

CITY OF WALTON, KENTUCKY
ORDINANCE NO. 1995- 4


CERTIFIED SUMMARY

In accordance with applicable law, City of Walton, Kentucky Ordinance No. 1995- 4, is summarized as follows by Terry R. Edwards, an attorney licensed to practice law in the Commonwealth of Kentucky.

By this Ordinance, in accordance with a recommendation from the Boone County Planning Commission, the City of Walton, Kentucky approves and adopts a zoning classification of Industrial One (I-1) for a 1.88 acres, more or less, tract of land owned by H & M Construction, generally located on the east side of the Southern Railway and Emergency Access Road, Boone County, Kentucky.

By the same Ordinance, the City of Walton, Kentucky annexes the same property into the incorporated territory of the city.

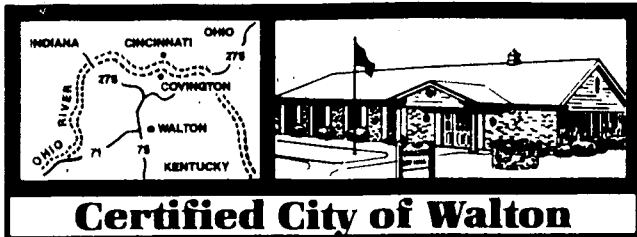
I certify that I prepared this summary of
City of Walton, Kentucky Ordinance No.
1995- 4



TERRY R. EDWARDS
Attorney at Law
7992 Dixie Highway
P.O. Box 6205
Florence, KY 41042
(606) 525-6161

/summary2

EXHIBIT "A"



City of Walton

Phillip W. Trzop
Mayor

CERTIFICATE OF CITY CLERK

I, Voni Pierce hereby certify that I am the duly qualified and acting City Clerk of the City of Walton, Kentucky, that the foregoing Ordinance is a true copy of an Ordinance given its first reading by the City Council of said City on May 8, 1995, given its second reading and enacted by said City Council on May 30, 1995, that Ordinance 1995-4 has been published as required by law, that said meetings were duly held in accordance with applicable requirements of Kentucky laws, including KRS 61.810, 61.815, 61.820, and 61.825, that a quorum was present at each of said meetings, that said Ordinance has not been modified, amended, or repealed, and is now in full force and effect, and that Ordinance 1995-4 appears as a matter of public record in the City of Walton Ordinance Book.

IN WITNESS WHEREOF, I have hereto set my hand as City Clerk and the official Seal of the City of Walton, Kentucky on this June 15, 1995.



VONI PIERCE, CITY CLERK

STAFF REPORT

Request of the City of Walton to consider an amendment to the Walton Zoning Map as a result of annexation of an ±1.88 acre site located on the east side of the Southern Railway and Emergency Access Road, Boone County, Kentucky. The request involves recommending a zoning classification for the site based upon annexation into the City of Walton. The site is currently zoned Industrial One (I-1) and is owned by H & M Construction Property.

March 22, 1995

In accordance with Kentucky Law (K.R.S. 81A.420(3) and K.R.S. 100.209) the City of Walton has requested that the Boone County Planning Commission hold a Public Hearing in order to make a recommendation regarding the effect of the annexation, if any, on the current Industrial One (I-1) zoning on the property and its relationship to the Comprehensive Plan. The ±1.88 acre tract is owned by H & M Construction Property and is located at 109 Walton-Nicholson Pike, Boone County, Kentucky (See Sheet #1). This site was rezoned by the Boone County Fiscal Court in May of 1994.

Surrounding Zoning and Land Uses (See Sheet #2)

North: Single Family Residence zoned Rural Suburban (RS)
South: Arch Micro Tool zoned Industrial One (I-1)
East: Undeveloped lot zoned Agricultural Estates (A-2)
West: Single Family Residence zoned Rural Suburban (RS)

Relationship to the Comprehensive Plan

The 1990 Boone County Comprehensive Plan Land Use Map indicated the Future Land Use of this site as Industrial. The location of the ±1.88 acre tract is adjacent to an existing I-1 use, Arch Micro Tool, which is located within the City of Walton. The text of the Comprehensive Plan refers to this area on a general way stating "that the Walton area should experience gradual commercial and industrial growth."

The Goals and Objectives section of the Comprehensive Plan indicate how and where industrial uses should develop:

1. Industrial development shall be encouraged to locate near railroads, highways and airports.

Staff Reviews

Staff believes that the existing zoning, Industrial One (I-1), on the ±1.88 acre tract is consistent with the Comprehensive Plan and the adjacent land uses. The annexation of the site does not necessitate a change in zoning to be in accordance with the 1990 Boone County Zoning Regulations as they pertain to the City of Walton. Consequently, the annexation of the site into the City of Walton will not impact the current zoning of the property or the surrounding property.

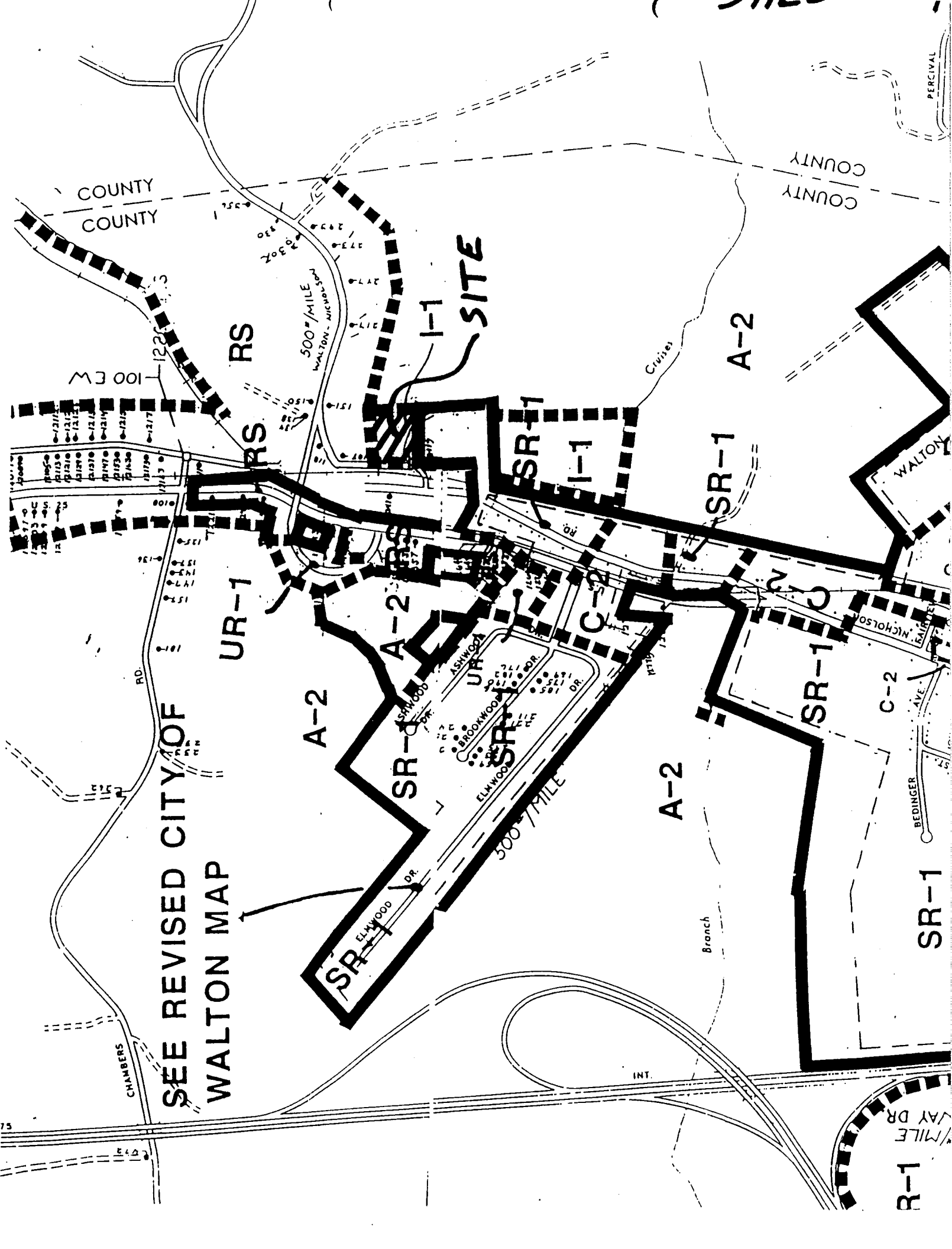
Respectfully submitted,



Mitchell A. Light
Asst. Zoning Administrator/Enf. Officer

MAL\par

SEE REVISED CITY OF
WALTON MAP



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COUNTY

COUNTY
COUNTY

I-1
SITE

RS

A-2

UR-1

SR-1

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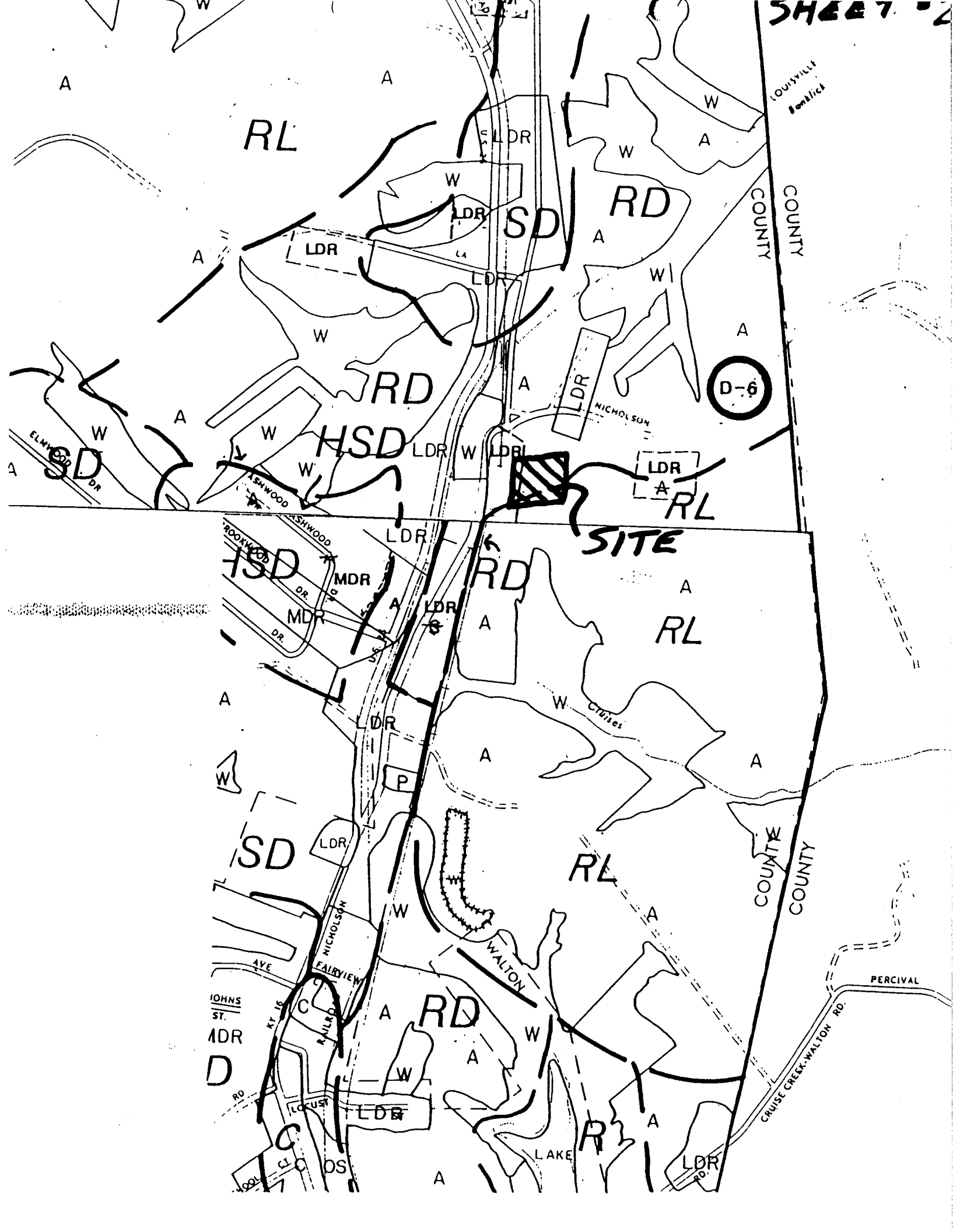
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CHAMBERS

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PUBLIC HEARING ITEM NO. 3:

Commission members present: Mrs. Arnett, Mr. Burch - Vice Chairman, Mr. Damstrom, Mr. Kirby, Jr., Mr. McMillian, Mr. Millay, Mr. Ries, Mr. Rush, and Mrs. Smith - Secretary/Treasurer.

Following the recess, Mr. Burch chaired the meeting and introduced the third item on the Agenda:

3. Applicant: City of Walton
Request: Annexation

The request of the City of Walton to consider an amendment to the Walton Zoning Map as a result of annexation of an approximate 1.88-acre site located on the east side of the Southern Railway and Emergency Access Road, Boone County, Kentucky. The request involves recommending a zoning classification for the site based upon annexation into the City of Walton. The site is currently zoned Industrial One (I-1) and is owned by H & M Construction Property.

Staff Member Mitch Light presented the Staff Report (see Staff Report). Mr. Light indicated the location of the site on an exhibit.

Mr. Burch asked if a representative of the City of Walton was present. There was no response. Mr. Burch asked if there was anyone present who wished to speak in regard to this request. There being no response, he asked if there were any comments or questions from the Commission.


Mr. McMillian stated that the sheet attached to the Staff Report is not consistent with the exhibit. Mr. Light advised that the zoning should be I-1 on this side of the railroad tracks. Mr. Light indicated the I-1 zoning on the exhibit. He indicated the A-2 zoning to the east and the residential zoning to the north and west.

Mr. Burch asked that the correction be made before the Committee meeting. Mr. Light will see where the error occurred and make the correction.

The Committee Meeting for this item will be on April 3, 1995 at 4 P.M. in the second floor conference room of the Administration Building. This item will be on the Agenda for the Business Meeting on April 19, 1995 at 8 P.M. on the third floor of the Administration Building.

There being no further comments, Mr. Burch closed this Public Hearing.

APPROVED:


Fred A. Burch, Vice Chairman

Attest:


Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BUSINESS MEETING
BOONE COUNTY ADMINISTRATION BUILDING
April 19, 1995
8:00 P.M.

The following Minutes are a partial record of the meeting, beginning with Agenda Item No. 3. The Minutes for Item No. 1 and deferral for Items 2, 8, and 9 were prepared and approved during the meeting.

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett
Mr. Phil Damstrom
Mr. Robert Kirby, Jr.
Mr. Mike McKinney
Mr. Don McMillian
Mr. Bob Millay
Mr. Barry Neltner
Mr. Robert Ries
Mr. Ralph Rush
Mrs. Linda Schaffer
Mrs. Carol Smith, Secretary/Treasurer
Mr. William Viox, Chairman
Mr. Earl White

COMMISSION MEMBERS NOT PRESENT:

Mr. William Bailey
Mr. Fred Burch, Vice Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Mr. Dave Geohegan, AICP
Mr. Jeff Hayes
Ms. Jan Hancock, Secretary
Mr. Mitch Light
Mr. Kevin Wall, AICP

Mr. Barry Neltner, Temporary Presiding Officer, continued to chair the meeting and introduced the third item on the Agenda:

UNFINISHED BUSINESS:

3. Change in Concept Development Plan

The request of Bayer Becker Engineers (applicant) for Eugene Daniels (owner) for a Change in Concept Development Plan to allow the construction of an approximate 5,000 square foot medical office building, and to allow "bumper boats" in conjunction with an established commercial recreation use (Sports of All Sorts), at 25 Cavalier Boulevard, Florence, Kentucky. The site is located within a Commercial Services/Planned Development (C-3/PD) zone.

Chairman Viox entered the Business Meeting at this time.

Staff Member Kevin Wall presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). He advised that the applicant has signed the letter agreeing to the conditions.

Mr. Kirby moved by resolution to the City of Florence that the request be approved based on the Staff and Committee Reports. Mr. McMillian seconded the motion.

Mr. Kirby questioned what "large tree" means and if there are any guidelines. Mr. Wall advised that a large canopy tree is considered to be at least 25 feet tall at maturity. The minimum planting size according to the Zoning Ordinance standards is at least 3 inches in diameter. Mr. Kirby stated that "large" applies to a mature product. Mr. Wall agreed.

There being no further comments, Mr. Neltner asked for a vote on the motion made by Mr. Kirby and it carried unanimously.

4. Annexation by the City of Walton

The request of the City of Walton to consider an amendment to the Walton Zoning Map as a result of annexation of an approximate 1.88-acre site located on the east side of the Southern Railway and Emergency Access Road, Boone County, Kentucky. The request involves recommending a zoning classification for the site based upon annexation into the City of Walton. The site is currently zoned Industrial One (I-1) and is owned by H & M Construction Property.

Staff Member Mitch Light read the Committee Report which recommended, based on the findings of fact, that the current zoning of I-1 not be changed as a result of annexation of the site into the City of Walton. (See Committee Report).

There being no discussion, Mr. McMillian moved that the Committee Report be adopted. Mrs. Smith seconded the motion and it carried unanimously.

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Donald McMillian, Chairman

DATE: April 19, 1995

RE: Request of the City of Walton to consider an amendment to the Walton Zoning Map as a result of annexation of an ±1.88 acre site located on the east side of the Southern Railway and Emergency Access Road, Boone County, Kentucky. The request involves recommending a zoning classification for the site based upon annexation into the City of Walton. The site is currently zoned Industrial One (I-1) and is owned by H & M Construction Property.

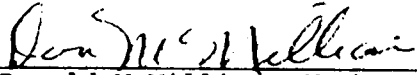
REMARKS:

We, the Committee, recommend that the current zoning of Industrial One (1) not be changed as a result of annexation of the 1.88 acre site into the City of Walton. Based upon the following Findings Of Fact, the Committee can find no impact from annexation upon the current zoning of the property or the surrounding property.

Findings of Fact

1. The 1990 Boone County Comprehensive Plan indicated that the site will be developed for industrial purposes. Specific references to the Comprehensive Plan are made in the March 22, 1995 Staff Report.
2. The site is subject to a previously approved Zoning Map Amendment request and conditions.

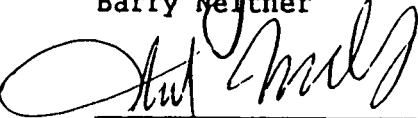
A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.


Donald McMillian, Chairman

Fred Burch


Barry Neltner


Phil Damstrom


Robert Millay

William Bailey

PUBLIC HEARING ITEM NO. 3:

Commission members present: Mrs. Arnett, Mr. Burch - Vice Chairman, Mr. Damstrom, Mr. Kirby, Jr., Mr. McMillian, Mr. Millay, Mr. Ries, Mr. Rush, and Mrs. Smith - Secretary/Treasurer.

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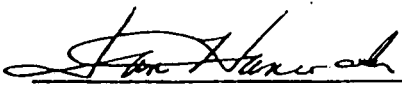
There being no further comments, Mr. Burch closed this Public Hearing.

APPROVED:



Fred A. Burch, Vice Chairman

Attest:



Jan Hancock, Recording Secretary

EXHIBIT C

Group No. 2080

Lying and being in Boone County, Kentucky on the east side of the Southern Railway and Emergency Access Road 1 mile north of Walton, Kentucky and more particularly described as follows, to-wit:

Beginning at a right-of-way monument on the east side of an Emergency Access Road on the east side of Southern Railway and said point also being the south west corner of a 1.99 acre tract on land contract from the Grantors herein; thence with the south line of said 1.99 acre tract and the south line of a 2.06 acre tract S 77 degrees 21' E -- 379.2 feet to a steel post in the line of Robke; thence with said line S 9 degrees 18' W -- 212.8 feet to a post; thence S 11 degrees 07' W -- 12.5 feet to a post being the northeast corner of an existing 14' wide easement; t hence with the north line of said easement N 79 degrees 01' W -- 329.7 feet to a R/W monument in the east R/W of the above mentioned Emergency Access Road; thence with said R/W N 5 degrees 43' W -- 56.7 feet to a R/W monument; thence N 1 degree 14' W -- 186.1 feet to the place of beginning containing 1.88 acres more or less.

BOOK 373 PAGE 139

SOUTHERN RAILWAY

N 101° 14' W - 186.1

ENTERED BY BECKER

Old road.

POSSIBLE LINDEN

285.4

S 77° 21' E - 379.2

5. Post

1.88 ACRES

59° 18' N - 212.8

Wm. MURPHY
13.25 AC. TR.

N 79° 01' W - 329.7
14' EAST WALK - (EXISTING)
S 11° 07' W - 12.5

SLEET

BY: Carl J. Smith
BOBBE TMS: Victoria - Williams

2000 A-2
9/5/87 AT

Group 2888

REGISTERED
PHILIP G. HICKS
P.L.S. #1770

PHILIP G. HICKS
P.L.S. #1770

VICINITY MAP
SCALE: 1" = 200'

I certify that I have examined the records of the Boone County Clerk, and to the best of my knowledge and belief, the plat on this day recorded is in compliance with applicable zoning regulations. I further certify that this plat is in compliance with applicable zoning regulations.

BE BY THE STATE OF MISSOURI BY DISTRICTS SURVEYING OFFICE THE RECORDS AND THIS SURVEY AND BEING CORRECT FOR CHANGE DEPT. OF CONSERVATION SURVEYING

Wm. Murphy L.S.

NOTE: In accordance with KRS 100.209(1), this map is included in the Ordinance of Incorporation to show the zoning

SURVEY FOR CONVEYANCE

RONALD TRACETT TO HENSLEY & HENSLEY CO. ST. CO.

SCALE: 1" = 100'

DATE: 28 MAY 1981

1 mile North of Walton on the East side of an Emergency Access Rd. - Boone County

Surveyed By: Hicks & Mann Inc.

DRAWING NUMBER: P1-1