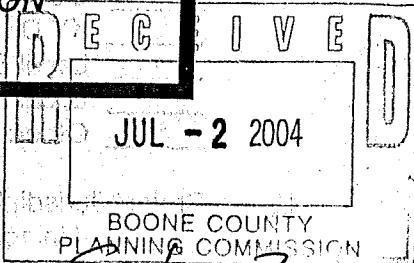


09-2MA-019-A

APPLICATION FORM

BOONE COUNTY PLANNING COMMISSION

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project Showalter Green Subdivision, Section 2
2. Location of Project High Street, Church Street & Rebecca Court, Walton, KY
3. Total Acreage of Site 10.21 Acres
4. Current Zoning of Site A-2
5. Proposed Zoning (Classification being requested) SR-1 and SR-2
6. Proposed Uses (please specify each use) Single Family Homes (32)
16 on SR-1 and 21 on SR-2
7. Names of Applicant(s) JMJ Investments, LLC
Phone Number 859-331-5457 Fax No. 859-331-6768
8. Address of Applicant(s) 980 Helen Ruth Drive
Fort Wright, KY 41017
City State Zip
9. Name of Property Owner(s) JMJ Investments, LLC
Phone Number 859-331-5457 Fax No. 859-331-6768
10. Address of Property Owner(s) 980 Helen Ruth Drive
Fort Wright, KY 41017
City State Zip
11. Proposed Building Intensities (please specify) Total Area: 3.13 Lots/Acre
Lot Area Only: 4.56 Lots/Acre
12. Are there any existing buildings on the site? No
How many? None
13. Deed Book D 876 Page No. 897-902 Group No. 2081 B
14. Are you also applying for:
No Conditional Use Permit
No Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

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

EXHIBIT

“A”

STAFF REPORT

Request of JMJ Investments, LLC (owner) for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for 2.7 acres and Suburban Residential Two (SR-2) for 7.51 acres, both for a 10.21 total acre site located on the south side of Church Street to the east and south of the property at 75 Church Street, at the eastern terminus of Rebecca Court and to the east of the properties at 50, 54, 62, 66, 70 and 74 Showalter Trace, and on the north side of High Street to the north and east of the properties at 78 and 80 High Street, Walton, Kentucky. The request is for a zone change to allow single family residences.

August 18, 2004

REQUEST

The applicant is proposing 32 lots on 10.21 acres located next to the existing Showalter Trace Subdivision for "single family residences." The eleven (11) lots shown fronting on High Street will comprise the proposed Suburban Residential One (SR-1) zone. Showalter Trace will be extended connecting High Street to Church Street during the first phase of construction per the applicant. This is especially important due to the proposed removal of the High Street Bridge which connects South Main Street (Dixie Highway) into Kenton County. Rebecca Court will extend into a cul-de-sac.

The applicant has stated that all lots proposed are for single family detached residences. There are no duplexes proposed with this request. The Suburban Residential Two (SR-2) zoning is proposed for road frontage purposes. While the Suburban Residential One (SR-1) zone requires 65 feet of road frontage per lot, the Suburban Residential Two (SR-2) zone requires 50 feet of road frontage per lot.

Public water and sanitary sewer service are available through the first phase of Showalter Trace and along High Street (see attached letter from Mayor Trzop). A storm water detention area is proposed behind the cul-de-sac lots on Rebecca Court to be accessed from High Street. This storm water detention area must be designed per the *Boone County Subdivision Regulations* and will be reviewed at the Preliminary Plat and Improvement Plan phase.

This property lies within the City of Walton and therefore the Planning Commission recommendation will be forwarded, in the form of a resolution, to the City of Walton.

SITE HISTORY

This site was the subject of a similar request in 2001. A Public Hearing was held on June 27, 2001 for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) and Suburban Residential Two (SR-2) proposing 33 lots on 10.21 acres with no duplex dwelling units. The Planning Commission forwarded a recommendation for Denial for that request to the City of Walton. At that time the City of Walton had 90 days to take action on the request. The City of Walton took no action resulting in denial of the request. The main design issue was the 11 lots (and driveways) proposed on High Street. At that time, there was no stop sign at the intersection of Showalter Trace and High Street and the status of the one-lane bridge over the railroad tracks was still unknown.

Today, there are stop signs at the intersection of Showalter Trace and High Street and the High Street bridge may be removed altogether or converted to a pedestrian bridge.

ADJACENT ZONING AND LAND USES

- North: Property along Church Street zoned Agricultural Estate (A-2) and property across Church Street zoned Recreation (R).
- East: Property zoned Agricultural Estate (A-2) to the Boone/Kenton County line.
- South: Existing single family residences along High Street zoned Suburban Residential One (SR-1).
- West: The existing Showalter Trace Subdivision zoned Suburban Residential One (SR-1).

RELATIONSHIP TO COMPREHENSIVE PLAN

The Future Land Use Map shows the subject property as Suburban Residential (SR). This classification is defined in the adopted Comprehensive Plan as:

- Suburban Residential: "Single family housing of up to four units per acre. This classification also includes any low density or estate residential development as a formal subdivision."

The Land Use Element within the 2000 Boone County Comprehensive Plan only refers to this general area by stating:

"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 the employment growth and utility expansion in the area."

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

- A. Proper future growth management for Boone County is implemented ("Overall," Goal).
- B. Boone County shall be viewed as an integral part of the Cincinnati Metropolitan Area ("Overall," Objective 1).
- C. 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).
- D. Proper design principles shall be applied in development ("Overall," Objective 3).
- E. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed ("Overall," Objective 4).
- F. The needs of Boone County's population are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- G. Boone County's development policies shall provide equal opportunity for the establishment of a balanced population regardless of age, race, or socio-economic status ("Population," Objective).
- H. Safe, environmentally sound, and sanitary housing exists for all Boone County residents ("Housing," Goal).
- I. A broad range of housing opportunities shall be provided which meet the needs and desires for all household types ("Housing," Objective 1).

- J. No housing policy shall have the effect of causing discrimination against any person on the basis of age, race, color, religion, sex, familial status, disability, or national origin ("Housing," Objective 2).
- K. The maintenance of sound existing housing, as well as, the rehabilitation of deteriorating housing shall be encouraged ("Housing," Objective 3).
- L. 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).
- M. Residential development shall be regulated as to basic health and safety considerations, including: a) proper connections to appropriate public water and sanitary sewer service, sewage disposal units, and telephone and electric lines, and b) properly designed and constructed storm water drainage according to location and use ("Housing," Objective 6).
- N. The interior street system of new residential developments shall insure continuity with adjacent built or planned neighboring areas. Residential developments shall be encouraged to provide interconnections between sections of their developments and with adjacent developments to promote safe and easy transportation access and a sense of neighborhood interaction. Based on certified traffic analysis, collector and sub-collector streets shall be evaluated to determine design without individual lot or driveway access. Lot and home buyers shall have access to approved plans regarding future connections. The interior street system shall also coordinate with and continue the evolving multi-modal transportation system (pedestrian and bicycle facilities, mass transit stops) ("Housing," Objective 8).
- O. 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).

Table 2.5 in the Population Element (page 21) shows the population by traffic zone. In 1990, the population within this traffic zone (884) was 1,857 and in 2000 grew to 2,107. This geographic zone is bound by Walton-Nicholson Road to the north, Interstate 75 to the south and west and the County line to the east. The development has occurred primarily in subdivisions such as Pebble Creek, Carters Mill, Hearthstone, Pleasant Valley Meadows, Farmview, Orleans and Gunpowder Trails. The projected population for this traffic zone (884) as shown in Table 2.15 (page 28) is 3,206 by 2010.

STAFF CONCERNS/COMMENTS

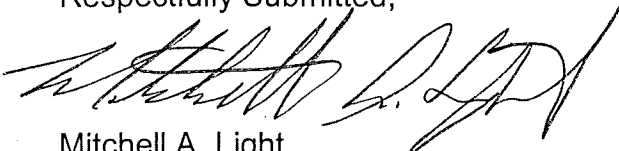
1. Since the 2001 request, a three way stop has been installed at the intersection of Showalter Trace and High Street. This improvement reinforces that High Street is not only classified as a Local Street per the Zoning and Subdivision Regulations but that it also functions like a Local Street. The removal of the High Street bridge also reinforces this Local Street classification.
2. The applicant has already committed to making the street connection to Church Street during the first phase of construction.
3. Sidewalks will be constructed on both sides of all streets, including the proposed 11 lots fronting on High Street.
4. The applicant has been made aware of the attached Walton-Verona Independent Schools letter concerning the size of the cul-de-sac with regard to school bus turning movements.
5. If approved, the Future Land Use Map would not need to be altered.

CONCLUSION

The Boone County Planning Commission and the City of Walton must review this request on the basis of its relationship to the Comprehensive Plan and in terms of the three (3) criteria necessary for a Zoning Map Amendment.

1. The map amendment request is in agreement with the adopted Comprehensive Plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or,
2. The existing zoning classification is inappropriate; or,
3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted Comprehensive Plan that substantially alter the areas character.

Respectfully Submitted,

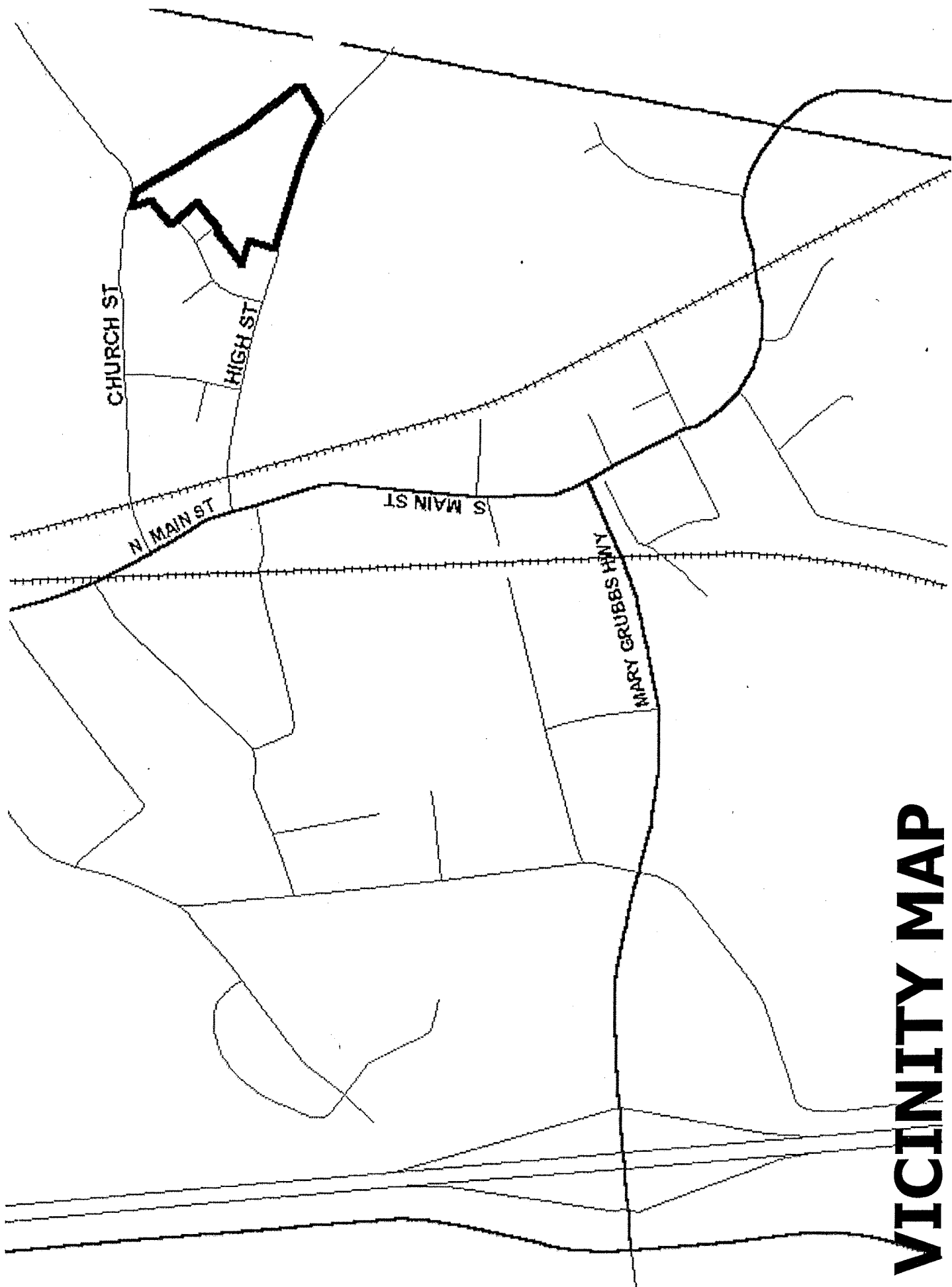


Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

MAL/pr

Attachments:

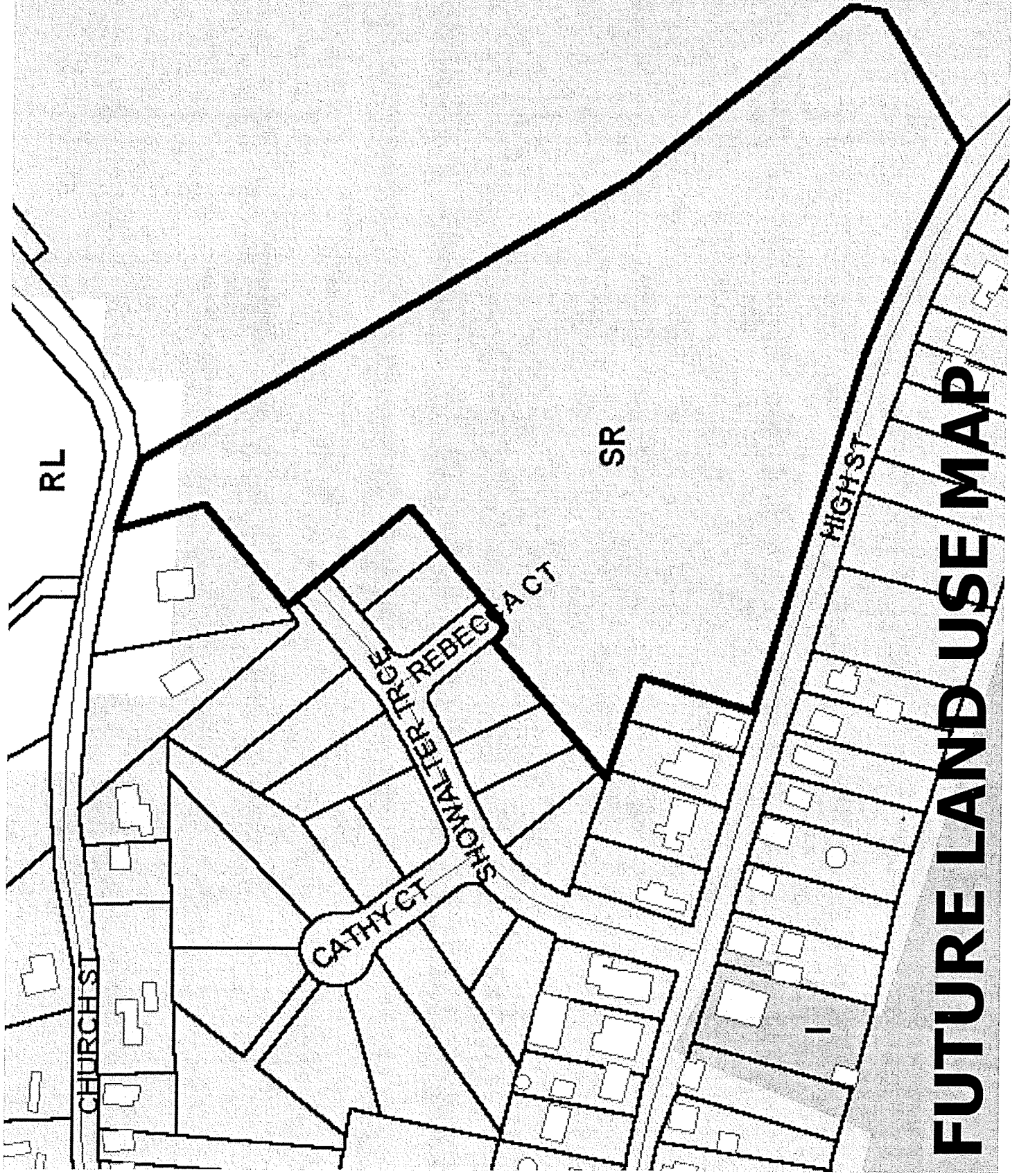
- Vicinity Map
- Zoning Map
- Future Land Use Map
- Existing Topography & Drainage
- 1999 Aerial Photography
- 2002 Aerial Photography
- 2004 Concept Development Plan
- 2001 Concept Development Plan
- Review Comments from Mayor Phillip W. Trzop
- Review Comments from Walton-Verona Independent Schools
- Review Comments from Kentucky Transportation Cabinet
- Application



VICINITY MAP



ZONING MAP



RL

CHURCH ST

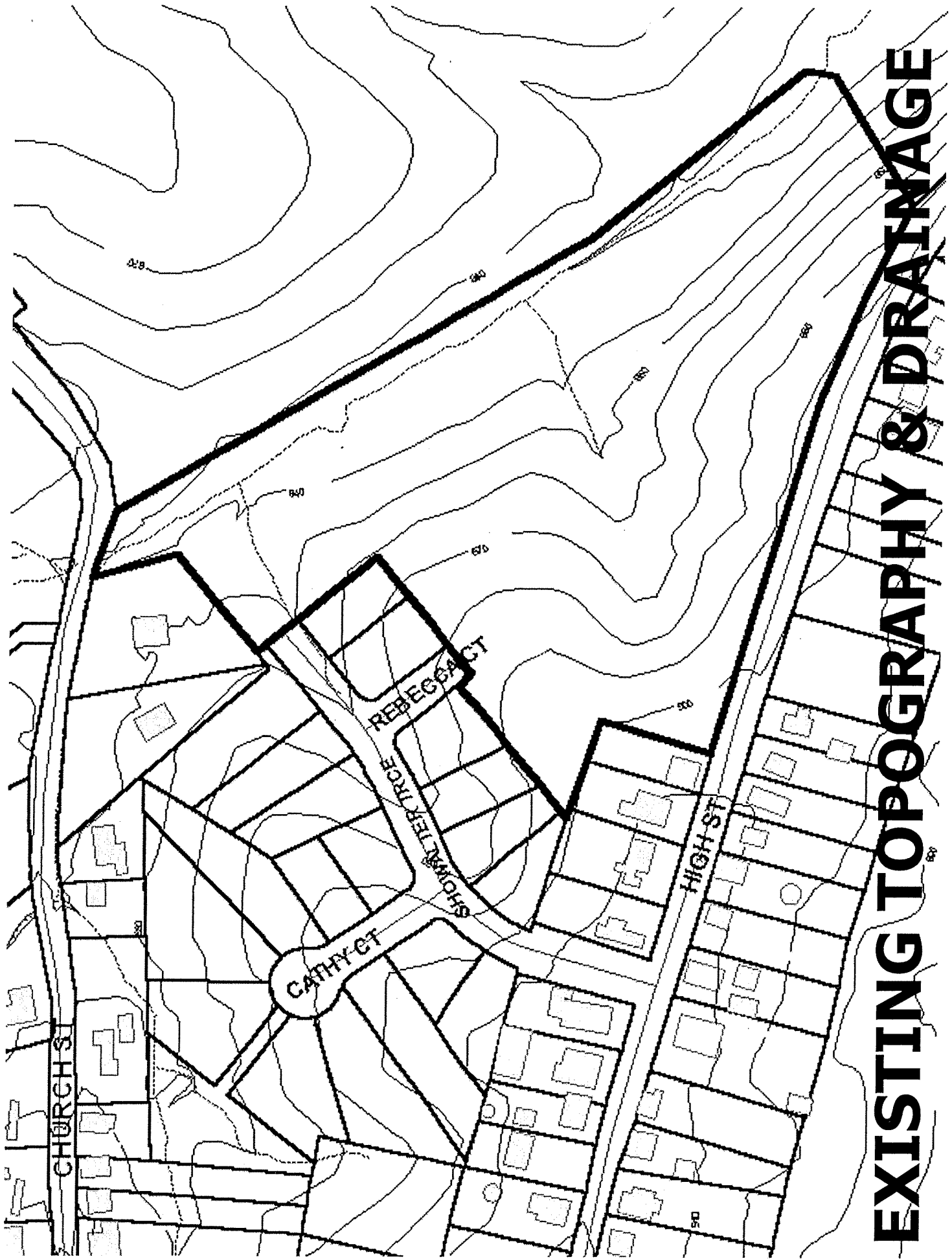
CATHY CT

SHOWALTER TRCE
REBEC CT

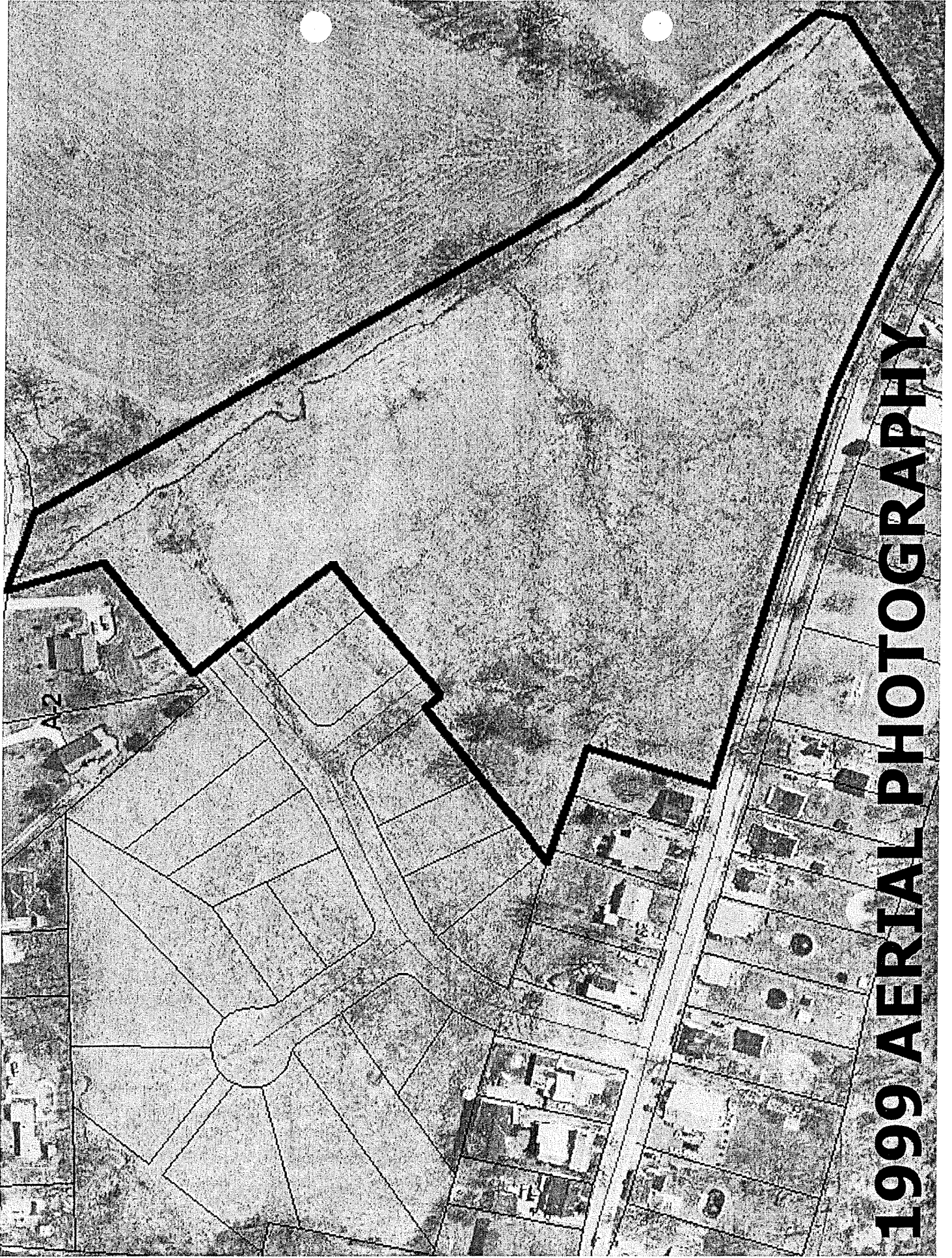
SR

HIGH ST

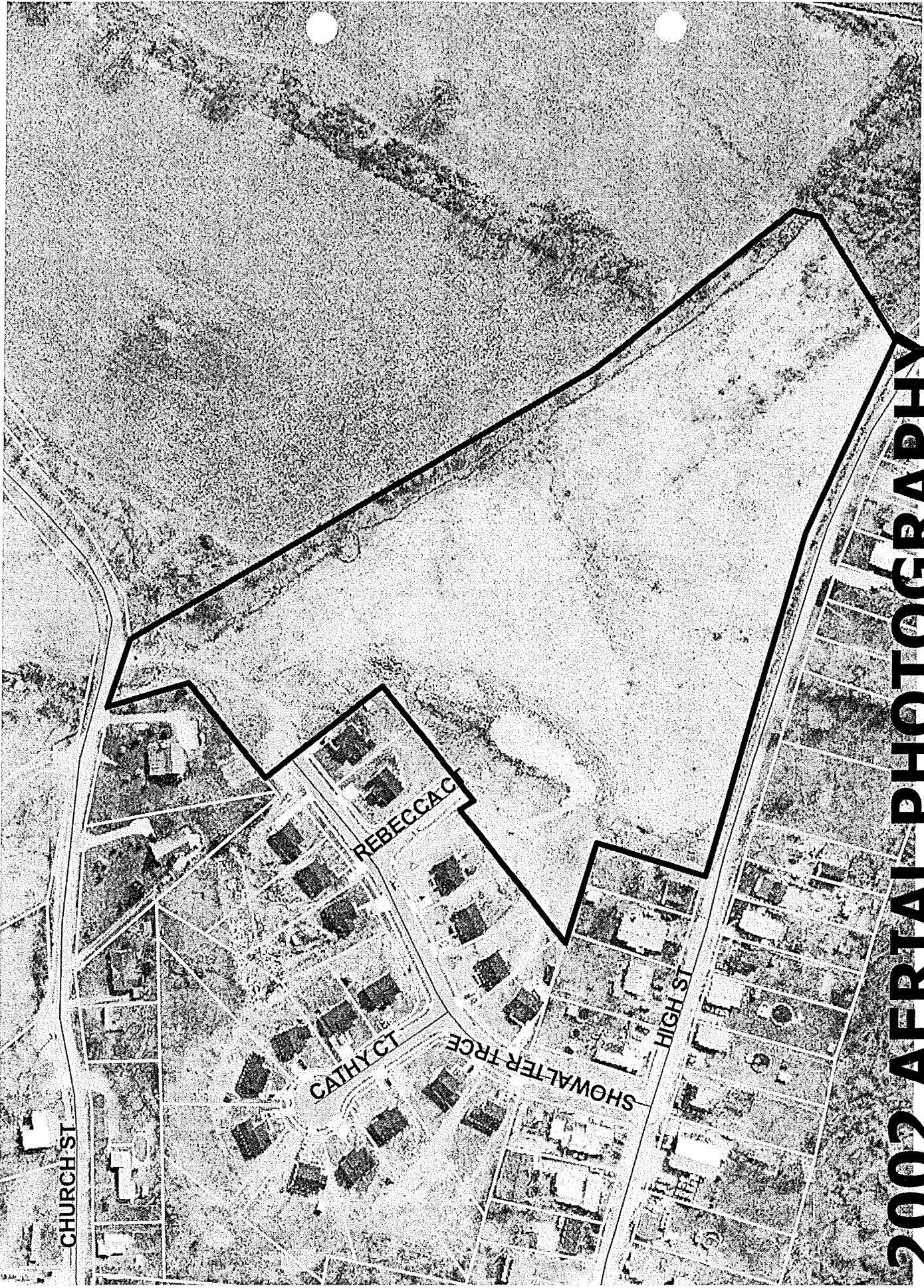
FUTURE LAND USE MAP



EXISTING TOPOGRAPHY & DRAINAGE

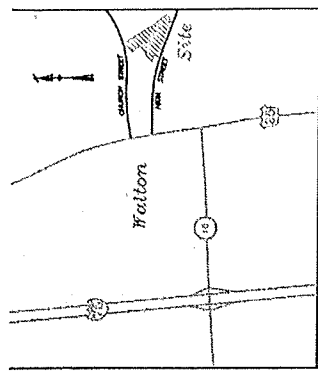


1999 AERIAL PHOTOGRAPHY



2002 AERIAL PHOTOGRAPHY

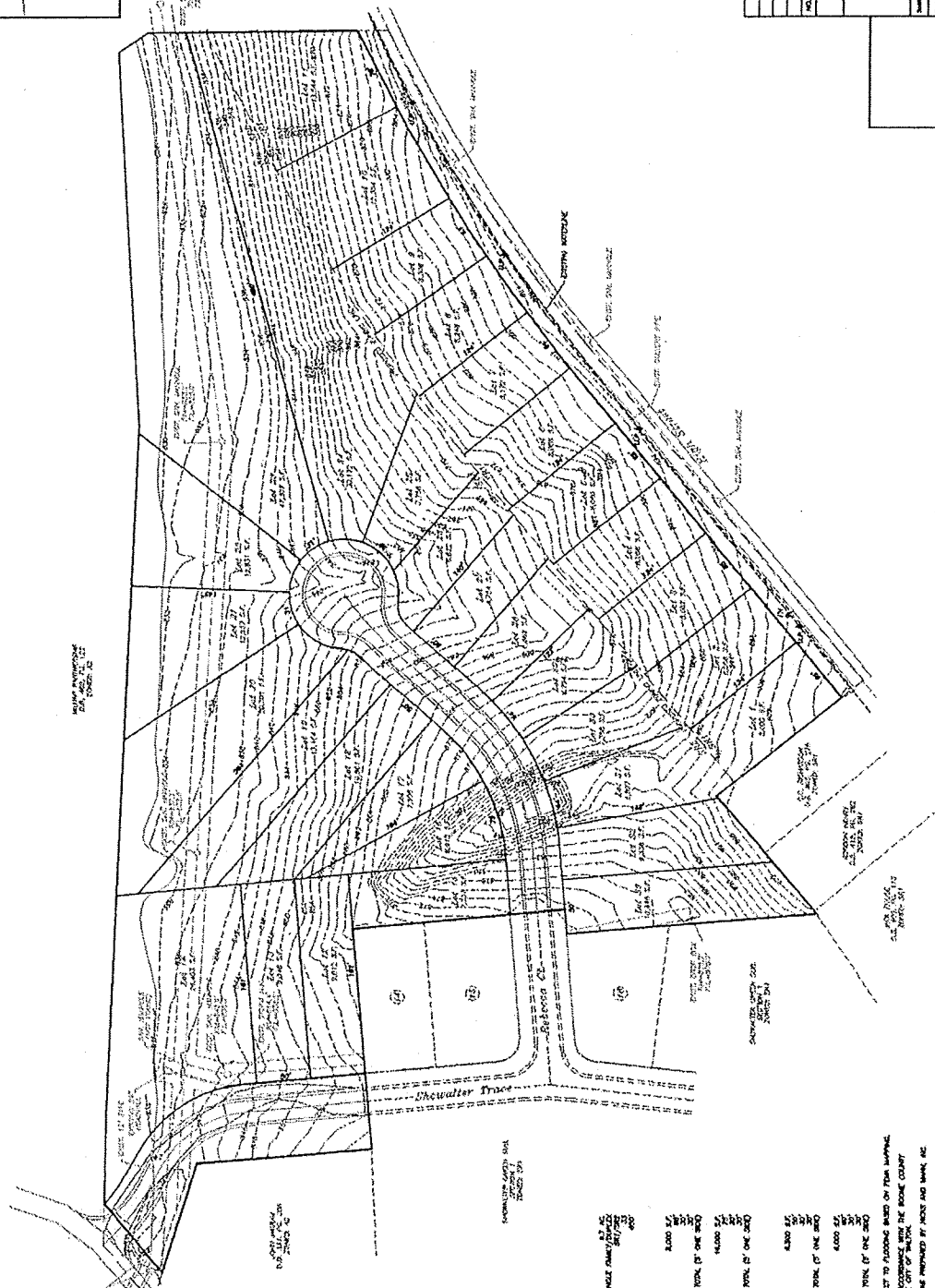
RECEIVED
 JUN - 8 2001
 BOONE COUNTY
 PLANNING COMMISSION



NO.	DATE	REVISIONS

Gateway Development, Inc.
 Showalter Green Subdivision
 Conceptual Development Plan
 Watton, Kentucky

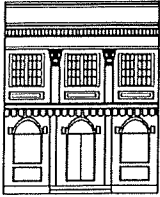
HIGGS & WARR, INC.
 Consulting Engineers
 200 S. 10th St.
 Louisville, KY 40203
 Phone: 502-582-1100
 Fax: 502-582-1101



- PROJECT NOTES**
1. PROJECT DATA:
 A. SHEET NO. 12 OF 12
 B. PROJECT NO. 01-00000000
 C. DATE: 05/10/01
 D. SCALE: AS SHOWN
 2. THIS PROJECT PLAN IS NOT SUBJECT TO FLOODING BASED ON FEMA MAPPING.
 3. ALL PROPERTY REGULATIONS ARE IN ACCORDANCE WITH THE BOONE COUNTY ZONING ORDINANCES.
 4. THE PROPERTY SHOWN HEREON WAS RECEIVED BY HIGGS AND WARR, INC.

2001 CONCEPT DEVELOPMENT PLAN

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

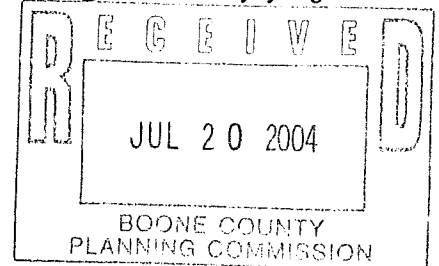
MEMORANDUM

www.boonecountyky.org

Phone: (859) 334-2196

Fax (859) 334-2264

E-mail: plancom@boonecountyky.org



TO: The Honorable Phil Trzop, Mayor, City of Walton
Greg Sketch, Boone County Engineer
Don McIntyre, Chief, Walton Fire Protection District
Robert J. Storer, Superintendent, Walton-Verona School District

FROM: Mitchell A. Light, Asst. Zoning Administrator/Enforcement Officer *M*

DATE: July 13, 2004

RE: Requested Zone Change for JMJ Investments, LLC, Walton, Kentucky

The Concept Development Plan for the above referenced request is enclosed for your review and comment. The proposal is for a zone change from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for 2.7 acres and Suburban Residential Two (SR-2) for 7.51 acres, both for a 10.21 total acre site located on the south side of Church Street to the east and south of the property at 75 Church Street, at the eastern terminus of Rebecca Court and to the east of the properties at 50, 54, 62, 66, 70 and 74 Showalter Trace, and on the north side of High Street to the north and east of the properties at 78 and 80 High Street, Walton, Kentucky. The request is for a zone change to allow single family residences. Please review this proposal relative to your agency's policies and service abilities and provide any comments in writing to me by Friday, August 6, 2004. Please provide a written response, even if your agency has no comments on the proposal. Comments can be faxed to me at 334-2264 or e-mailed to mlight@boonecountyky.org. Your feedback is greatly appreciated.

MAL/pr

Enclosure

MITCH,
THE CITY OF WALTON HAS BOTH WATER AND SEWER AVAILABLE FOR THE ABOVE MENTIONED SITE. THE EIGHT INCH WATER MUST BE LOOPED TO THE CITY'S CHURCH STREET WATERMAIN. THE CITY WILL ACCEPT THE LOT NEXT TO CHURCH STREET AFTER THE ROAD CONNECTION IS COMPLETED.

SINCERELY,

Phillip W. Trzop
PHILLIP W. TRZOP, MAYOR 7/17/2004

Walton-Verona Independent Schools

Accredited by Southern Association of Colleges and Schools

16 School Road • Walton, Kentucky 41094
Phone: (859) 485-4181 • Fax: (859) 485-1810
www.w-v.k12.ky.us

July 16, 2004

TO: Mitchell A. Light

FROM: Bill Boyle, Superintendent

RE: Requested Zone Change for JMJ Investments, LLC Walton, KY

Thank you for your prompt information on the Concept Development Plan for the above referenced project. We, as a school district, would like to express two concerns.

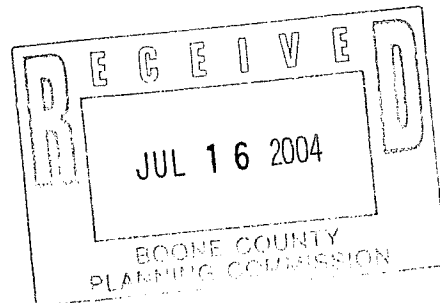
1. High density housing projects such as this presents a problem to us with regard to rapid growth in the number of students that will be attending our schools. Currently we are overcrowded to the point where we are housing students in eight (8) mobile classrooms at the elementary (K-6) level.
2. Concerning Rebecca Ct., we do not provide school bus service to any new cul-de-sac that is less than 90' in diameter. Should this project proceed, this needs to be known to the builder and ALL residents that purchase housing in this development. Also, there is to be no parking in the cul-de-sac. The 90' cul-de-sac requirement is also a problem for emergency vehicles. Currently we do not attempt to get a bus into Showalter Trace due to small streets, resident street parking and inadequate space for a bus to turn around.

Should you require further comment, please contact me.

Sincerely,



Bill Boyle
Superintendent
Walton-Verona Schools



- Bill Boyle
Superintendent
- Gene Kirchner
Deputy Superintendent
- Pam Saylor
Director of Student Services
- Claudia Coleman
Treasurer
- Dun Stenger
Director of Technology



- Board Members:
- William M. Wethington
Chairman
- Shirley E. Cummins
Vice-Chairman
- John Daugherty
- Kelly Fulmer
- Walt Ryan

Mitch Light

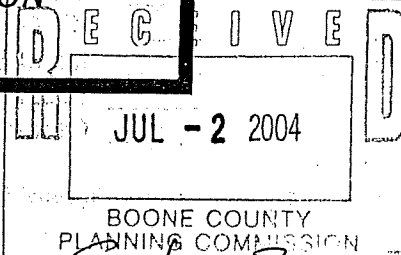
From: Mike.Bezold@ky.gov
Sent: Thursday, August 05, 2004 8:58 AM
To: mlight@boonecountyky.org
Subject: Requested Zone Change for JMJ Investments, LLC, Walton, Kentucky

Thank you for inviting comment from the Kentucky Transportation Cabinet. The proposed zone change in Walton, though close to the proposed replacement of the High Street Bridge, has no reason to be denied or altered by KYTC guidelines.

Mike Bezold
Kentucky Transportation Cabinet
Acting Branch Manager for Pre-Construction
(859) 341-2707 ext 259

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 Showalter Green Subdivision, Section 2
2. Location of Project High Street, Church Street + Rebecca Court, Walton, KY
3. Total Acreage of Site 10.21 Acres
4. Current Zoning of Site A-2
5. Proposed Zoning (Classification being requested) SR-1 and SR-2
6. Proposed Uses (please specify each use) Single Family Homes (32)
16 on SR-1 and 21 on SR-2
7. Names of Applicant(s) JMJ Investments, LLC
Phone Number 859-331-5457 Fax No. 859-331-6768
8. Address of Applicant(s) 980 Helen Ruth Drive
Fort Wright, KY 41017
City State Zip
9. Name of Property Owner(s) JMJ Investments, LLC
Phone Number 859-331-5457 Fax No. 859-331-6768
10. Address of Property Owner(s) 980 Helen Ruth Drive
Fort Wright, KY 41017
City State Zip
11. Proposed Building Intensities (please specify) Total Area: 3.13 Lots/Acre
Lot Area Only: 4.56 Lots/Acre
12. Are there any existing buildings on the site? No
How many? None
13. Deed Book D 876 Page No. 897-902 Group No. 2081 B
14. Are you also applying for:
No Conditional Use Permit
No Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

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

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: City of Walton

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 7-2-04
2. Review Fee 1419.52 # 39404
3. Check what has been submitted:
 - Application
 - Fee
 - Legal Description
 - Concept Development Plan
 - Address of Adjoining Property Owners
 - 5 Number of copies of plan received**
4. Is application complete? Yes
5. Staff Reviewer MICHAEL
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.

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
August 18, 2004
7:30 P.M.**

PUBLIC HEARINGS

Commission Members Present: Mr. Barlow, Mr. Breetz, Mr. Bunger, Mr. Caddell – Chairman, Mr. Carmichael, Mrs. Kegley, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Schwenke, and Mr. White.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Patty Bachman, Planner; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; and Ms. Jan Hancock, Secretary;

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:30 PM and introduced the first item on the Agenda:

Applicant: **JMJ Investments, LLC (owner)**

Request: **Zoning Map Amendment**

The request of **JMJ Investments, LLC (owner)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for 2.7 acres and Suburban Residential Two (SR-2) for 7.51 acres, both for a 10.21 total acre site located on the south side of Church Street to the east and south of the property at 75 Church Street, at the eastern terminus of Rebecca Court and to the east of the properties at 50, 54, 62, 66,70 and 74 Showalter Trace, and on the north side of High Street to the north and east of the properties at 78 and 80 High Street, Walton, Kentucky. The request is for a zone change to allow single-family residences.

Staff Member Mitch Light presented the Staff Report which included a Power Point presentation (see Staff Report). He made two corrections to the Staff Report: (1) The second to last sentence on Page 4 should read “The development has occurred primarily in subdivisions such as Wildcat Run and Sunset Ridge” and (2) Staff Comment #2 should read “The applicant has already committed to making the street connection to Church Street during the first phase of

construction and with the possible sight/visibility issue there, a three-way stop should probably be installed with that construction”.

Following an explanation of the Public Hearing process, the Chairman asked for the applicant’s presentation.

Attorney Gerald Dusing, representing the applicant, introduced Mr. Logan Murphy, a Civil Engineer with Hicks & Mann; and principals with JMJ Investments, Mr. James Howell and Mr. Art Wenzel, who have been in the development business for many years.

Mr. Logan Murphy, Hicks & Mann, P.O. Box 9, Williamstown, KY provided the Commissioners with larger copies of the plan. He stated that the property is in two zones. The property on High Street is in the SR-1 zone and includes Lots #1 - #11 which will be zoned SR-1. The bulk of the project, including the property that fronts on Showalter Trace, will be zoned SR-2. He stated that the SR-1 lots match what is across High Street in terms of width and zoning. In 1991 the detention pond was on an easement area, but it is now on a 1.2 acre flag lot. He stated that there is a park area of about six-tenths of an acre which will be dedicated to the city. The right-of-way will also be dedicated. In the SR-2 area, Lots #12 and #13 will front on Showalter Trace and the remainder of the lots in that area will front on Rebecca Court. He stated that minimum lot size in SR-1 is 8,000 square feet and all of the lots but nine meet that requirement. The lots in SR-2 are well above the minimum requirement.

Mr. Dusing stated that the proposed density is 3.1 units per acre, which is significantly below the land use designation of four units per acre. He stated that the proposal is compatible with the Comprehensive Plan for the Suburban Residential land use designation. As indicated in Mayor Trzop’s letter (attached to the Staff Report), the infrastructure is there. He stated that they are asking for SR-2 zoning for the interior of the development because they need the smaller, narrower lots at the building setback line to get thirty-two lots and make the project feasible. He stated that a condition that the road will be extended and connected before any lots are sold is acceptable. There was a significant hang up when the previous developer would not commit to that. He stated that the connection is important because High Street is not going to be an access there – it will be gone or it will be a pedestrian bridge – which is the reason they are asking for SR-2 on the interior of the site. He stated that the County Engineer suggested that the detention pond and access be done the way it is shown now. They understand sidewalks on the both sides of Rebecca Court, but they cannot do sidewalks on the other side of High Street because they do not own it. He stated that there will be improvements to High Street because they have to loop the water line and there will be curbs there. This concluded the applicant’s presentation.

The Chairman asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present who wished to speak in opposition.

Mr. Ron Tomlinson, 13054 Percival Road, Walton, Kentucky stated that he is concerned about where the street connection comes out in the curve. When he comes down the street, he gets all the way over to the right and hopes someone does not come speeding down there. It is a bad spot for the street. He stated that one of the main reasons in 1993 for turning down the mobile home park proposal on the property across from this property was the road and the traffic situation. He quoted from the September 15, 1993 and October 6, 1993 Committee Reports in regard to the Mobile Home Park request in which the Committee recommended denial of the request and one of the Findings of Fact was that the need exists to protect the capacity of the existing roadway network and to plan improvements to accommodate new development and traffic patterns and that the Committee believes that the existing road network is inadequate and insufficient to handle the traffic from the proposed development (see Exhibit 1). He reviewed the August 25, 1993 Staff Report and the ways to access the site. Access via Church Street requires crossing the railroad tracks. He does not know how the road can handle the increased traffic. Another access is via High Street over a one-lane railroad bridge and across Scott Street to Church Street. He questioned how they would put the sidewalks in. He stated that the road is not wide enough to handle the traffic. He noted the letter attached to the Staff Report from the Superintendent of Walton-Verona Schools and stated that Staff addressed Item #2 in the letter about the school bus service and turning movements, but Staff did not address Item #1 about the high density housing projects and the overcrowding in the Walton-Verona School System. He stated that there is a water problem. He stated that on the other side the water comes off the old reservoir and many times it goes over the road and down to the creek bed. He stated that his main concern is the road problem. A three-way stop will not eliminate the problem unless they tear out the knob on the Turner property and widen the road.

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

In response to questions from Mr. McMillian regarding the detention area, Mr. Murphy reviewed the aerial photograph in regard to the location of the creek and the sewer line that runs alongside the creek. He stated that the detention area will be upstream and away from the creek. The drive will be paved and dedicated to the Sanitation District.

Mr. Carmichael asked if the School District will take a school bus down there when Showalter Trace is extended to Church Street. Mr. Dusing responded that they have not talked to the Superintendent. He stated that they will abide by Mr. Boyle's suggestion that the residents on Rebecca Court be advised that the school

bus is not going to come down there. He stated that the school bus will go on Showalter Trace and there will be a turnaround there.

Mr. Carmichael questioned the line of sight from Showalter Trace to Church Street to the right. He asked if there has been an application for a stop sign there. Mr. Murphy responded that there has been discussion about a three-way stop. He stated that the sight distance to the west is good, but to the east it is poor. He stated that cutting back bushes will improve the sight distance.

Mr. Carmichael questioned where in relation to this subdivision the new Mary C. Grubbs extension is proposed to come in. Mr. Light reviewed the Power Point slide and stated that he does not know if the extension will come in across from one of the lots on Showalter Trace. He stated that the road will connect into Apex Drive in the Walton Industrial Park and turn to the northeast and tie into High Street.

Mr. McMillian asked if all the eleven lots in SR-1 will have their own curb cuts. Mr. Dusing stated that each lot will have its own curb cut. The street will be no different than the new Rebecca Court because High Street will be a local street with no through traffic.

Mr. McMillian stated that there is a stream between this property and Church Street. Mr. Murphy responded that they will probably connect it with a junction box and bring a culvert underneath. He stated that there has been discussion in the past with the Mayor about redoing the culverts under Church Street when the road is built. He indicated the culvert going under Church Street. He stated that during their first proposal the Mayor asked them to look at it when they got to the Improvement Plan Stage to see if the culverts have to be redone and the Mayor requested that they make it one large culvert. He stated that they will pipe under the road and fill the area. There will be a 60" – 72" culvert.

Mr. Breetz questioned the property on the west side of Showalter Trace. Mr. Murphy responded that it will be dedicated as right-of-way to the City of Walton when the street is put in. There is more property than is needed for the 50-foot right-of-way and they will probably just dedicate it as right-of-way.

Chairman Caddell stated that he does not see any other SR-2 zoning in the immediate area. Mr. Light agreed and stated that the closest SR-2 zoning is west of Dixie Highway off School Road between School Road and I-75. Chairman Caddell asked if the request for SR-2 on the interior cul-de-sac is to increase the density. Mr. Dusing responded "that is correct" and stated that they have to get enough lots to make the project feasible, but many of the lots exceed the minimum size in the SR-1 zone. He stated that they need the narrower building lots.


There being no further comments, the Chairman stated that the Committee Meeting for this item will be on September 1, 2004 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on September 15, 2004 at 7:00 PM.

The Chairman closed this Public Hearing.

APPROVED:


Arnold Caddell, Chairman

Attest:


Jan Hancock, Recording Secretary

Exhibits –

- 1. Committee Reports to the Boone County Planning Commission dated September 15, 1993 and October 6, 1993.**

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Phil Damstrom, Chairman

DATE: September 15, 1993

RE: Request of E.W. Bessler et al. (applicant) for Frank Ensminger and Turner, Inc (owners) for a Zoning Map Amendment on a 55 acre tract located at 125 Church Street, Walton, Kentucky. The request is to rezone the site from Recreation (R) to Mobile Home Park (MHP) in order to develop Church Street Estate, a 247 unit mobile home park community.

REMARKS:

We, the Committee, recommend denial based upon the following findings of fact.

Findings of Fact

1. The 1990 Boone County Comprehensive Plan - Future Land Use Development Guidelines, entitled Access Management, indicates that developments in Boone County must recognize the potential impacts of associated traffic on adjoining property 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. No roadway improvements have been indicated by the applicant therefore, the Committee believes that the existing road network is inadequate and insufficient to handle the traffic generated from the proposed development.
2. The applicant has not sufficiently demonstrated that the current zoning classification is inappropriate and the proposed Mobile Home Park (MHP) zoning classification is more appropriate. The existing Recreational zoning is in agreement with the 1990 Boone County Comprehensive Plan Future Land Use Map, which indicates the property as Recreation. Therefore, the Committee feels that the existing Recreation zoning is appropriate. Furthermore, the Committee believes that little has changed from the 1991 Zoning Map Update which changed the zoning of the site from Agriculture Estate (A-2) to Recreation (R) as a result of a request by the City of Walton.
3. The Committee believes that there has not been any major changes of an economic, physical or social nature that were not anticipated in the 1990 Boone County Comprehensive Plan which have substantially alter the area's character.

BOONE COUNTY PLANNING COMMISSION

August 25, 1993

7:00 P.M.

PUBLIC HEARINGS

Mr. William Viox, Chairman, called the meeting to order at 7:05 P.M.. The Chairman advised that the Committee Meeting for Item #1 will be on September 8, 1993 at 8:30 P.M. at the Ellis Extension Center. Item #1 will be on the Agenda for the Business Meeting on September 15, 1993 at 8 P.M. in the regular hearing room. The Committee Meeting for Item #2 will be on September 8, 1993 at 7 P.M. at the Ellis Extension Center. Item #2 will be on the Agenda for the Business Meeting on September 15, 1993 at 8 P.M. in the regular hearing room.

Chairman Viox reviewed the order in which the Public Hearing will be held, and the procedures to be used. Those who wished to speak had been asked to fill out cards prior to the start of the Public Hearing. Following an explanation of the Public Hearing process, Chairman Viox introduced the first item on the Agenda:

1. Zoning Map Amendment

The request of E. W. Bessler et al (applicant) for Frank Ensminger and Turner, Inc. (owners) for a Zoning Map Amendment on a 55-acre tract at 125 Church Street, Walton, Kentucky. The request is to rezone the site from Recreation (R) to Mobile Home Park (MHP) in order to develop Church Street Estate, a 247-unit mobile home community.

Staff Member Jeff Hayes presented the Staff Report which included a slide presentation (see Staff Report). Mr. Hayes reviewed and explained each of the 14 Staff Concerns listed in the Staff Report.

Chairman Viox asked for the applicant's presentation.

Mr. Jim Berling, engineer, introduced the applicants. Mr. Berling stated that the Staff did an excellent job of critiquing the site. He stated that they would like to develop a mobile home park on the site. The gentlemen who wish to do the development previously developed Crestview Lakes Villas on Zig Zag Road. He gave the Commission a booklet in regard to their previous projects. There are 300 mobile home units in place in Crestview Lakes Villa and people seldom move from there. They only allow brand new units in the park. Most of the residents are older and there are very few children -- and that is the type of community they want to develop in Walton. They want to develop a community with a certain character and standard of living that they can control. Mr. Berling presented slides of the Crestview Lakes Villas development. He stated that Crestview Lakes Villas has a community association building and a Home Owners Association. The development began in the late 1960's or early 1970's. There are concrete driveways in front of each unit. Each unit has a gas lamp, sidewalks on both sides, and landscaping. The

power. Fire protection is one of the circumstances considered, along with all of the others, in regard to whether or not the site should be rezoned.

Mr. Burch questioned how much cut and fill is anticipated on the site. Mr. Berling stated that they will not take dirt away from the site or bring dirt to the site.

Mr. Burch questioned what type of equipment had to be brought to the site for the development. Mr. Berling stated that there will be a few bulldozers, scrapers, and normal construction equipment such as would be used for a residential subdivision.

Mr. Burch asked if they intend to use Church Street for access. Mr. Berling stated that for construction they can go in and out using Percival Road, and may on occasion use Church Street. He stated that they would not use Church Street for big equipment, but they could because it is wide enough.

Mr. Burch noted the Crestview Lakes Villas development and questioned what type of commitment the applicants would be willing to make in terms of lot size, setbacks, screening, etc.. He noted that they had indicated that this project would be similar to the Crestview Lakes Villas development. Mr. Berling agreed and stated that the layout of the lots is the same size -- 40' x 125'. If they cannot get the 125 foot depth, they can make the lot a little wider.

At this time, Chairman Viox asked for comments from the audience.

Mr. Garry Edmondson, attorney representing the abutting and affected property owners, introduced Mr. Bob Storer.

Mr. Bob Storer, Superintendent of Walton-Verona School District, stated that he was representing the School Board. Mr. Storer stated, in response to questions from Mr. Edmondson, that since the Kentucky Education Reform Act, funding takes place at this time of the year. The projection for the number of students in a school is based on average daily attendance figures from the previous year. They have already set their tax rate. Each student receives \$1,300 of local money, and that is not subject to change until this time next year. They will also receive approximately \$2,700 from the state for each of the 850 children, which is about \$4 million. There is a growth factor for the first two months of school and they can make an adjustment in the funding only based on the state figure, not the local figure. Any additional students would have to be absorbed. Growth that is carefully planned, systematic, and normal can be planned for. The funding is based on pupils they actually have.

Mr. Storer stated that he looked at Mosby's Point, Greenlawn, and White Pine and checked with the school districts. These developments have about one child per unit. Greenlawn and White Pine fill up the school buses for the lower and middle school. At White Pine, they fill u a whole bus for the elementary children. There is a lot of impact of the lower and middle schools from these developments.

Mr. Storer stated that there is a concept called "cap size" in regard to school funding. Schools have to be staffed based on how many pupils there are. From Kindergarten to grade 3, the ratio is 24 students to a teacher. If the ratio is exceeded, they have to get another teacher. Up to grade 6, the ratio is 29 students per teacher. In grade 7 through grade 12, the ratio is 31 students per teacher. He stated that they are almost at capacity right now. They are in the midst of a \$1.6 million project being added to the high school. If they were to end up with a very large number of students not in a normal growth pattern, it would devastate them because the funding runs a year behind. In a large school district with ten elementary schools, sometimes the population shifts leaving room in one of the other schools and they can redistrict; but in a small district -- and they are a two-school operation -- the only alternative would be to reconfigure and possibly create a system of grades 6 to 12 at the high school, or erect portable buildings. Two-thirds of the funding comes from the state, and one-third comes locally. The figure for the local effort cannot be changed. The state will review the school population based on the first two months attendance. The number of students at the end of the year would be the basis for the next year. The 247 mobile homes could have a devastating effect.

Mr. Donald McIntyre, Fire Chief, City of Walton, stated in response to questions from Mr. Edmondson that he has been the Fire Chief for 18 years and has been in the department for 37 years. It is a volunteer fire department. He made a dry run, assuming that the railroad was blocked down on Main Street. He reviewed their alternate route and stated that it took them 14 minutes to get to the lake. It takes 8 to 10 minutes for a trailer to burn up. If a train blocks Church Street, they have to go over High Street to get there -- which takes about the same amount of time. If traffic is blocked by the train, it would probably take longer. They had a run to 57 Church Street yesterday. They parked one side of the vehicle in the ditch and the other side was halfway in the road. Cars could not get by. If they brought in a big pumper down there, the traffic would not be able to get by. He would recommend against this type of development in that area with the current conditions.

Reverend William Johnson, 57 Church Street, stated in response to questions from Mr. Edmondson, that he lives across from the proposed development and is a member of the church. They can only park on one side of the street because there is a gully on the other side. People leave the church in crowds and some of the members have to walk along the street without any sidewalks. The speed limit on the street is 20 MPH, but very few people are within the speed limit. He is concerned about the older church members who cannot move fast enough to get out of the way of impatient drivers. The situation is worse when they have funerals. They usually have to get a patrolman for funerals because they have to get over the railroad and out the exit on U.S. 25, and there is congestion at the church. It would be terrible for a trailer to come down there while they were having a funeral. He stated that he does not think the noise of the traffic is important, but the speeding is a problem.

Mr. Jack Rouse, 66 South Main Street, in response to questions from Mr. Edmondson, stated that he is not immediately affected by this request because he lives in the southern part of town. His only concern is the

recreational land, which will be needed as the county grows. He asked that the temptation to change the master plan be resisted and the lands be left recreational. As Walton grows, they will need the kind of recreation and development that could go on this property. The area should grow properly. The mobile home park will be a high density use. It should be a low-density use so that the community does not have to pay for a lot of utilities and can save the tax base to support the people who come in.

At this time, Mr. Edmondson distributed a packet of information to each Commissioner entitled, "PROPOSED MOBILE HOME DEVELOPMENT - WALTON KENTUCKY". He introduced Mr. Greg Dale, Director of Planning, for Pflum, Klausmeier & Gehrum.

Mr. Dale stated that with the most recent revision to the Comprehensive Plan, this site was recommended entirely for Residential uses. Part of the site was zoned "R" and part was zoned for low-density agricultural uses. With the adoption of the Comprehensive Plan, the city accepted that recommendation and in February, 1991 the city requested that the property be rezoned to be consistent with the Comprehensive Plan. He referred to Exhibit 2 in the handout which is a copy of a letter from the city of Walton in regard to the rezoning.

Mr. Dale stated that he agreed with everything the Staff indicated in regard to sewer, water, school, and road issues. He referred to Exhibit 5 in the handout, which is a copy of the Consent Order agreed upon by the state and the City of Walton in regard to the sewer issue. He noted that the state has indicated that they will not approve this development. The state has to approve such a development because a sanction has been put in place by the state. He stated that the opportunity for traffic accidents, particularly head-on collisions, is greatly increased by adding 1500 trips to the one-lane narrow road. He noted the comments made about pedestrian safety, which is further impacted by the additional traffic. It is very difficult for cars to make the turn when traveling north on U.S. 25 and turning right onto Church Street without encroaching on the opposite lane. A semi or a vehicle larger than two axles would have to leave the pavement or cut the corner on the other side. He submitted an exhibit showing the radius at U.S. 25 and Church Street. He stated that looking left from Church Street there is a building on the corner and you cannot see northbound traffic until you are out in the lane. He showed the Commission photographs of the area mounted on a board. He stated that they concur with the concerns expressed about the railroad crossing. He stated that this is a low-density, agricultural character, neighborhood and the community facilities -- water, sewer, roads, and schools -- are designed to accommodate low-density agricultural needs. The Comprehensive Plan recommends agricultural uses. A high-density proposal with about 7 units per acre would over-burden the services. He stated that with very good reason, the city urged that zoning be adopted to implement the Comprehensive Plan. The proposed development is not in conformity with the Comprehensive Plan. In his opinion, based on observing the community and listening to the residents, there have been no major changes and the zoning is not in error.

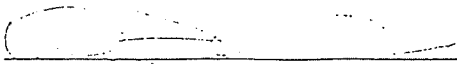
Mr. Edmondson summarized by saying that the testimony would leave no conclusions but that the statutory requirements have not been met. The

an escort for it. In regard to recreation, he stated that Walton has a brand new recreation area. He referred to the testimony regarding the horse that was shot and stated that it is his understanding that the horse was shot from Zig Zag Road, not from the trailer park. He stated that all of the units are taxable at about \$150 each, and they also pay taxes. He does not think that the ratio of children to what they pay in taxes creates a burden on anybody. He stated that their amenity package takes up some of the gross area and they are less than 5 units per acre. The calculations include the lake and greenbelt. Mr. Berling stated that there are residential developments going on now on 50-foot lots that are four to the acre, and they cost about \$75,000 to \$80,000. There would be a lot more trips per day and more children in that type of residential development. He referred to the presentation by Mr. Dale and the problem with the sewers. He stated that any development that occurs will have to address the sewer problem. They are not dumping all the units in there at one time. In regard to the traffic, he stated that they talked to the Highway Department and, if this development occurs, they will put a traffic light on U.S. 25 so that people would not have to be concerned by the minimal sight distance to the south. He noted that school buses go down that road and there does not seem to be a problem. The railroad is there no matter what type of development goes in.

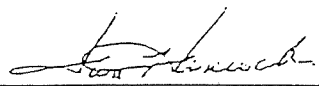
Mr. Berling stated that the basis for requesting the zone change is that they think the zoning designation is improper. He commented that if this was set out for recreational and the city had control over it, why did they sell it in 1987?

There being no further comments, Chairman Viox stated that this item will be on the Agenda for the Business Meeting on September 15, 1993 at 8 P.M.. The Chairman closed this Public Hearing.

APPROVED:


William E. Viox, Chairman

Attest:


Jan Hancock, Recording Secretary

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Phil Damstrom, Chairman

DATE: October 6, 1993

RE: Request of E.W. Bessler et al. (applicant) for Frank Ensminger and Turner, Inc (owners) for a Zoning Map Amendment on a 55 acre tract located at 125 Church Street, Walton, Kentucky. The request is to rezone the site from Recreation (R) to Mobile Home Park (MHP) in order to develop Church Street Estate, a 247 unit mobile home park community.

REMARKS:

We, the Committee, recommend denial based upon the following findings of fact.

Findings of Fact

1. The 1990 Boone County Comprehensive Plan - Future Land Use Development Guidelines, entitled Access Management, indicates that developments in Boone County must recognize the potential impacts of associated traffic on adjoining property 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. No roadway improvements have been indicated by the applicant therefore, the Committee believes that the existing road network is inadequate and insufficient to handle the traffic generated from the proposed development.
2. The applicant has not sufficiently demonstrated that the current zoning classification is inappropriate and the proposed Mobile Home Park (MHP) zoning classification is more appropriate. The existing Recreational zoning is in agreement with the 1990 Boone County Comprehensive Plan Future Land Use Map, which indicates the property as Recreation. Therefore, the Committee feels that the existing Recreation zoning is appropriate. Furthermore, the Committee believes that little has changed from the 1991 Zoning Map Update which changed the zoning of the site from Agriculture Estate (A-2) to Recreation (R) as a result of a request by the City of Walton.
3. The Committee believes that there has not been any major changes of an economic, physical or social nature that were not anticipated in the 1990 Boone County Comprehensive Plan which have substantially alter the area's character.

4. The Committee believes that the impact on the existing public facilities and infrastructure in Walton would be significant and that the applicant has not sufficiently addressed how these impacts would be mitigated.

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.

Phil Damstrom, Chairman

Thurman Owens

Fred Burch

Ralph Rush

Barry Neltner

Carol Smith

Gayle McElroy

JFH:par

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
September 15, 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. Jim Carmichael
Mrs. Janet Kegley
Mr. Don McMillian
Mr. Randy Poe
Mrs. Susan Poston, Vice Chairwoman
Mr. Bob Schwenke
Mr. Earl White
Mrs. Lisa Wilson, Secretary/Treasurer

COMMISSION MEMBERS NOT PRESENT:

Mr. Richard Knock, Temporary Presiding Officer
Mr. Robert Newman
Mr. Charlie Reynolds

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

Chairman Caddell returned to the meeting at this time and introduced the second item on the Agenda:

2. Zoning Map Amendment

The request of JMJ Investments, LLC (owner) for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for 2.7 acres and Suburban Residential Two (SR-2) for 7.51 acres, both for a 10.21 total acre site located on the south side of Church Street to the east and south of the property at 75 Church Street, at the eastern terminus of Rebecca Court and to the east of the properties at 50, 54, 62, 66, 70 and 74 Showalter Trace, and on the north side of High Street to the north and east of the properties at 78 and 80 High Street, Walton, Kentucky. The request is for a zone change to allow single-family residences.

Staff Member Mitch Light presented the Committee Report which recommended approval of the request based on the Findings of Fact but subject to conditions (see Committee Report). The property owner has signed the letter agreeing to the conditions.

There being no discussion, **Mr. Barlow moved by resolution to the City of Walton that the request be approved based on the Committee Report. Mrs. Poston seconded the motion and it carried unanimously.**

3. Zoning Map Amendment

The request of David Jones (applicant) for David Jones and Shirley Jones (owners) for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Commercial Services (C-3) for a 3.41 acre site located on the east side of Idlewild Bypass (KY 8), approximately 600 feet south of the Idlewild Bypass/Bullittsburg Church Road intersection and approximately 600 feet northeast of the property at 2811 Idlewild Bypass, Boone County, Kentucky. The request is for a zone change to allow a landscape business.

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).

Chairman Caddell stated that, based on advice from Counselor Wilson, the condition should be reworded to read "No other uses in the C-3 zone are approved except garden and landscape sales, lawn furniture, farm and garden supply outlets, including equipment and vehicles". This wording is taken from the wording used in

EXHIBIT
"B"

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: September 15, 2004

RE: Request of **JMJ Investments, LLC (owner)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for 2.7 acres and Suburban Residential Two (SR-2) for 7.51 acres, both for a 10.21 total acre site located on the south side of Church Street to the east and south of the property at 75 Church Street, at the eastern terminus of Rebecca Court and to the east of the properties at 50, 54, 62, 66, 70 and 74 Showalter Trace, and on the north side of High Street to the north and east of the properties at 78 and 80 High Street, Walton, Kentucky. The request is for a zone change to allow single family residences.

REMARKS:

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

Findings of Fact

1. The Committee has concluded that the map amendment request is in agreement with the adopted Comprehensive Plan and its Future Land Use Map. Specifically, the Future Land Use Map designates the site for "Suburban Residential" uses, and the Population Element forecasts a substantial population increase in the general area. The Suburban Residential classification is described as "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." The proposal is for a subdivision for detached, single family residences with an overall density of 3.1 units per acre, which is well within the four units per acre forecasted in the Future Land Use Map.

The Goals and Objectives state that "future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed ("Overall," Objective 4)." All public utilities necessary for the development are either in place or will be extended by the developer. This request is a continuation of an existing single family detached subdivision.

The Transportation and Pedestrian Network section of the Land Use Element (page 160) states that "appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and enhance the capacity of existing roads." This request provides a much needed street and pedestrian connection from Church Street to High Street.

Objective 13 of the Housing Element (page 10) states that "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."

The Land Use Element ("Walton Area" area, pg. 168) states that "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 the employment growth and utility expansion in the area."

2. The Committee has concluded that the following conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2000 Boone County Comprehensive Plan. The conditions listed below are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owners have signed a letter demonstrating agreement with these conditions.

Conditions

1. The property owner agrees that Showalter Trace will be extended to Church Street during the first phase of construction.
2. The property owner agrees to pay for the installation of a three way stop at the proposed Showalter Trace/Church Street intersection. This will be reviewed by the Planning Commissions' Engineer and City of Walton at the Improvement Plan phase.
3. The property owner agrees to make the necessary improvements to Church Street in the area of the proposed intersection with Showalter Trace. The types of improvements may include, but are not limited to, the removal of vegetation and additional pavement in the right-of-way. This will be reviewed by the Planning Commissions' Engineer and City of Walton at the Improvement Plan phase.

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/Concept Plan Committee Vote.

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
August 18, 2004
7:30 P.M.**

PUBLIC HEARINGS

Commission Members Present: Mr. Barlow, Mr. Breetz, Mr. Bungler, Mr. Caddell – Chairman, Mr. Carmichael, Mrs. Kegley, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Schwenke, and Mr. White.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Patty Bachman, Planner; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; and Ms. Jan Hancock, Secretary;

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:30 PM and introduced the first item on the Agenda:

Applicant: JMJ Investments, LLC (owner)

Request: Zoning Map Amendment

The request of JMJ Investments, LLC (owner) for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for 2.7 acres and Suburban Residential Two (SR-2) for 7.51 acres, both for a 10.21 total acre site located on the south side of Church Street to the east and south of the property at 75 Church Street, at the eastern terminus of Rebecca Court and to the east of the properties at 50, 54, 62, 66,70 and 74 Showalter Trace, and on the north side of High Street to the north and east of the properties at 78 and 80 High Street, Walton, Kentucky. The request is for a zone change to allow single-family residences.

Staff Member Mitch Light presented the Staff Report which included a Power Point presentation (see Staff Report). He made two corrections to the Staff Report: (1) The second to last sentence on Page 4 should read “The development has occurred primarily in subdivisions such as Wildcat Run and Sunset Ridge” and (2) Staff Comment #2 should read “The applicant has already committed to making the street connection to Church Street during the first phase of

construction and with the possible sight/visibility issue there, a three-way stop should probably be installed with that construction”.

Following an explanation of the Public Hearing process, the Chairman asked for the applicant's presentation.

Attorney Gerald Dusing, representing the applicant, introduced Mr. Logan Murphy, a Civil Engineer with Hicks & Mann; and principals with JMJ Investments, Mr. James Howell and Mr. Art Wenzel, who have been in the development business for many years.

Mr. Logan Murphy, Hicks & Mann, P.O. Box 9, Williamstown, KY provided the Commissioners with larger copies of the plan. He stated that the property is in two zones. The property on High Street is in the SR-1 zone and includes Lots #1 - #11 which will be zoned SR-1. The bulk of the project, including the property that fronts on Showalter Trace, will be zoned SR-2. He stated that the SR-1 lots match what is across High Street in terms of width and zoning. In 1991 the detention pond was on an easement area, but it is now on a 1.2 acre flag lot. He stated that there is a park area of about six-tenths of an acre which will be dedicated to the city. The right-of-way will also be dedicated. In the SR-2 area, Lots #12 and #13 will front on Showalter Trace and the remainder of the lots in that area will front on Rebecca Court. He stated that minimum lot size in SR-1 is 8,000 square feet and all of the lots but nine meet that requirement. The lots in SR-2 are well above the minimum requirement.

Mr. Dusing stated that the proposed density is 3.1 units per acre, which is significantly below the land use designation of four units per acre. He stated that the proposal is compatible with the Comprehensive Plan for the Suburban Residential land use designation. As indicated in Mayor Trzop's letter (attached to the Staff Report), the infrastructure is there. He stated that they are asking for SR-2 zoning for the interior of the development because they need the smaller, narrower lots at the building setback line to get thirty-two lots and make the project feasible. He stated that a condition that the road will be extended and connected before any lots are sold is acceptable. There was a significant hang up when the previous developer would not commit to that. He stated that the connection is important because High Street is not going to be an access there – it will be gone or it will be a pedestrian bridge – which is the reason they are asking for SR-2 on the interior of the site. He stated that the County Engineer suggested that the detention pond and access be done the way it is shown now. They understand sidewalks on the both sides of Rebecca Court, but they cannot do sidewalks on the other side of High Street because they do not own it. He stated that there will be improvements to High Street because they have to loop the water line and there will be curbs there. This concluded the applicant's presentation.

The Chairman asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present who wished to speak in opposition.

Mr. Ron Tomlinson, 13054 Percival Road, Walton, Kentucky stated that he is concerned about where the street connection comes out in the curve. When he comes down the street, he gets all the way over to the right and hopes someone does not come speeding down there. It is a bad spot for the street. He stated that one of the main reasons in 1993 for turning down the mobile home park proposal on the property across from this property was the road and the traffic situation. He quoted from the September 15, 1993 and October 6, 1993 Committee Reports in regard to the Mobile Home Park request in which the Committee recommended denial of the request and one of the Findings of Fact was that the need exists to protect the capacity of the existing roadway network and to plan improvements to accommodate new development and traffic patterns and that the Committee believes that the existing road network is inadequate and insufficient to handle the traffic from the proposed development (see Exhibit 1). He reviewed the August 25, 1993 Staff Report and the ways to access the site. Access via Church Street requires crossing the railroad tracks. He does not know how the road can handle the increased traffic. Another access is via High Street over a one-lane railroad bridge and across Scott Street to Church Street. He questioned how they would put the sidewalks in. He stated that the road is not wide enough to handle the traffic. He noted the letter attached to the Staff Report from the Superintendent of Walton-Verona Schools and stated that Staff addressed Item #2 in the letter about the school bus service and turning movements, but Staff did not address Item #1 about the high density housing projects and the overcrowding in the Walton-Verona School System. He stated that there is a water problem. He stated that on the other side the water comes off the old reservoir and many times it goes over the road and down to the creek bed. He stated that his main concern is the road problem. A three-way stop will not eliminate the problem unless they tear out the knob on the Turner property and widen the road.

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

In response to questions from Mr. McMillian regarding the detention area, Mr. Murphy reviewed the aerial photograph in regard to the location of the creek and the sewer line that runs alongside the creek. He stated that the detention area will be upstream and away from the creek. The drive will be paved and dedicated to the Sanitation District.

Mr. Carmichael asked if the School District will take a school bus down there when Showalter Trace is extended to Church Street. Mr. Dusing responded that they have not talked to the Superintendent. He stated that they will abide by Mr. Boyle's suggestion that the residents on Rebecca Court be advised that the school

bus is not going to come down there. He stated that the school bus will go on Showalter Trace and there will be a turnaround there.

Mr. Carmichael questioned the line of sight from Showalter Trace to Church Street to the right. He asked if there has been an application for a stop sign there. Mr. Murphy responded that there has been discussion about a three-way stop. He stated that the sight distance to the west is good, but to the east it is poor. He stated that cutting back bushes will improve the sight distance.

Mr. Carmichael questioned where in relation to this subdivision the new Mary C. Grubbs extension is proposed to come in. Mr. Light reviewed the Power Point slide and stated that he does not know if the extension will come in across from one of the lots on Showalter Trace. He stated that the road will connect into Apex Drive in the Walton Industrial Park and turn to the northeast and tie into High Street.

Mr. McMillian asked if all the eleven lots in SR-1 will have their own curb cuts. Mr. Dusing stated that each lot will have its own curb cut. The street will be no different than the new Rebecca Court because High Street will be a local street with no through traffic.

Mr. McMillian stated that there is a stream between this property and Church Street. Mr. Murphy responded that they will probably connect it with a junction box and bring a culvert underneath. He stated that there has been discussion in the past with the Mayor about redoing the culverts under Church Street when the road is built. He indicated the culvert going under Church Street. He stated that during their first proposal the Mayor asked them to look at it when they got to the Improvement Plan Stage to see if the culverts have to be redone and the Mayor requested that they make it one large culvert. He stated that they will pipe under the road and fill the area. There will be a 60" – 72" culvert.

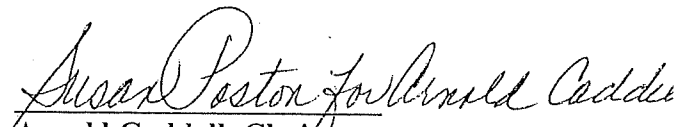
Mr. Breetz questioned the property on the west side of Showalter Trace. Mr. Murphy responded that it will be dedicated as right-of-way to the City of Walton when the street is put in. There is more property than is needed for the 50-foot right-of-way and they will probably just dedicate it as right-of-way.

Chairman Caddell stated that he does not see any other SR-2 zoning in the immediate area. Mr. Light agreed and stated that the closest SR-2 zoning is west of Dixie Highway off School Road between School Road and I-75. Chairman Caddell asked if the request for SR-2 on the interior cul-de-sac is to increase the density. Mr. Dusing responded "that is correct" and stated that they have to get enough lots to make the project feasible, but many of the lots exceed the minimum size in the SR-1 zone. He stated that they need the narrower building lots.


There being no further comments, the Chairman stated that the Committee Meeting for this item will be on September 1, 2004 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on September 15, 2004 at 7:00 PM.

The Chairman closed this Public Hearing.

APPROVED:


Arnold Caddell, Chairman

Attest:


Jan Hancock, Recording Secretary

Exhibits –

1. Committee Reports to the Boone County Planning Commission dated September 15, 1993 and October 6, 1993.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: September 1, 2004

RE: Request of **JMJ Investments, LLC (owner)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for 2.7 acres and Suburban Residential Two (SR-2) for 7.51 acres, both for a 10.21 total acre site located on the south side of Church Street to the east and south of the property at 75 Church Street, at the eastern terminus of Rebecca Court and to the east of the properties at 50, 54, 62, 66, 70 and 74 Showalter Trace, and on the north side of High Street to the north and east of the properties at 78 and 80 High Street, Walton, Kentucky. The request is for a zone change to allow single family residences.

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.

Kim Bunger

Kim Bunger, Chairman

For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

Randy Barlow

Randy Barlow

For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

Greg Breetz

Greg Breetz

For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

Janet 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 _____

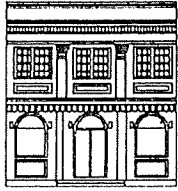
Earl White (Alternate)

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

TOTAL: _____ DEFERRED 5 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

September 9, 2004

Mr. James Howell
JMJ Investments, LLC
980 Helen Ruth Drive
Ft. Wright, KY 41017

RE: Conditions of Approval for the request of **JMJ Investments, LLC (owner)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for 2.7 acres and Suburban Residential Two (SR-2) for 7.51 acres, both for a 10.21 total acre site located on the south side of Church Street to the east and south of the property at 75 Church Street, at the eastern terminus of Rebecca Court and to the east of the properties at 50, 54, 62, 66, 70 and 74 Showalter Trace, and on the north side of High Street to the north and east of the properties at 78 and 80 High Street, Walton, Kentucky. The request is for a zone change to allow single family residences.

Dear Mr. Howell:

The following represents the conditions of approval for the above referenced application as recommended by the Planning Commission's Zone Change Committee at their September 1, 2004 meeting. If you, as the property owner, agree with these conditions, please indicate by providing your signature in the space provided at the end of this letter, and return the original letter to the Planning Commission's office by Friday, September 10, 2004.

Conditions

1. The property owner agrees that Showalter Trace will be extended to Church Street during the first phase of construction.
2. The property owner agrees to pay for the installation of a three way stop at the proposed Showalter Trace/Church Street intersection. This will be reviewed by the Planning Commissions' Engineer and City of Walton at the Improvement Plan phase.
3. The property owner agrees to make the necessary improvements to Church Street in the area of the proposed intersection with Showalter Trace. The types of improvements may include, but are not limited to, the removal of vegetation and additional pavement in the right-of-way. This will be reviewed by the Planning Commissions' Engineer and City of Walton at the Improvement Plan phase.

Sincerely,

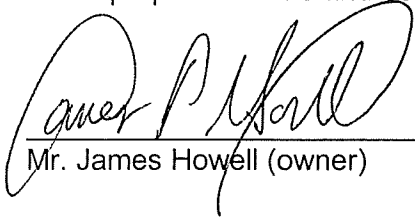

Mitchell A. Light
Asst. Zoning Administrator/Enf. Officer

MAL\pr

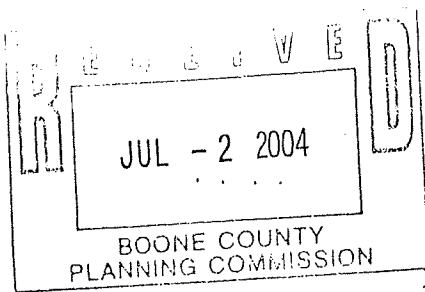
Mr. James Howell
September 9, 2004
Page 2

Agreement

I, James Howell, JMJ Investments, LLC, do hereby agree to the conditions of approval stated above for the Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for 2.7 acres and Suburban Residential Two (SR-2) for 7.51 acres, both for a 10.21 total acre site located on the south side of Church Street to the east and south of the property at 75 Church Street, at the eastern terminus of Rebecca Court and to the east of the properties at 50, 54, 62, 66, 70 and 74 Showalter Trace, and on the north side of High Street to the north and east of the properties at 78 and 80 High Street, Walton, Kentucky.


Mr. James Howell (owner)

9/9/04
(date)



DOCUMENT NO: 231982
 RECORDED ON: JUNE 17, 2004 12:00:41PM
 TOTAL FEES: \$18.00
 TRANSFER TAX: \$175.00
 GROUP : 2881B
 COUNTY CLERK: MARILYN K ROUSE
 COUNTY: BOONE COUNTY CLERK
 DEPUTY CLERK: DONNA COLLINS

LEGAL DESCRIPTION

9.7379 Acres

BOOK D876 PAGES 897 - 982

Lying and being in Boone County, Kentucky on the North Side of High Street, 0.25 miles East of U.S. 25 and more particularly described as follows to wit:

Unless stated otherwise, any monument referred to, as a set iron pin is a 1/2" iron rebar 18" in length with a yellow cap stamped L.S. 3407, 3316. All bearings stated herein are referred to from a survey made by Viox & Viox on the 17th of December 1999 along the Northwest tract lines as described herein.

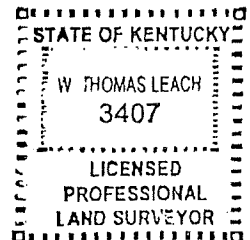
Beginning at a set mag nail in the center of High Street at a corner of Milnap Partnership (D.B. 469, Pg. 122); thence leaving said road with the line of Milnap, N 57° 46' 06" E --- passing through a set iron pin at 28.08 feet, for a total of 220.11 feet to a post; thence N 25° 40' 13" E --- 31.69 feet to a 24" Walnut; thence N 34° 58' 46" W --- 340.32 feet to a post; thence N 28° 53' 44" W --- 621.61 feet to a set iron pin; thence N 30° 13' 46" W --- passing through a set iron pin at 83.58 feet, for a total of 121.00 feet to a set mag nail in the center of Church Street; thence with the center of said road, N 72° 09' 21" W --- 69.30 feet to a set mag nail at a corner of John Ingram (D.B. 331, PG. 208); thence leaving said road with the line of Ingram, S 13° 33' 40" E --- passing through a set iron pin at 29.29 feet, for a total of 131.81 feet to a post; thence S 54° 04' 02" W --- 160.50 feet to a found iron pin, L.S. 3367, at a corner of Lot 13 of Showalter Green, Section 1, (Slide 564B); thence with lines of Showalter Green, S 36° 33' 00" E --- 199.78 feet to a found iron pin, L.S. 1787; thence S 53° 33' 58" W --- 194.00 feet to a found iron pin, L.S. 1787, 797; thence N 36° 26' 02" W --- 22.46 feet to a found iron pin, L.S. 1787, 797; thence S 54° 04' 46" W --- 226.30 feet to a post in the line of Jack Rouse (D.B. 460, PG. 115); thence with the line of Rouse, Gordon Henry (D.B. 415, PG. 262) and G.C. Richardson (D.B. 405, PG. 276), S 71° 36' 15" E --- 140.42 feet to a corner post; thence S 20° 04' 42" W --- passing through a set iron pin at 143.99 feet, for a total of 168.99 feet to a set mag nail in the center of High Street; thence with the center of said street, S 70° 58' 50" E --- 188.37 feet to a point; thence S 70° 38' 49" E --- 121.47 feet to a point; thence S 70° 37' 44" E --- 90.04 feet to a point; thence S 68° 59' 31" E --- 73.96 feet to a point; thence S 66° 16' 45" E --- 72.09 feet to a point; thence S 62° 40' 48" E --- 105.55 feet to a point; thence S 59° 20' 03" E --- 85.46 feet to The Place of Beginning containing 10.2092 Total Acres less 2, 25' right of way parcels containing 0.4279 Acres and 0.0434 Acres for a Net of 9.7379 Acres more or less exclusive of all right of ways and easements of record.

The above description is in accordance with a survey made by W. Thomas Leach with Hicks & Mann, Inc. on the 26th of March 2001.

Hicks & Mann, Inc.

W. Thomas Leach

W. Thomas Leach
 Professional Land Surveyor
 Lic. # 3407



This being all remaining property as described in Deed Book 179, Page 570 of the Boone County Court Clerk's Records at Burlington, Kentucky.

BOONE COUNTY
D876 PG 902

JMJ Investments

**CITY OF WALTON, KENTUCKY
ORDINANCE NO. 2004- 10**

**AN ORDINANCE APPROVING AND ADOPTING A RESOLUTION OF THE
BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL FOR A
REQUEST FOR A ZONING MAP AMENDMENT.**

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 JMJ Investments, LLC (owner) for a Zoning Map Amendment to the Boone County Zoning Map, and such Zoning Map Amendment being a zone change from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for 2.7 acres and to Suburban Residential Two (SR-2) for 7.51 acres on both sides of High Street in order to allow single family residences; and,

WHEREAS, the Boone County Planning Commission, as the planning unit for the City of Walton, 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,

WHEREAS, the City of Walton, Kentucky has received Resolution R-04-019-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 is hereby approved and adopted. The Zoning Map Amendment is a zone change from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for 2.7 acres and to Suburban Residential Two (SR-2) for 7.51 acres, both for a 10.21 total acre site generally located on the south side of Church Street to the east and south of the property at 75 Church Street, at the eastern terminus of Rebecca Court and to the east of the properties at 50, 54, 62, 66, 70 and 74 Showalter Trace, and on the north side of High Street to the north and east of the properties at 78 and 80 High Street. The real estate which is the subject of this request for a Zoning Map Amendment is more particularly described in Deed Book 876, Page 897 (as supplied by the applicant) as recorded in the Boone County Clerk's records.

SECTION TWO

Resolution R-04-019-A of the Boone County Planning Commission, recommending approval of the Zoning Map Amendment, 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

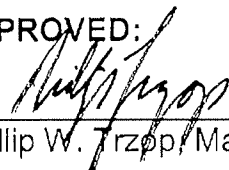
This Ordinance shall take effect and shall be in full force after its enactment and publication as required by law.

PASSED AND APPROVED on first reading by 5 Members of City Council on the 4TH day of NOVEMBER, 2004.

PASSED AND APPROVED on second reading by 6 Members of City Council on the 8TH day of NOVEMBER, 2004.

DATE OF PUBLICATION: NOVEMBER 18, 2004.

APPROVED:

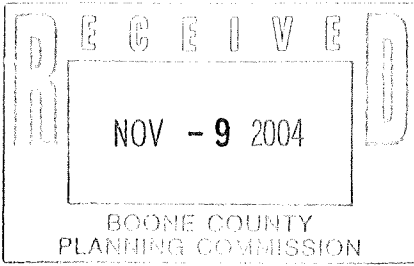


Phillip W. Trzop, Mayor

ATTEST:



Peggy Gray, City Clerk



City of Walton
 P. O. Box 95
 Walton, KY 41094

Phone number:
 859-485-4383

Fax Number:
 859-485-9710

Fax Transmittal Form

To: Kevin Costello

From: Peggy Gray, City Clerk

Phone number: 859- 334-2196
 Fax number: **859-334-2264**

Phone number: 859-485-4383
 Fax number: 859-485-9710

Date: 11-09-04

Time: 11.50 AM

Pages: 3

- Urgent
- Please Reply
- For your Approval

- As Requested
- For Review and Comment
- Confidential

.....
Message:

Kevin,

I am faxing you a copy of The City Of Walton Ordinance No. 2004-10, An ordinance approving and adopting a resolution of the Boone County Planning Commission recommending approval for a request for a zoning map amendment.

Thank you,
 Peggy Gray
 City Clerk/Finance Officer

