approved with various conditions. Specifically, there has been no denial of a the Conditional Use Permit or the Zone Change. The City of Walton has taken action on the zone change which has been approved and the Walton Board of Adjustments has approved the Conditional Use Permit. Since approving the Conditional Use Permit, the applicant has found some restrictions pertaining to the site.

Mr. Costello reminded the Board of an unoccupied structure existing on the site and that at one time the site was used for the sale of gasoline to truck drivers.

Mr. Costello next referred to the "Surrounding Land Uses and Zoning" on Page 2 of the Staff Report. He pointed out the existing use of a Union 76 Truck Stop across the street from the site being reviewed.

Mr. Costello reviewed the section "Relationship to the Comprehensive Plan" on Page 2 and 3 of the Staff Report. He stressed the importance of this section to granting a Conditional Use Permit. The text in the Land Use Element and the Land Use map recommend commercial and industrial uses for this area.

Mr. Costello stated that the interchange is a "given" in that the design already exists. The main reason for this request is to reconsider or modify the Conditional Use Permit that was originally granted in June, 1988 to allow the access as a primary access for truck traffic off KY 14/16. The applicant feels that there has been some new information which they will present after the review of the Staff Report. There is also a representative from the Kentucky Transportation Cabinet present to answer questions.

Mr. Costello referred to Exhibit 5, a U.S.G.S. topography map which shows the existing topography of the site. He stated that it is a fact that there is a drop in elevation off the site at the proposed entrance on Stephenson Mill Road. The site drops off towards the northwest portion of the site. Mr. Costello further stated that it is a fact that there is a 15 foot drop where the proposed entrance for automobiles is located.

Mr. Costello reminded the Board of the standards for granting a permit and that the Planning Commission staff has reviewed a traffic study and found the figures to be fairly accurate.

Mr. Costello referred to Exhibit 8, a letter from the Kentucky Transportation Cabinet to the applicant. This letter refers to the requirement of a storage lane on KY 14/16.

Mr. Costello next referred to Page 4 of the Staff Report, "Access". He stated that staff feels strongly that regardless of whether the access is on Stephenson Mill Road or KY 14/16, there will be at some point in time some congestion because of the short distance between the exit ramp and the intersection of Stephenson Mill Road and KY 14/16. In the short term, the surrounding area is relatively rural and it reflects a low number of trips generated. However, in the long term, there might be some back-up created depending on the future uses in the area. For example, there might be more residential development on

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Stephenson Mill Road which would impact the area differently than a normal industrial and/or commercial use. He stated again that the design of the interchange is a given. There will be some congestion from the trucks moving over whether they go straight through the intersection or when making a left turn onto KY 14/16. There is a good chance that trucks would not be all in one lane. Mr. Costello stated that there is 170 feet between the ramp and the intersection of Stephenson Mill Road and KY 14/16.

Mr. Costello addressed a concern mentioned in the previous Board of Adjustment meeting regarding mixing truck and automobile traffic on KY 14/16. Mr. Costello recommended making the first entrance off KY 14/16 a right-turn-in only, thus not allowing automobile traffic to make a left turn coming out of the site. This would prevent a situation where a car would be pulling out in front of trucks to get back on the interstate. Traffic would have to be routed through the development to Stephenson Mill Road to the stop sign and perhaps eventually a light.

Mr. Costello stated that staff concern #2 on Page 4 of the Staff Report could be dealt with at a later date through Site Plan Review making sure that there is no potential for "stack up". Mr. Costello felt that by the Kentucky Transportation Cabinet, the Planning Commission, and the developer working together, this problem could be avoided.

Mr. Costello referred to staff concern #3 stressing the importance of future analysis of the site. He suggested the possibility of requiring the applicant to come back on a routine basis or after each subsequent review to evaluate the conditions of the road system to see if any problems regarding the access points. Another possibility would be to let the applicant construct the site as planned and then come back a year or two from now for an assessment by the Planning Commission and the Kentucky Transportation Cabinet. The applicant will be required to come back for review for a Conditional Use Permit for the hotel. The previous suggestions would be in addition to the required reviews. Staff could then assess whether a curb cut might need to be eliminated, widened, or relocated, or whether the site needs to be altered. This could be an alternative that would be beneficial to the community and could be accepted by the developer. Another possibility could be to designate the curb cuts as temporary until the City of Walton, the Planning Commission, and the Transportation Cabinet felt comfortable on making those access points permanent.

Mr. Costello stated that the final point to be made is that if the Board grants this Conditional Use Permit application, it is recommended that a site plan be submitted to the Boone County Planning Commission for review and approval.

In conclusion, Mr. Costello explained each of the exhibits (see attached Appendix).

Chairman Wireman stated that Mr. Costello failed to explain on Exhibit 3 where the Board approved the entrance of the truck stop on Stephenson Mill Road. At that time, everything was fine. They wanted approval with Exhibit 3 and the Board approved going through on Stephenson Mill Road with no problem. There would not be heavy traffic on KY 14/16. Chairman Wireman continued that now the applicant is coming back stating that there is too much of a grade going downhill. Chairman Wireman stated that he visited a Flying J site in Knoxville

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with the same situation except the turn is to the right instead of the left. Chairman Wireman stated that he has pictures that anyone desiring to see them would be welcome at their request. Chairman Wireman discussed a truck stop site located on I-70 just before the Pennsylvania Turnpike in West Virginia (on Dallas Pike). He stated that the grade is much greater than the grade we are reviewing.

Mr. Costello stated that he did mention the Board's approval in the Staff Report and is shown on Exhibit 3.

Chairman Wireman requested that the representative for Flying J make his presentation.

Daniel Kohler of PDG Inc. and architect for Flying J introduced representatives present to answer questions for this request. Mr. Kohler gave a brief review of Flying J. He stated that they are a national company that provides services for interstate travel for both truck drivers and general motoring public. They are represented by sites throughout the United States.

Mr. Kohler that the grades off Stephenson Mill Road are very steep. The transition from a six percent slope at Stephenson Mill Road onto the site is the area of concern. Mr. Kohler stated that a left hand turn for a truck on such a grade is very hazardous.

Mr. Kohler gave a presentation of exterior and interior designs of other Flying J facilities. Mr. Kohler stated that originally they had intended to provide an angled approach from Stephenson Mill Road which the state denied. He said there are rock formations in the area to work around.

Mr. Meadows inquired if there is a problem exiting cars onto Stephenson Mill Road rather than KY 14/16.

Mr. Kohler stated that this problem could be handled with internal signage and that this had been discussed earlier with the Planning Commission staff.

Chairman Wireman inquired how the parking space would affect the access.

Mr. Kohler responded by referring to the letter from Mr. Rankin, Kentucky Transportation Cabinet, where the State indicates that there not be a complete through lane but that a deceleration turning lane be constructed instead. Mr. Kohler stated that truck traffic is totally separated from car traffic. Mr. Kohler further stated that one of the conditions of zoning approval from the Planning Commission is that Flying J work with the State on traffic.

Mr. Kohler addressed Mr. Costello's suggestion of temporary curb cuts. He stated that they do not feel making curb cuts temporary would be appropriate. He reminded the Board that the State always reserves the right to make revisions and he does not feel it is necessary to reinforce the state's right.

Chairman Wireman stated that there would be two lanes turning left and trucks would be moving over to the right.

Mr. Kohler stated that there is a four-way stop at Mary Grubbs and KY 14/16 and large vehicles proceeding from that intersection are not going to obtain a speed

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that would require deceleration. He further stated that cars would have plenty of time to follow the safety procedures. They would not be cutting in front of a truck going 50 mph.

Mr. Terry Wieser, a representative of Flying J, Inc., referred to the concerns regarding car traffic. He stated that he understands the county's request to make an "entrance only" off KY 14/16. He commented that they have found in their other facilities that automobile traffic can negotiate much easier than a truck. A car will check the KY 14/16 exit and if it looks too difficult, he will go to the Stephenson Mill Road exit instead.

Mr. Wireman questioned sending traffic wanting to go to Verona to the Stephenson Mill Road exit when they will want to cut back on KY 14/16.

Mr. Wieser stated that this is the problem with a driver wanting to make a right hand turn. The driver would be forced to use Stephenson Mill Road and travel to an intersection that is more congested than it would be at their exit. Mr. Wieser stated that he does not feel it would be beneficial to Flying J or the City of Walton to limit them to a single exit on one side of the facility. He reiterated that if traffic on KY 14/16 is heavy, automobile drivers will automatically go to the other exit. Trucks on the other hand have to have a way to exit that is described to them and has to be an easy turn. They cannot negotiate around and take a different route. He stated that they are much more concerned that their exit be clear. By placing the car exit closer to the intersection, we think the majority of the traffic will be traveling to the automobile entrance. Once a truck makes a left turn onto KY 14/16, the truck is just beginning to build speed. The truck driver won't be going even 5 mph by the time he reaches the exit the cars are using.

Mr. Wieser continued discussing the access point on Stephenson Mill Road. He stated that the initial presentation was very preliminary and they did not have time to get a civil engineer involved. The access off Stephenson Mill Road originally was a "guesstimate" of what could be done. Once the property was surveyed, the contours set, and a grading plan laid out they realized that the 15 percent grade would be impossible to negotiate. The grade could not be much more than 3 percent for the trucks to handle, especially if there is ice on the road.

Mr. Wireman questioned whether any of the hill located at the Stephenson Mill Road proposed access point would be removed.

Mr. Wieser stated that a considerable amount of dirt would be removed and that about 20 yards would be cut off. Mr. Wieser addressed the curb cuts. He stated that Flying J is spending approximately \$3.5 million dollars on this project. He would like to know that the facility could be utilized the way they operate and think the facility should be run. He stated that if the site is detrimental or hazardous to the public, the State has the right to take action and require changes via the encroachment permit process.

Mr. Wieser closed with the statement that their interests are the same as the City of Walton's interests. If traffic is being stacked on KY 14/16, the drivers soon learn that "this is not the place to go." He feels that the plan the way it is laid out will function very well.

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Mr. John Reglin, a traffic consultant from Masterplan for Flying J, addressed the internal circulation concern. He stated that in the 230 foot distance between the fuel island and KY 14/16 would allow room for a truck at the fuel island, one truck waiting, and still allow cars to drive through. There will be 12 stations which allows 48 trucks at one time to be serviced. The average stop per truck at a fuel station is approximately 20 minutes.

Mr. Kohler stated that "stacking" is a strong concern to them also. If the waiting period is too long, drivers are going to go on to a different business. He does not feel that stacking will be a problem on this site.

Mr. Wireman discussed the truck stop across the street. He stated that there is already traffic problems for people going to Verona.

Mr. Wieser stated that there is the four-way stop in that area. Traffic has to be decelerating for that intersection and will not be passing either of the sites at 55 mph.

Mr. Reglin stated that he would like to clarify the possibility of the one-way driveway in off KY 14/16 as you go towards the convenient store and restaurant. Most of the automobile traffic will exit onto Stephenson Mill Road. Another consideration in the KY 14/16 driveway is that it will anticipate some traffic entering the convenient store area coming from the south. That traffic turns left across KY 14/16 into the driveway and when it is ready to go back home it takes the right turn out to go back. If that driveway is made a one-way in, it may have to be angled to do that. If that is the case, you possibly would not be able to come north and make the left turn into the convenient store area. You might have to go all the way to the intersection, come to the stop, make the left turn, make another left off Stephenson Mill Road into the convenient store area. Not only would that be a longer trip for the people, it would probably also discourage a few of them from making that trip and it puts more traffic into the four-way stop intersection. There should be some gaps in traffic because of the four-way stop so that northbound traffic on KY 14/16 would have some opportunities to come into the convenient store. He stated that he felt it would be detrimental to the site if that driveway were configured to be a one-way in particularly if it were made an angle driveway.

Mr. Wireman inquired whether the State agreed with the recommendation.

Mr. Rankin, Kentucky Department of Transportation, stated that the site has been reviewed by the central office in Frankfort. The first thing the State was adamant about was to remove the dual left-turn lanes on KY 14/16 going towards Stephenson Mill Road. The second requirement is that the truck traffic be segregated from the automobile traffic, that trucks could not be allowed to pass in front of the entrance for the passenger vehicles. Mr. Rankin stated to the representatives of Flying J and as a reminder to the Board members that when the encroachment permit is signed, a legal document has been signed and they are bound by the rules and regulations of that permit to follow all State standards. They are also bound to provide all the facilities as far as drainage and pavement specifications.

Mr. Abshire inquired whether anything has been mentioned regarding a traffic light to stop the car traffic on KY 14/16.

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Mr. Rankin stated that the site as it is now developed does not warrant a traffic light. A traffic light is not always a solution to traffic problems. Either it's not used as a speed control device or it's not used as a safety device itself other than moving traffic from one leg of a state highway or a city street to another one.

Mr. Abshire stated that his question refers to the vision of the driver of a truck exiting the facility onto KY 14/16. Would his vision be impaired by a truck already turning in on the deceleration lane or possibly could there be a backup of one or two trucks waiting to turn into the site, causing the truck exiting to pull directly in front of another motorist that was proceeding along KY 14/16. He does not feel that any consideration has been given about stopping traffic to let the trucks out of the site. He feels that truck traffic will be impatient and he fears that without control people are going to become careless and a dangerous situation will be created.

Mr. Rankin responded that there is a separation and there is no way for the trucks to go straight through on the deceleration lane. They would have to be on KY 14/16 until they pass the automobile entrance.

Mr. Wireman inquired if anyone in the audience had any questions or comments.

Mr. Meadows inquired of the Mayor if the City had any concerns or problems.

Mayor King stated that he foresees no problems as the plan is proposed.

Mr. Clayton Jones of the Walton City Council stated that his only concern is regarding the stacking on KY 14/16.

Mr. Phil Trzop stated that he felt that an agreement that should be made is that Flying J is to pay for construction of these deceleration lanes and the widening of Stephenson Mill Road. The City or the State will not be paying for those projects. Also, that Flying J would work with the City or the State regarding work on the ramps from the interstate.

Mr. Kohler stated that they did not agree to anything beyond what is provided in their traffic study.

Mr. John Reglin, Consultant from Masterplan, stated that a concern not yet mentioned is that of traffic volume on KY 14/16 right now. That number is at about 2,200 vehicles per day. In traffic terms, that is not a huge amount of traffic, it is not major facility type traffic. By contrast, Mary Grubbs Highway gets about 5-6,000 vehicles per day and is projected to be about 10-11,000. Consequently, there should not be a lot of reason for a stack up of trucks. He stated that the four-way stop would assist in providing gaps in traffic in the southbound traffic. He further stated that the design that Mr. Rankin proposed of a 14 foot wide lane will assist exiting and entering the site.

Mr. Wireman stated that as development of the truck stop begins, other businesses will be going in and creating more traffic.

Mr. Reglin stated that traffic is projected to increase at about 1.5 - 2 percent per year which would be appropriate for a 20-25 year plan. If you grow from

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2,200 vehicles per day at 2 percent a year, you won't double that number in 20 years. Traffic might be up to 5,000 vehicles per day, and even if some extraordinary development that would bring traffic up to 8-10,000 vehicles per day, the situation would still be that the four-way stop would help.

Mr. Meadows inquired if anyone in the room is opposed to the project.

None noted, Mr. Wireman inquired if anyone had any more comments.

Mr. Floyd Sharp, representative of Walton on the Planning and Zoning Commission, commented that basically the same concerns mentioned in this meeting are the same concerns the Planning Commission discussed in the Public Hearing. He feels that the advantages are beneficial to the City of Walton.

Mr. Costello restated alternatives for the Board to consider about their review at a later date, if they would want to review the permit every two years, or every time the applicant comes in for other permits (e.g. hotel).

Mr. Kohler restated that there are controls on them at the State level and that they must conform to the State regulations. He does not feel it would be necessary to duplicate those controls by additional reviews of the Board.

Mr. Abshire inquired how many other conditions were suggested to be placed on the permit other than the review time period.

Mr. Costello responded that one idea is if the Board wanted to consider the right-turn in only on KY 14/16 and the curb cut for the automobiles. Another suggestion is to approve the drawing of Exhibit 8 as part of the motion, and finally, if the Board would want to place a time period for review.

Mr. Meadows stated that if they would review the permit again at the time a hotel is requested to be developed, he felt that is sufficient. If another use is never requested, then they have reviewed all that is necessary and there is no sense in redoing what is already done.

Mr. Costello stated that if the Board is comfortable with the encroachment permit procedure that Mr. Rankin discussed, it is the Board's decision.

Mr. Meadows inquired if the statement under #2 of the encroachment permit would cover further control and if it would be necessary to duplicate the process.

Mr. Costello pointed out that if the Board placed a time condition it would allow them to have some say on the development of the site at a later date.

Mr. Trzop questioned if the use permit is only valid for a certain length of time.

Mr. Costello stated that a use permit must be used within a two year time period. The facility would have to be developed within this time period or come back to the Board for a one year extension. Otherwise, there is no evaluation required once the permit is granted.

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Mr. Abshire stated that he would like to clarify his position on the Board of Adjustments being newly appointed but not new to Walton. He stated that it is his understanding that the sole purpose of today's meeting is to review the change in a previously approved Conditional Use Permit that originally was on Stephenson Mill Road to KY 14/16 and to review a deceleration lane on KY 14/16. He further stated that whether he likes or dislikes the project has nothing to do with the way he votes. He understands that the way he must vote is that unless he can offer justification to oppose the project, then he must pass the recommendation. He feels the request is within the zoning laws and that it would be beneficial to Walton in it's proposed location. Basically they are looking at approving moving an entrance from Stephenson Mill Road to KY 14/16.

Mr. Abshire made the motion to grant the Conditional Use Permit for a revision to go in off KY 14/16 with conditions recommended by the Highway Department. Exhibit 8 is to be included in the motion for approval.

Mr. Meadows seconded the motion. The motion carried unanimously.

Mr. Costello stated that before the meeting adjourned, the Board is reminded that the minutes of the last meeting were approved by phone call.

Meeting was adjourned at 3:55 p.m.

APPROVED:

  
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WALLY WIREMAN, CHAIRMAN

ATTEST:

  
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JOY D. HACKER, SECRETARY