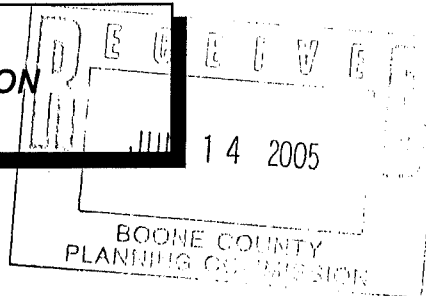


6/14/05

05-2MA-019-DENIED  
(NO CLUR)

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 North Walton Park
2. Location of Project Mullen Drive
3. Total Acreage of Site 67.82 Acres
4. Current Zoning of Site I-1
5. Proposed Zoning (Classification being requested) SR-1
6. Proposed Uses (please specify each use) Single Family Residence
  
7. Names of Applicant(s) James W. Berling  
Phone Number 331-9191 Fax No. 344-7422
8. Address of Applicant(s) 1671 Park Road, Suite One  
Ft. Wright, Kentucky 41011  
City State Zip
9. Name of Property Owner(s) Bessmer Lane, L.L.C.  
Phone Number 282-6900 Fax No. 282-6901
10. Address of Property Owner(s) 8080 Steilen Drive  
Florence, Kentucky 41042  
City State Zip
11. Proposed Building Intensities (please specify) \_\_\_\_\_
  
12. Are there any existing buildings on the site? Yes  
How many? Two (One House - One Barn)
13. Deed Book 784 - 787 Page No. 166 - 708 Group No. 2084
14. Are you also applying for:  
No Conditional Use Permit  
No Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- \_\_\_\_\_ Boone County Water 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)

# 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

### 67.8176 ACRES

Beginning at the south corner of Lot No. 12 of the North Walton Commercial Park as recorded in the office of the Boone County Clerk in Burlington, Kentucky; thence along the southeast line of Bessmer Lane, L.L.C.'s property, S 49° 37' 19" W 435.22 feet, S 50° 11' 29" W 363.11 feet, S 48° 43' 34" W 1,269.07 feet, S 48° 35' 54" W 254.89 feet and S 49° 45' 11" W 377.98 feet to the southeast corner of same; thence along the south line of Bessmer Lane, L.L.C.'s property, N 68° 34' 58" W 331.43 feet to a point in the easterly right of way line of the Norfolk-Southern Railroad; thence along the east right of way line of the Norfolk-Southern Railroad, N 12° 26' 24" E 299.64 feet, N 77° 33' 36" W 10.00 feet, N 12° 26' 24" E 204.85 feet, N 12° 23' 22" E 207.54 feet, N 12° 25' 24" E 198.37 feet, N 12° 24' 48" E 355.89 feet, N 13° 01' 18" E 487.18 feet, N 12° 00' 59" E 146.04 feet, S 77° 33' 36" E 10.00 feet, N 12° 00' 59" E 582.03 feet and N 11° 57' 56" E 164.26 feet to a point; thence leaving said railroad S 70° 34' 33" E 24.40 feet, S 8° 57' 27" W 198.00 feet and S 86° 52' 33" E 554.00 feet to the southwest corner of Lot No. 25 of the North Walton Commerce Park; thence along the southwest line of Lot Nos. 25, 26, 27 and 28 and the end of Mullen Drive, S 58° 51' 07" E 712.40 feet and S 41° 16' 26" E 333.61 feet to a point; thence along the southeast line of Mullen Drive N 48° 43' 34" E 250.00 feet to the west corner of said Lot No. 12; thence S 41° 16' 26" E along the southwest line of Lot No. 12 of North Walton Commerce Park 336.09 feet to the place of beginning.

Containing 67.8176 Acres

# EXHIBIT

“A”

## STAFF REPORT

The request of **James W. Berling (applicant)** for **Bessmer Lane, LLC (owners)** for a Zoning Map Amendment from Industrial One (I-1) to Suburban Residential One (SR-1) for a 67.82 acre area located south of the property at 115 Bessmer Lane, south of the current terminus of Mullen Lane, northwest of the property at 12677 Powell Lane, north of the property at 30 Locust Street, and along the east side of the Norfolk Southern Railroad, Walton, Kentucky. The request is for a zone change to allow a subdivision for single family residences.

August 3, 2005

### REQUEST

The applicant is proposing 216 lots on 67.82 acres for a density of 3.18 dwelling units per acre. The Suburban Residential One (SR-1) zone allows 4 dwelling units per acre with a minimum lot size of 8,000 square feet and minimum lot frontage of 65 feet for detached single family. Patio homes are permitted with a minimum lot size of 8,000 square feet and minimum lot frontage of 60 feet. Duplex dwelling units are also permitted in the Suburban Residential One (SR-1) zone with a minimum lot size of 16,000 square feet and minimum lot frontage of 75 feet.

The only access into this proposed subdivision is through Mullen Drive which serves the existing North Walton Commerce Park. The Concept Development Plan shows Mullen Drive extending to the south and appears to be a sub-collector type street with no individual driveway access.

Current uses in the North Walton Commerce Park are D & S Management, Balance Dynamics (a motorcycle training facility), Ignis Industries (crematorium) and Talbert's Woodworking. Best Sanitizers have been granted approval of a Conditional Use Permit from the Walton Board of Adjustment on July 28, 2005 and a Propane gas distributor has applied for a Conditional Use Permit from the Walton Board of Adjustment at a meeting to be held sometime in late August. Both of those uses still require Major Site Plan approval.

### SITE HISTORY

A Public Hearing was held on December 20, 2000, to change the zoning classification from Rural Suburban (RS) and Agricultural Estate (A-2) to Industrial One (I-1) for the entire 115 acre site that is North Walton Commerce Park. The City of Walton adopted the resolution approving the Zoning Map Amendment on March 12, 2001 (a copy of the Committee Report recommending approval is attached).

### ADJACENT ZONING AND LAND USES

- North: The North Walton Commerce Park zoned Industrial One with an approved Concept Development Plan (I-1/CD). Across Walton-Nicholson Road, residential and agricultural property ranging in size from 1 acre to 18.57 acres zoned Rural Suburban (RS).
- East: O'Donnell (1.12 acres) zoned Rural Suburban (RS), Townsend (4.72 acres) and Robke (35.41 acres) zoned Rural Suburban (RS) and Agricultural Estate (A-2) located in unincorporated Boone County. Further east is the Hance/Anderson property.
- South: Kunkel (approximately 95 acres in unincorporated Boone County) zoned Agricultural Estate (A-2) and Adams (approximately 50 acres within the City of Walton) zoned Recreation (R) and Suburban Residential One (SR-1).
- West: Railroad and properties across the railroad with access from Old Walton-Nicholson Road zoned Suburban Residential One (SR-1) and 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. Suburban Residential development is occurring south of Chambers Road."

The Housing Element (page 88) refers to the **Walton-Verona** area by stating:

"Walton has annexed several areas north and west of the city to provide public water service and has experienced significant subdivision development during the 1990's."

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. The Concept Development Plan shows the only access into this development is through the North Walton Commerce Park with two proposed street connections to the east and one to the south paralleling the railroad. Staff feels that a large cul-de-sac for tractor trailer turning is necessary to keep the large trucks from entering the subdivision and providing a transition between the industrial and residential uses. The adjacent properties owned by Robke and Kunkel (approximately 130 acres) are the only parcels between this development and the proposal along the Boone/Kenton County line. If this request is approved, this access point will be the primary access point until the neighboring properties develop and a connection can be made into the proposed development along the county line (if approved).
2. Staff feels that a transition from industrial to residential can also be better achieved through softening the existing appearance of Mullen Drive by adding street trees and sidewalks along both sides of Mullen Drive.
3. The proposed extension of Mullen Drive should have no individual driveway access and would provide a necessary north/south connection. Staff questions whether the proposed boulevard will have 4' wide sidewalks on both sides or is the applicant proposing 6' along one side?
4. Staff questions the appropriateness of this type of development given that the projected Future Land Use is Industrial (I) as shown in the 2000 Boone County Comprehensive Plan especially when the Boone County Planning Commission and the City of Walton approved industrial in 2001.

5. This request by itself (if approved) would result in a 15% loss in the remaining undeveloped Industrially zoned property within the City of Walton. This request along with the City of Walton request at Mary Grubbs Highway and Service Road (if both requests were to be approved) would result in a 57% loss in the remaining undeveloped Industrially zoned property within the City of Walton. Attached is an e-mail that Northern Kentucky Tri-ED submitted for this request which is attached to this Staff Report.
6. 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, the affect of the different land uses, or whether there will be a need for acceleration and deceleration lanes on Walton-Nicholson Road.
7. The applicant has not supplied Staff with specifics, such as the minimum lot size, minimum lot frontage, setbacks and proposed housing types. The Suburban Residential One (SR-1) zone allows detached single family, duplex dwelling units and patio homes.
8. The Walton-Verona Schools have supplied a letter outlining their concerns with this proposed development which is attached to this Staff Report.
9. The Kentucky Transportation Cabinet, District 6 Office issued a statement regarding the proposal which is attached to this Staff Report.
10. If approved, the Future Land Use Map would need to be amended.

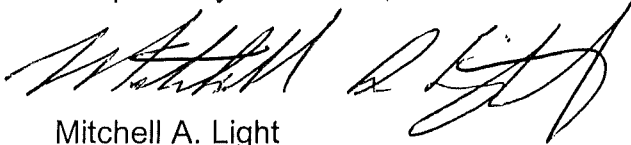
## CONCLUSION

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

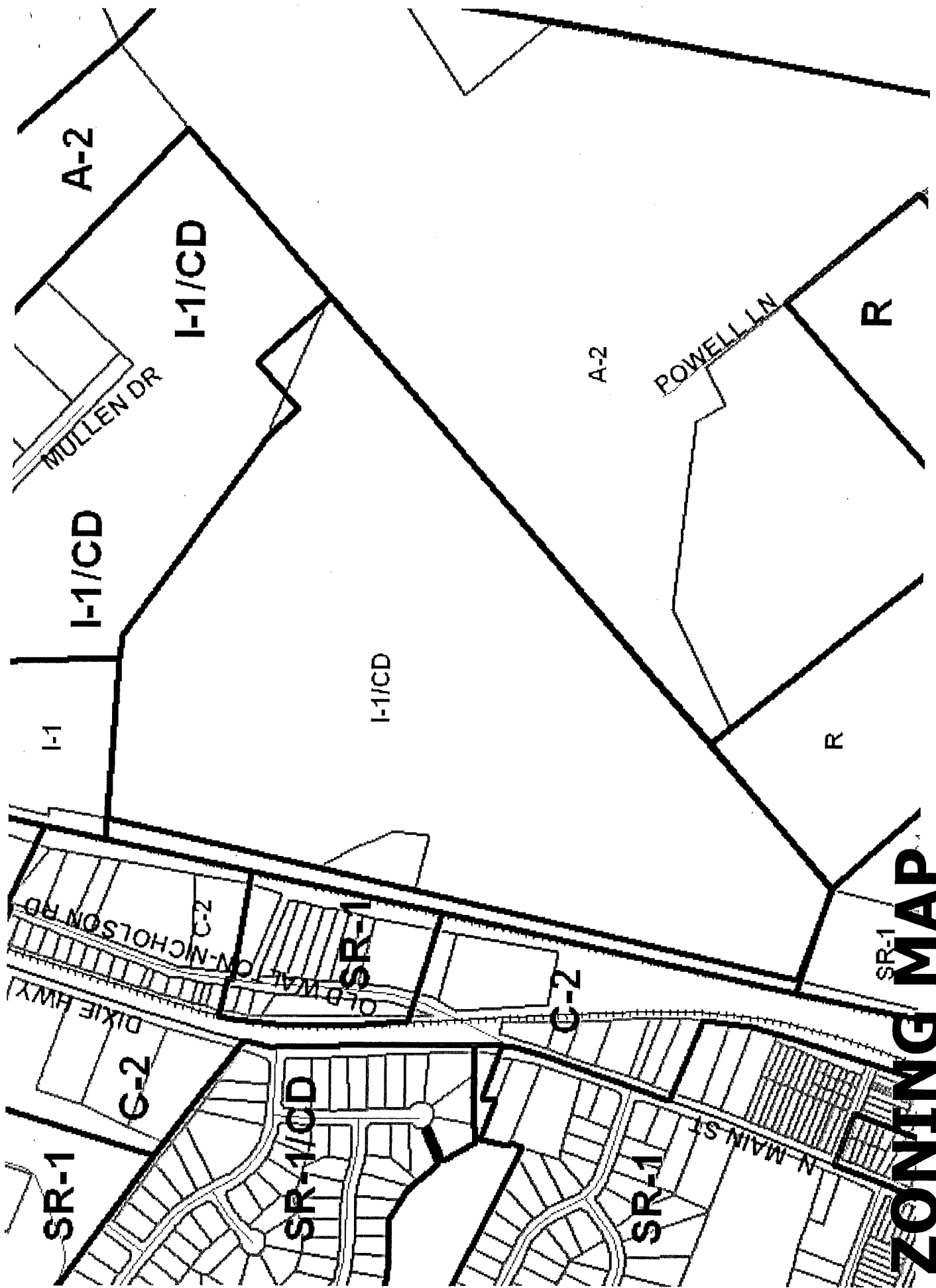
MAL/pr

Attachments:

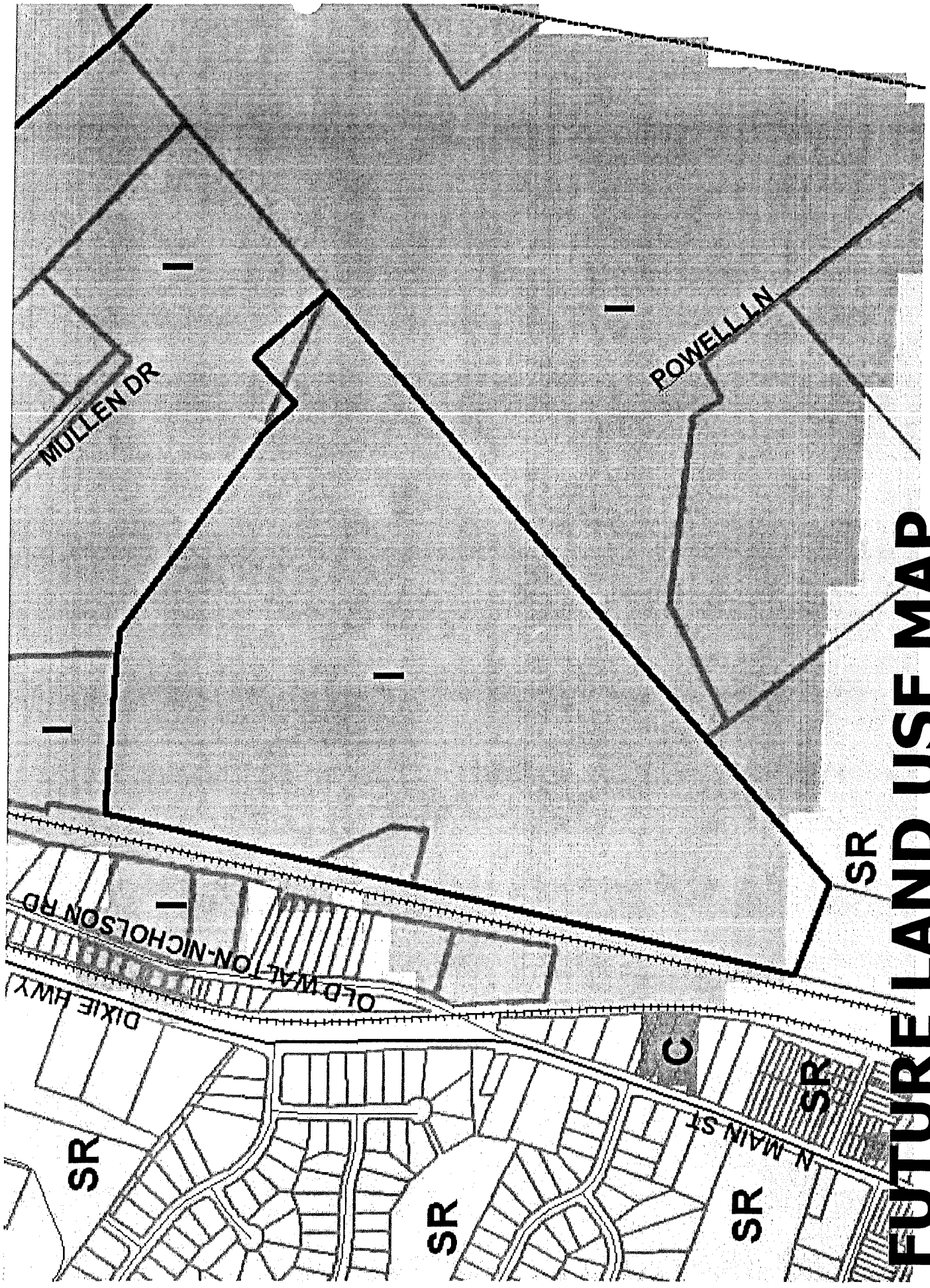
- Vicinity Map
- Zoning Map
- Future Land Use Map
- Existing Topography
- 2004 Aerial Photography
- Overall Concept Plan
- Relationship of Both Requests
- Letter from Bill Boyle, Superintendent, Walton-Verona Independent Schools
- Letter from Ed Thompson, Permit Supervisor, KTC District 6
- E-Mail from Dan Tobergte, President & CEO, NKY Tri-ED
- Committee Report Dated January 17, 2001
- Application



# VICINITY MAP

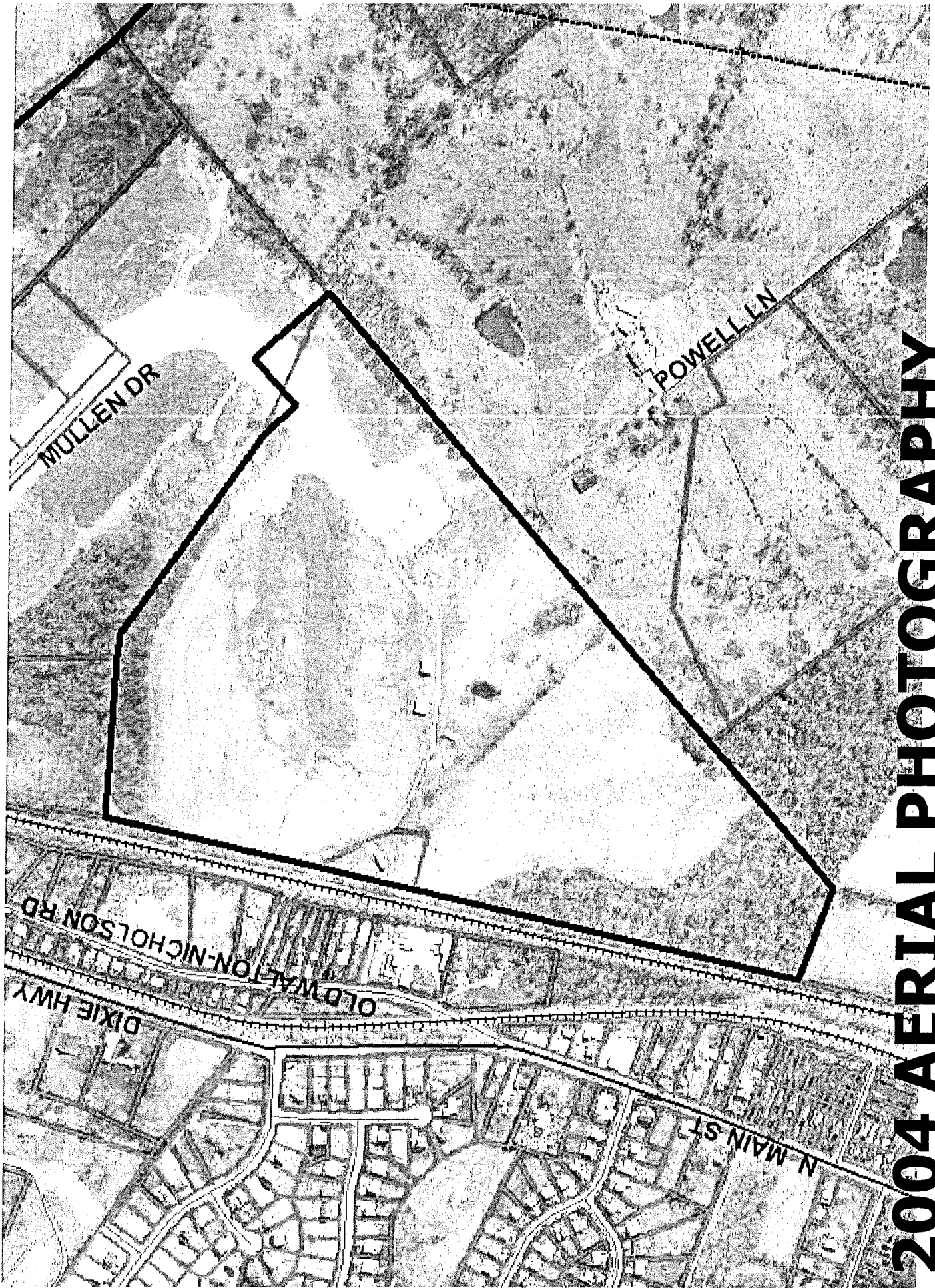


# ZONING MAP

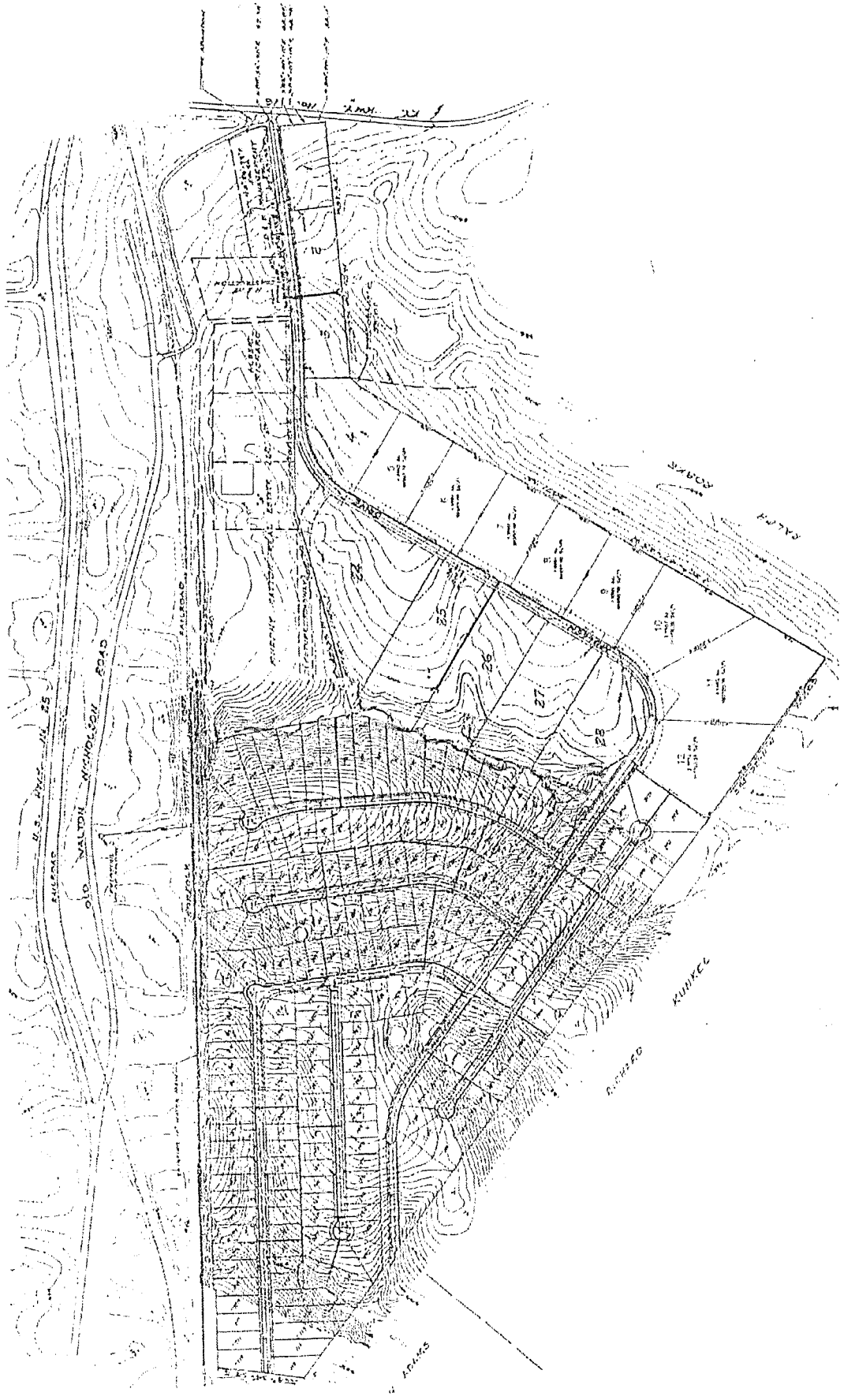


# FUTURE LAND USE MAP



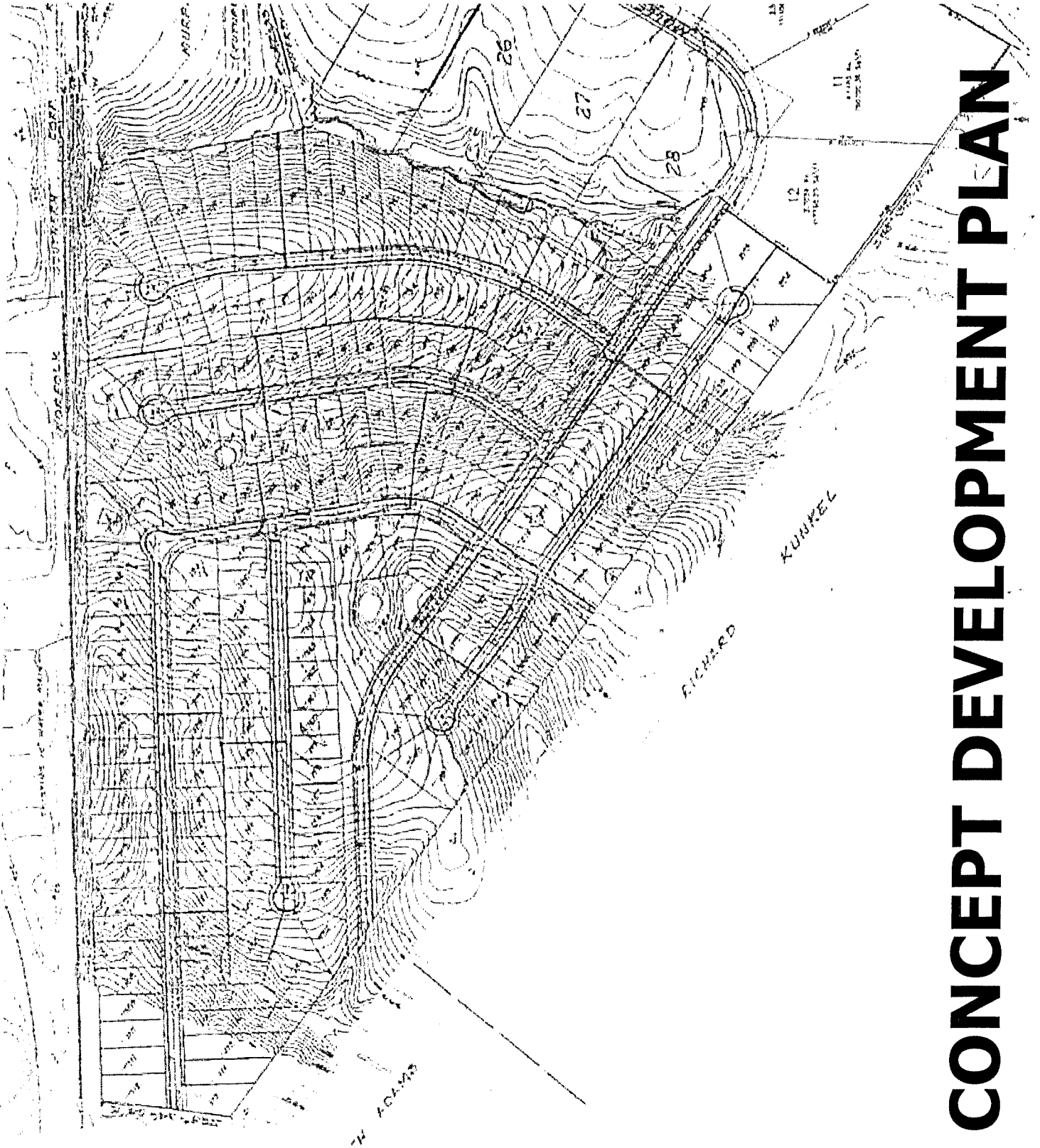


**2004 AERIAL PHOTOGRAPHY**



# OVERALL CONCEPT PLAN > NORTH

^ NORTH



CONCEPT DEVELOPMENT PLAN



# RELATIONSHIP OF BOTH REQUESTS

# Walton-Verona Independent Schools

Accredited by Southern Association of Colleges and Schools

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

June 28, 2005

Bill Boyle  
Superintendent

Gene Kirchner  
Deputy Superintendent

Pam Saylor  
Director of Student Services

Claudia Coleman  
Treasurer

Dan Stenger  
Director of Technology

Mitchell A. Light  
Boone Co. Planning Commission  
2995 Washington St.  
Burlington, KY 41005

Dear Mr. Light,

The comments below are in reference to the request of **James W. Berling** (**applicant**) for **Bessmer Lane, LLC (owners)** for a Zoning Map Amendment from Industrial One (I-1) to Suburban Residential One (SR-1) for a 67.82 acre area located south of the property at 115 Bessmer Lane, South of the current terminus of Mullen Lane, northwest of the property at 12677 Powell Lane, north of the property at 30 Locust Street, and along the east side of the Norfolk Southern Railroad, Walton Kentucky.

The Walton-Verona Board of Education is adamantly against this proposal for a Zoning Amendment in this particular case. Such a change is not acceptable for several reasons. First and foremost, this land is zoned I-1 and therefore we have not planned for any residential growth in this area. Secondly, we are beyond our capacity for our current student population, with inadequate funding to build another school. We are experiencing explosive growth in our district and simply do not have room for additional students. We are currently utilizing eight (8) trailers or mobile classrooms and foresee four (4) more in the near future as existing developments build out. Simply put, we can't handle any more high density housing projects and continue to provide the level of educational services to our community that has enabled us to be among the best in the state of Kentucky. Furthermore, we do not see a high density residential development being appropriate accessed via an industrial (I-1) park and bordered by a very active railroad.

The time has come when common sense must prevail and allow our schools and infrastructure to support proposed development. **Few care about the impact on the schools at this point of this process, but everyone that purchases a home**



Board Members:

William M. Wethington  
Chairman

Shirley E. Cummins  
Vice-Chairman

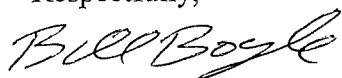
John Daugherty

Kelly Fulmer

Walt Ryan

**cares when it is too late and we are unable to house the children and provide adequate services.**

Respectfully,

A handwritten signature in cursive script that reads "Bill Boyle".

Bill Boyle  
Superintendent



**TRANSPORTATION CABINET**

Frankfort, Kentucky 40622  
www.kentucky.gov

**Ernie Fletcher**  
Governor

**Bill Nighbert**  
Acting Secretary

**Jim Adams**  
Deputy Secretary

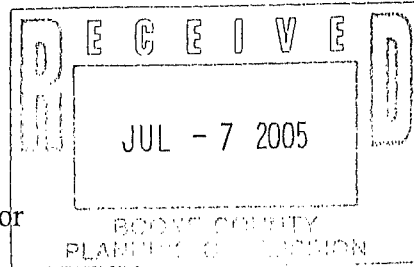
**Marc Williams**  
Commissioner of Highways

**Dan Druen**  
Commissioner of  
Administrative Services

**Paul Steely**  
Commissioner of Aviation

**Roy Mundy**  
Commissioner of  
Vehicle Regulation

Boone County Planning Commission  
2995 Washington Street  
Burlington, KY 41005  
Attn.: Mitchell Light, Asst. Zoning Administrator



Subject: Development Plan, Mullen Drive  
KY 16 – Boone County

July 6, 2005

Dear Mr. Light:

This letter is in response to your letter dated June 23, 2005, regarding a proposed development for James W. Berling located on KY 16 in Walton, Kentucky.

The Department has reviewed the proposed development plans for this site. The entrance location will need to meet our standards and specifications for sight distance and safety at the location indicated.

This proposal is subject to the Formal Encroachment Permitting Application that you would be required to forward to the Department for final review.

This office would like to thank you for this opportunity to comment on these proposed developments in Boone County. If any additional information is desired, please contact me at (859) 341-2700, Ext. 307.

Sincerely,

Edmond C. Thompson  
Permit Supervisor

ECT/csm

Cc: Thomas J. Schomaker, CDE

## Mitch Light

---

**From:** Dan Tobergte [det@NorthernKentuckyUSA.com]  
**Sent:** Monday, July 18, 2005 4:45 PM  
**To:** Mitch Light  
**Cc:** Judge Moore; 'Patty Krohman'; 'Wm. T. Robinson III'; 'Judge Executive Steve Pendery'; 'Karen Finan'; 'Mr. Bob Green'; 'Paul Smith'; 'Lori Reed'  
**Subject:** Zoning Map Amendment: Bessmer Lane, LLC Owners

Mitch:

Thank you for proving me with the memo indicating the intention of Bessmer Lane, LLC to seek rezoning of approx. 68 acres of land in the North Walton Commerce Park from Industrial One to Suburban Residential One (SR-1). A response by email was encouraged by your memo. Attached is the current KCED site map for this site.

While the absorption of industrial land by industrial users has not been particularly encouraging to Northern Kentucky's industrial site developers over the last five years, Northern Kentucky Tri-ED wishes to express our opinion in opposition to this zone change.

This site is adjacent to the Norfolk Southern mainline railroad track and can easily be served by Norfolk Southern with a lead track turnout from the mainline,. Further, Norfolk Southern can adequately provide shuttle service to this site from its yard operations in Cincinnati. This ability to serve this site was recently confirmed in writing to Northern Kentucky Tri-ED on April 14, 2005 after an in-field inspection of this site by Robby Klein, Industrial Development Manager of Norfolk Southern. Mr. Klein and I reviewed this site among three others for an industrial prospect that needed a 40-acre rail served site for its operations in late March of this year.

Of the sites that Mr. Klein reviewed, this site offered the best opportunity for immediate site and rail service development in all of Northern Kentucky for Norfolk Southern. Within Northern Kentucky, we have a lack of well-qualified, ready-to-go industrial rail-served sites. The North Walton Commerce Park rail-served site is relatively level, has adequate access to both the Richwood and Walton Interstate 75/71 Exits/Entrances, has sufficient utilities for light industrial uses, is controlled by a single owner willing to market and sell the property at a competitive price, is of sufficient size and configuration to be attractive to light industrial rail users and is properly zoned.

Please feel free to contact me at 859-344-0040 regarding this site. Thank you for informing Northern Kentucky Tri-ED of this re-zoning request.

c. Northern Kentucky Tri-ED Executive Committee  
Northern Kentucky Tri-ED Staff: Bob Green, Paul Smith, Lori Reed and Karen Finan

Daniel E. Tobergte  
President & CEO  
Northern Kentucky Tri-ED  
P.O. Box 17246  
Covington, KY 41017  
[det@NorthernKentuckyUSA.com](mailto:det@NorthernKentuckyUSA.com)  
859-344-0040 Office  
888-874-3365 Toll Free  
859-750-4041 Mobile  
[www.NorthernKentuckyUSA.com](http://www.NorthernKentuckyUSA.com)

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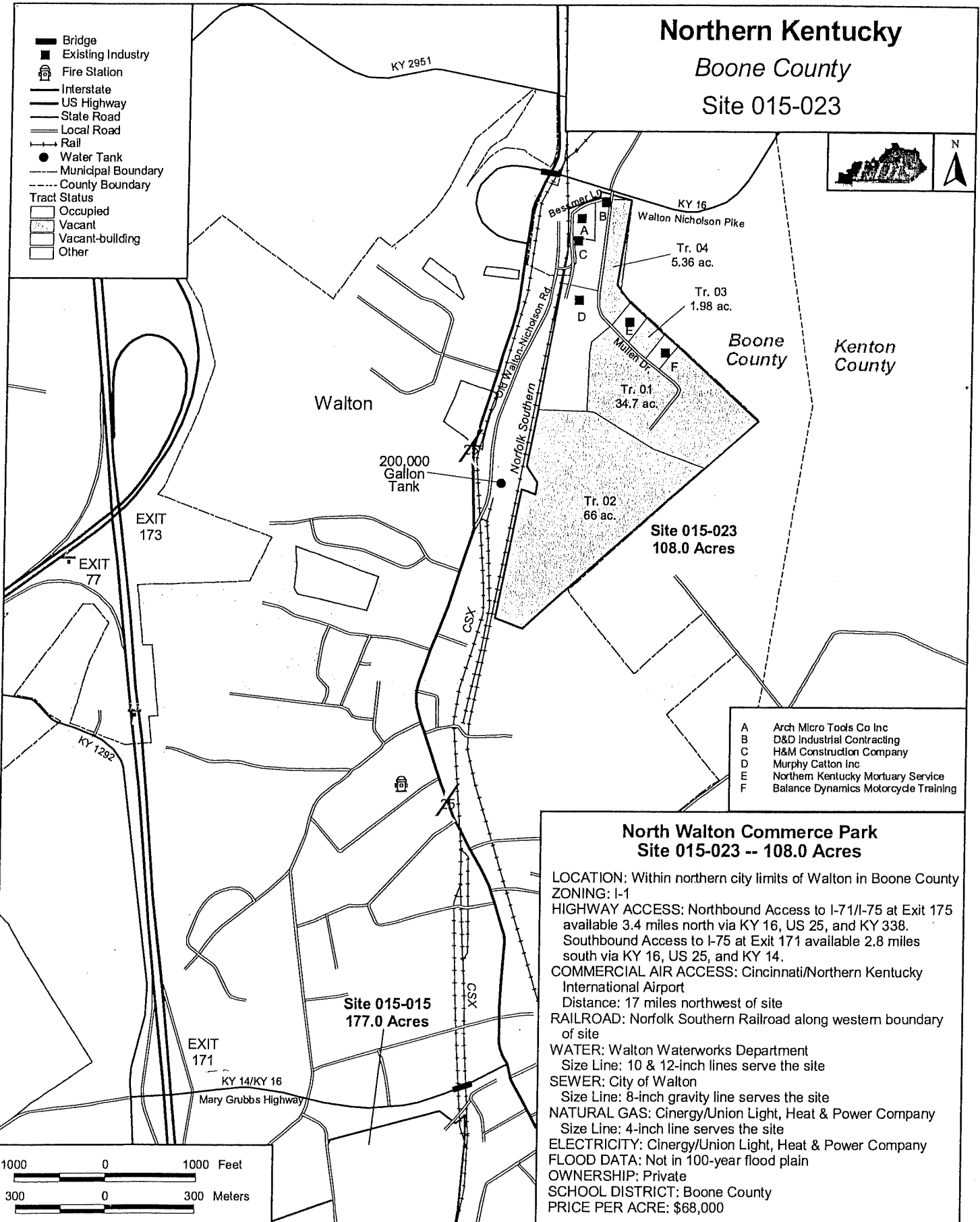
# Northern Kentucky

Boone County

Site 015-023



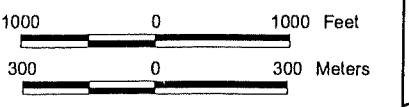
- Bridge
- Existing Industry
- 🚒 Fire Station
- Interstate
- US Highway
- State Road
- Local Road
- Rail
- Water Tank
- - - Municipal Boundary
- - - County Boundary
- Tract Status**
- Occupied
- Vacant
- Vacant-building
- Other



- A Arch Micro Tools Co Inc
- B D&D Industrial Contracting
- C H&M Construction Company
- D Murphy Catton Inc
- E Northern Kentucky Mortuary Service
- F Balance Dynamics Motorcycle Training

## North Walton Commerce Park Site 015-023 -- 108.0 Acres

**LOCATION:** Within northern city limits of Walton in Boone County  
**ZONING:** I-1  
**HIGHWAY ACCESS:** Northbound Access to I-71/I-75 at Exit 173 available 3.4 miles north via KY 16, US 25, and KY 338. Southbound Access to I-75 at Exit 171 available 2.8 miles south via KY 16, US 25, and KY 14.  
**COMMERCIAL AIR ACCESS:** Cincinnati/Northern Kentucky International Airport  
 Distance: 17 miles northwest of site  
**RAILROAD:** Norfolk Southern Railroad along western boundary of site  
**WATER:** Walton Waterworks Department  
 Size Line: 10 & 12-inch lines serve the site  
**SEWER:** City of Walton  
 Size Line: 8-inch gravity line serves the site  
**NATURAL GAS:** Cinergy/Union Light, Heat & Power Company  
 Size Line: 4-inch line serves the site  
**ELECTRICITY:** Cinergy/Union Light, Heat & Power Company  
**FLOOD DATA:** Not in 100-year flood plain  
**OWNERSHIP:** Private  
**SCHOOL DISTRICT:** Boone County  
**PRICE PER ACRE:** \$68,000



## ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

**TO:** Boone County Planning Commission

**FROM:** Mark Hicks, Chairman

**DATE:** January 17, 2001

**RE:** Request of James W. Berling (applicant) for Bessmer Lane LLC (owner) to consider a Zoning Map Amendment from Agricultural Estate (A-2) and Rural Suburban (RS) to Industrial One (I-1) for an approximate 115 acre area located on the southeast corner of the Bessmer Lane/Walton-Nicholson Road (KY 16) intersection, Walton, Kentucky.

### REMARKS:

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

#### Findings of Fact

1. The Committee has concluded that the applicant has adequately demonstrated that the existing zoning classification of Agricultural Estate (A-2) and Rural Suburban (RS) is inappropriate and that the proposed zoning classification of Industrial One (I-1) is appropriate.
2. The Committee has concluded that the map amendment request is in agreement with the adopted Comprehensive Plan and its Future Land Use Map.
3. The Committee has concluded that the attached condition is necessary to mitigate any foreseeable impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with this condition.

#### Condition

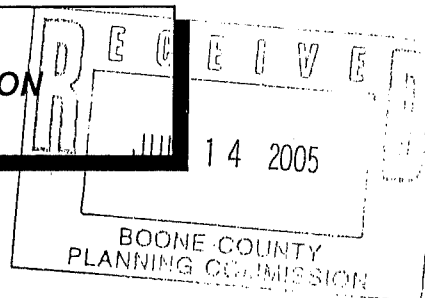
1. The existing access onto Bessmer Lane from Walton-Nicholson Road will be removed and access to Bessmer Lane will be provided from within the industrial park. This road alignment/configuration will be reviewed at the Preliminary Plat review.

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.

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 North Walton Park
  2. Location of Project Mullen Drive
  3. Total Acreage of Site 67.82 Acres
  4. Current Zoning of Site I-1
  5. Proposed Zoning (Classification being requested) SR-1
  6. Proposed Uses (please specify each use) Single Family Residence
- 
7. Names of Applicant(s) James W. Berling  
Phone Number 331-9191 Fax No. 344-7422
  8. Address of Applicant(s) 1671 Park Road, Suite One  
Ft. Wright, Kentucky 41011  
City State Zip
  9. Name of Property Owner(s) Bessmer Lane, L.L.C.  
Phone Number 282-6900 Fax No. 282-6901
  10. Address of Property Owner(s) 8080 Steilen Drive  
Florence, Kentucky 41042  
City State Zip
  11. Proposed Building Intensities (please specify) \_\_\_\_\_
  12. Are there any existing buildings on the site? Yes  
How many? Two (One House - One Barn)
  13. Deed Book 784 - 787 Page No. 166 - 708 Group No. 2084
  14. Are you also applying for:  
No Conditional Use Permit  
No Dimensional Variance
  15. Have you submitted a Concept Development Plan? Yes
  16. Have you had a pre-application meeting with BCPC Staff? Yes
  17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- \_\_\_\_\_ Boone County Water 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)



**Public Hearing Item No. 2:**

**Commission Members Present:** Mr. Barlow, Mr. Breetz, Mr. Bungler, Mr. Caddell - Chairman, Mr. Carmichael, Mrs. Kegley, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. White, and Mrs. Wilson - Secretary/Treasurer.

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

**Legal Counsel Present:** Mr. Dale Wilson

2. Applicant: **James W. Berling for Bessmer Lane, LLC (owner)**

Request: **Zoning Map Amendment**

**The request of James W. Berling (applicant) for Bessmer Lane, LLC (owner) for a Zoning Map Amendment from Industrial One (I-1) to Suburban Residential One (SR-1) for a 67.82 acre area located south of the property at 115 Bessmer Lane, south of the current terminus of Mullen Lane, northwest of the property at 12677 Powell Lane, north of the property at 30 Locust Street, and along the east side of the Norfolk Southern Railroad, Walton, Kentucky. The request is for a zone change to allow a subdivision for single-family residences.**

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

The Chairman asked for the applicant's presentation.

Mr. Jim Berling, applicant and engineer for the development, stated that the developers are the owners of North Walton Commercial Park. They started the park in 2000 and have sold three lots. They have a 30-foot wide concrete street with decel lanes. He stated that there are seventeen fully developed lots that will remain industrial. Two of the lots are being considered for small uses, but they do not have contracts yet and they will have to go through the Board of Adjustment. He stated that the owner of the property believes that it is not suitable for industrial use and it has not worked for industrial use. Considering the rate of absorption, the seventeen lots will meet the industrial needs of the area for several years. He stated that the property is not suitable for industrial use primarily because of the access – it is not easy to get to and from with industrial vehicles, and it is not readily seen. He stated that the proposal is to develop the main road, Mullen Drive, and continue it through the project in the same manner

they were going to do for the industrial uses (a 30-foot wide boulevard type driveway). The road would not have a lot of curb cuts on it and would be for north/south movement. He stated that the City of Walton has always asked for that because they want to get to the new railroad crossings in a north/south manner. He stated that all of the lots are 65 feet wide, which is allowed by SR-1 zoning, and they are all single-family detached houses. He stated that when the Kunkel and Robke properties are developed, they envision a network where people can move east/west and north/south through the developments. They will have access points to the adjacent properties when they do the Preliminary Plats. He stated that the basis for the zone change is that the present zoning is inappropriate and the proposed residential zone is more appropriate. This concluded the applicant's presentation.

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

Mr. Wendell Brown, 12228 Percival Road, Walton, stated that he is against this request for many of the same reasons he was against the first request (Public Hearing Item #1). He stated that 65-foot lots means the houses are side-by-side, which is to make more money. He stated that if I-75 is shut down, there is a stream of traffic through KY 16, US 25 and Percival Road and people cannot move – and that is what it will be like with all these houses in this area. He knows people who were killed in two separate accidents at the railroad crossing – a lot of accidents happen there and people get killed.

Ms. Sherry Carran, 927 Forest Avenue, West Covington, stated that there was an article in the newspaper about this Public Hearing and it included a comment by the Mayor of Walton that he was looking forward to residential development because of the tax revenue it would bring. She stated that many people think residential use will bring in tax revenue, but it takes more money to service the residential use than the money it brings in and it ends up being a loss for cities. She stated that industrial, commercial and agricultural uses are needed to offset the cost of services for residential use.

Mr. Mark Petticord, 523 Walton-Nicholson Road, stated that there are currently about sixty houses on Walton-Nicholson Road. He stated that with the proposed houses and those proposed earlier (Public Hearing Item #1), the amount of traffic that will travel on the road is incomprehensible.

Mr. Harold Jetter, 12269 Gaines Way, stated that the City of Walton was asked and has agreed to annex this property, which leaves the final decision about a zone change with Walton City Council. Chairman Caddell agreed and stated that the Planning Commission is a recommending body to the legislative unit, which in this case is the City of Walton, and their City Council will have the final decision. Mr. Jetter stated that other developers could put together a group of

property owners and ask for annexation to the City of Walton so that they can circumvent the wishes of the Planning Commission and Fiscal Court.

Mr. Mike Bryant, 483 Walton-Nicholson Road, which is adjacent to the subject property, stated that he read in the newspaper that Boone County did not have enough money to improve the roads without grants from the state of Kentucky. He stated that there is talk about raising property taxes for individuals who live there and raising the Boone County employee tax from .8% to .2%. He owns two businesses in Boone County and his employees will not be happy with the increase especially those who live in Ohio and Indiana. He stated that he is opposed to the size of the lots.

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Mr. McMillian stated that some of these houses would have children and there is not a 90-foot cul-de-sac or a turnaround for the school bus. He questioned a school bus going through an industrial park with tractor-trailers backing in and out. Mr. Berling responded that this is a Concept Plan. He stated that the long cul-de-sacs would have the larger radius. He stated that this is a 30-foot wide road and normal road width is 25 feet. It is a two-lane road and the lanes are much wider – so they believe it is adequate. In regard to comments made about Percival Road and how crowded it is in an emergency, he stated that their intention in building this road and the one in the previous development (Public Hearing Item #1) is to take the place of Percival Road because no one would take Percival Road if they had a road to drive that is as wide as this road will be. Mr. McMillian stated that tractor-trailers do not hurry when they pull out of a road and when they back out. He stated that they cannot get through on Percival Road. He stated that a school bus with little children is not the best thing to have there with tractor-trailers. He does not know that this is a good location for houses. Mr. Berling responded that a new roadway system is being built. He stated that this development will be phased – it is not going to happen overnight. Mr. McMillian stated that the new road is not going to happen overnight either. Mr. Berling responded “funding”.

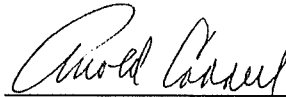
In response to comments from Mrs. Poston, Mr. Light reviewed the Power Point slide in regard to the railroad crossing. He noted the topography and stated that the road loops around and goes over because the railroad crossing was so dangerous.

Mrs. Poston asked if houses would back up to the railroad tracks. Mr. Costello responded “yes”. Mr. McMillian stated that all of the houses on old Walton Nicholson Road in this development will back up to the railroad tracks.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on August 24, 2005 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on September 7, 2005 at 7:00 PM.

The Chairman closed this Public Hearing at 9:15 PM.

**APPROVED:**



**Arnold Caddell, Chairman**

**Attest:**



**Jan Hancock, Recording Secretary**

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

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Mrs. Poston Vice Chairperson, called the meeting to order at 7:02 PM.

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Barlow  
Mr. Greg Breetz  
Mr. Kim Bunger  
Mr. Jim Carmichael  
Mr. Don McMillian  
Mrs. Susan Poston, Vice Chairperson  
Mr. Bob Schwenke  
Mr. Earl White  
Mrs. Lisa Wilson, Secretary/Treasurer

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Arnold Caddell, Chairman  
Mrs. Janet Kegley  
Mr. Richard Knock, Temporary Presiding Officer  
Mr. Robert Newman  
Mr. Randy Poe  
Mr. Charlie Reynolds

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**STAFF MEMBERS PRESENT:**

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

subdivision does not intersect or interact with Percival Road, which is too narrow for increased traffic. SR-2 zoning is a reasonable density that makes efficient use of the existing infrastructure and makes it economically feasible to expand the public water and sewer. He stated that Industrial is inappropriate. Many years ago, Industrial in southern Kenton County was drawn with a broad brush and was not meant to pigeonhole this type of small acreage right next to the City of Walton. Following the Comprehensive Plan and zoning the property Industrial, would put over sixty existing homes into an Industrial classification, which is not appropriate. He stated that Industrial belongs on a three- or five-lane road built for tractor-trailers, but Walton-Nicholson Road is a two-lane road with a double yellow line all the way to Nicholson Pike. He stated that the subject area is a natural extension of the residential area in and around Walton and there is a high demand in the Walton area for the type of housing that SR-2 zoning requires. Residential growth for the City of Walton is impeded to the north, west and south by existing commercial and industrial development and the only way residential can develop and the City of Walton can grow is to the east.

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

**Mr. Barlow moved by resolution to the City of Walton to approve the zone change with the conditions based on the Findings for Approval. Mr. Bunger seconded the motion.**

Mrs. Poston, a member of the Committee, stated that the Comprehensive Plan designated this property as future Industrial land. She questioned where we will get industrial land if we use the land set aside for industrial for residential uses. She stated that you do not go into a Residential area and carve out Industrial or into a Commercial area and carve out Industrial. She stated that it is seldom you get a four- or five-lane road going into an area that is not developed. She is opposed to the zone change request.

Mrs. Poston stated that a "yes" vote is a vote to approve the zone change request.

There being no further comments, **Mrs. Poston asked for a roll call vote on the motion made by Mr. Barlow which found Mr. Barlow, Mr. Breetz, Mr. Bunger, Mr. Carmichael, Mr. McMillian, Mr. Schwenke, Mr. White, and Mrs. Wilson in favor. Mrs. Poston was opposed. The motion carried by a vote of 8 to 1.**

2. **Zoning Map Amendment**

**The request of James W. Berling (applicant) for Bessmer Lane, LLC (owner) for a Zoning Map Amendment from Industrial One (I-1) to Suburban Residential One (SR-1) for a 67.82 acre area located south of the property at 115 Bessmer Lane, south of the current terminus of Mullen Lane, northwest of**

**the property at 12677 Powell Lane, north of the property at 30 Locust Street, and along the east side of the Norfolk Southern Railroad, Walton, Kentucky. The request is for a zone change to allow a subdivision for single-family residences.**

Staff Member Mitch Light presented the Committee Report which recommended denial of the request based on the Findings of Fact (see Committee Report).

At this time, Mrs. Poston allowed the applicant up to five minutes to summarize their position.

Mr. Jim Berling, Engineer for the development was present on behalf of the owners of the Industrial Park. Mr. Berling stated that the owners have attempted industrial development in the area. He stated that people could not get across the railroad tracks in a reasonable manner until they built the flyover at U.S. 25 and they are talking about doing a flyover on the southern end. The City of Walton wants a connector road running north/south parallel to the railroad so that traffic can move from one of the crossings to the other. He stated that this development has a 30-foot street and it has always been anticipated that there will be a transition point from the Industrial to the Residential and they are asking to move the timing and move the line a little bit to the north so that they can finish the development out with Residential. There is a good break point with the large lake they will build. At the Committee Meeting they were asked to show that there would be a break at that point and how they would go from Industrial to Residential, which they had the Landscape Architect address. Mr. Berling passed around a rendering showing the proposed landscaping. He indicated the roundabout and how the traffic would flow. He presented a view of the center of the roundabout and a view looking back at the Industrial area. He stated that the use is compatible and there will be a transition from Industrial to Residential.

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

**Mr. Barlow moved by resolution to the City of Walton to deny the request based on the Committee Report. Mr. Breetz seconded the motion.**

Mr. Carmichael asked if there was any discussion at the Committee level about what the plan would have been for homes up against the railroad tracks. Mr. Barlow responded that it was discussed in detail. He stated that there is an elevation change. He stated that the plan shows houses abutting the railroad property with the existing fence line and mature trees, which was their proposal.

Mrs. Poston, a member of the Committee, stated that her objection against was the loss of Industrial property and putting all of these houses up against a railroad track. She stated that there are railroad tracks that run right through the middle of town, but that happened years ago before railroads were transporting styrene and many

other objectionable things through residential areas. She stated that it is poor planning to put houses against railroad tracks with the dangers there.

Counselor Wilson advised that a vote in favor of the motion is a vote to deny the request.

There being no further discussion, **Mrs. Poston asked for a roll call vote on the motion which found Mr. Barlow, Mr. Breetz, Mr. Bunger, Mr. Carmichael, Mr. McMillian, Mr. Schwenke, Mr. White and Mrs. Poston in favor. Mrs. Wilson was opposed. The motion carried by a vote of 8 to 1.**

**3. Technical Design Review - Parts Plus  
Merchant Street**

Mrs. Poston stated that Agenda Item #3 is recommended for deferral to the September 21, 2005 Business Meeting at 7:00 PM. Mr. Barlow so moved. Mr. McMillian seconded the motion and it carried unanimously.

**NEW BUSINESS:**

**Agenda Item  
No.**

**4 Concept Development Plan  
The request of Danny Sanders (applicant) for Captain D's LLC attn: Bill Nickerson (owner) for a Concept Development Plan for a 0.78 acre tract located at 7912 Dream Street, Florence, Kentucky. The request is for a Concept Development Plan to allow building additions and site improvements to an existing restaurant in a Commercial Services/Planned Development (C-3/PD) zone.**

Mr. McMillian moved to schedule a Public Hearing for the above item on October 5, 2005 at 7:30 PM. Mr. Bunger seconded the motion and it carried unanimously.

**5 Zoning Text Amendment  
The request of the City of Florence to consider a series of zoning text amendments to Articles 35 and 40 of the Boone County Zoning Regulations to create a permitting process and performance standards to allow temporary storage trailers within the Commercial Two (C-2), Commercial Services (C-3), and Recreation (R) zones. The request is to evaluate and to hear comments on proposed zoning text amendments and how they affect the current Boone County Comprehensive Plan and Boone County Zoning Regulations.**

**EXHIBIT**

**“B”**

## ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

**TO:** Boone County Planning Commission

**FROM:** Randy Barlow, Chairman

**DATE:** September 7, 2005

**RE:** The request of **James W. Berling (applicant)** for **Bessmer Lane, LLC (owners)** for a Zoning Map Amendment from Industrial One (I-1) to Suburban Residential One (SR-1) for a 67.82 acre area located south of the property at 115 Bessmer Lane, south of the current terminus of Mullen Lane, northwest of the property at 12677 Powell Lane, north of the property at 30 Locust Street, and along the east side of the Norfolk Southern Railroad, Walton, Kentucky. The request is for a zone change to allow a subdivision for single family residences.

### REMARKS:

We, the Committee, recommend denial of this request based upon the following findings of fact:

#### Findings of Fact

1. The Committee has concluded that the applicant did not adequately demonstrate that the existing zoning classification of Industrial One (I-1) is inappropriate and that the proposed zoning classification of Suburban Residential One (SR-1) is appropriate.
2. The Committee has concluded that the applicant could not adequately demonstrate that the map amendment request is in agreement with the 2000 Boone County Comprehensive Plan because the future land use map shows this area as Industrial which is defined as "manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses." This site is adjacent to an existing industrial park and active railroad line making it more suitable for industrial.

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.

## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

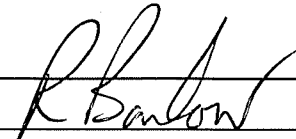
FROM: Randy Barlow, Chairman

DATE: August 24, 2005


RE: Request of James W. Berling (applicant) for Bessmer Lane, LLC (owners) for a Zoning Map Amendment from Industrial One (I-1) to Suburban Residential One (SR-1) for a 67.82 acre area located south of the property at 115 Bessmer Lane, south of the current terminus of Mullen Lane, northwest of the property at 12677 Powell Lane, north of the property at 30 Locust Street, and along the east side of the Norfolk Southern Railroad, Walton, Kentucky. The request is for a zone change to allow a subdivision for single family residences.

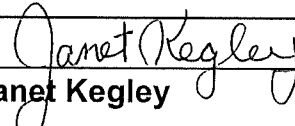
### REMARKS:

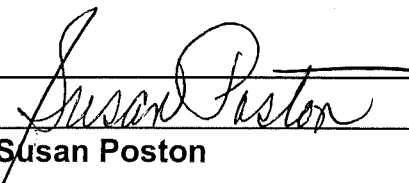
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

  
\_\_\_\_\_  
**Randy Barlow**  
For Project \_\_\_ Absent \_\_\_  
Against Project  \_\_\_\_\_  
Abstain \_\_\_ Deferred \_\_\_

\_\_\_\_\_  
**Kim Bunger**  
For Project \_\_\_ Absent  \_\_\_\_\_  
Against Project \_\_\_ \_\_\_\_\_  
Abstain \_\_\_ Deferred \_\_\_

  
\_\_\_\_\_  
**Greg Breetz**  
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 \_\_\_ FOR PROJECT \_\_\_ 1 ABSENT  
4 AGAINST PROJECT \_\_\_ ABSTAIN

Public Hearing Item No. 2:

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

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

Legal Counsel Present: Mr. Dale Wilson

2. Applicant: James W. Berling for  
Bessmer Lane, LLC (owner)

Request: Zoning Map Amendment

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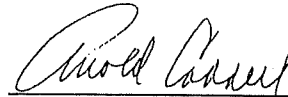
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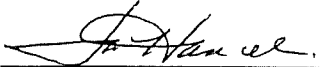
The Chairman closed this Public Hearing at 9:15 PM.

**APPROVED:**



**Arnold Caddell, Chairman**

**Attest:**



**Jan Hancock, Recording Secretary**

CITY OF WALTON, KENTUCKY  
ORDINANCE NO. 2005- 16

**AN ORDINANCE APPROVING A REQUEST FOR A ZONING MAP AMENDMENT FROM INDUSTRIAL ONE (I-1) TO SUBURBAN RESIDENTIAL ONE (SR-1) FOR A 68 ACRE SITE LOCATED GENERALLY SOUTH OF BESSMER LANE AND OVERRIDING THE RECOMMENDATION OF THE BOONE COUNTY PLANNING COMMISSION.**

**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 James W. Berling (applicant), on behalf of Bessmer Lane, LLC (owner) for a zoning map amendment to the Boone County zoning map, such proposed amendment being a zone change from Industrial One (I-1) to Suburban Residential One (SR-1) for a 67.82 acre site located generally south of the property at 115 Bessmer lane, south of the current terminus of Mullen Lane, northwest of the property at 12677 Powell Lane, north of the property at 30 Locust Street, and along the east side of the Norfolk Southern Railroad, Walton, Kentucky; 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 for the zoning map amendment; and,

**WHEREAS**, the City of Walton has received Resolution No. R-05-019-D of the Boone County Planning Commission recommending disapproval for this request; and,

**WHEREAS**, the City Council of the City of Walton has reviewed the request of the Applicant and the recommendation of the Boone County Planning Commission and has made findings that the proposed zoning classification is appropriate; 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 Suburban Residential One (SR-1) for a 67.82 acre site located generally south of the property at 115 Bessmer lane, south of the current terminus of Mullen Lane, northwest of the property at 12677

Powell Lane, north of the property at 30 Locust Street, and along the east side of the Norfolk Southern Railroad, Walton, Kentucky. The real estate which is the subject of this zoning map amendment is more particularly described on Exhibit "A" attached hereto and incorporated herein by reference.

**SECTION TWO**

Resolution No. R-05-019-D of the Boone County Planning Commission, recommending disapproval of the zoning map amendment, is hereby overridden. In accordance with KRS 100.213(1), the City Council of the City of Walton finds that the existing zoning classification of Industrial One (I-1) is inappropriate and that the proposed zoning classification of Suburban Residential One (SR-1) is appropriate for the subject property. The findings of City Council are attached hereto as Exhibit "B" and incorporated herein by reference.

**SECTION THREE**


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 6 Members of City Council on the 10<sup>th</sup> day of NOVEMBER, 2005.


PASSED AND APPROVED on second reading by 5 Members of City Council on the 14<sup>th</sup> day of NOVEMBER, 2005.

DATE OF PUBLICATION: November 24, 2005.

**APPROVED:**

  
\_\_\_\_\_  
Phillip W. Trzop, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Peggy Gray, City Clerk



# 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

### 67.8176 ACRES

Beginning at the south corner of Lot No. 12 of the North Walton Commercial Park as recorded in the office of the Boone County Clerk in Burlington, Kentucky; thence along the southeast line of Bessmer Lane, L.L.C.'s property, S 49° 37' 19" W 435.22 feet, S 50° 11' 29" W 363.11 feet, S 48° 43' 34" W 1,269.07 feet, S 48° 35' 54" W 254.89 feet and S 49° 45' 11" W 377.98 feet to the southeast corner of same; thence along the south line of Bessmer Lane, L.L.C.'s property, N 68° 34' 58" W 331.43 feet to a point in the easterly right of way line of the Norfolk-Southern Railroad; thence along the east right of way line of the Norfolk-Southern Railroad, N 12° 26' 24" E 299.64 feet, N 77° 33' 36" W 10.00 feet, N 12° 26' 24" E 204.85 feet, N 12° 23' 22" E 207.54 feet, N 12° 25' 24" E 198.37 feet, N 12° 24' 48" E 355.89 feet, N 13° 01' 18" E 487.18 feet, N 12° 00' 59" E 146.04 feet, S 77° 33' 36" E 10.00 feet, N 12° 00' 59" E 582.03 feet and N 11° 57' 56" E 164.26 feet to a point; thence leaving said railroad S 70° 34' 33" E 24.40 feet, S 8° 57' 27" W 198.00 feet and S 86° 52' 33" E 554.00 feet to the southwest corner of Lot No. 25 of the North Walton Commerce Park; thence along the southwest line of Lot Nos. 25, 26, 27 and 28 and the end of Mullen Drive, S 58° 51' 07" E 712.40 feet and S 41° 16' 26" E 333.61 feet to a point; thence along the southeast line of Mullen Drive N 48° 43' 34" E 250.00 feet to the west corner of said Lot No. 12; thence S 41° 16' 26" E along the southwest line of Lot No. 12 of North Walton Commerce Park 336.09 feet to the place of beginning.

Containing 67.8176 Acres

Deed Reference: Deed Book  
784, Page 166 and Deed Book 787, Page 708.

**FINDINGS OF FACT TO SUPPORT THE**  
**ZONE CHANGE FROM INDUSTRIAL TO RESIDENTIAL SR-1**  
**ON PART OF THE NORTH WALTON COMMERCE PARK**

1. The roadway in the area of the site and the roads leading to the interstate highway system are not suitable for Industrial Development. KY Highway 16 known as Walton-Nicholson road curves so badly that it has a double yellow centerline from Walton all the way to Nicholson. If truck traffic wants to get to I-75 Walton interchange, they must drive through the entire length of downtown Walton on a two lane road with parallel parking to get to the interchange.
2. This area surely is not suitable for industrial because the North Walton Commerce Park has been in place for several years with only one or two sales.
3. The Boone County Planning Commission approved the 2030 Future Land Use Map on October 19, 2005. This Future Land Use Map which is part of the 2005 Comprehensive Plan Update, identifies a large portion of the area being considered for a zone change as Suburban Residential.
4. Sooner or later there will be a transition between the industrial uses and the residential development along Mullen Drive. All of the property south of the North Walton Commerce Park has a suburban residential land use designation. This developer has agreed to construct a large round-a-bout with extensive landscaping to make the transition between Industrial and Residential. The location that ~~that~~ has been chosen for the transition from Industrial to Residential is an excellent transition because it will have a large lake between the uses and a large stand of trees along the division line west of the lake.
5. Historically the property was zoned Residential and Agricultural until it was changed in 2000, which has been proven to be a mistake by the lack of interest of the market.
6. There is substantial market demand for the type of single family detached Residential housing depicted on the plan.

7. This land use by reason of this Residential development provides the opportunity and conduit for the eventual elimination of an ultra-hazardous railroad grade crossing in the City.
8. The existing zoning classification is inappropriate and the proposed zoning classification is appropriate.

Date: November 14, 2005.

Wayne Carlisle: Wayne Carlisle

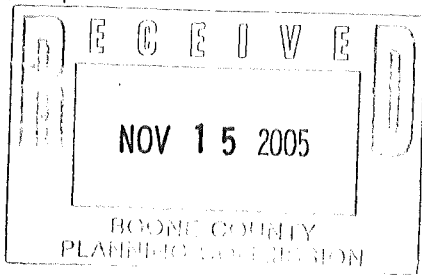
Lee Frakes: Lee Frakes

Paula Jolley: Paula Jolley

Ann Leake: Ann Leake

Michael Simpson: \_\_\_\_\_

Stephanie Williams: Stephanie Williams



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

Phone number:  
859-485-4383

Fax Number:  
859-485-9710

**Fax Transmittal Form**

To: Kevin Costello

From: Peggy Gray, City Clerk

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

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

Date: 11-15-05

Time: 9:00 AM

Pages: 6

- Urgent
- Please Reply
- For your Approval

- As Requested
- For Review and Comment
- Confidential

.....  
Message:

Kevin,

I am faxing you a copy of The City of Walton Ordinance No 2005-16 AN ORDINANCE APPROVING A REQUEST FOR A ZONING MAP AMENDMENT FROM INDUSTRIAL ONE (I-1) TO SUBURBAN RESIDENTIAL ONE (SR-1 FOR A 68 ACRE SITE LOCATED GENERALLY SOUTH OF BESSMER LANE AND OVERRIDING THE RECOMMENDATION OF THE BOONE COUNTY PLANNING COMMISSION.

Thank you,

Peggy Gray  
City Clerk/Finance Officer