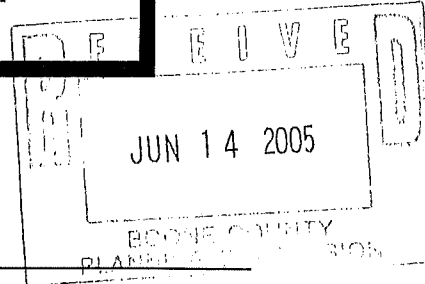


6/14/05

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 City of Walton
- 2. Location of Project South Side of Ky. Highway 16
- 3. Total Acreage of Site 129.7593 Acres
- 4. Current Zoning of Site I-1
- 5. Proposed Zoning (Classification being requested) C-2
- 6. Proposed Uses (please specify each use) Commercial

- 7. Names of Applicant(s) City of Walton, Kentucky
Phone Number 485-4383 Fax No. 485-9710
- 8. Address of Applicant(s) 40 N. Main Street
Walton, Kentucky 41094
City State Zip

- 9. Name of Property Owner(s) _____
Phone Number _____ Fax No. _____
- 10. Address of Property Owner(s) _____
City State Zip

- 11. Proposed Building Intensities (please specify) _____

- 12. Are there any existing buildings on the site? _____
How many? _____

- 13. Deed Book _____ Page No. _____ Group No. 2079

- 14. Are you also applying for:
 No Conditional Use Permit
 No Dimensional Variance

- 15. Have you submitted a Concept Development Plan? No

- 16. Have you had a pre-application meeting with BCPC Staff? No

- 17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water and Sewer District
- Florence Water and Sewer Commission
- Union Light Heat and Power
- Cincinnati Bell
- Owen County Rural Electric
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- City of Florence Public Services Department
- Boone County Building Department

(over)

EXHIBIT

“A”

STAFF REPORT

Request of The City of Walton (applicant) for Camp Ernst Road, LLC, Quality Forest Products, Harold Trostorff, Leona Trostorff, Floyd Humphrey, Rhonda Humphrey, and Dortha Dance (owners) for a Zoning Map Amendment from Industrial One (I-1) to Commercial Two (C-2) for an approximate 130 acre area located on the south side of Service Road between the properties at 12900 and 13160 Service Road including the property at 13140 Service Road, south of the properties at 12900 and 13160 Service Road, along the south side of Mary Grubbs Highway between the property at 12900 Service Road and the CSX Railroad including the properties at 27, 28, and 29 Welsh Avenue, west of the CSX Railroad, and east of the properties at 13316 and 13330 Service Road including the northern-most approximate 45 acres located at 13066 Service Road, Walton, Kentucky. The request is for a zone change to allow commercial uses.

July 20, 2005

REQUEST

The City of Walton is requesting, on behalf of the above referenced property owners, a Zoning Map Amendment from Industrial One (I-1) to Commercial Two (C-2) for approximately 130 acres to allow Commercial Two (C-2) uses. The cover letter (attached) states that "the City feels this will help to accomplish our goal of bringing a grocery store to the City." A Concept Development Plan was not submitted with the application materials for Staff to review.

ADJACENT ZONING AND LAND USES

- North: Property along and across Service Road including the new Walton Pharmacy zoned Commercial Two (C-2), the All Saints Church and St. Joseph Academy across Mary Grubbs Highway zoned Public Facilities (PF) and Doctor/Professional office zoned Office Two (O-2).
- East: Single Family detached residences across the railroad zoned Suburban Residential One (SR-1).
- South: Remaining Quality Forest property currently being used by STI Towing zoned Industrial One (I-1) and existing residences along Service Road zoned Rural Suburban Estate (RSE).
- West: Existing industrial uses as well as single family residences along Service Road zoned Industrial One (I-1). Across I-75 property located along Walton-Verona Road zoned Commercial Two (C-2).

RELATIONSHIP TO COMPREHENSIVE PLAN

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

Industrial: "Manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses."

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

"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 and I-75."

"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."

"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 designated 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."

The Business Activity Element (page 71) refers to this area by stating:

"The I-75 interchange at Walton is capable of additional commercial growth as appropriate levels of infrastructure become available. However, even with recent improvements to the interstate and interchange, additional truck oriented commercial activity will be detrimental to the traffic conditions at this interchange. The area should contain commercial services that serve traffic and customers that are already on Mary Grubbs Highway, and that include interconnected driveway systems, extensive landscaping, and provide a suitable "front door" to the growing City of Walton. This especially affects the southeast quadrant of the interchange in the Service Drive (Road) area. In this way, the TA truck stop impacts on KY 18 in Florence can be avoided at this similar location. The additional commercial development should address the coordination and limitation of access points to insure safe access at the interchange and along Mary Grubbs Highway, Stephenson Mill Road and Walton-Verona Road."

The adopted 2005 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements:

- A. Proper planning is achieved through specific land use regulation tools and coordination with public infrastructure ("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 monitored, maintained and 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. New development or redevelopment within Boone County is designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are enhanced. Development within Boone County preserves and promotes a better quality of life ("Environment," Goal).
- I. 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 design in particular should minimize grading work as opposed to clearing the entire site. 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).

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 Sunset Ridge, Wildcat Run and Showalter Green. 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. Staff's main concern with this request is that there is no Concept Development Plan to review major items such as placement of building(s), building design, roads, parking lots, sidewalks, buffering, the view of the development from Service Road and Mary Grubbs Highway, etc. A detailed analysis cannot occur because no Concept Development Plan has been provided and the change from industrial to commercial cannot be fully evaluated.
2. No traffic impact study has been provided for Staff to review. We do not know the potential impacts on the existing road infrastructure and what improvements will be necessary to the existing road infrastructure, or whether there will be a need for a signalized intersection(s).
3. Staff understands the City of Walton's desire to bring a grocery store into the City however, is it necessary to change approximately 130 acres to accomplish this goal? If the zoning of this area is changed to Commercial Two (C-2), the City will lose 16% of its current industrial zoned land base. Within the City Limits of Walton there is currently 826.54 acres zoned I-1 & I-2 (both developed and undeveloped).
4. Staff is concerned about the existing railroad crossing at Welsh Avenue. Will it be a gated emergency access allowing no vehicular traffic? Will it be off limits to construction traffic if the proposed amendment is approved?
5. A possible density of 1,560,000 square feet of building coverage for the 130 acres. The C-2 zone permits a maximum building intensity of 12,000 square feet/acre (approximately 28% building coverage).
6. Since this project lies entirely within the City of Walton, any development will have to follow Article 36 of the *Boone County Zoning Regulations* for landscaping. This amounts to approximately three (3) more trees and ten (10) more shrubs per 100 linear feet than Article 37.

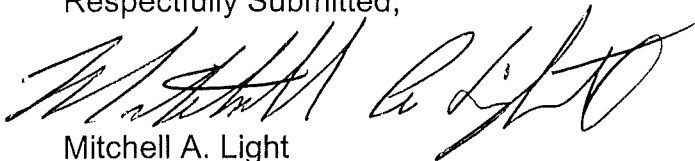
7. The Commercial Two (C-2) uses are attached for your reference. The possibility of eliminating certain uses that may be detrimental to the area should be explored.
8. The Future Land Use Map currently shows this area as Industrial (I) but that is based more on the former Quality Forest Products wood treatment facility which has been closed for approximately 10 years. The Business Activity Element mentions this area for potential Commercial uses as long as they do not include "truck oriented commercial activity." After the 2000 Boone County Comprehensive Plan was adopted, the City of Walton requested to change the existing zoning around the interchange from Commercial Services (C-3) to Commercial Two (C-2) as part of the Zoning Update in order to eliminate future uses such as a truck stop. That request was adopted as part of the *2001-02 Boone County Zoning Regulations*. If approved, the Future Land Use Map would need to be amended.

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 and that the proposed zoning classification is appropriate; 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 area's character.

Respectfully Submitted,



Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

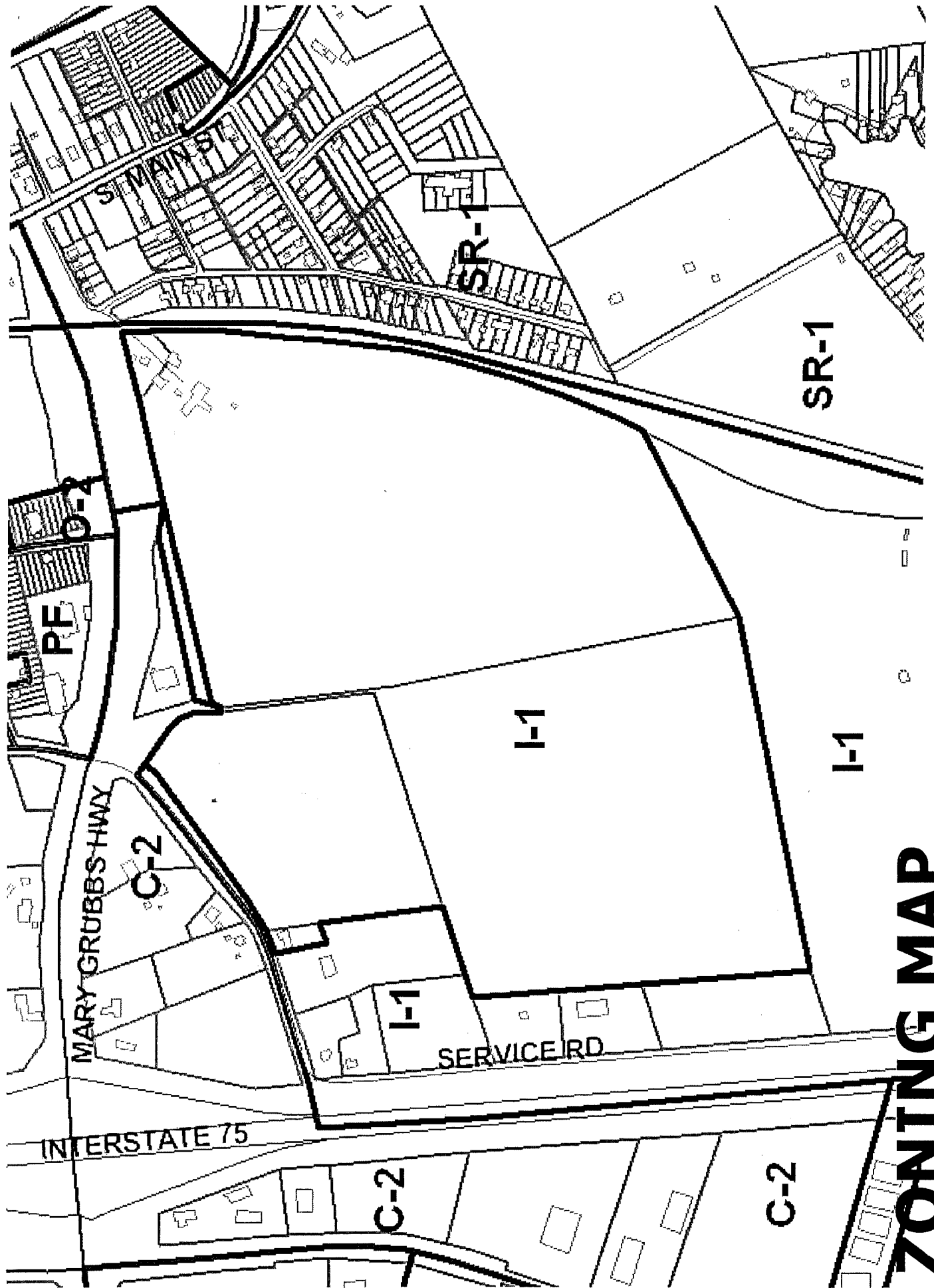
MAL/pr

Attachments:

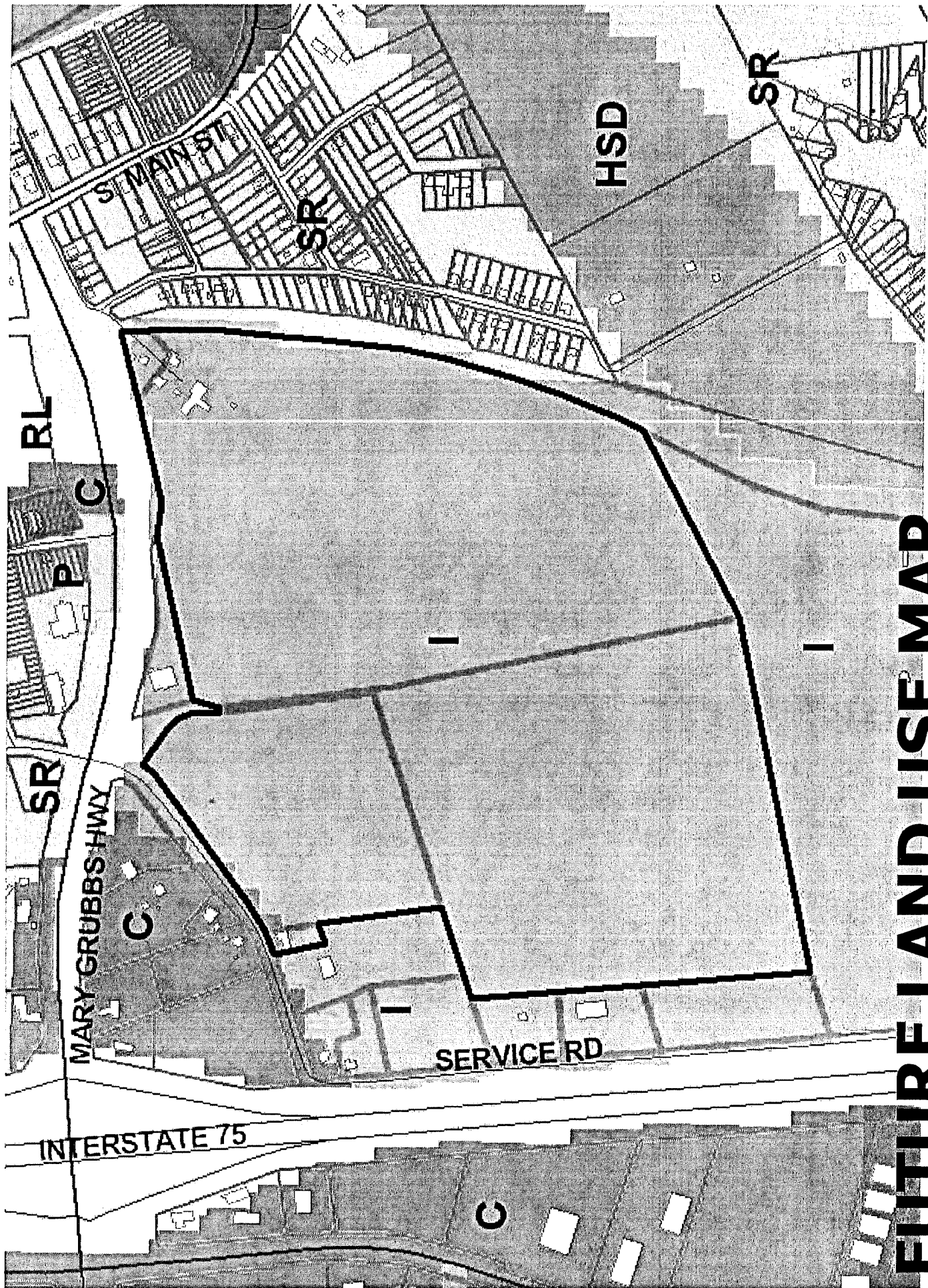
- Vicinity Map
- Zoning Map
- Future Land Use Map
- Existing Topography
- 2002 Aerial Photography
- 2004 Aerial Photography
- Project Survey
- Legal Description
- Commercial Two (C-2) Uses
- Cover Letter from the City of Walton
- Application



VICINITY MAP



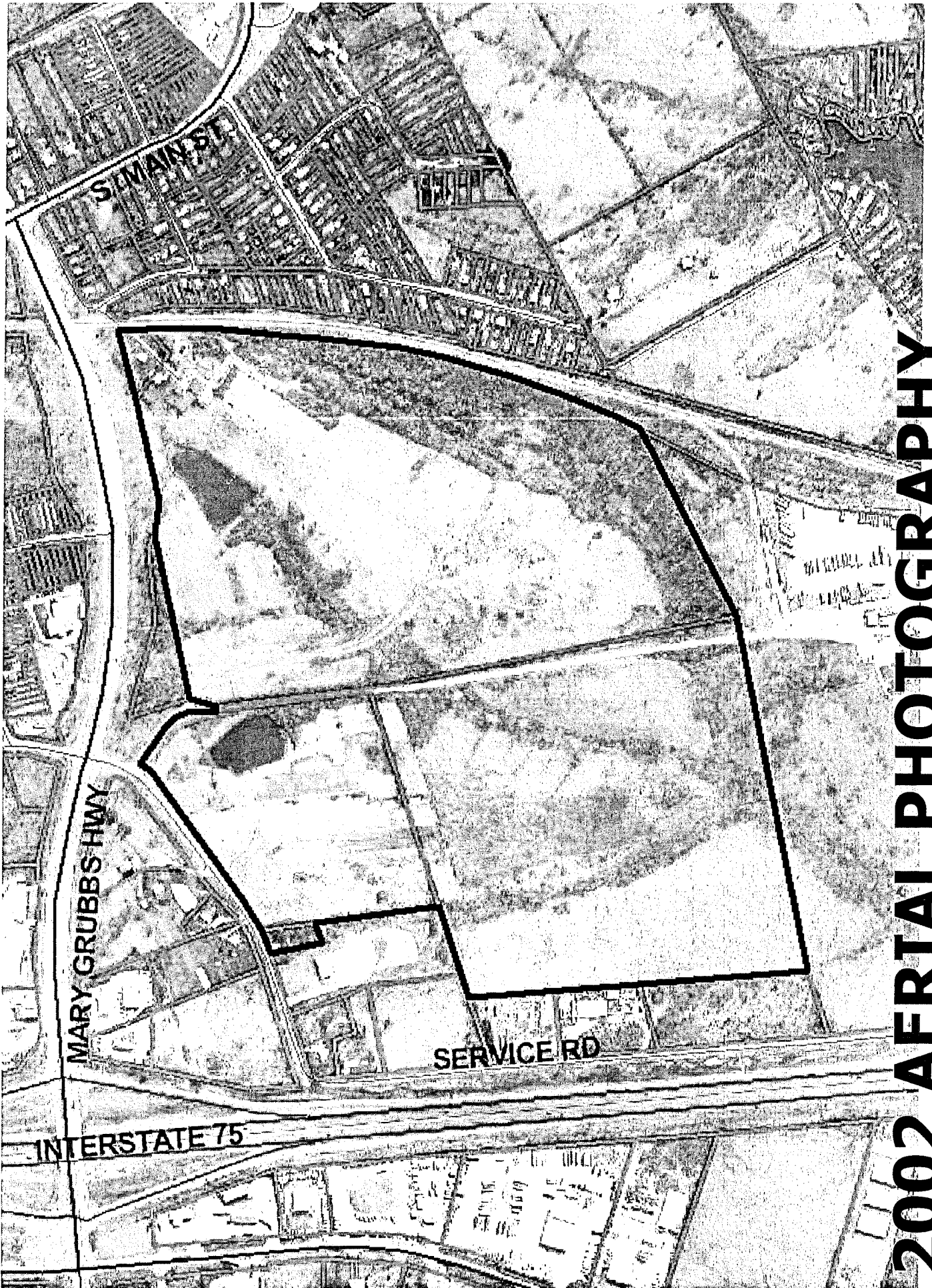
ZONING MAP



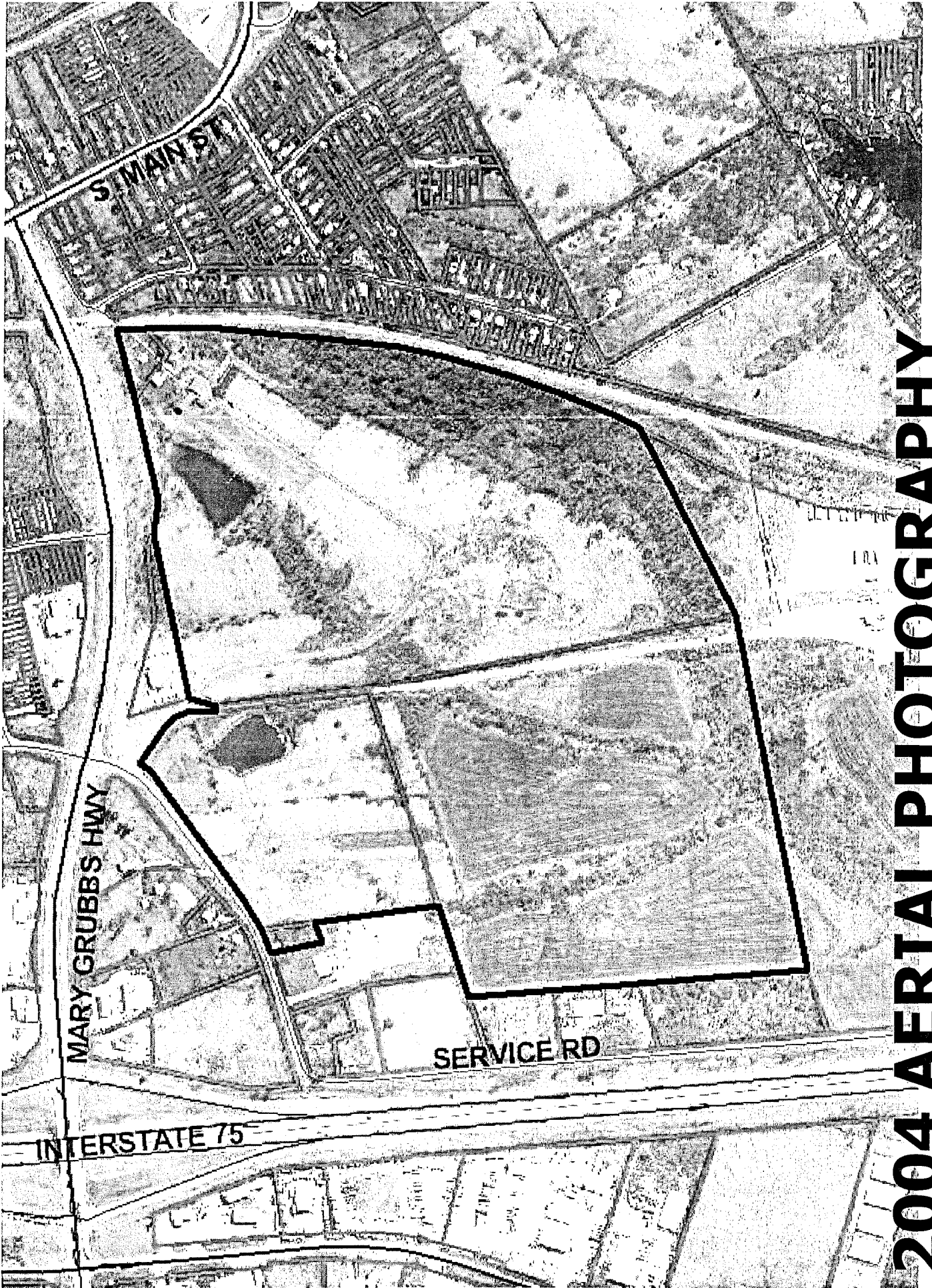
FUTURE LAND USE MAP



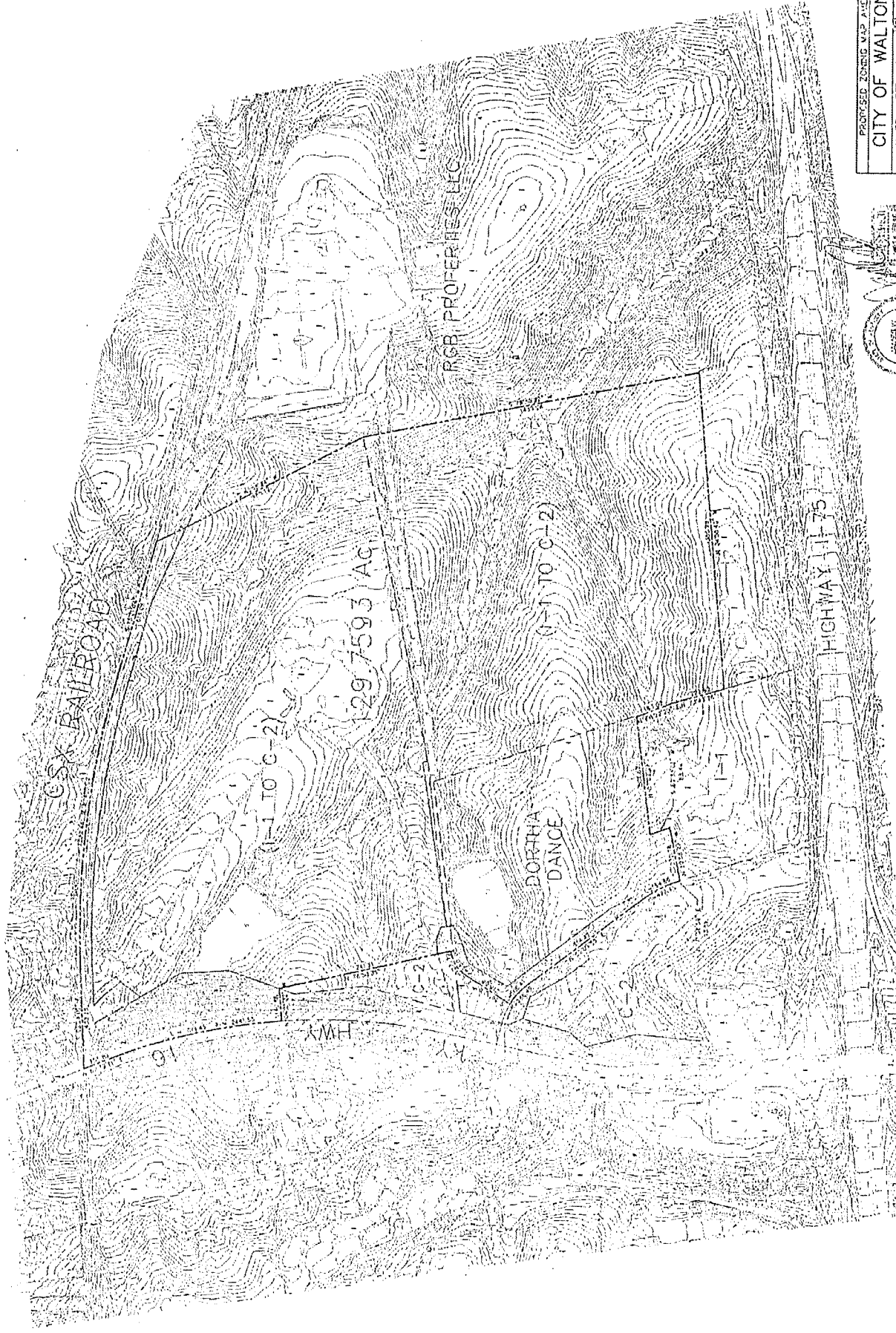
EXISTING TOPOGRAPHY



2002 AERIAL PHOTOGRAPHY



2004 AERIAL PHOTOGRAPHY



RCR PROPERTIES LLC

DORRHA
DANCE

129.7593 AC

(1-1 TO C-2)

(1-1 TO C-2)

CSX RAILROAD

HIGHWAY 1175



PROPOSED ZONING MAP ALIGNMENT	
CITY OF WALTON, KY	
JAMES W. BIRLING	Scale
SURVEYOR KY 208	1"=200'
129.7593 ACRES SOUTH OF KY HWY 16	
WALTON, KENTUCKY	

PROJECT SURVEY



JAMES W. BERLING ENGINEERING, PLLC

Land Surveying • Site Development • Civil Engineering Services • Land Planning

KY License No. 5745

1671 PARK ROAD, SUITE ONE • FT. WRIGHT, KENTUCKY 41011 • (859) 331-9191 • FAX (859) 344-7422

Land Surveyor License KY 206

June 14, 2005

LEGAL DESCRIPTION

129.7593 ACRES

PROPOSED ZONING MAP AMENDMENT
FROM I-1 TO C-2
WALTON, KENTUCKY

Beginning at the intersection point of the centerline of Ky. Highway No. 16 (Mary Grubbs Highway) and the centerline of the CSX Railroad; thence in a southerly direction along the centerline of the CSX Railroad 2,292.27 feet to a point; thence leaving said railroad S 62° 18' 24" W along the north line of RGB Properties, L.L.C. 985.17 feet to a corner; thence through RGB Properties, L.L.C., S 78° 30' 22" W 1,439.26 feet to a point; thence along the west line of RGB Properties, L.L.C., N 4° 56' 40" W 1,355.98 feet, N 73° 49' 26" E 222.92 feet, and N 68° 22' 20" E 163.02 feet to a point, corner with Dance; thence along the west line of Dortha Dance N 7° 02' 29" W 501.67 feet to a point, corner to Humphrey; thence along the lines of Humphrey S 69° 33' 01" W 88.44 feet and N 10° 58' 23" W 230.78 feet to a point in the centerline of the existing Service Road; thence along the centerline of the existing Service Road in an easterly direction 164.85 feet to a point; thence along the centerline of the Service Road N 52° 09' 59" E 614.47 feet to a point; thence in a northeasterly direction along the centerline of said Service Road 106.41 feet to a point; thence leaving same and following along the centerline of another Service Road S 56° 32' 07" E 218.88 feet to a point; thence continuing along the centerline of said Service Road in a southeasterly direction 127.72 feet to a point; thence along same and following along the south line of Litmer Properties, L.L.C., N 76° 50' 31" E 741.11 feet to a point; thence N 4° 21' 32" W 140.85 feet to a point in the centerline of Ky. Highway No. 16 (Mary Grubbs Highway); thence in an easterly direction along the centerline of Ky. Highway No. 16, a distance of 862.27 feet to the place of beginning.

Containing 129.7593 Acres

SECTION 1020

COMMERCIAL TWO (C-2)

The purpose of the Commercial Two district is to provide comparable shopping goods, personal and professional services, and some convenience goods required for normal living needs as well as major purchase opportunities. Districts will be located on suitable lands primarily central to regional trade areas and to some extent the community as a whole and such districts have access from expressways or arterial roads. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.

SECTION 1021

Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of a Commercial One (C-1) district;
2. All the principally permitted uses in an Office One (O-1) district;
3. Eating and drinking establishments including alcoholic beverages;
4. Department stores, mail order houses, direct retail selling organizations of general merchandise;
5. Furniture, home furnishings including specialty and floor coverings;
6. Specialized upholstery and furniture repair or refinishing services;
7. Apparel stores;
8. Household appliances, china, glassware and metal ware;
9. Radio, t.v., watch, clock, and jewelry repair;
10. Photographic, stenographic and other duplicating and mailing services;
11. Legal services, engineering and architectural services;
12. Security brokers, dealers and flotation services;
13. Title abstracting services; holding and investment services;
14. Advertising services including direct mail;
15. Business and management consulting services;
16. Employment services;
17. Consumer and mercantile credit reporting, adjustment and collection services;

18. Travel arranging, transportation ticket and public event or promotional booking agencies;
19. Radio and television broadcasting studios excluding transmitting stations and towers;
20. Art, music and dancing schools, libraries and museums;
21. Medical and dental laboratory services;
22. Medical clinics - out - patient services;
23. Welfare and charitable services;
24. Business associations and professional membership organizations including civic, social and fraternal organizations;
25. Art and craft galleries and similar exhibit space;
26. Aquariums, botanical gardens and other natural exhibitions;
27. Arcades and other amusement centers;
28. Motion picture theaters (indoor);
29. Bowling alley, skating rinks, roller skating rinks, miniature golf courses golf driving ranges, and skateboard facilities;
30. Recreation centers, gymnasiums, clubs and similar athletic uses;
31. Motorcycles sales or bike shops excluding outside storage;
32. Churches, synagogues, temples and other places or religious assembly for worship;
33. Hotels and motels including convention facilities;
34. Pawn shops (**Not Applicable within the City of Florence**);
35. Auto parts and accessories stores;
36. Gasoline filling station;

SECTION 1022

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

1. Recreation uses or spaces of integral relation to the developed portions of the district defined to be:
 - a. Stages and similar assembly areas;

- b. Auditoriums, exhibition halls and other public assembly spaces;
 - c. Billiards;
 - d. Play lots and tot lots;
 - e. General; leisure, ornamental and other parks, spaces, trails bikeway systems, malls and urban pedestrian networks;
2. A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:
 - a. Private garage and parking;
 - b. Structures such as fences and walls;
 - c. Buildings such as storage sheds;
 - d. The keeping and use of appropriate household pets;
 3. Signage (See Article 34);
 4. Parking (See Article 33);
 5. Temporary buildings incidental to construction ;
 6. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with Section 3154;
 7. Drive-up photo finishing services and automatic teller services;
 8. Indoor target ranges and similar athletic uses;
 9. Recycling collection points (See Article 31);
 10. Garment and Furniture centers (See Article 31);
 11. The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property);
 12. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155.

SECTION 1023

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and c) the

arrangement of uses, buildings or structures will be mutually compatible with the organization of permitted and accessory uses to be protected in the district:

1. Garden and landscape sales including florist greenhouses, lawn furniture and the like;
2. Automotive repair facility and wash services for vehicles;
3. Small scale sales or leasing of new and used motor vehicles requiring the storage of no more than fifty (50) vehicles on the premises (Does not apply in the City of Florence);
4. Sale of satellite dishes;
5. Small scale sales or leasing of new and used recreational vehicles requiring the storage of no more than fifty (50) vehicles on the premises (Does not apply in the City of Florence);
6. Mini-warehouses or storage facilities (Does not apply in the City of Florence);

SECTION 1024

Intensity

The intensity of use in a Commercial Two district of under four (4) acres, including all the contiguous private property so designated, shall not exceed 12,000 square feet of gross floor area per acre of land. In a commercial two district of over four (4) acres, the intensity of use shall not exceed 15,000 square feet of gross floor area per acre of land.

SECTION 1025

Minimum Size

The minimum size and extent of a Commercial Two district, including all the contiguous private property so designated, shall not be less than two (2) acres.

SECTION 1026

Minimum Standards

See Article 31 for dimensional standards. (Site Plan Review required for all permitted uses, See Article 30)

City of Walton

Phillip W. Trzop
Mayor

"The Place to Be"

Visit Our Website
www.cityofwalton.org

June 15, 2005

Mr. Kevin Wall
Boone County Planning Commission

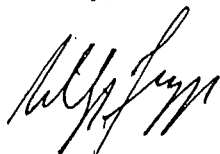
Re: Re-zoning of Mary Grubbs/ Service Road Area to C2

Dear Mr. Wall:

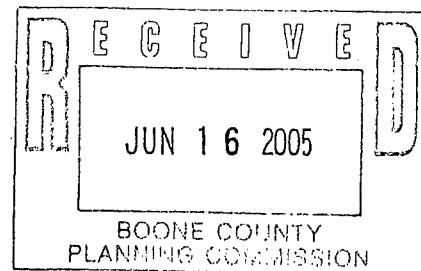
Please find attached a request from the City of Walton for a re-zoning of the above mentioned area for Commercial Development. The City feels this will help to accomplish our goal of bringing a grocery store to the City.

Thank you in advance for your help, please let me know when the Public Hearing is scheduled, so that I can attend.

Sincerely,



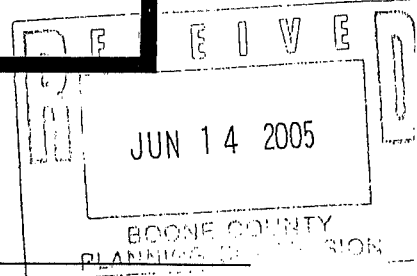
Phillip W. Trzop



6/14/05

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 City of Walton
 2. Location of Project South Side of Ky. Highway 16
 3. Total Acreage of Site 129.7593 Acres
 4. Current Zoning of Site I-1
 5. Proposed Zoning (Classification being requested) C-2
 6. Proposed Uses (please specify each use) Commercial
-
7. Names of Applicant(s) City of Walton, Kentucky
Phone Number 485-4383 Fax No. 485-9710
 8. Address of Applicant(s) 40 N. Main Street
Walton, Kentucky 41094
City State Zip
 9. Name of Property Owner(s) _____
Phone Number _____ Fax No. _____
 10. Address of Property Owner(s) _____
City State Zip
 11. Proposed Building Intensities (please specify) _____
 12. Are there any existing buildings on the site? _____
How many? _____
 13. Deed Book _____ Page No. _____ Group No. _____
 14. Are you also applying for:
 No Conditional Use Permit
 No Dimensional Variance
 15. Have you submitted a Concept Development Plan? No
 16. Have you had a pre-application meeting with BCPC Staff? No
 17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- _____ Boone County Water and Sewer District
- _____ Florence Water and Sewer Commission
- _____ Union Light Heat and Power
- _____ Cincinnati Bell
- _____ Owen County Rural Electric
- _____ Boone County Public Works Department
- _____ Kentucky Transportation Cabinet
- _____ City of Florence Public Services Department
- _____ Boone County Building Department

(over)

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A**

**July 20, 2005
7:30 P.M.**

PUBLIC HEARINGS

Commission Members Present: Mr. Breetz, Mr. Carmichael, Mrs. Kegley, Mrs. Poston - Vice Chairperson, Mr. White, and Mrs. Wilson – Secretary/Treasurer.

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

Legal Counsel Present: Mr. Larry Dillon

Mrs. Susan Poston, Vice Chairperson, called the meeting to order at 7:30 PM and introduced the first item on the Agenda:

Applicant: City of Walton for
Camp Ernst Road, LLC, Quality Forest Products,
Harold Trostorff, Leona Trostorff, Floyd Humphrey,
Rhonda Humphrey, and Dortha Dance (owners)

Request: Zoning Map Amendment

The request of the City of Walton (applicant) for Camp Ernst Road, LLC Quality Forest Products, Harold Trostorff, Leona Trostorff, Floyd Humphrey, Rhonda Humphrey, and Dortha Dance (owners) for a Zoning Map Amendment from Industrial One (I-1) to Commercial Two (C-2) for an approximate 130-acre area located on the south side of Service Road between the properties at 12900 and 13160 Service Road including the property at 13140 Service Road, south of the properties at 12900 and 13160 Service Road, along the south side of Mary Grubbs Highway between the property at 12900 Service Road and the CSX Railroad including the properties at 27, 28 and 29 Welsh Avenue, west of the CSX Railroad, and east of the properties at 13316 and 13330 Service Road including the northern-most approximate 45 acres located at 13066 Service Road, Walton Kentucky. The request is for a zone change to allow commercial uses.

Following an explanation of the Public Hearing process, Mrs. Poston asked for the Staff Report.

Staff Member Mitch Light presented the Staff Report which included a Power Point presentation (see Staff Report).

Mrs. Poston asked for the applicant's presentation.

Mr. Phil Trzop, Mayor of the City of Walton, 40 North Main Street, who resides at 119 North Main Street, stated that the application was made at the request of City Council. He stated that industrial development is skipping over Walton and going to Grant County. He stated that before the upgrade of I-75, Walton had the worst ramp system, but they were fortunate to get two long ramps, bridge lights, and stop signs so that people can safely get off at the interchange and safely turn onto Mary Grubbs Highway. Reviewing the Power Point presentation, he indicated the 130-acre site and the location of the severe hillside. He stated that the people interested in the 130 acres are looking at using a local street as the major access. He stated that when a Traffic Study was done two years ago, they were about five hundred cars short of qualifying for a traffic signal at School Road. He stated that they will level the property off and make it accessible from School Road, and part of Service Road will have to be relocated. They realize they cannot have one access into 130 acres of property with a grocery store, major department stores, and a restaurant. They would like to have a restaurant there so that they do not have to go to Richwood. He stated that there is a steep grade there and they would like to have the second intersection across from Beatrice, which has a 6% or 7% slope. There would then be two access points into the property and they may be able to get a traffic signal. If this project develops, he can see the residential railroad crossing being removed because there would be no need for access off of a small residential street to the back of a major development. He stated that the lift station on Welsh Avenue will be renovated at a cost of \$120,000 and a new six-inch force main will be developed. There will be a wastewater treatment plant expansion to supply the city for the next 15 – 20 years. He stated that restaurants and stores are large consumers of water and they have to be prepared for their future. He stated that the I-1 zoning is not selling and they do not need another industrial park in Walton. They need commercial growth. He stated that every town should have a grocery store and the people who live in Walton are tired of going north or south to get groceries. They want to have a place for a grocery store in Walton and that is why the City of Walton made this application. They do not have all the pieces of the puzzle now, but once everything is put together they will submit the Concept Plan. He stated that the Planning Staff knows how he feels about the City of Walton and he does not give in on sidewalks -- they will require sidewalks on both sides and the city will get a park. He stated that the City of Walton likes concrete streets and street lights – and they will make sure that they get them and that everything is done in a nice way. He stated that this is the entrance to the city. He stated that when they sit down to talk with the grocery store, the C-2 zoning will be in place so that they do not have to lose six or eight months going through the Public Hearing

process at that time. They have had a couple of factories or businesses look at this site, but there are other industrial parks and this site has sat empty. He explained that the access to Quality Forest Products is similar to a flag lot, which they do not allow anymore, and it is only twenty feet wide. He stated that if someone did not own all of the property they could not develop the Quality Forest Products property because they would have to have a fifty-foot wide street.

Mrs. Poston asked if there was anyone else present who wished to speak in favor of the request. There being no response, she asked if there was anyone present who wished to speak in opposition.

Mrs. Patricia Parsons, 13482 Service Road, stated that she had questions. She indicated the location of her home on the Power Point slide. She stated that she would love to have a grocery store. Thirty years ago, Walton had two grocery stores, two drugstores, and two hardware stores and now they have nothing. She stated that Service Road is a one-lane dead-end road. She stated that her property is not included in the zone change request and questioned access to her property.

Mr. Floyd Humphrey, 13140 Service Road, stated that the traffic backs up on the interstate around 3 PM to 5 PM, and the traffic making turns blocks the intersection. He stated that there is a good restaurant in Walton almost across from the Mayor's house. He stated that he can live with a store, but he cannot live with a lot of other things the mayor has proposed.

Mrs. Poston asked if there was anyone else present who wished to speak in regard to this request. There being no response, she asked if there were any comments or questions from the Commissioners.

Mrs. Wilson asked if the Mayor would bring the Concept Development Plan to the Zone Change Committee Meeting. Mayor Trzop responded that they are just getting the area ready for commercial development and will have a Concept Development Plan when everything is in place. They are not at that stage now. Mrs. Wilson questioned if, without having the Concept Development Plan, they would be able to look at the list of Principally Permitted Uses and determine which uses will be allowed and which uses will not be allowed and bring that information to Committee. Mayor Trzop agreed to go through the list and provide the information to Committee.

Mrs. Wilson noted Mayor Trzop's concern about industrial development not occurring in that particular area and commented that when industry looks for sites they normally look for property near the interstate.

Mr. Carmichael stated that the subject parcel is currently under review by the Long Range Comprehensive Plan Committee for this use. Mr. Costello explained that all areas of the county are being looked at in the Five Year-Update to determine their future land use. He stated that Walton is growing to the east on the Kenton County side and it is known that there will be a future high school at

some point. He stated that the whole corridor there is being looked at. He stated that in some cases changes are being made and in some cases changes are not being made, but the Public Hearing has not been held yet and if there are changes, they have not been adopted at this time.

Mr. Carmichael stated that the industrial zone in Walton has not developed because it is not financially feasible to develop it.

Mr. Costello stated that this application is unique because it was initiated by the City of Walton and usually the applicant is a private property owner or the change is part of the Five-Year Update. He stated that the Zoning Code does not require a Concept Development Plan and a request cannot be turned down because one was not submitted – but it is very difficult to evaluate the impact without the Concept Development Plan. He stated that the adjoining C-2 zoning to the northwest is important in terms of fitting in and the road network, but it is difficult to make an analysis without the Concept Development Plan. He stated that this is a large site and asked if there is any possibility of examining a portion of it as C-2 and not the entire property. Mayor Trzop responded “we are looking at dead center”.

Mrs. Poston stated that this zone change would take out a lot of I-1 property and questioned how much undeveloped I-1 property exists in Boone County now. Mr. Light stated that he will provide the information for the entire county at the Committee Meeting. He stated that the City of Walton has almost 743 acres of property zoned I-1 and 83.85 acres zoned I-2, which is a total of 826.5 acres of property zoned Industrial, and 455.32 acres of that property is undeveloped. He stated that this 130 acres is approximately 28% of the undeveloped Industrial property in the city of Walton and removing it would leave 325.32 acres of undeveloped Industrial property. This 130 acres is 16% of the total Industrial property in the city of Walton. He explained that undeveloped lots in an industrial park are technically considered to be developed lots. He reviewed the Power Point slide in regard to the location of the industrial property and the access points. He stated that Quality Forest Products is accessed by a 20-foot strip and a 60-foot right-of-way is required for industrial property. In response to a question from Mrs. Poston, he indicated the location of the railroad and how it goes under Mary Grubbs Highway. He indicated the location of a railroad spur to the Quality Forest Products site. The railroad spur is located to the south of the subject property on the remaining I-1 property which is not part of this request.

Mrs. Kegley asked how much C-2 undeveloped property exists in Walton. Mr. Light will provide that information to the Committee.

Mrs. Poston asked the Mayor to respond to the questions raised. Mayor Trzop stated that they would have to do something with the old road and take out the hillside. He reviewed the Power Point slide and indicated how Service Road would be reconfigured to come straight down into the site. Service Road would come to a T-intersection and then into Mary Grubbs Highway. Part of Service

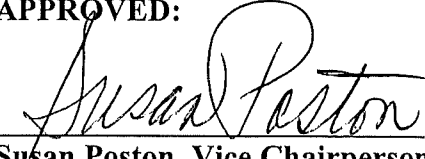
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Mrs. Parsons stated that since the drugstore went in, the traffic on the road has increased and last year before school was out there was approximately five times as much traffic as there was before – but there is no traffic light there. She is concerned about safety for everyone getting in and out of there during construction. She stated that it is a state road and asked if the state has been notified and if the state has agreed to put up a traffic light. She questioned the plans to handle the traffic. She stated that people are crossing the four-lane highway to go to the drugstore and almost getting hit. She stated that the drugstore moved out of town to have a drive-through window, but there is no sidewalk.


Mayor Trzop stated that Service Road is a state road and if they relocate the road they would have to petition to take that area of the road over for city maintenance. The part of Service Road that is relocated would go over to City Maintenance and the rest of the road would still be maintained by the state. He stated that he got the traffic lights set up on the bridge on Mary Grubbs Highway, but the taxpayers have to pay for the electricity to run them. He stated that the light on Mary Grubbs Highway and U.S. 25 took a Governor's Order because KDOT would not put it in. He stated that they have petitioned KDOT for a traffic signal and been denied twice because there are not sufficient traffic counts. A traffic signal cannot go in unless he gets the Governor to order it. He stated that they took the traffic count while school was in, but they still did not qualify. He stated that it is not only the main road that has to qualify but also the side road must qualify in order to get a traffic light there and the city would have to agree to pay for the electricity for the light.

There being no further comments, Mrs. Poston stated that the Committee Meeting for this item will be on August 3, 2005 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on August 17, 2005 at 7:00 PM. Mrs. Poston closed this Public Hearing.

APPROVED:


Susan Poston, Vice Chairperson

Attest:


Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
August 17, 2005
7:00 P.M.**

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:05 PM.

COMMISSION MEMBERS PRESENT:

Mr. Randy Barlow
Mr. Greg Breetz
Mr. Kim Bungler
Mr. Arnold Caddell, Chairman
Mr. Jim Carmichael
Mrs. Janet Kegley
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

COMMISSION MEMBERS NOT PRESENT:

Mr. Robert Newman
Mrs. Lisa Wilson, Secretary/Treasurer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Patty Bachman, Planner
Ms. Jan Hancock, Secretary
Mr. Kevin Wall, AICP, CDT – Director, Zoning Services

Approval of the Minutes:

Chairman Caddell stated that the Commissioners received copies of the Minutes of the August 3, 2005 Business Meeting. He asked if there were any comments or corrections. There being no changes to the Minutes, Mr. White moved that they be approved as mailed. Mrs. Poston seconded the motion and it carried unanimously.

Chairman Caddell stated that the Commissioners received copies of the August 3, 2005 Public Hearing Item #1 Minutes in the mail, but the Minutes of Public Hearing Item #2 were omitted and are in the packets this evening. Following a short period of time for the Commissioners to review the minutes, Mrs. Poston moved to approve the Minutes of Public Hearing Item #1 as mailed and the Minutes of Public Hearing Item #2 as presented. Mr. Breetz seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

1. Zoning Map Amendment

The request of the City of Walton (applicant) for Camp Ernst Road, LLC Quality Forest Products, Harold Trostorff, Leona Trostorff, Floyd Humphrey, Rhonda Humphrey, and Dortha Dance (owners) for a Zoning Map Amendment from Industrial One (I-1) to Commercial Two (C-2) for an approximate 130-acre area located on the south side of Service Road between the properties at 12900 and 13160 Service Road including the property at 13140 Service Road, south of the properties at 12900 and 13160 Service Road, along the south side of Mary Grubbs Highway between the property at 12900 Service Road and the CSX Railroad including the properties at 27, 28 and 29 Welsh Avenue, west of the CSX Railroad, and east of the properties at 13316 and 13330 Service Road including the northern-most approximate 45 acres located at 13066 Service Road, Walton Kentucky. The request is for a zone change to allow commercial uses.

Staff Member Kevin Wall presented the Committee Report which recommended approval of the request based on the Findings of Fact, but subject to conditions (see Committee Report). The property owners have signed the letter agreeing to the conditions.

At this time, in accordance with the Planning Commission's new procedure, the Chairman allowed the applicant up to five minutes to summarize their position.

Mr. Phil Trzop, Mayor of the City of Walton, had no comments.

The Chairman asked if there was a spokesperson for the opposition who wished to summarize their position at this time. There was no response.

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

2. **Zoning Map Amendment**

The request of Racon Development (applicant) for Wayne McClellan, Doris McClellan, and F & N Land Company (owners) for a Zoning Map Amendment from Rural Suburban Estates/Union Town Overlay (RSE/UTO) to Suburban Residential Two/Union Town Overlay (SR-2/UTO) for 15.02 acres, and a Zoning Map Amendment from Union Neighborhood Office (UNO) to Suburban Residential Two/Union Town Overlay (SR-2/UTO) for 3.85 acres, both for a total of 18.87 acres located at 9209 Old Union Road, and a vacant parcel immediately to the north of 9209 Old Union Road and across Old Union Road from the intersections with Longbranch Road and Orleans Boulevard, Union, Kentucky. The request is for two zone changes to allow single-family attached dwellings.

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). Ms. Bachman noted a correction to the Committee Report on Page 1 the second to last sentence should read "Additionally, a secondary access point along Old Union Road will be added to the site, the location of which will be determined during the Site Plan Review for the project".

Mr. Costello asked for a copy of the Revised Plan for the Commissioners to review as significant changes were made to the pedestrian access and the lot was revised to include the smokehouse. Mr. Brueggemann provided the Commissioners with a large copy of the Revised Plan to review.

At this time, in accordance with the Planning Commission's new procedure, the Chairman allowed the applicant up to five minutes to summarize their position.

Mr. Mark Guilfoyle stated that the applicant attended the Zone Change Committee meeting and addressed every concern that was raised at the Public Hearing.

The Chairman asked if there was a spokesperson for the opposition who wished to summarize their position at this time. There was no response.

There being no discussion, **Mr. Barlow moved by resolution to the City of Union that the request be approved based on the Committee Report with the conditions. Mrs. Kegley seconded the motion.**

In regard to Condition #4, Mr. Barlow stated that the letter from Bob Townsend with the City of Florence Public Services Department (copy attached to the

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Greg Breetz, Chairman

DATE: August 17, 2005

RE: Request of The City of Walton (applicant) for Camp Ernst Road, LLC, Quality Forest Products, Harold Trostorff, Leona Trostorff, Floyd Humphrey, Rhonda Humphrey, and Dortha Dance (owners) for a Zoning Map Amendment from Industrial One (I-1) to Commercial Two (C-2) for an approximate 130 acre area located on the south side of Service Road between the properties at 12900 and 13160 Service Road including the property at 13140 Service Road, south of the properties at 12900 and 13160 Service Road, along the south side of Mary Grubbs Highway between the property at 12900 Service Road and the CSX Railroad including the properties at 27, 28, and 29 Welsh Avenue, west of the CSX Railroad, and east of the properties at 13316 and 13330 Service Road including the northern-most approximate 45 acres located at 13066 Service Road, Walton, Kentucky. The request is for a zone change to allow commercial uses.

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 existing zoning classification of Industrial One (I-1) is inappropriate and that the proposed zoning classification of Commercial Two (C-2) is appropriate since some new small scale commercial activity has been occurring along Mary Grubbs Highway and no tracts of sufficient size are available for larger scale commercial development necessary to support the growing residential base within the City of Walton.
2. The Committee has concluded that the map amendment request is in agreement with the text of the Business Activity Element of the 2000 Boone County Comprehensive Plan which mentions this area for potential Commercial uses as long as they do not include "truck oriented commercial activity." After the 2000 Boone County Comprehensive Plan was adopted, the City of Walton requested to change the existing zoning around the interchange from Commercial Services (C-3) to Commercial Two (C-2) as part of the Zoning Update in order to eliminate future uses involving "truck oriented commercial activity." That request was adopted as part of the *2001-02 Boone County Zoning Regulations*:

The Committee has concluded that the following conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2005 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 owners agree to restrict pawn shops, crematoriums and funeral homes from the permitted use list.
2. The property owners agree to allow the Zone Change Committee the opportunity to provide input regarding subdivision design (i.e. road network, lot layout, etc.) when the Preliminary Plat is submitted for review.

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

July 20, 2005
7:30 P.M.

PUBLIC HEARINGS

Commission Members Present: Mr. Breetz, Mr. Carmichael, Mrs. Kegley, Mrs. Poston - Vice Chairperson, Mr. White, and Mrs. Wilson – Secretary/Treasurer.

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

Legal Counsel Present: Mr. Larry Dillon

Mrs. Susan Poston, Vice Chairperson, called the meeting to order at 7:30 PM and introduced the first item on the Agenda:

Applicant: City of Walton for
Camp Ernst Road, LLC, Quality Forest Products,
Harold Trostorff, Leona Trostorff, Floyd Humphrey,
Rhonda Humphrey, and Dortha Dance (owners)

Request: Zoning Map Amendment

The request of the City of Walton (applicant) for Camp Ernst Road, LLC Quality Forest Products, Harold Trostorff, Leona Trostorff, Floyd Humphrey, Rhonda Humphrey, and Dortha Dance (owners) for a Zoning Map Amendment from Industrial One (I-1) to Commercial Two (C-2) for an approximate 130-acre area located on the south side of Service Road between the properties at 12900 and 13160 Service Road including the property at 13140 Service Road, south of the properties at 12900 and 13160 Service Road, along the south side of Mary Grubbs Highway between the property at 12900 Service Road and the CSX Railroad including the properties at 27, 28 and 29 Welsh Avenue, west of the CSX Railroad, and east of the properties at 13316 and 13330 Service Road including the northern-most approximate 45 acres located at 13066 Service Road, Walton Kentucky. The request is for a zone change to allow commercial uses.

Following an explanation of the Public Hearing process, Mrs. Poston asked for the Staff Report.

Staff Member Mitch Light presented the Staff Report which included a Power Point presentation (see Staff Report).

Mrs. Poston asked for the applicant's presentation.

Mr. Phil Trzop, Mayor of the City of Walton, 40 North Main Street, who resides at 119 North Main Street, stated that the application was made at the request of City Council. He stated that industrial development is skipping over Walton and going to Grant County. He stated that before the upgrade of I-75, Walton had the worst ramp system, but they were fortunate to get two long ramps, bridge lights, and stop signs so that people can safely get off at the interchange and safely turn onto Mary Grubbs Highway. Reviewing the Power Point presentation, he indicated the 130-acre site and the location of the severe hillside. He stated that the people interested in the 130 acres are looking at using a local street as the major access. He stated that when a Traffic Study was done two years ago, they were about five hundred cars short of qualifying for a traffic signal at School Road. He stated that they will level the property off and make it accessible from School Road, and part of Service Road will have to be relocated. They realize they cannot have one access into 130 acres of property with a grocery store, major department stores, and a restaurant. They would like to have a restaurant there so that they do not have to go to Richwood. He stated that there is a steep grade there and they would like to have the second intersection across from Beatrice, which has a 6% or 7% slope. There would then be two access points into the property and they may be able to get a traffic signal. If this project develops, he can see the residential railroad crossing being removed because there would be no need for access off of a small residential street to the back of a major development. He stated that the lift station on Welsh Avenue will be renovated at a cost of \$120,000 and a new six-inch force main will be developed. There will be a wastewater treatment plant expansion to supply the city for the next 15 – 20 years. He stated that restaurants and stores are large consumers of water and they have to be prepared for their future. He stated that the I-1 zoning is not selling and they do not need another industrial park in Walton. They need commercial growth. He stated that every town should have a grocery store and the people who live in Walton are tired of going north or south to get groceries. They want to have a place for a grocery store in Walton and that is why the City of Walton made this application. They do not have all the pieces of the puzzle now, but once everything is put together they will submit the Concept Plan. He stated that the Planning Staff knows how he feels about the City of Walton and he does not give in on sidewalks -- they will require sidewalks on both sides and the city will get a park. He stated that the City of Walton likes concrete streets and street lights – and they will make sure that they get them and that everything is done in a nice way. He stated that this is the entrance to the city. He stated that when they sit down to talk with the grocery store, the C-2 zoning will be in place so that they do not have to lose six or eight months going through the Public Hearing

process at that time. They have had a couple of factories or businesses look at this site, but there are other industrial parks and this site has sat empty. He explained that the access to Quality Forest Products is similar to a flag lot, which they do not allow anymore, and it is only twenty feet wide. He stated that if someone did not own all of the property they could not develop the Quality Forest Products property because they would have to have a fifty-foot wide street.

Mrs. Poston asked if there was anyone else present who wished to speak in favor of the request. There being no response, she asked if there was anyone present who wished to speak in opposition.

Mrs. Patricia Parsons, 13482 Service Road, stated that she had questions. She indicated the location of her home on the Power Point slide. She stated that she would love to have a grocery store. Thirty years ago, Walton had two grocery stores, two drugstores, and two hardware stores and now they have nothing. She stated that Service Road is a one-lane dead-end road. She stated that her property is not included in the zone change request and questioned access to her property.

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Mrs. Kegley asked how much C-2 undeveloped property exists in Walton. Mr. Light will provide that information to the Committee.

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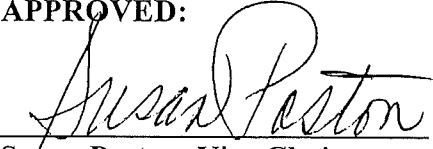
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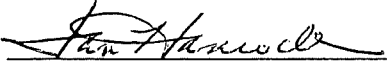
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There being no further comments, Mrs. Poston stated that the Committee Meeting for this item will be on August 3, 2005 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on August 17, 2005 at 7:00 PM. Mrs. Poston closed this Public Hearing.

APPROVED:


Susan Poston, Vice Chairperson

Attest:


Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

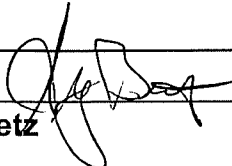
FROM: Greg Breetz, Chairman

DATE: August 3, 2005

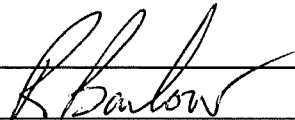
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REMARKS:

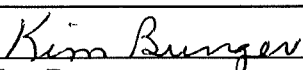
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.



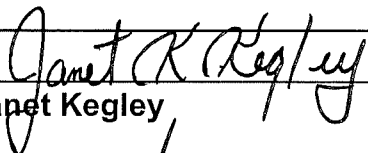
Greg Breetz
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____



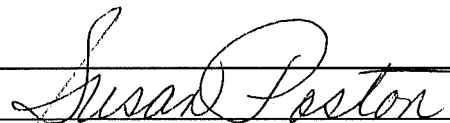
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For Project Absent _____
Against Project _____
Abstain _____ Deferred _____



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



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



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 _____

Lisa Wilson (Alternate)
For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

TOTAL: _____ DEFERRED 5 FOR PROJECT _____ ABSENT
_____ AGAINST PROJECT _____ ABSTAIN

SUPPORTING INFORMATION



JAMES W. BERLING ENGINEERING, PLLC

Land Surveying • Site Development • Civil Engineering Services • Land Planning

KY License No. 5745

1671 PARK ROAD, SUITE ONE • FT. WRIGHT, KENTUCKY 41011 • (859) 331-9191 • FAX (859) 344-7422

Land Surveyor License KY 206

June 14, 2005

LEGAL DESCRIPTION

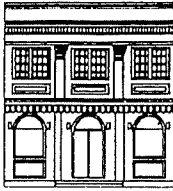
129.7593 ACRES

PROPOSED ZONING MAP AMENDMENT
FROM I-1 TO C-2
WALTON, KENTUCKY

Beginning at the intersection point of the centerline of Ky. Highway No. 16 (Mary Grubbs Highway) and the centerline of the CSX Railroad; thence in a southerly direction along the centerline of the CSX Railroad 2,292.27 feet to a point; thence leaving said railroad S 62° 18' 24" W along the north line of RGB Properties, L.L.C. 985.17 feet to a corner; thence through RGB Properties, L.L.C., S 78° 30' 22" W 1,439.26 feet to a point; thence along the west line of RGB Properties, L.L.C., N 4° 56' 40" W 1,355.98 feet, N 73° 49' 26" E 222.92 feet, and N 68° 22' 20" E 163.02 feet to a point, corner with Dance; thence along the west line of Dortha Dance N 7° 02' 29" W 501.67 feet to a point, corner to Humphrey; thence along the lines of Humphrey S 69° 33' 01" W 88.44 feet and N 10° 58' 23" W 230.78 feet to a point in the centerline of the existing Service Road; thence along the centerline of the existing Service Road in an easterly direction 164.85 feet to a point; thence along the centerline of the Service Road N 52° 09' 59" E 614.47 feet to a point; thence in a northeasterly direction along the centerline of said Service Road 106.41 feet to a point; thence leaving same and following along the centerline of another Service Road S 56° 32' 07" E 218.88 feet to a point; thence continuing along the centerline of said Service Road in a southeasterly direction 127.72 feet to a point; thence along same and following along the south line of Litmer Properties, L.L.C., N 76° 50' 31" E 741.11 feet to a point; thence N 4° 21' 32" W 140.85 feet to a point in the centerline of Ky. Highway No. 16 (Mary Grubbs Highway); thence in an easterly direction along the centerline of Ky. Highway No. 16, a distance of 862.27 feet to the place of beginning.

Containing 129.7593 Acres

BOONE COUNTY PLANNING COMMISSION



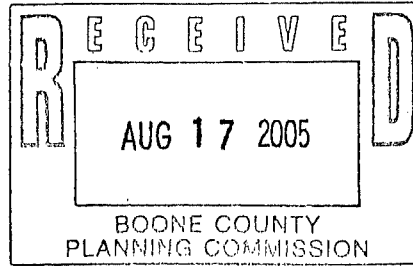
2995 Washington Street • Burlington, KY 41005

www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org



August 8, 2005

The Honorable Phillip Trzop
Mayor, City of Walton
P.O. Box 95
Walton, KY 41094

RE: Request of **The City of Walton (applicant)** for **Camp Ernst Road, LLC, Quality Forest Products, Harold Trostorff, Leona Trostorff, Floyd Humphrey, Rhonda Humphrey, and Dortha Dance (owners)** for a Zoning Map Amendment from Industrial One (I-1) to Commercial Two (C-2) for an approximate 130 acre area located on the south side of Service Road between the properties at 12900 and 13160 Service Road including the property at 13140 Service Road, south of the properties at 12900 and 13160 Service Road, along the south side of Mary Grubbs Highway between the property at 12900 Service Road and the CSX Railroad including the properties at 27, 28, and 29 Welsh Avenue, west of the CSX Railroad, and east of the properties at 13316 and 13330 Service Road including the northern-most approximate 45 acres located at 13066 Service Road, Walton, Kentucky. The request is for a zone change to allow commercial uses.

Dear Mayor Trzop:

The following represents the conditions of approval for the above referenced application as recommended by the Planning Commission's Zone Change Committee at their August 3, 2005 meeting. If you, as the applicant, agree with these conditions, please indicate by providing the signatures of the property owners in the spaces provided at the end of this letter, and return the original letter to the Planning Commission office by Monday, August 15, 2005.

CONDITIONS

1. The property owners agree to restrict pawn shops, crematoriums and funeral homes from the permitted use list.
2. The property owners agree to allow the Zone Change Committee the opportunity to provide input regarding subdivision design (i.e. road network, lot layout, etc.) when the Preliminary Plat is submitted for review.

Sincerely,


Mitchell A. Light
Assistant Zoning Admin/Enforcement Officer

MAL/pr

The Honorable Phillip Trzop
Mayor, City of Walton
August 8, 2005
Page 2

AGREEMENT

We, the Property Owners, do hereby agree to the recommended conditions of approval stated above for a Zoning Map Amendment from Commercial Services (C-3) to Commercial Two (C-2) for an approximate 9,450 square foot site located at 6711 Dixie Highway, Florence, Kentucky.

Harold R Trostorff 8-16-2005
Harold Trostorff (owner) Date

Leona Trostorff 8-16-2005
Leona Trostorff (owner) Date

WALTON LAND DEVELOPMENT COMPANY, LLC

MEMBER 8-16-05
Floyd Humphrey (owner) Date

DIXIE BOOK 900 PAGE 682

Rhonda Humphrey 8-16-05
Rhonda Humphrey (owner) Date

WALTON LAND DEVELOPMENT COMPANY, LLC

MEMBER 8-16-05
Dorinda Dance (owner) Date

DIXIE BOOK 900 PAGE 672

FAX INCLUDED 8-16-05
Quality Forest Products (owner) Date

Camp Ernst Road, LLC 8-16-05
Camp Ernst Road, LLC (owner) Date

MEMBER



QUALITY FOREST PRODUCTS, INC.

21144 US Hwy. 301 South
Enfield, NC 27823-8990
Ph: (252) 445-2113 x 33
Fax: (252) 445-2771
Fax: (252) 445-2896
rmorton@qualityforest.com

www.qualityforest.com

TO: Jim Berling DATE: 2005-08-12

COMPANY: Berling Engineering

FROM: Rudy Morton FAX#: 1-859-344-7422

Number of pages including cover 3

COMMENTS:

Boone County Planning Commission - 8-8-2005 Letter

The information contained in this facsimile message and any and all accompanying documents constitute **CONFIDENTIAL INFORMATION**, and it is the property of **Quality Forest Products, Inc.** If you are not the intended recipient of this information, any disclosure, copying, distributing or the taking of any action in reliance on this information is strictly prohibited. If you received this facsimile in error, please notify us immediately at the above number to make arrangements for its return to us.

“Treating Our Customers Right . . . By Treating Our Products Right.”

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

August 8, 2005

The Honorable Phillip Trzop
Mayor, City of Walton
P.O. Box 95
Walton, KY 41094

RE: Request of The City of Walton (applicant) for Camp Ernst Road, LLC, Quality Forest Products, Harold Trostorff, Leona Trostorff, Floyd Humphrey, Rhonda Humphrey, and Dortha Dance (owners) for a Zoning Map Amendment from Industrial One (I-1) to Commercial Two (C-2) for an approximate 130 acre area located on the south side of Service Road between the properties at 12900 and 13160 Service Road including the property at 13140 Service Road, south of the properties at 12900 and 13160 Service Road, along the south side of Mary Grubbs Highway between the property at 12900 Service Road and the CSX Railroad including the properties at 27, 28, and 29 Welsh Avenue, west of the CSX Railroad, and east of the properties at 13316 and 13330 Service Road including the northern-most approximate 45 acres located at 13086 Service Road, Walton, Kentucky. The request is for a zone change to allow commercial uses.

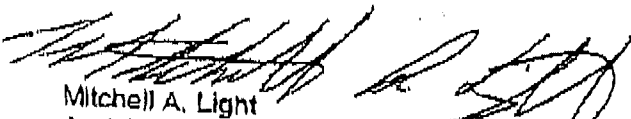
Dear Mayor Trzop:

The following represents the conditions of approval for the above referenced application as recommended by the Planning Commission's Zone Change Committee at their August 3, 2005 meeting. If you, as the applicant, agree with these conditions, please indicate by providing the signatures of the property owners in the spaces provided at the end of this letter, and return the original letter to the Planning Commission office by Monday, August 15, 2005.

CONDITIONS

1. The property owners agree to restrict pawn shops, crematoriums and funeral homes from the permitted use list.
2. The property owners agree to allow the Zone Change Committee the opportunity to provide input regarding subdivision design (i.e. road network, lot layout, etc.) when the Preliminary Plat is submitted for review.

Sincerely,


Mitchell A. Light
Assistant Zoning Admin/Enforcement Officer

MAL/pr

The Honorable Phillip Trzop
Mayor, City of Walton
August 8, 2005
Page 2

AGREEMENT

We, the Property Owners, do hereby agree to the recommended conditions of approval stated above for a Zoning Map Amendment from Commercial Services (C-3) to Commercial Two (C-2) for an approximate 9,450 square foot site located at 6711 Dixie Highway, Florence, Kentucky.

Harold Trostorff (owner) _____ Date

Leona Trostorff (owner) _____ Date

Floyd Humphrey (owner) _____ Date

Rhonda Humphrey (owner) _____ Date

Dortha Dance (owner) _____ Date

Alan Bell Present Aug. 11 2005
Quality Forest Products (owner) _____ Date

Camp Ernst Road, LLC (owner) _____ Date

41570/Walton Land Dev

Return to:

KENTUCKY LAND TITLE AGENCY
2382 GRANDVIEW DRIVE
FT. MITCHELL, KY 41017

DEED

KNOW ALL PERSONS BY THESE PRESENTS:

That Floyd Humphrey and Rhoda Humphrey, husband and wife, for and in consideration of Two Hundred Thousand and 00/100 Dollars (\$200,000.00) paid by the Grantee, herein, the receipt of which is acknowledged, do bargain, sell and convey to Walton Land Development Company, LLC, a Kentucky Limited Liability Company, its successors and/or assigns, the following described real estate, County of Boone and Commonwealth of Kentucky, to-wit:

Present Street Address: 13140 Service Road, Walton, KY 41094

Grantee Mailing Address: 8080 Steilen Drive, Florence, KY 41042

Grantor Mailing Address: *13140 Service Road, Walton, Ky, 41094*

Group No: 2079

PIDN: 078-00-00-045.00

See attached Exhibit "A" for legal description which is incorporated by reference herein.

Subject to Easements and Restrictions of record.

Being the same property conveyed to the grantors by deed recorded in Deed Book 149, page 226 and by deed recorded in Deed Book 162, page 55 of the Boone County Clerk's records at Burlington, Kentucky.

Together with all the privileges and appurtenances to the same belonging. To have and to hold the same to the said Grantee, Walton Land Development Company, LLC, a Kentucky Limited Liability Company, its successors and assigns, forever, the Grantors, Floyd Humphrey and Rhoda Humphrey, husband and wife, their heirs and assigns hereby covenanting with the Grantee that the title so conveyed is clear, free and unencumbered and that they will warrant and defend the same against all legal claims whatsoever.

IN WITNESS WHEREOF, the said Grantors, Floyd Humphrey and Rhoda Humphrey, husband and wife, hereunto set their hands, this 1st day of August, 2005.

GRANTORS:

Floyd C. Humphrey
Floyd Humphrey

Rhoda Humphrey
Rhoda Humphrey

STATE OF KENTUCKY
COUNTY OF KENTON

The foregoing instrument was acknowledged before me this 1st day of August, 2005 by the Grantors, Floyd Humphrey and Rhoda Humphrey, husband and wife, to be their voluntary act and deed.

Ronald G. Mullen
NOTARY PUBLIC

My commission expires:

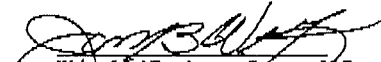
9/24/08

RONALD G. MULLEN
Notary Public, Kentucky, State at Large
My Commission Expires Sept. 24, 2008

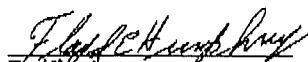
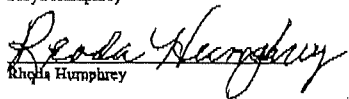
CONSIDERATION CERTIFICATE

We, the undersigned, being the Grantors, Floyd Humphrey and Rhoda Humphrey, husband and wife, and the Grantee, Walton Land Development Company, LLC, a Kentucky Limited Liability Company, in a certain deed dated August 1, 2005, to which this Certificate is attached, or the authorized representatives thereof, do hereby certify, pursuant to K.R.S. Chapter 382, that the consideration reflected in this Deed is either the full consideration paid or the estimated value of the property interest conveyed therein for said property.

GRANTEE:


Walton Land Development Company, LLC,
a Kentucky Limited Liability Company
By: James B. Wenstrup
Its: ~~Authorized agent~~ Authorized agent

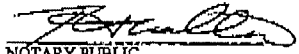
GRANTORS:


Floyd Humphrey

Rhoda Humphrey

STATE OF KENTUCKY
COUNTY OF KENTON

The foregoing Consideration Certificate was acknowledged, subscribed and sworn to before me this 1st day of August, 2005 by the Grantors, Floyd Humphrey and Rhoda Humphrey, husband and wife, to be their voluntary act and deed.

My commission expires: 9/24/08

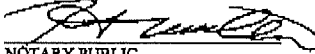

NOTARY PUBLIC

RONALD G. MULLEN
Notary Public, Kentucky, State at Large
My Commission Expires Sept. 24, 2008

STATE OF KENTUCKY
COUNTY OF KENTON

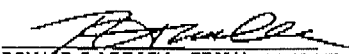
The foregoing Consideration Certificate was acknowledged, subscribed and sworn to before me this 1st day of August, 2005 by the Grantee, Walton Land Development Company, LLC, a Kentucky Limited Liability Company, acting by and through James B. Wenstrup, its ~~Authorized agent~~ Authorized agent, to be its voluntary act and deed.

My commission expires: 9/24/08


NOTARY PUBLIC

RONALD G. MULLEN
Notary Public, Kentucky, State at Large
My Commission Expires Sept. 24, 2008

THIS INSTRUMENT PREPARED BY:


RONALD G. MULLEN, ATTORNEY AT LAW
KENTUCKY LAND TITLE AGENCY, INC.
2362 Grandview Drive
Fl. Mitchell, KY 41017
(859) 344-1919

BOONE COUNTY
D900 Pg 683

EXHIBIT "A"

Group: 2079

Parcel One:

Lying and being in Boone County, Kentucky on the old Walton-Verona Road and beginning at a corner with Ernest Dance in the south margin of said road; thence with Dance' line in a southerly direction 160 feet; thence in a westerly direction 90 feet to a point, a corner with the remaining lands of Emma Stockman; thence in a northerly direction 160 feet to a point in the south margin of said road; thence along the south margin of said road, 100 feet to the beginning.

Parcel Two:

Lying and being in Boone County, Kentucky, near the Walton-Verona Road and beginning at a corner of Ernest Dance and the property conveyed to grantees in Deed Book 149, page 226; thence with Humphrey's line 90 feet to a point corner with Humphrey and Stockman; thence in a southerly direction, a continuation of the present line between Humphrey and Stockman 50 feet to a point corner with Stockman's remaining land; thence eastwardly 87 feet, more or less to Dance's line; thence with Dance 50 feet to the beginning.

Subject to easements and restrictions of record and/or in existence.

BOONE COUNTY
D900 Pg 684

DOCUMENT NO: 311891
RECORDED ON: AUGUST 05, 2005 11:06:52AM
TOTAL FEES: \$12.00
TRANSFER TAX: \$200.00
GROUP: 2079
COUNTY CLERK: MARILYN K ROUSE
BOONE COUNTY CLERK
DEPUTY CLERK: KARLA MORRISON
BOOK D900 PAGES 682 - 684

11567 Walton Land Development, LLC

Return to:

RETURN TO: KENTUCKY LAND TITLE AGENCY
2382 GRANDVIEW DRIVE
FT. MITCHELL, KY 41017

DEED

KNOW ALL PERSONS BY THESE PRESENTS:

That Dartha Lorena Dance (aka. Dortha Lorena Dance), unmarried, for and in consideration of Two Million Two Hundred Thousand and 00/100 Dollars (\$2,200,000.00) paid by the Grantee, herein, the receipt of which is acknowledged, does bargain, sell and convey to Walton Land Development Company, LLC, a Kentucky Limited Liability Company, its successors and/or assigns, the following described real estate, County of Boone and Commonwealth of Kentucky, to-wit:

Present Street Address: 13095 Service Road, Walton, KY 41094
Grantee Mailing Address: 8080 Steilen Drive, Florence, KY 41042
Grantor Mailing Address: 850 Hillwood Ave, Frankfort, Ky 40601

Group No: 2079
PIDN: 078.00-00-038.00

See attached Exhibit "A" for legal description which is incorporated by reference herein.

Subject to Easements and Restrictions of record.

Being all of the remaining property conveyed to Ernest Dance and Dortha Lorena Dance by deeds recorded in Deed Book 84, page 562, Deed Book 136, page 267 and Deed Book 316, page 138 of the Boone County Clerk's records at Burlington, Kentucky. Ernest Dance died June 1, 1988 and title vested in Dortha Lorena Dance. Dortha Lorena Dance is more correctly known as Dartha Lorena Dance.

Together with all the privileges and appurtenances to the same belonging. To have and to hold the same to the said Grantee, Walton Land Development Company, LLC, a Kentucky Limited Liability Company, its successors and assigns, forever, the Grantor, Dartha Lorena Dance (aka. Dortha Lorena Dance), unmarried, her heirs and assigns hereby covenanting with the Grantee that the title so conveyed is clear, free and unencumbered and that she will warrant and defend the same against all legal claims whatsoever.

IN WITNESS WHEREOF, the said Grantor, Dartha Lorena Dance (aka. Dortha Lorena Dance), unmarried, hereunto sets her hand, this 1st day of August, 2005.

GRANTOR:

Dartha Lorena Dance
Dartha Lorena Dance (aka. Dortha Lorena Dance)

STATE OF KENTUCKY
COUNTY OF KENTON

The foregoing instrument was acknowledged before me this 1st day of August, 2005 by the Grantor, Dartha Lorena Dance (aka. Dortha Lorena Dance), to be her voluntary act and deed.

[Signature]
NOTARY PUBLIC

My commission expires:

9/24/08

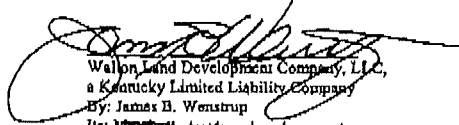
RONALD G. MULLEN
Notary Public, Kentucky, State at Large
My Commission Expires Sept. 24, 2008

BOONE COUNTY
D900 PG 672


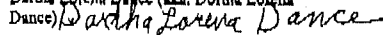
CONSIDERATION CERTIFICATE

We, the undersigned, being the Grantor, Dartha Lorena Dance (aka. Dortha Lorena Dance), and the Grantee, Walton Land Development Company, LLC, a Kentucky Limited Liability Company, in a certain deed dated August 1, 2005, to which this Certificate is attached, or the authorized representatives thereof, do hereby certify, pursuant to K.R.S. Chapter 182, that the consideration reflected in this Deed is either the full consideration paid or the estimated value of the property interest conveyed therein for said property.

GRANTEE:


Walton Land Development Company, LLC,
a Kentucky Limited Liability Company
By: James B. Wenstrup
Its: ~~NOTARY~~ Authorized agent

GRANTOR:


Dartha Lorena Dance (aka. Dortha Lorena Dance)


STATE OF KENTUCKY
COUNTY OF KENTON

The foregoing Consideration Certificate was acknowledged, subscribed and sworn to before me this 1st day of August, 2005 by the Grantor, Dartha Lorena Dance (aka. Dortha Lorena Dance), to be her voluntary act and deed.

My commission expires:

9/24/08


NOTARY PUBLIC

STATE OF KENTUCKY
COUNTY OF KENTON

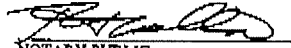
RONALD G. MULLEN
Notary Public, Kentucky, State at Large
My Commission Expires Sept. 24, 2008

The foregoing Consideration Certificate was acknowledged, subscribed and sworn to before me this 1st day of August, 2005 by the Grantee, Walton Land Development Company, LLC, a Kentucky Limited Liability Company, acting by and through James B. Wenstrup, its ~~notary~~ duly authorized pursuant to its operating agreement, to be its voluntary act and deed.

Authorized agent

My commission expires:

9/24/08


NOTARY PUBLIC

THIS INSTRUMENT PREPARED BY:

RONALD G. MULLEN
Notary Public, Kentucky, State at Large
My Commission Expires Sept. 24, 2008

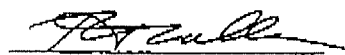

RONALD G. MULLEN, ATTORNEY AT LAW
KENTUCKY LAND TITLE AGENCY, INC.
2362 Grandview Drive
Fr. Mitchell, KY 41017
(859) 344-1919

EXHIBIT "A"

Group: 2079

PARCEL "A"

Beginning at a point in the west line of the grantor's property and the east line of Charles and Hattie Fortwood's property as described in Deed Book 306 at Page 24 of the Boone County Clerk's records at Burlington, Kentucky, said point being the northwest corner of Robert and Rita Small's property as described in Deed Book 315 at Page 40 of said records; thence N 20° 06' 21" W along the grantor's west property line and the east lines of Fortwood and Harper Properties (Deed Book 506, Page 73), a distance of 399.00 feet to a point; thence along the south right of way line of Kentucky Hwy. No. 16, S 84° 51' 47" E 266.07 feet, N 75° 04' 06" E 219.87 feet, S 48° 48' 25" E 91.54 feet, and S 74° 20' 02" E 206.71 feet to a point in the northwest right of way line of Kentucky Hwy. 14 and 16 Connector Road; thence along the northwest right of way line of Kentucky Hwy. 14 and 16 Connector Road S 17° 37' 07" W 97.48 feet, S 59° 22' 22" W 157.72 feet, S 52° 23' 46" W 146.75 feet, and S 46° 34' 53" W 178.64 feet to the east corner of Robert and Rita Small; thence N 49° 55' 21" W along the northeast line of Small 184.50 feet to a corner; thence S 65° 11' 39" W along the north line of Small's property (Deed Book 515, Page 40), a distance of 60.97 feet to the place of beginning.

Containing 4.8617 Acres

PARCEL "B"

Beginning at an iron pin (found) at the southwest corner of the grantor's 1.936 acre parcel as described in Deed Book 316 at Page 138 of the Boone County Clerk's records at Burlington, Kentucky; thence N 71° 25' 10" E along the south line of said 1.936 acre tract 819.66 feet to an iron pin (found) at the southeast corner of same; thence N 6° 39' 40" E along the east line of said parcel 110.56 feet to a point; thence along the common line between the grantor and R.C.B. Properties (Deed Book 844, Page 576) N 71° 25' 10" E 36.44 feet and N 7° 22' 45" W 619.64 feet to a point in the south right of way line of the Kentucky Department of Transportation Farm Road Approach; thence following along the south and west right of way line of the Farm Road Approach S 82° 19' 38" W 9.91 feet, N 29° 53' 01" W 53.85 feet, N 19° 17' 46" W 117.10 feet and N 58° 32' 00" W 190.15 feet to a point; thence along the southeast line of the Kentucky Hwy. 14 and 16 Connector Road S 52° 05' 16" W 558.19 feet and S 62° 34' 38" W 109.86 feet to a point; thence in a southerly direction along the southeast line of said Kentucky Hwy. 14 and 16 Connector Road as it curves to the right with a radius of 507.46 feet, an arc distance of 102.55 feet to a point; thence leaving said road S 7° 03' 53" E along the west line of the grantor and the east line of Floyd and Rhonda Humphrey (Deed Book 162, Page 55) S 7° 03' 53" E 714.11 feet to a point; thence S 71° 25' 10" W 2.40 feet to a post; thence along the west line of the grantor's 1.936 acre tract S 18° 34' 50" E 100.00 feet to the place of beginning.

Containing 18.4638 Acres

Subject to easements and restrictions of record and/or in existence.

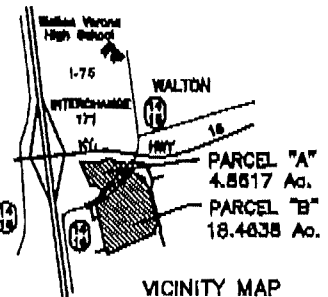
BOONE COUNTY
D900 PG 674

CERTIFICATION

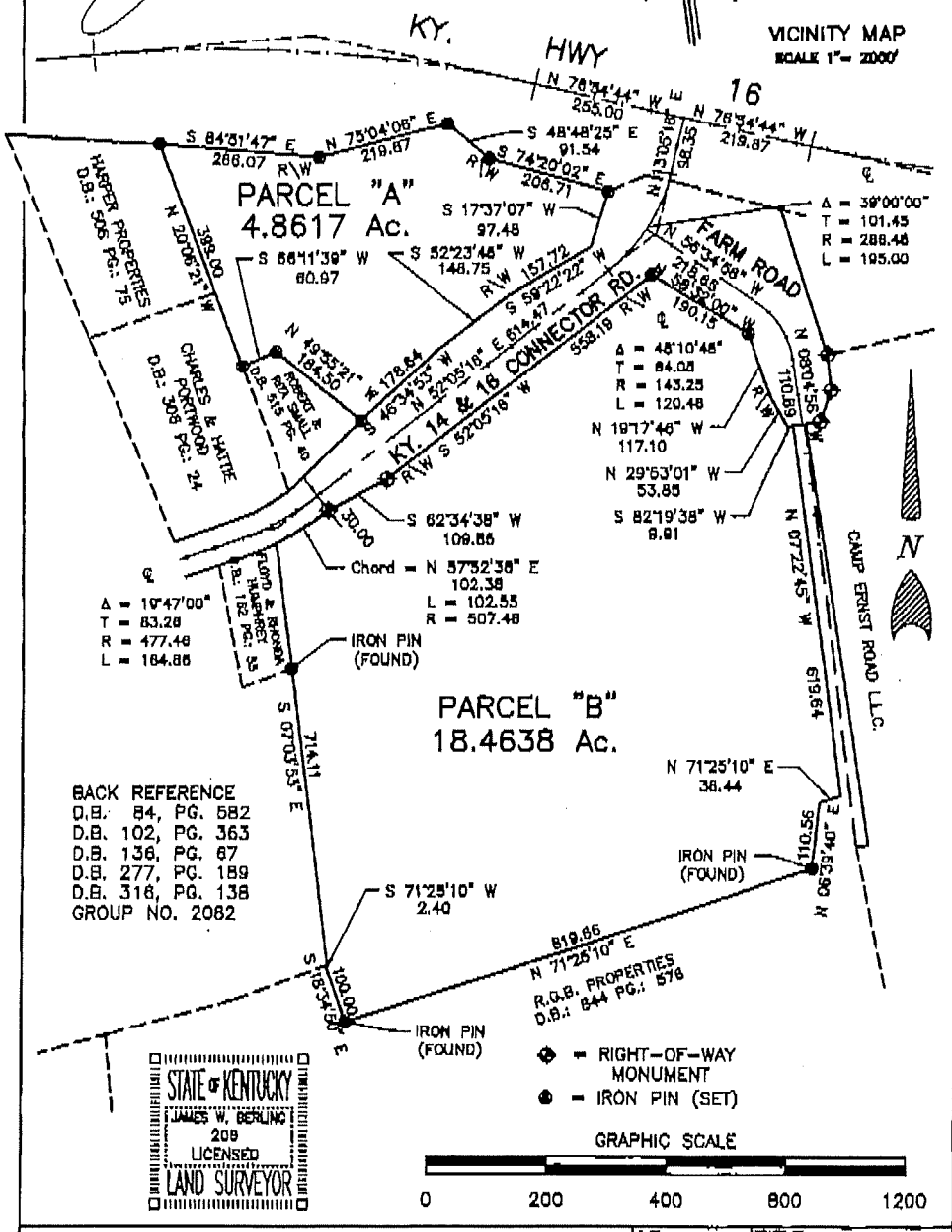
I do hereby certify that the survey shown hereon was performed under my direction by the method of random traverse, the unadjusted mathematical error of closure ratio of the traverse was 1:25,000. The bearing base for this survey was taken from the recorded deed for the RQB property along the common line between RQB and Kretzler bearing S 11°43'30" E.

7/28/05
Date: James W. Berling, L.L. KY, No. 208

PROJECT NO: 311754
RECEIVED ON: AUGUST 15, 2005 11:03:56AM
TOTAL FEET: 134.86
TRANSFER DATE: 12/28/05
SURVEYOR: JAMES W. BERLING
COUNTY CLERK: MARGARET L. BRIDGES
COUNTY CLERK: MARGARET L. BRIDGES
BOOK PAGE: PAGES 672 - 675



VICINITY MAP
SCALE 1" = 2000'



Δ = 19°47'00"
T = 83.28
R = 477.48
L = 184.88

BACK REFERENCE
D.B. 84, PG. 582
D.B. 102, PG. 363
D.B. 136, PG. 87
D.B. 277, PG. 189
D.B. 318, PG. 138
GROUP NO. 2082

STATE OF KENTUCKY
JAMES W. BERLING
208
LICENSED
LAND SURVEYOR

- ◆ = RIGHT-OF-WAY MONUMENT
- = IRON PIN (SET)

GRAPHIC SCALE

0 200 400 800 1200

DORTHA DANCE PROPERTY

DATE: 7/28/05
DRAWN BY: Chris D. Berling
SCALE: 1" = 200'

KY HWY 16
WALTON, KENTUCKY

JAMES W. BERLING
KY. SURVEYOR 208

BOONE COUNTY
D900 Pg 675



PROPERTIES LLC

JAMES W. BERLING
 SURVEYOR KY 206
 LICENSED
 LAND SURVEYOR

PROPOSED ZONING MAP AMENDMENT		
CITY OF WALTON, KY		
JAMES W. BERLING SURVEYOR KY 206	SCALE 1"=200'	DRAWN BY Chris D. Berling
129.7593 ACRES SOUTH OF KY. HWY 16 WALTON, KENTUCKY		
DATE 6/14/05	APPROVED BY	DRAWING NUMBER

CITY OF WALTON, KENTUCKY
ORDINANCE NO. 2005- 14

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, 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 the City of Walton (Applicant) on behalf of Camp Ernst Road, LLC, Quality Forest Products, Harold and Leona Trostorff, Floyd and Rhonda Humphrey, and Dortha Dance (owners) for a Zoning Map Amendment to the Boone County Zoning Map, and such Zoning Map Amendment being a zone change from Industrial one (I-1) to Commercial Two (C-2) for an approximate 130 acre area located on the south side of Service Road between the properties at 12900 and 13160 Service Road including the property at 13140 Service Road, south of the properties at 12900 and 13160 Service Road, along the south side of Mary Grubbs Highway between the property at 12900 Service Road and the CSX Railroad including the properties at 27, 28, and 29 Welsh Avenue, west of the CSX Railroad, and east of the properties at 13316 and 13330 Service Road including the northern-most approximate 45 acres located at 13066 Service Road, Walton, Kentucky, in order to allow Commercial uses; 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, has received Resolution R-05-017-A of the Boone County Planning Commission recommending approval for this request; and,

WHEREAS, the City of Walton, deems it necessary to enact this Ordinance to preserve and protect the health, safety and convenience of the inhabitants of the City of Walton, 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. The Zoning Map Amendment is a zone change from Industrial One (I-1) to Commercial Two (C-2) for an approximate 130 acres area located on the south side of Service Road between the properties at 12900 and 13160 Service Road including the property at 13140 Service Road, south of the properties at 12900 and 13160 Service Road, along the south side of

Mary Grubbs Highway between the property at 12900 Service Road and the CSX Railroad including the properties at 27, 28, and 29 Welsh Avenue, west of the CSX Railroad, and east of the properties at 13316 and 13330 Service Road including the northern-most approximate 45 acres located at 13066 Service Road, Walton, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment is more particularly described in Deed Books 892, 312, 323, 162, and 136, Page Nos. 655, 1, 224, 55, and 267 respectively, (as supplied by the applicant) as recorded in the Boone County Clerk's records.

SECTION TWO

Resolution R-05-017-A of the Boone County Planning Commission, recommending approval of the Zoning Map Amendment is hereby approved and adopted. The Resolution, 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.

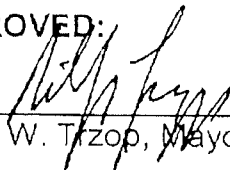
SECTION FOUR

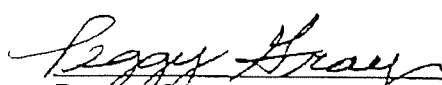
This Ordinance shall take effect and shall be in full force after its enactment and publication as required by law.

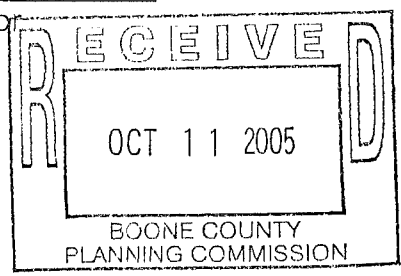
PASSED AND APPROVED on first reading by 5 Members of City Council on the 6TH day of October, 2005.

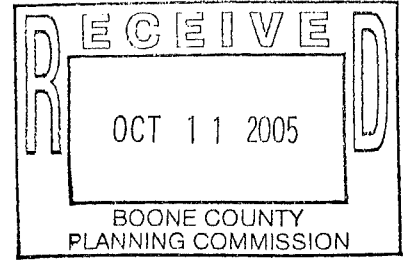
PASSED AND APPROVED on second reading by 6 Members of City Council on the 10TH day of October, 2005.

DATE OF PUBLICATION: October 20, 2005.

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: 10-11-05

Time: 11:10 AM

Pages: 3

- Urgent
- Please Reply
- For your Approval

- As Requested
- For Review and Comment
- Confidential

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Message:

Kevin,

I am faxing you a copy of The City of Walton Ordinance No. 2005-14 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
Peggy Gray



PROPOSED ZONING MAP AMENDMENT	
CITY OF WALTON, KY	
JAMES W. BEHLING	DATE: 1-20-07
SURVEYOR KY 205	BY: Chris E. Behling
128.7593 ACRES SOUTH OF KY. HWY. 15	
WALTON, KENTUCKY	
6/14/05	

