

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project WALTON RIDGE APARTMENTS
2. Location of Project Northeast corner of School Rd & Needmore Rd.
3. Total Acreage of Site 2.277
4. Current Zoning of Site SR-1
5. Proposed Zoning (Classification being requested) UR-1
6. Proposed Uses (please specify each use)
Additional 22 dwellings added to the adjoining Walton Ridge Apartments
7. Names of Applicant(s) ~~XXXXXXXXXX~~ FLORENCE EXECUTIVE CENTRE, LLC
8. Phone Number 859-647-9600 Fax No. 647-9603
9. Address of Applicant(s) 7430 HWY 42
FLORENCE KY 41042
City State Zip
10. Name of Property Owner(s) FIRSTAR BANK TRUSTEE
11. Phone Number _____ Fax No. _____
12. Address of Property Owner(s) P.O. BOX 1118 ML 7125
CINCINNATI OH 45201
City State Zip
13. Proposed Building Intensities (please specify) N/A
14. Are there any existing buildings on the site? ~~YES~~ NO
15. How many? _____
16. Deed Book 750 Page No. 83 Group No. 2079 & 460
17. Are you also applying for:
NO Conditional Use Permit
NO Dimensional Variance
18. Have you submitted a Concept Development Plan? YES
19. Have you had a pre-application meeting with BCPC Staff? YES
20. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- N/A Boone County Water District
- N/A Florence Water and Sewer Dept.
- Y Cinergy/U.L.H.&P. Co.
- N/A Sanitation District #1
- Y Cincinnati Bell
- N/A Owen County Rural Electric
- N/A Boone County Public Works Department
- N/A Kentucky Transportation Cabinet
- N/A City of Florence Public Services Department
- Y Boone County Building Department

EXHIBIT

“A”

STAFF REPORT

The request of **Florence Executive Centre, LLC (applicant)** for **Firststar Bank, trustee (owner)** for a Zoning Map Amendment from Suburban Residential One (SR-1) and Commercial Two (C-2) to Urban Residential One (UR-1) and a Change in an Approved Concept Development Plan for a 2.277 acre tract located to the east and southeast of 11 School Road and north of 60, 64, and 68 Bud's Pleasure Court, and east of 75 Cami Court, Walton, Kentucky. The request is for a zone change and Change in Concept Development Plan to allow an expansion of an existing apartment development (Walton Ridge Apartments).

December 17, 2003

REQUEST

The applicant has requested a Zone Change from Suburban Residential One (SR-1) to Urban Residential One (UR-1) for a 2.27-acre parcel, located to the north of the existing Walton Ridge apartment complex. The proposed Concept Development Plan indicates that a new building, with 16 units, would be built on the southeastern corner of the 2.27-acre parcel, approximately 65 feet north of the roundabout shown on the approved Concept Development Plan. An area of existing vegetation, located at the center of the lot, continuing to the northern property boundaries, is to remain on the lot. The applicant has also requested a Change in the approved Concept Development Plan for the 6.44-acre parcel on which the apartment complex is located, to allow the addition of 6 units to a building originally approved for six units, for a total of 12 units. Forty-four (44) parking spaces are to be added to the lot, at the eastern property boundary of the 6.44-acre parcel. The overall density of development for the 8.77 acres in question would be 11.48 dwelling units per acre. Under the Concept Development Plan approved in 2002, the density of development for the 6.44-acre parcel was approximately 12 dwelling units per acre. The revised building and the proposed new building would match the architectural design that was required through the conditions of the approved Concept Development Plan. Landscaping on the 2.27-acre parcel, while not shown on the proposed Concept Development Plan, would duplicate the landscaping plan that was approved through the Site Plan Review for Walton Ridge apartments.

SITE HISTORY

1993 A Zoning Map Amendment was approved for the 6.44-acre parcel on July 12th. The Concept Development Plan called for the construction of 24 units of housing for the elderly, comprised of 20 one-bedroom units, 4 two-bedroom units, and an office/community building. Thirty-nine of the total parking spaces were to serve the elderly housing facility. Within the 24 units of multi-family housing, 2 one-bedroom handicap-accessible units were to be constructed. There were to be 18 two-bedroom units, 4 three-bedroom units, and an office building as well. A play area was to be built in the northwestern corner of the site. Forty-nine total parking spaces were to be dedicated to the multi-family portion of development. There were to be seven total buildings on the site. The property was to be developed at a density of 7.4 units per acre.

2002 Walton City Council conditionally approved a Change in the approved Concept Development Plan on April 8th for the 6.44-acre parcel on which the Walton Ridge apartment complex has been built. The approved Plan called for the construction of 7 apartment buildings with 78 total units, amounting to an overall density of approximately 12 dwelling units per acre. The Plan called for 156 parking spaces, as well as a picnic area. The Committee Report for this project is attached. The Boone County Planning Commission recommended approval of the project.

SITE CHARACTERISTICS

The topography of the two parcels is hilly, with elevations ranging from approximately 897 feet above sea level at the southeast corner of the 6.44-acre parcel feet to 848 feet above sea level near the northwestern corner of the same parcel. At many points in the 2.27-acre parcel, the slope is greater than 15 percent. A creek adjoins the 6.44-acre parcel and runs through the 2.27-acre parcel. A stand of mature trees adjoins the creek. Ingress and egress from the 6.44-acre parcel is currently provided through the Cami Court. This street would also serve the new building that would be created through the proposed Zoning Map Amendment. Walton City water and sewer would serve both parcels in question.

ADJACENT LAND USES

North: The Walton Commons Apartment Complex, on two parcels totaling 5.05 acres, zoned Urban Residential One (UR-1)

South: Several parcels of land, part of the All Saints' Church Complex, totaling approximately 6.22 acres, zoned Public Facilities (PF). These are on the south side of Needmore Street.

A single-family residence, not part of a formal subdivision, on a 0.29-acre lot, zoned Suburban Residential One (SR-1). This parcel is on the south side of Needmore Street.

Five (5) single-family residences, part of the Ransler Subdivision, zoned Suburban Residential One (SR-1). These parcels are on the north side of Needmore Street.

East: A single-family residence, not part of a formal subdivision, on an 8.97-acre lot, zoned Suburban Residential One (SR-1)

West: A single-family residence, not part of a formal subdivision, on a 5.15-acre lot, zoned Commercial Two (C-2) and Suburban Residential Two (SR-2)

A single-family residence, not part of a formal subdivision, on a 0.96-acre lot, zoned Suburban Residential Two (SR-2)

Northeast: A farm and garden supply store on a 4.13-acre lot, zoned Commercial Two (C-2)

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The 2025 Future Land Use Map designates the site as Suburban Density Residential, which is defined as follows:

“single-family housing of up to four units per acre. This classification also includes any low-density or estate residential developed as a formal subdivision (p. 158)”

A small portion of the site, located along the northern property line, is classified as High Suburban-Density Residential, which is defined as follows:

“single-family and/or attached housing of up to 8 dwelling units per acre. This classification is typified by townhouse condominium, and zero lot-line development and also pertains to mobile home parks”

The Future Land Use Text states the following regarding Walton, the area in which the site is located:

A. “The Walton area should experience gradual commercial, residential, and industrial growth. This growth should result primarily from the Walton Interchange and its location near the intersection of I-71. Walton lies along this regional interstate corridor, between Cincinnati to the north and Louisville, Lexington, and Frankfort to the south, that is generally experiencing demand for industrial development (p. 168 ‘Walton Area’).”

B “The City of Walton is being surrounded by industrial development and zoning to the north, south, and west of the City. Therefore, to ensure the integrity of the central portion of Walton, the area from the former Turner Fishing Lake to Boone Lakes should have a land use designation of Suburban Residential. This would allow the central portion of Walton to experience residential growth in response to employment growth and utility expansion in the area. Suburban Residential development is occurring south of Chambers Road. The rougher terrain, immediately adjacent to Chambers Road should include lower density residential development that minimizes traffic on this roadway and fits into the landscape along this highly-visible portion of the interstate corridor. The suitability of this area for residential use is enhanced by proximity to developing residential areas, commercial services, and Walton-Verona schools (p. 168 ‘Walton Area’).”

C. "Residential development is suitable east of Mary Grubbs Highway to the Boone County line; access to these uses should be aligned with the highway. Some commercial uses may be appropriate at the front of this residential area, if designed to serve growing residential uses in the area. Commercial development should also occur at the southeast quadrant of the interchange. However, this development should not be oriented to truck traffic (p. 158 'Walton Area')."

The Future Land Use Development Guidelines found in the Land Use Element of the Comprehensive Plan provide the following statements that relate to this proposal:

A. "Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas and delineate disturb limits to protect those areas that have been defined (p. 158)."

B. "Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments. Developments proposed adjacent to planned or established greenbelts should provide pedestrian access where appropriate (pg. 159, 'Buffering')."

C. "Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development and should be incorporated into parking lots and other vehicle circulation areas as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways. The amount of heat absorbed by impervious cover from sun radiation is decreased by landscaping, which reduces energy costs. Landscaping also helps to purify the air of harmful pollutants, reducing health impacts.

"Developments along major roadways in Boone County must include landscaping and/or the use of berms between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses (p. 159, 'Landscaping')."

D. "Developments in Boone County must recognize the potential impacts of stormwater runoff. Developments must design and incorporate adequate provisions for the channelization and control of the rate of stormwater flow on and from the site. Further, control and mitigation practices for erosion associated with developments must be provided. At a minimum, developments must seed and mulch all graded areas and provide siltation controls. Stormwater management and erosion control measures must be concurrent with site work in order to be effective (p. 159 'Stormwater Management and Erosion Control')."

E. "Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, and provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system (pg. 159, 'Access Management')."

F. "Developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify specific development, but should not be used as a means to compete for motorist attention (pg. 160, 'Design, Signs, and Historic Preservation')."

G. "Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths but should provide connections to adjoining uses where appropriate. Public open space and recreation sites should be connected by bicycle and pedestrian paths where appropriate (p. 159-160, 'Transportation and Pedestrian Network')."

The following statements from the Housing Element apply to this proposal:

A. "Although single-family homes are by far the most numerous, they are decreasing in their percentage of total Boone County housing. Most new construction of single-family housing will take place on the outer rings of growth. The Union area has a high percentage of single-family housing. Seventy-six percent of all units in Union were constructed between 1970 and 1990. Large lot areas, including Union, will see multi-family construction, although this higher density development should occur close to highway arterials and urban services and be sensitively developed in terms of building height, setbacks, mass and visual impact. Throughout Boone County high density

developments should be close to thoroughfares to achieve a gradation of densities and land uses outlined in the Future Land Use Plan (p. 82, 'Housing Types')

B. "Multi-family housing developments should have convenient access to commercial districts or should provide their own supporting commercial uses. The developments should be designed to offer the shortest trips to the most people. High-density residential developments help to hold down the cost of individual units due to many variables including lower land cost per unit, lower land development cost and building costs per unit. Clustering of the dwelling units allows this by requiring less site work and utility construction. This provides a supply of affordable housing for county residents (p. 82, 'Housing Types')

C. "Walton has annexed several areas north and west of the city to provide public water service and has experienced significant subdivision development during the 1990's (p.88, 'Walton-Verona Area')

The 2000 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements:

A. "Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments ('Overall' Objective 2, p. 4)

B. "Proper design principles shall be applied in development ('Overall' Objective 3, p.4)."

C. "Future growth shall be accompanied by adequate infrastructure and services ('Overall' Objective 4, p.4)"

D. "New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used. Residential development in particular shall minimize grading work as opposed to clearing the entire site, without unduly restricting the development. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ('Environment' Physical Objective 2, p. 6)."

E. "Existing Vegetation shall be considered as both an important site characteristic and a community resource ('Social' Objective 4, p. 6)."

F. "A broad range of housing opportunities shall be provided which meet the needs and desires for all household types ('Housing' Objective 1, p. 9)"

G. "Housing supply in Boone County shall be balanced against present and planned commercial, industrial, and primary and secondary education bases (Housing' Objective 4, p. 9)"

H. "In order to offer the citizens of Boone County maximum choice in living environment, residential development shall be judged primarily on density, impact on infrastructure, and development design with only secondary consideration given to the type of dwelling unit ('Housing' Objective 5, p. 9)"

I. "Clustering (increasing net density while not altering overall gross usable density) shall be promoted by appropriate incentives in order to preserve green space, scenic view, other identified significant site features, and land for public facilities or recreation ('Housing' Objective 12, p. 10)"

J. "Residential developments shall be encouraged to plan and build in a manner which is compatible not only with the general housing density and design planned for the area but also with the existing conditions of the site, including the suitability of adjoining lands for appropriate access and significant site features ('Housing' Objective 13, p.10)."

STAFF COMMENTS / CONCERNS

1. The Planning Commission and Walton City Council will need to determine whether the proposal is in agreement with the Comprehensive Plan. Highlights of issues dealing with the Comprehensive Plan include the following:
 - A. The Future Land Use Map designates the majority of the property as Suburban Residential, which allows a density of up to four (4) dwelling units per acre. The density for the 2.27-acre parcel involved in the Zoning Map Amendment is 7.48 dwelling units per acre, and the overall density of development of the two parcels is 11.48 dwelling units per acre.
 - B. The Land Use text notes that the central portion of Walton is suitable for residential growth, particularly in light of the increased employment opportunities and industrial growth in Walton. The Element further states that the area to the east of Mary Grubbs Highway, continuing to the county line, is appropriate for residential development.
 - C. The Housing Element lists the recommendation that high-density developments be close to thoroughfares to achieve a gradation in density and land uses. Housing Objective #1 calls for a broad range of housing types to meet the range of housing needs of the County's residents.
2. The Boone County Planning Commission and Walton City Council will need to consider the alternate findings for a Zoning Map Amendment and a Change in an Approved Concept Development Plan.

3. The approval of this project would represent a small decrease in the overall density of development for the Walton Ridge apartment complex. The approved Concept Development plan features a density of approximately 12 units per acre. The proposed Concept Development Plan would amount to a density of development totaling 11.48 dwelling units per acre. This decrease does not entail a significant lessening of the overall density. However, the additional building and units would not have a negative impact upon the existing multi-family development, due to the added acreage to the project.
4. Potentially negative impacts from the construction of the new building on the 2.27-acre parcel are lessened due to the fact that the proposed new building would adjoin an existing apartment complex on the north. Similarly, the Concept Development Plan indicates that the mature vegetation on the northern property boundaries would remain, serving as a buffer between the adjoining property on the north and the 2.27-acre parcel.
5. A Condition for the approval of the 2002 Concept Development Plan was as follows:

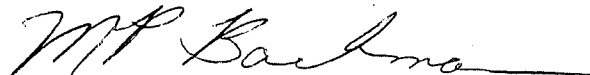
"Buildings will fit the architectural theme demonstrated in the renderings submitted to the Zone Change Committee at their February 6th meeting. All buildings will be constructed of brick or masonry, and no vinyl siding is to be used."

The Applicant has indicated that the new building would be constructed to fit the architectural theme of the existing buildings on the 6.44-acre parcel.
6. Staff has not received any comments from the Walton-Verona School District with regard to this request.

CONCLUSION

The Boone County Planning Commission and the Walton City Council must review this request on the basis of its relationship to the Comprehensive Plan and in terms of the three criteria necessary for a Zoning Map Amendment. The Future Land Use map will need to be updated if the request is approved.

Respectfully submitted,

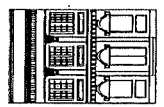
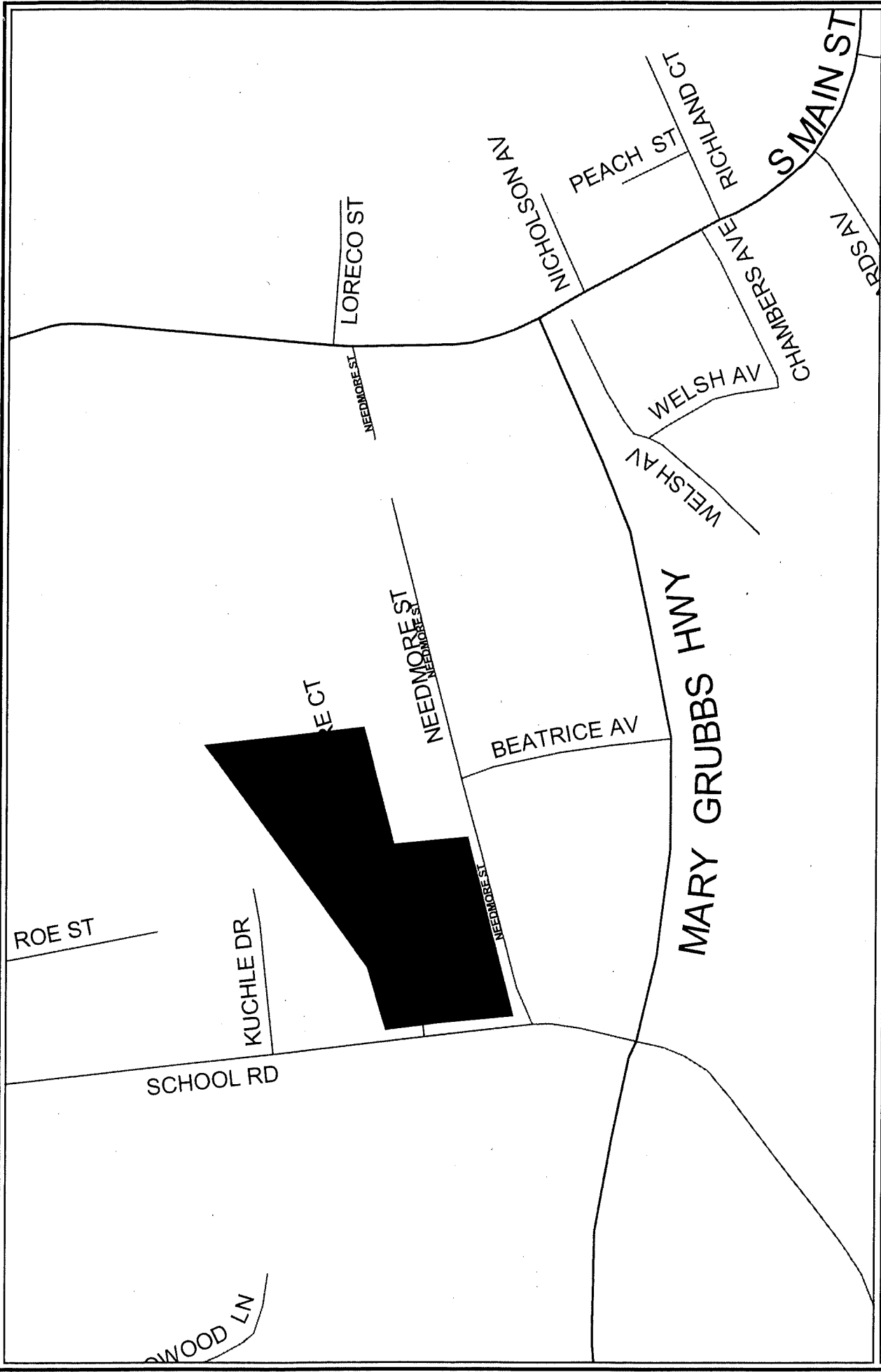


Patty Bachman
Planner

PB/pr

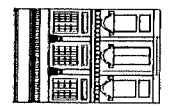
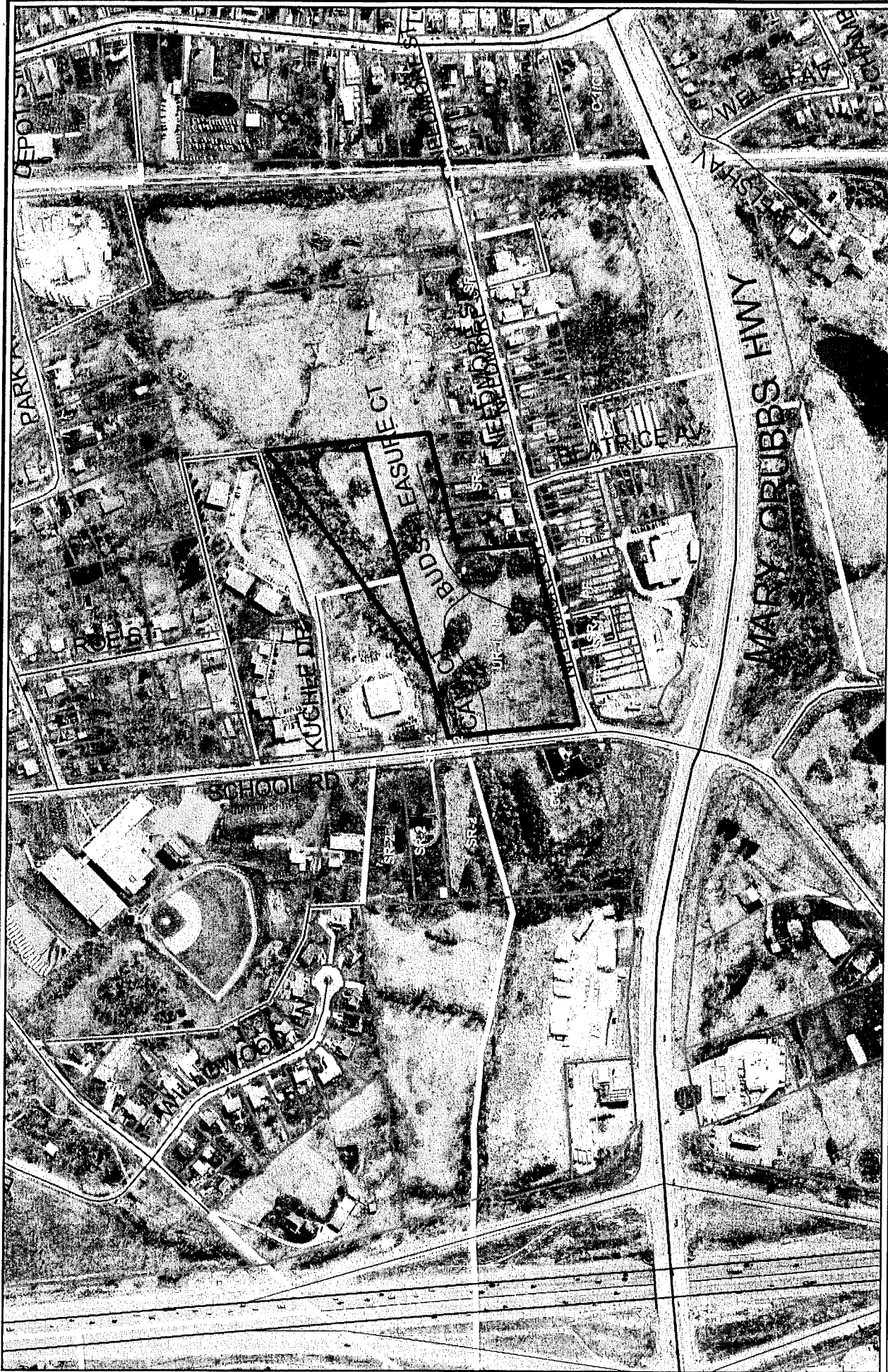
Attachments:

- vicinity map
- aerial photo w/zoning information
- future land use map excerpt
- site topography
- application materials including concept development plan
- Committee report for Approved Concept Development Plan, dated February 20, 2002
- Approved Concept Development Plan from 2002



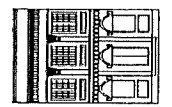
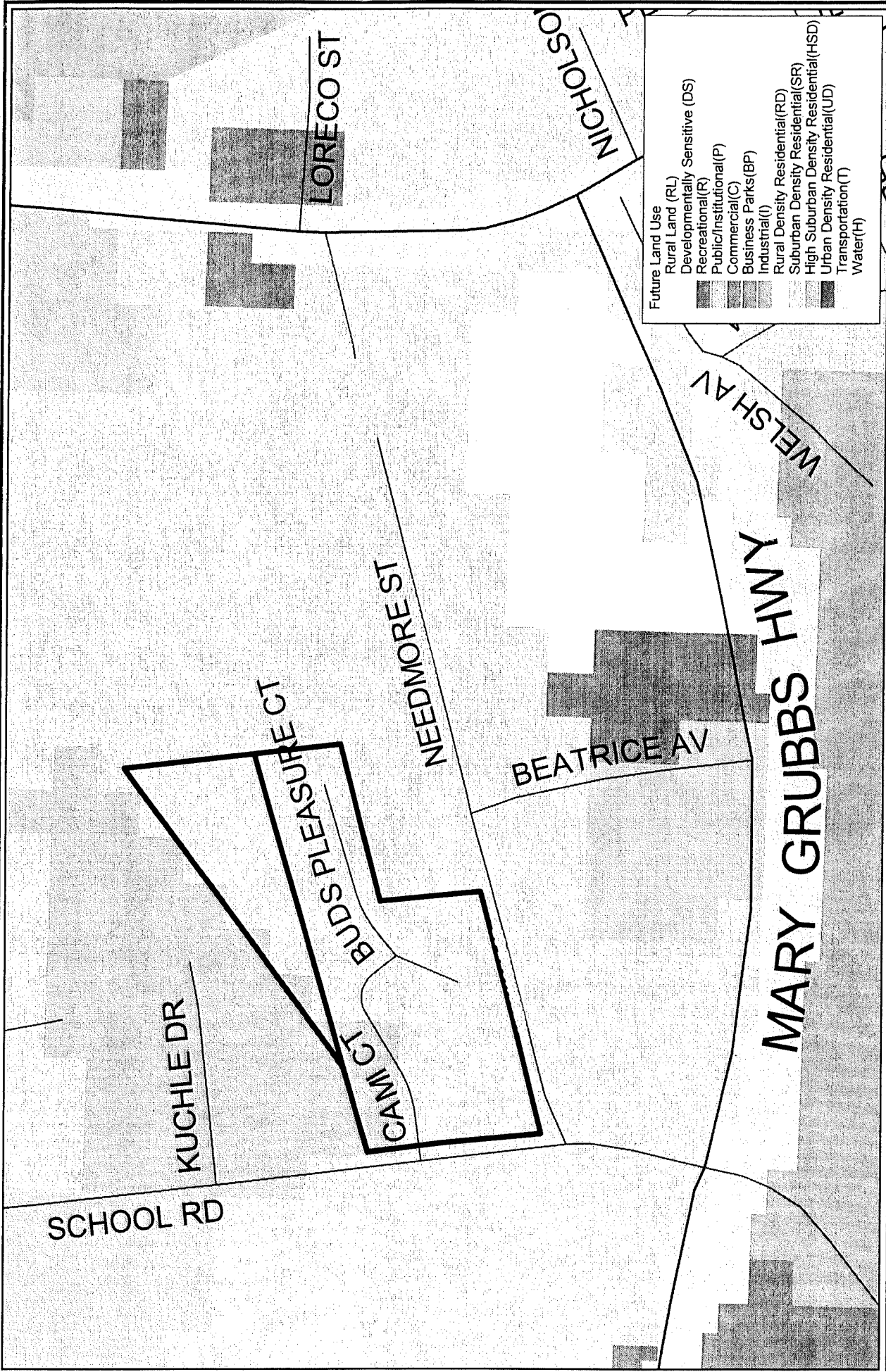
1 inch equals 400 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 December 12, 2003

Walton Ridge-Vicinity Map



1 inch equals 400 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 December 12, 2003

Walton Ridge-Zoning



1 inch equals 300 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 December 12, 2003

Walton Ridge-Future Land Use

ZONING MAP AMENDMENT
APPLICATION
PAGE 2

- Northern Kentucky Health District
- USDA NRCS/Boone County Conservation District
- KY Division of Water
- Local School District
- Local Fire District
- Other: _____

18. Project Jurisdiction/Location
 Unincorporated Boone County Walton
 Florence Union

19. Applicant's Signature [Signature]
Property Owner's Signature [Signature]

SECTION B (To be completed by BCPC Staff)

1. Date Received 11-4-03
2. Review Fee \$ 1,288.32 R# 37095
3. Check what has been submitted:
 - Application
 - Fee
 - Legal Description
 - Concept Development Plan
 - Address of Adjoining Property Owners
 - 7 Number of copies of plan received**
4. Is application complete? Yes No
5. Staff Reviewer PATTY BAZEMAN
6. Committee Chairman _____
7. Scheduled Public Hearing Date _____
8. Boone County Planning Commission Action:
 - Approval
 - Approval with Conditions
 - Denial
9. Other: _____

** Five (5) Copies Are Required

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page

NOTE: An application consists of all fees paid in full, submitted drawings and a completed application form.

ZONING MAP AMENDMENT
APPLICATION
PAGE 2

- Northern Kentucky Health District
- USDA NRCS/Boone County Conservation District
- KY Division of Water
- Local School District
- Local Fire District
- Other: _____

18. Project Jurisdiction/Location
 Unincorporated Boone County Walton
 Florence Union
19. Applicant's Signature [Signature]
 Property Owner's Signature Albert J. Forberry

US Bank NA Trustee
By Junda A. Holmes

SECTION B (To be completed by BCPC Staff)

1. Date Received 11-13-03
2. Review Fee \$ 1,288.32 RA 37095
3. Check what has been submitted:
 - Application
 - Fee
 - Legal Description
 - Concept Development Plan
 - Address of Adjoining Property Owners
 - Number of copies of plan received**
4. Is application complete? _____ Yes _____ No
5. Staff Reviewer _____
6. Committee Chairman _____
7. Scheduled Public Hearing Date _____
8. Boone County Planning Commission Action:
 - Approval
 - Approval with Conditions
 - Denial
9. Other: _____

** Five (5) Copies Are Required

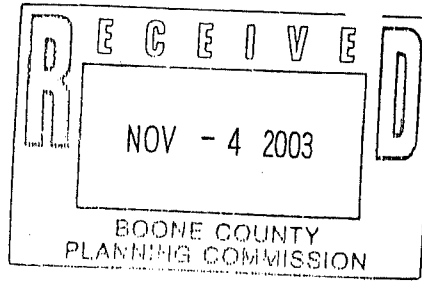
Boone County Planning Commission
 2995 Washington Street
 Burlington, Kentucky 41005
 (859) 334-2196 - Phone
 (859) 334-2264 - Fax
 plancom@boonecountyky.org - E-mail
 www.boonecountyky.org - Web Page

NOTE: An application consists of all fees paid in full, submitted drawings and a completed application form.



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14 East Eighth Street
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p.859.261.1113
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November 4, 2003

Ms Patty Bachman
Planner
Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

RE: Zone Map Amendment – 2.277 Acres
Walton Ridge Apartments
Walton, Kentucky

Dear Patty,

Enclosed please find seven copies of a Concept Development Plan, application, legal description, list of adjoining owners, and review fee for the above-mentioned project. The applicant is requesting to change the zone of a 2.277-acre tract adjoining the existing 6.5-acre Walton Ridge Apartment community at School and Needmore Roads in Walton, Kentucky. The addition of the tract will allow for a modification to the approved project for an additional 22 dwelling units (the current project has 78 units). The new property line will better suit the transition in zones as it will now be along a drainage swale and wooded area between the apartment development and adjacent property to the north. The addition of 22 units will not exceed the maximum allowable 12 units per acre as permitted for a UR-1 zone, for the entire development.

The original plan was approved based on the findings of fact summarized below:

1. The zoning will provide an adequate progression of intensities between commercial and residential zoning districts that surround the site.
2. The Comprehensive Plan dictates that higher density development should be encouraged to locate in areas with convenient access to both major streets or highways. The site is located in close proximity Mary Grubbs Highway and I-71.

The applicant believes that these findings are still appropriate and that the zone map amendment request is consistent with these facts.

Please call if you have any questions or need any additional information.

Sincerely,

Gil W. Whitacre, L.S.

cc: Dale McPherson, Florence Executive Centre, LLC

700 Nilles Road
Fairfield, OH 45014

14 East Eighth Street
Covington, KY 41011

6900 Tylersville Road
Mason, OH 45040

777 Eads Pkwy., Suite C
Covington, KY 41011
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ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Mark Hicks, Chairman

DATE: February 20, 2002

RE: Request of Signature Homes, Inc. (applicant) for Albert H. Hackman, Jr. (owner) to consider an application for a Change in an Approved Concept Development Plan in an Urban Residential One (UR-1) zone for a 6.5 acre site located on the northeast corner of the School Road/Needmore Road intersection, Walton, Kentucky. The request is for a Change in Concept Development Plan to allow changes in the plan configuration and to allow an increase in the number of permitted dwelling units.

REMARKS

We, the Committee, recommend approval of the Zoning Map Amendment request based upon the following findings of fact and with the following conditions:

FINDINGS OF FACT

1. The Committee has determined that the proposed change in Concept Development Plan is appropriate for the property located at the intersection of Needmore Street and School Road, Walton, Kentucky. The Committee's decision is based on the fact that the applicant's request is in agreement with the 2000 Boone County Comprehensive Plan.

The Land Use Element states the following regarding Walton, in which the site is located: "The City of Walton is being surrounded by industrial development and zoning to the north, south, and west of the City. Therefore, to ensure the integrity of the central portion of Walton, the area from the former Turner Fishing Lake to Boone Lakes should have a land use designation of Suburban Residential. This would allow the central portion of Walton to experience residential growth in response to employment growth and utility expansion in the area (p. 168, 'Walton Area')." Both the approved Concept Development Plan and the proposed Change in Concept Development Plan entail higher density development than would normally be permitted in Suburban Residential land uses. However, this increase in density still complies with the directive of the Land Use Element, in that housing will be provided in the central portion of Walton to meet the increased demands that will come with industrial development to the north, south, and west of the city.

The Goals and Objectives state in the "Housing" section that "[i]n order to offer the citizens of Boone County maximum choice in living environment, residential development shall be judged primarily on density, impact on infrastructure, and development design with only secondary consideration given to the type of dwelling unit ("Housing" Objective 5, p. 9)." There is no consistent zoning classification applied to the area surrounding the project. To the South of the project, All Saints Church and St. Joseph Academy are zoned Public Facilities. Immediately to the west of the site and to the north of the site is Commercial Services (C-3) property. To the east of the site are parcels zoned Suburban Residential One (SR-1). The proposed Concept Development Plan would serve as an appropriate transition between the commercial and public facilities zoning and the residential zoning.

2. The Committee has determined the existing zoning classification is inappropriate and the proposed zoning classification is appropriate. The plan represents an increase in density over the approved Concept Development Plan, yet it also represents an improvement in design. While the number of dwelling units will increase, as compared with the number of units in the approved Concept Development Plan, the amount of green space will increase. The area of space taken for building foot prints would decrease under the proposed Concept Development Plan. Space dedicated to landscaping and additional sidewalks are also greater than what is offered in the approved plan. Density would be increased as compared with the approved Concept Development Plan, but the impact upon the infrastructure would be limited. The proposed Concept Development Plan offers improved building design as compared with the approved Concept Development Plan, as there will be controls placed upon the building design that were lacking in the original project.

3. The Committee has concluded that the following conditions are necessary for the purpose of satisfying the Goals, Objectives, and Policies stated in the 2000 Boone County Comprehensive Plan and the mitigation of any foreseeable problems that the proposal may create. The Applicant has signed a letter of agreement with these conditions and understands that the submitted Concept Development Plan along with these conditions serves as a basis for this recommendation.

CONDITIONS

1. Buildings will fit the architectural theme demonstrated in the renderings submitted to the Zone Change Committee at their February 6th meeting. All buildings will be constructed of brick or masonry, and no vinyl or aluminum siding is to be used.

2. The applicant will construct a 100-foot taper deceleration lane on School Road to facilitate ingress to the site.

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. Attached is the signature page for the Zone Change Committee Vote.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Mark Hicks, Committee Chairman

DATE: February 6, 2002

RE Request of Signature Homes, Inc. (applicant) for Albert H. Hackman, Jr. (owner) to consider an application for a Change in an Approved Concept Development Plan in an Urban Residential One (UR-1) zone for a 6.5 acre site located on the northeast corner of the School Road/Needmore Road intersection, Walton, Kentucky. The request is for a Change in Concept Development Plan to allow changes in the plan configuration and to allow an increase in the number of permitted dwelling units.

REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

February 6, 2002

Signature Homes, Inc./Hackman/School Road & Needmore

M Hicks

Mark Hicks, Chairman

For Against
 Abstain Absent
 Deferred

Bob Newman

For Against
 Abstain Absent
 Deferred

Susan Poston

Susan Poston

For Against
 Abstain Absent
 Deferred

Earl White

Earl White

For Against
 Abstain Absent
 Deferred

David Zimmer

David Zimmer

For Against
 Abstain Absent
 Deferred

Randy Barlow

Randy Barlow (Alternate)*

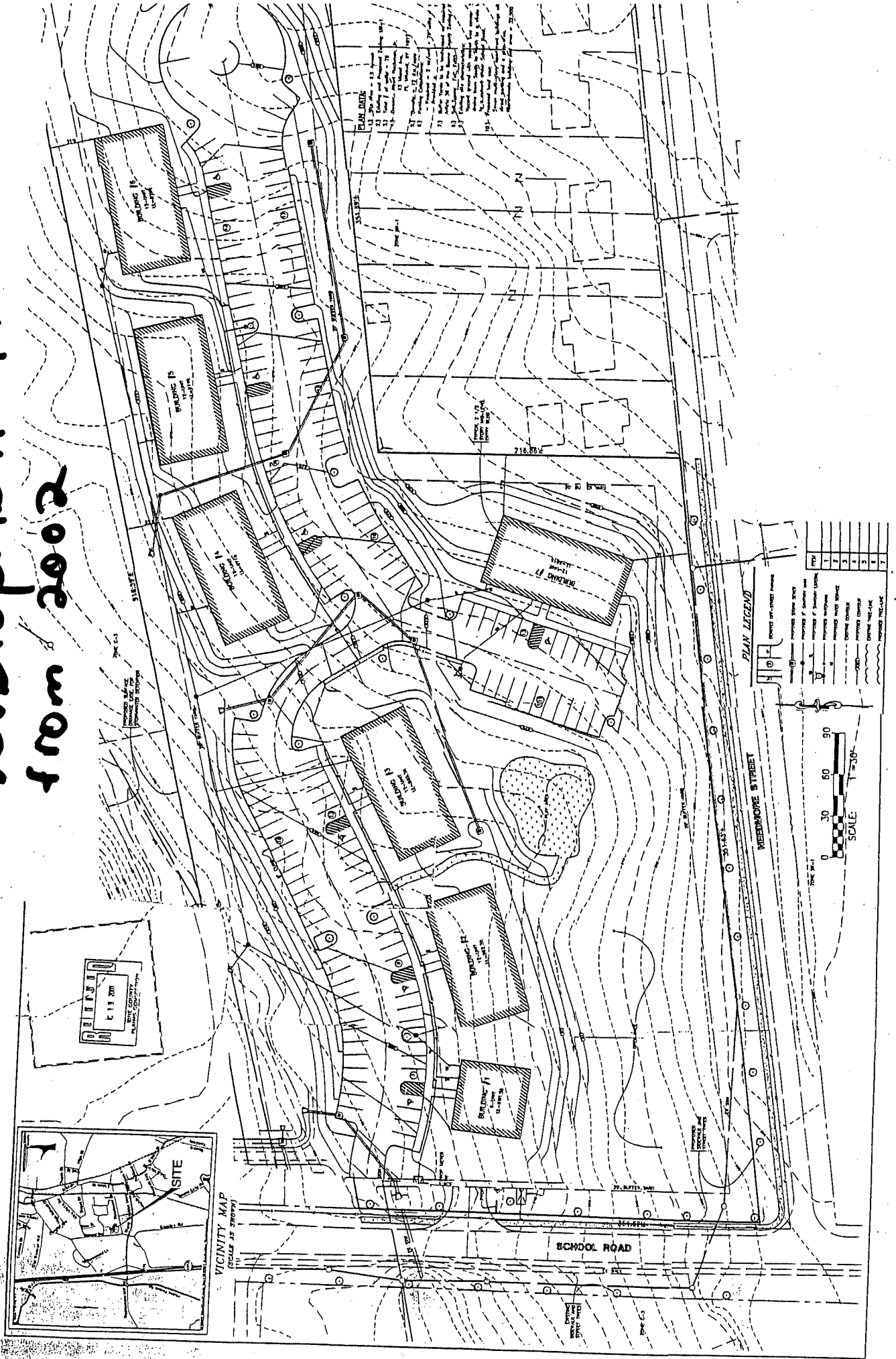
For Against
 Abstain Absent
 Deferred

Don McMillian (Alternate)*

For Against
 Abstain Absent
 Deferred

TOTAL: DEFERRED 5 FOR AGAINST ABSTAIN
 ABSENT

Approved Concept Plan Development Plan from 2002



Public Hearing Item No. 2:

Commission Members Present: Mr. Barlow, Mr. Breetz, Mr. Bunger, Mr. Caddell - Chairman, Mrs. Kegley, Mr. Knock, Mr. McMillian, Mr. Newman, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Schwenke, Mr. White, and Mrs. Wilson - Secretary/Treasurer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Patty Bachman, Planner; and Ms. Jan Hancock, Secretary.

Legal Counsel Present: Mr. Dale Wilson

2. Applicant: Florence Executive Centre, LLC for Firststar Bank, trustee (owner)

Request: Zoning Map Amendment and Change in an Approved Concept Development Plan

The request of Florence Executive Centre, LLC (applicant) for Firststar Bank, trustee (owner) for a Zoning Map Amendment from Suburban Residential One (SR-1) and Commercial Two (C-2) to Urban Residential One (UR-1) and a Change in an Approved Concept Development Plan for a 2.277 acre tract located to the east and southeast of 11 School Road and north of 60, 64, and 68 Bud's Pleasure Court, and east of 75 Cami Court, Walton, Kentucky. The request is for a zone change and Change in Concept Development Plan to allow an expansion of an existing apartment development (Walton Ridge Apartments).

Staff Member Patty Bachman presented the Staff Report which included a Power Point presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. Dale McPherson, 7430 U.S. 42, Florence, Kentucky, President of Signature Homes and the majority owner of Walton Ridge Apartments, presented an exhibit and stated that this additional 2.277 acres will allow them to have an apartment manager. All of the drainage and retention is there. They are currently at 78 units, which is just shy of the number needed to have a full-time manager. He stated that the site has been designed for this change. The City of Walton and the School District are concerned that this will be a community of children, but they are two-bedroom units to minimize the impact on the school. There are school children there, but they moved there from other locations in Walton. He stated

that they have a gazebo and a barbeque and picnic area. The development is well away from the existing residences and there is heavy buffer/landscaping zone to protect the residences. This addition will make it convenient to have a full-time manager. This concluded the applicant's presentation.

The Chairman asked if there was anyone else present who wished to speak regarding this request. There being no response, he asked if there were any comments or questions from the Commissioners.

Mr. McMillian asked if the directional sign for the apartments is on the highway. Mr. McPherson responded "no".

Mr. McMillian stated that the applicant was to build steps or a pathway up the hill towards the church, and it has not been built. Mr. McPherson responded that it was brought up at the Public Hearing, but there was discussion that it would be dangerous because it is so steep. He stated that they did the sidewalks and street planning to get people to the corner at the appropriate place. Mr. Costello stated that it was brought up at the Public Hearing and discussed in Committee, but it was not a condition. Mr. McPherson stated that there would have been a lot of steps and it would have been dangerous, and they did not think anyone from the apartments would use it. Mr. McMillian stated that it was brought up at the meeting, but it was not in the minutes. He stated that the reason you put steps in is because it is steep and steps would be better than walking down a slick sidewalk.

Mr. Barlow stated that he was on the Committee and remembers the discussion because it related to his point about the residents being able to get up to Needmore Street. One of the concerns was for so many apartments not having access to emergency equipment and the comment the applicant made was that they would have access by coming down from Needmore Street and it would also be a way for emergency people to get to the other buildings. He understood that it would be put in because it would be a secondary emergency access to the property. If it has not been addressed, then the applicant has not delivered on what he said. Mr. McPherson responded that Attorney Tom Nienaber said they would be able to do it and even mentioned a ramp – but the reason it ended up out of the minutes might have been the compromise with the landscaping and buffers. He stated that the steps would have gone straight up the hill – but instead they put sidewalks on the entire site.

Ms. Bachman stated that it is a 15% slope at many points, and in the other areas it is at least a 10% slope. She reviewed the slide with the Board in regard to the slope up to the church. She stated that she is not sure steps would be feasible in terms of safety.

Chairman Caddell asked if the steps were on any of the plans approved by the Planning Commission or Staff. Mr. Costello responded "no".

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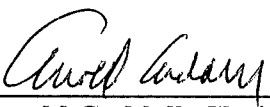
Chairman Caddell stated that the Change in an Approved Concept Development Plan gives the Committee the ability to address it again if they wish. Counselor Wilson advised that a condition would require the agreement of the applicant. Chairman Caddell responded that if agreement was not forthcoming that might be a reason not to approve the request.

Mr. Knock questioned Staff's comment that they did not hear anything from the School District. Chairman Caddell stated that the School District receives notification and it becomes their responsibility to comment if they choose. Mr. McPherson stated that the School District is well aware of everything happening on the site and has the right to approve or reject every renter. Mr. Knock asked if there was anything on record to that effect.

Mr. McMillian stated that Mr. Stores was up on all of this and if he did not send back a comment, then he does not have a problem with it. He stated that he would like to see the steps go in and he does not know that they would be dangerous. The Chairman responded that the Committee will take his comments into consideration.

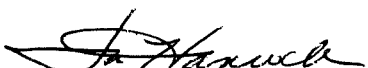
There being no further comments, Chairman Caddell stated that the Committee Meeting for this item will be on January 7, 2004 at 4:00 PM in this room. This item will be on the Agenda for the Business Meeting on January 21, 2004 at 7:00 PM. The Chairman closed this Public Hearing at 8:30 PM.

APPROVED:



Arnold Caddell, Chairman

Attest:



Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
January 21, 2004
7:00 P.M.**

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:02 PM.

COMMISSION MEMBERS PRESENT:

Mr. Randy Barlow
Mr. Greg Breetz
Mr. Kim Bungler
Mr. Arnold Caddell, Chairman
Mr. Mark Hicks
Mr. Richard Knock, Temporary Presiding Officer
Mr. Don McMillian
Mr. Randy Poe
Mrs. Susan Poston, Vice Chairwoman
Mr. Charlie Reynolds
Mr. Bob Schwenke
Mr. Earl White
Mrs. Lisa Wilson, Secretary/Treasurer

COMMISSION MEMBERS NOT PRESENT:

Mrs. Janet Kegley
Mr. Robert Newman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Patty Bachman, Planner
Ms. Jan Hancock, Secretary
Mr. Mitch Light, Assistant Zoning Administrator/ZEO
Mr. Kevin Wall, AICP, CDT – Director, Zoning Services

2. Zoning Map Amendment & Change in Approved Concept Development Plan

The request of Florence Executive Centre, LLC (applicant) for Firststar Bank, trustee (owner) for a Zoning Map Amendment from Suburban Residential One (SR-1) and Commercial Two (C-2) to Urban Residential One (UR-1) and a Change in an Approved Concept Development Plan for a 2.277 acre tract located to the east and southeast of 11 School Road and north of 60, 64, and 68 Bud's Pleasure Court, and east of 75 Cami Court, Walton, Kentucky. The request is for a zone change and Change in Concept Development Plan to allow an expansion of an existing apartment development (Walton Ridge Apartments).

Staff Member Patty Bachman presented the Committee Report which recommended approval of the request based on the Findings of Fact, but subject to conditions (see Committee Report). The applicant has signed the letter agreeing to the conditions.

Mr. Costello stated that Condition #1 in the Committee Report should be amended to read "If the current property owner acquires the adjoining property to the north east, a secondary entrance shall be explored, provided that the land uses on adjoining properties are compatible". Mr. Dale McPherson agreed with the correction.

Mr. Breetz moved by resolution to the City of Walton that the request be approved based on the Committee Report as amended. Mrs. Poston seconded the motion.

Mr. Breetz stated that there was concern at the Public Hearing about the access steps and the Committee determined that the applicant had provided access along the right-of-way that was more conducive to the public than private steps constructed through the property would be. Mr. McMillian responded that a sidewalk was required anyway. Mr. Breetz stated that the sidewalk was built by the applicant. He stated that there was concern about the steps becoming a public access route and the Committee determined that it is better to have the public route out in the right-of-way and not through the property.

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

3. Zoning Map Amendments and Annexation

The request of Grand Communities, Ltd. (applicant) for C. S. Calhoun (owner) for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) in conjunction with the annexation of real property into the City of Florence for the 14.98-acre western and northern portions of the approximate 27-acre tract located at 9801 Fowler Creek Road, Boone County Kentucky; and the request of Grand Communities, Ltd.

EXHIBIT
"B"

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Greg Breetz, Chairman

DATE: January 21, 2004

RE: The request of **Florence Executive Centre, LLC (applicant)** for **FirststarBank, trustee (owner)** for a Zoning Map Amendment from Suburban Residential One (SR-1) and Commercial Two (C-2) to Urban Residential One (UR-1) and a Change in an Approved Concept Development Plan for a 2.277 acre tract located to the east and southeast of 11 School Road and north of 60, 64, and 68 Bud's Pleasure Court, and east of 75 Cami Court, Walton, Kentucky. The request is for a zone change and Change in Concept Development Plan to allow an expansion of an existing apartment development (Walton Ridge Apartments).

REMARKS

We, the Committee, recommend approval of the proposed Zoning Map Amendment and Change in an Approved Concept Development Plan, based upon the following findings of fact and with the following conditions:

FINDINGS OF FACT

1. The Committee has determined that the proposed Zoning Map Amendment and Concept Development Plan are in agreement with the 2000 Boone County Comprehensive Plan. The Land Use Element states that, within the Walton area, residential development is appropriate for the area east of Mary Grubbs Highway to the county line and that Suburban Residential Housing should be developed in central Walton to prevent further encroachment of the industrial development that surrounds the area to the north, south, and west. While the density of the proposed Concept Development Plan is greater than what is suggested in the Comprehensive Plan, the intent is still met, in that the request will provide housing in central Walton. The housing proposed through the Concept Development Plan might serve the population employed in the surrounding industrial developments in Walton. The Housing Element notes that the multi-family housing will grow throughout the county and states that it should be located in proximity to highways and to urban service areas. Further, the Element indicates that high density land uses require less site work and reduced building construction costs, which, in turn, pass a reduction in cost onto the renter. Objective #1 of the Housing Element calls for a broad supply of housing opportunities.

January 21, 2004

Florence Executive Centre/Firststar Bank

Walton Ridge Apartments

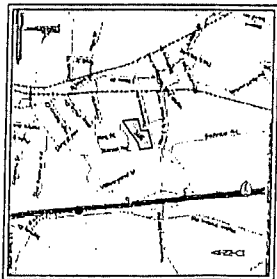
2. The proposed zoning of the property is appropriate and the current zoning is inappropriate. The development of the site as proposed in the Concept Development Plan represents a continuation of a developing land use pattern. The zone change would allow the expansion of the existing Walton Ridge apartment complex. The site in question is a non-buildable lot under the current zoning classification, as it has no road frontage. Further, to the north of the site are the Walton Commons apartments, which are also zoned Urban Residential One (UR-1).
3. The Committee has concluded that the following conditions are necessary for the purpose of satisfying the Goals, Objectives, and Policies stated in the 2000 Boone County Comprehensive Plan and the mitigation of any foreseeable impacts that the proposal may create.

CONDITIONS

1. If the current property owner acquires the adjoining property to the east, a secondary entrance shall be explored, provided that the land uses on adjoining properties are compatible.
2. The conditions in force through the February 2002 approval of the Concept Development Plan for the site will remain.

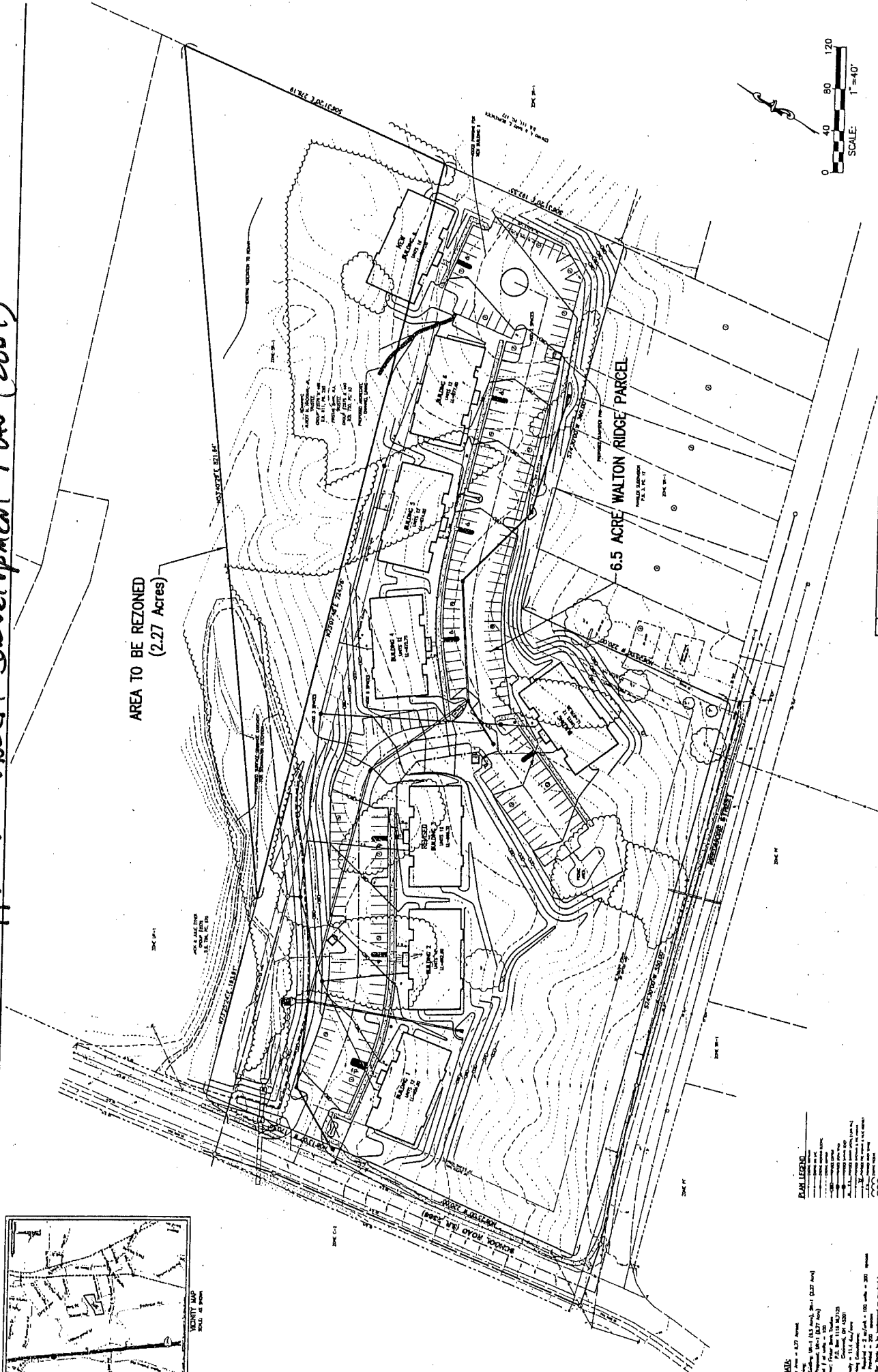
A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change Committee Vote.

Approved Concept Development Plan (2004)



AREA TO BE REZONED
(2.27 Acres)

6.5 ACRE WALTON RIDGE PARCEL



PLAN LEGEND

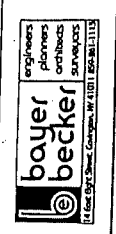
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NO.	REVISIONS	DATE
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REVISED CONCEPT PLAN
FOR
**WALTON RIDGE
APARTMENTS**
SCHOOL ROAD
BOONE COUNTY
CITY OF WALTON
KENTUCKY



Public Hearing Item No. 2:

Commission Members Present: Mr. Barlow, Mr. Breetz, Mr. Bunger, Mr. Caddell - Chairman, Mrs. Kegley, Mr. Knock, Mr. McMillian, Mr. Newman, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Schwenke, Mr. White, and Mrs. Wilson - Secretary/Treasurer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Patty Bachman, Planner; and Ms. Jan Hancock, Secretary.

Legal Counsel Present: Mr. Dale Wilson

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Request: **Zoning Map Amendment and Change in an Approved Concept Development Plan**

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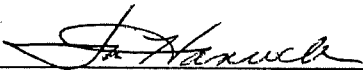
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APPROVED:



Arnold Caddell, Chairman

Attest:



Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Greg Breetz, Chairman

DATE: January 7, 2004

RE: The request of **Florence Executive Centre, LLC (applicant)** for **Firststar Bank, trustee (owner)** for a Zoning Map Amendment from Suburban Residential One (SR-1) and Commercial Two (C-2) to Urban Residential One (UR-1) and a Change in an Approved Concept Development Plan for a 2.277 acre tract located to the east and southeast of 11 School Road and north of 60, 64, and 68 Bud's Pleasure Court, and east of 75 Cami Court, Walton, Kentucky. The request is for a zone change and Change in Concept Development Plan to allow an expansion of an existing apartment development (Walton Ridge Apartments).

REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

January 7, 2004

**Florence Executive Centre/Firststar Bank
Walton Ridge Apartments**

Greg Breetz

Greg Breetz, Chairman
 For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Randy Barlow

 For Project _____ Absent
 Against Project _____
 Abstain _____ Deferred _____

Kim Bunger

Kim Bunger
 For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Janet K. Kegley

Janet Kegley
 For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Susan Poston

Susan Poston
 For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

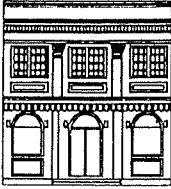
Charlie Reynolds(Alternate)*

 For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

TOTAL: _____ DEFERRED 4 FOR PROJECT _____ ABSENT
 _____ AGAINST PROJECT _____ ABSTAIN

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

January 21, 2004

Mr. Dale McPherson
Florence Executive Center
7430 US Highway 42
Florence, KY 41042

RE: Zoning Map Amendment and Proposed Concept Development Plan, 8727 US 42, Florence, Kentucky

Dear Mr. McPherson:

The following conditions, in conjunction with the Concept Development Plan, as agreed to by the Boone County Planning Commission's Zone Change Committee, serve as the basis for the Committee's recommendation of approval. If you, as the applicant, agree to the following conditions, please indicate so by signing at the space provided below, and return this letter to the Planning Commission Office by 5:00 P.M. Tuesday, January 20, 2004.

1. If the current property owner acquires the adjoining property to the ^{east} ~~north~~, a secondary entrance shall be explored, provided that the land uses on adjoining properties are compatible.
2. The conditions currently in force through the February 2002 approval of the Concept Development Plan for the site will remain in effect.

Sincerely,



Patty Bachman
Planner

MPB/dw

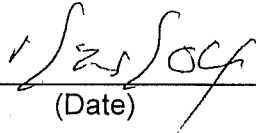
Mr. Dale McPherson
January 21, 2004
Page 2

Agreement

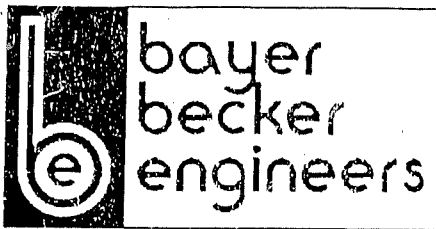
I, the property owner, agree to the above-listed conditions of approval for the requested Zoning Map Amendment and Change in Concept Development Plan for property located at 8727 US 42 in Florence, Kentucky.



Al Hackman,
Property Owner



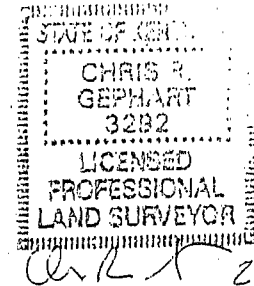
(Date)



engineers
planners
architects
surveyors

14 East Eighth Street
Covington, KY 41011
P. 859.261.1113
F. 859.261.1710
covington@bayerbecker.com

DESCRIPTION: Hackman Remainder
LOCATION: Walton, Kentucky
DATE: February 19, 2002



Situated in the City of Walton, County of Boone, Commonwealth of Kentucky, and being part of a 15.3 acre tract conveyed in D.B. 750, Pg. 83 and D.B. 811, Pg. 280 of the Boone County Clerk's Records at Burlington and more particularly described as follows:

Begin at a set iron pin at the Southwest corner of Lot 15 of Ransler Subdivision (P.B. 3, Pg. 12), said point also being the intersection of the East right-of-way of School Road with the North right-of-way of Needmore Street; thence with the East right-of-way of School Road, the same being the West line of Lot 15 North 06°25'00" West, 220.00 feet; thence continuing with the East right-of-way of School Road, the same being the West line of the 15.3 acre tract North 08°13'07" West, 170.59 feet (found 1/2" iron pin (LS #1781) S. 0.99' W. 3.18'); thence leaving said right-of-way and with the South line of Tyner (D.B. 786, Pg. 670) North 73°25'24" East 193.91 feet to a found 1/2" iron pin and (LS #797) and the TRUE POINT OF BEGINNING.

thence from the TRUE POINT OF BEGINNING and continuing with the South line of Tyner North 53°40'29" East, 821.64 feet to a found 1/2" iron pin (LS #1781) in the West line of Berkemeier (D.B. 141, Pg. 472), the same being the East line of the 15.3 acre tract;

thence with the West line of Berkemeier South 06°31'20" East, 278.19 feet to a set iron pin;

thence with a new division line through the 15.3 acre tract South 73°07'48" East, 724.76 feet to the TRUE POINT OF BEGINNING.

Containing 2.277 acres of land and subject to all easements and rights-of-way of record.

All set iron pins are 5/8" x 30" with a plastic cap stamped 3275, 3292, 2916, 3387 unless otherwise noted. The reference meridian of record is based on Plat Book 3, Pg. 12.

The above description was prepared from a survey made on February 1, 2002 under the direction of Chris R. Gephart, Licensed Professional Land Surveyor #3292 in the Commonwealth of Kentucky.

Prior Instrument Reference: Deed Book 750, Pg. 83.
Deed Book 811, Pg. 280.

CITY OF WALTON, KENTUCKY
ORDINANCE NO. 2004- 01

AN ORDINANCE APPROVING AND ADOPTING A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL FOR A REQUEST FOR A ZONING MAP AMENDMENT AND FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN TO ALLOW AN EXPANSION OF THE WALTON RIDGE APARTMENTS DEVELOPMENT.

WHEREAS, the City of Walton, Kentucky is a legislative body member of the Boone County Planning Commission, a joint county-wide planning unit or commission established under Chapter 100 of the Kentucky Revised Statutes; and,

WHEREAS, the Boone County Planning Commission received a request from Florence Executive Center, LLC (applicant) for Firststar Bank, Trustee (owner) for a Zoning Map Amendment to the Boone County Zoning Map, and such Zoning Map Amendment being a zone change from Suburban Residential One (SR-1) and Commercial Two (C-2) to Urban Residential One (UR-1) and for a Change in an Approved Concept Development Plan for a 2.277 acre site to allow an expansion of the Walton Ridge Apartments development, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the City of Walton, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval for the Zoning Map Amendment and the Change in an Approved Concept Development Plan; and,

WHEREAS, the City of Walton, Kentucky has received Resolution R-04-003-A of the Boone County Planning Commission recommending approval for this request; and,

WHEREAS, the City of Walton, Kentucky, deems it necessary to enact this Ordinance to preserve and protect the health, safety and convenience of the inhabitants of the City of Walton, Kentucky, pursuant to the City of Walton's legal authority, including but not limited to KRS Chapter 100;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WALTON, KENTUCKY, as follows:

SECTION ONE

The request for a Zoning Map Amendment and for a Change in an Approved Concept Development Plan to allow an expansion of the Walton Ridge Apartments development is hereby approved and adopted. The Zoning Map Amendment is a zone change from Suburban Residential One (SR-1) and Commercial Two (C-2) to Urban Residential One (UR-1) for a 2.277 acre site generally located to the east and southeast

of 11 School Road and north of 60, 64 and 68 Bud's Pleasure Court, and east of 75 Cami Court, Walton, KY. The real estate which is the subject of this request for a Zoning Map Amendment is more particularly described in Deed Books 750 and 822, Page Nos. 83 and 595, respectively (as supplied by the applicant) as recorded in the Boone County Clerk's Office.

SECTION TWO

Resolution R-04-003-A of the Boone County Planning Commission, recommending approval of the Zoning Map Amendment and Change in an Approved Concept Development Plan, along with the minutes and official records for this request, is attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION THREE

This Ordinance and the Boone County Zoning Regulations, including the zoning map, adopted and approved, and their parts, sections, subsections, clauses, and provisions are hereby declared to be severable. If a Court having jurisdiction invalidates any part, section, subsection, clause, or provision of this Ordinance or the Boone County Planning and Zoning Regulations, including the Boone County Zoning Map, all other parts, sections, subsections, clauses, or provisions shall remain valid and effective, as they are severable.

SECTION FOUR

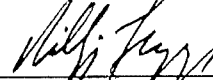
This Ordinance shall take effect and shall be in full force after its enactment and publication as required by law.

PASSED AND APPROVED on first reading by 5 Members of City Council on the 8TH day of MARCH, 2004.

PASSED AND APPROVED on second reading by 5 Members of City Council on the 12TH day of APRIL, 2004.

DATE OF PUBLICATION: April 22, _____, 2004.

APPROVED:



Phillip W. Trzop, Mayor

ATTEST:



Peggy Gray, City Clerk

