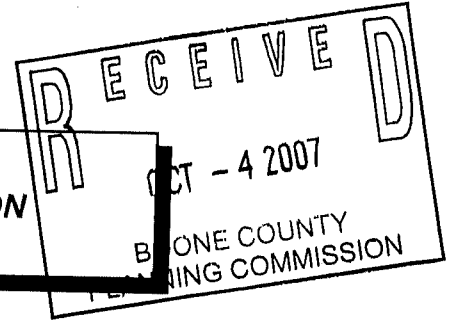


10/1/07

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 J.M.J. Investments, LLC
2. Location of Project 13300 Walton Verona Road, Walton, Kentucky 41094
3. Total Acreage of Site 13.1846 Acres
4. Current Zoning of Site RS
5. Proposed Zoning (Classification being requested) I-1
6. Proposed Uses (please specify each use) Home office, maintenance and storage area for general contractor's company (heavy equipment and pipe supply yard)
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) J.M.J. Investments, LLC  
Phone Number 331-5457 Fax No. 331-6768
10. Address of Property Owner(s) 980 Helen Ruth Drive  
Ft. Wright, Kentucky 41017  
City State Zip
11. Proposed Building Intensities (please specify) 7,500 sq./ft. of office and 10,000 sq.ft. maintenance storage building
12. Are there any existing buildings on the site? No  
How many? \_\_\_\_\_
13. Deed Book 913 Page No. 663 Group No. 2086A
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? No
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- \_\_\_\_\_ Boone County Water District
- \_\_\_\_\_ Florence Public Services Dept.
- \_\_\_\_\_ Duke Energy
- \_\_\_\_\_ Sanitation District #1
- \_\_\_\_\_ Cincinnati Bell
- \_\_\_\_\_ Owen Electric Cooperative, Inc.
- \_\_\_\_\_ Boone County Public Works Department
- \_\_\_\_\_ Kentucky Transportation Cabinet
- \_\_\_\_\_ Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

(over)

# EXHIBIT

“A”

## STAFF REPORT

Request of **James W. Berling (applicant)** for **J.M.J. Investments, LLC (owner)** for a Zoning Map Amendment from Rural Suburban (RS) to Industrial One (I-1) for a 13.1846 acre tract at 13310 Walton Verona Road, Walton, Kentucky. The request is for a zone change to allow a general contracting use.

November 28, 2007

### REQUEST

This request is for a Zoning Map Amendment from Rural Suburban (RS) to Industrial One (I-1) for a 13.1846 acre tract located at 13310 Walton Verona Road, Walton, Kentucky. The site is located between Walton Verona Road and I-75, and is approximately 700 feet north of the intersection with Salem Creek Road. The proposal is to develop the site for a general contracting/construction use (I-1 Principally Permitted Use #34). The application form states that the proposed uses include "home office, maintenance and storage area for general contractor's company (heavy equipment and pipe supply yard)."

A Concept Development Plan was submitted with this application. This plan shows a two story office building with a 75 foot by 100 foot footprint (15,000 sf total) and a shop building (presumably one story) with a 100 foot by 100 foot footprint (10,000 sf) behind it, for a total building area of 25,000 square feet.

The access point is shown in the approximate middle of the site's Walton Verona Road frontage, with an approximate 420 foot long concrete driveway that leads to a concrete parking lot at the front of the office building. The parking lot has a single drive that is double loaded with parking spaces. The drive continues to a gravel lot at the sides and rear of the buildings which is labeled "for storage of heavy equipment & constr. material." The plan notes "15 parking spaces" in the gravel area at the rear of the shop building. The gravel area is proportionally the largest improvement on the site.

Graded slopes are shown along the north, south, and east sides of the developed area, with undisturbed areas shown along the south and east property lines. Public water and sanitary sewer service are available. No architectural, landscape, or signage concepts were submitted.

### SITE HISTORY

A Major Site Plan for site grading and storm sewer was approved by the Planning Commission on July 19, 2007. The grading design approved on this plan is the same as shown on the submitted Concept Development Plan.

### SITE CHARACTERISTICS

The site contains 13.1846 acres and has 221.5 feet of frontage on Walton Verona Road. The lot has a flag lot shape, with a narrower area near the road which flares out toward the center and rear portions. The site is in the process of being graded per the approved site plan mentioned above, and the topography includes north-south running drainage valleys at both the east and west ends of the tract. Per the USGS map, an intermittent blue line stream runs in proximity to the south property line. Tree cover has been retained along the south and east boundaries of the site. An overhead utility line runs across the west part of the site in a north-south manner, and there are no structures remaining on the tract. The high point on the site is in the middle section of the north property line at approximately el 840, and low point is in the southern-most part of the site at approximately el 768. Soil types on the site include Faywood silty clay loam (FcC), Faywood silty clay (FdD3), and Nicholson silt loam (NIB).

### ADJACENT LAND USES

The land uses and zoning in the immediate site include:

- A. A mini-warehouse complex (C-3), a single family residence (RS), a vacant site, trailer sales, and a fencing company are located to the north (C-2).
- B. Single family residences on frontage lots are located to the south along the east side of Walton Verona Road and the north side of Salem Creek Road (RS).
- C. Single family residences on multi-acre lots are located to the west and southwest across Walton Verona Road (RS, SR-1, and I-1), and a wooded area and an electric company facility are located to the northwest along the west side of Walton Verona Road (I-1).
- D. I-75 is located to the east.

### RELATIONSHIP TO COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's Future Land Use Map designates the site for "Urban Density Residential" (UD) uses. This classification is described as "attached housing, generally condominiums or apartments, of over 8 dwelling units per acre."

The "9) Walton Area" section of the Land Use Element text (pg. 149) makes the following statements that relate to the overall area. The "10) Stephenson Mill Area" section (pp. 149 and 150) does not discuss this specific area.

- A. The Walton area should experience gradual commercial, residential, and industrial growth. This growth should result primarily from the Walton Interchange, and its location near the intersection of I-71 and I-75. Walton lies along this regional interstate corridor, between Cincinnati to the north and Louisville, Lexington, and Frankfort to the south, that is generally experiencing demand for industrial development.
- B. The City of Walton is being surrounded by industrial development and zoning to the north, south, and west of the City.
- C. Commercial development should also occur at the southeast quadrant of the interchange, and be designed carefully to provide a front door to the City of Walton. Business Park development should occur behind the commercial uses. Development at this location should not be oriented to truck-traffic. Attention should be given to the appearance of industrial uses from the interstate in this area, because it represents the southern entrance into Boone County.
- D. Commercial development of the northwest quadrant of the interchange should be of a type to serve the adjoining industrial area, while the southwest quadrant of the interchange will continue to be dominated by the Flying J development, however, traffic circulation improvements are needed at this specific location. As described in the Business Activity Element, there should be no further development of commercial uses oriented to truck traffic. The remaining area in this section should be Rural Density Residential or agricultural in nature.

The Land Use Element provides the following general comments that relate to the proposal.

- A. Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined . . . ("Utilization of Existing Vegetation and Topography," pg. 140).

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

Typically, buffering is required and provided between unlike land uses, however, as the development of Boone County fills in previously rural areas, different lot sizes and designs of residential development sometimes impact each other. Where an appropriate gradation of lot size and setbacks cannot be designed into a proposed residential subdivision development of a significantly higher density than existing adjacent residential uses, deliberate vegetation buffering may need to be incorporated into the design to help protect low density residential areas. Buffer areas should use and supplement existing site features where possible ("Buffering," pg. 141).

- C. Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways . . .

Developments along major roadways in Boone County must include landscaping between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses ("Landscaping," pg. 141).

- D. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system ("Access Management," pp. 141 and 142).

- E. Developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor . . . ("Design, Signs, and Historic Preservation," pg. 142).

The Population Element outlines population projections based on the Ohio-Kentucky-Indiana Regional Council of Government's (OKI) transportation analysis zones. The population for the zone in question (886) is expected to increase from 1,211 in the year 2000, to 1,463 in 2010, and to 3,065 in 2020 (pp. 24 and 25).

The Business Activity Element provides the following statements that relate to the general area.

- A. 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 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. Good development design and landscaping will be important at this high visibility location ("Recommended Areas of Commercial Activity, pg. 64).
- B. The Richwood and Walton interchanges will serve an increasing amount of industrial traffic along the U.S. 25 and I-75 corridors. Most of the industrial activity should locate near the interchanges to minimize travel on non-interstate roads ("Recommended Areas of Industrial and Office Activity," pg. 65).

The Housing Element provides the following statements that relate to the general area.

- A. Walton has annexed several areas north and west of the city to provide public water service and experienced significant subdivision development during the last decade. Verona will see mostly single family homes, and some small subdivision activity ("Geographic Housing Issues, Walton-Verona Area," pg. 80).

Figure 11.4 "Proposed Trail Network" (pg. 131) of the Transportation Element illustrates a proposed trail alignment running along this section of Walton-Verona Road between Stephenson Mill Road and Verona Mudlick Road.

The Goals and Objectives include the following pertinent statements.

- A. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- B. Proper design principles shall be applied in development ("Overall," Objective 3).
- C. 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).
- D. Boone County shall strive to achieve both a diversity and balance in land use. Land use and zoning decisions shall strive to balance the rights of landowners with the rights of the general public in a fair and impartial manner ("Overall," Objective 6).
- E. Innovative development design methods shall continue to be pursued ("Overall," Objective 9).
- F. The needs of Boone County's population base are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- G. 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).
- H. 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).
- I. Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment," Social Objective 4).

- J. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- K. Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage ("Business Activity," Overall Objective).
- L. Industrial development shall be encouraged to locate near railroad lines, highways, the Ohio River, the Airport and on Airport owned land. Future Industrial development must be located where infrastructure exists or is planned. Future Industrial districts shall be identified in advance of residential development so that the potential impacts are known and can be addressed ("Business Activity," Industrial Objective 1).
- M. Effective site placement, architectural design and landscape design for industrial uses shall enable a favorable relationship with adjoining uses. Industrial nuisances such as smoke, dust, noise and odor shall be kept at a minimum, and site development and enforcement shall be carefully coordinated with necessary approvals of other regulatory agencies ("Business Activity," Industrial Objective 2).
- N. Provisions shall be made for proper control of industrial uses, which have processes or make products that could be hazardous to human life and property. (Examples of such products are explosives and flammable or corrosive chemicals). New and existing industrial uses shall comply with federal and state air and water pollution regulations ("Business Activity," Industrial Objective 3).
- O. New infrastructure systems shall be built to definite planned and balanced capacities and for definite urban and rural forms ("Public Services and Facilities," Objective 2).
- P. Priorities for growth within any individual infrastructure system shall be based on the predicted needs of specific areas as prescribed by the future land use projections of this plan. No infrastructure system shall commit the county to excessive growth by the system's expansion ("Public Services and Facilities," Objective 3).

#### BOONE COUNTY TRANSPORTATION PLAN 2030

Exhibit 6-9 "Year 2030 Recommended Transportation Plan Levels of Service - Arterials" (pg. 6-13) lists Mary Grubbs Highway between Walton-Verona Road and Dixie Highway as LOS C. Exhibit 6-10 "Year 2030 Recommended Transportation Plan Levels of Service -

Two-Lane State Routes" (pg. 6-14) lists Walton-Verona Road between Stephenson Mill Road and Salem Creek Road as LOS D. Exhibit 6-18 "Multi-Use Trail Network" (pg. 6-29) illustrates the same future trail alignment running along this section of Walton-Verona Road between Stephenson Mill Road and Verona Mudlick Road shown in the Comprehensive Plan's Transportation Element as discussed above.

### STAFF COMMENTS

1. The Planning Commission and Walton City Council will need to determine whether the proposal is in agreement with the Comprehensive Plan. As discussed above, the Future Land Use Map designates the site for "Urban Density Residential" (UD) uses versus Industrial, Business Park, or some other category that is directly associated with industrial or business uses. The UD classification is described as "attached housing, generally condominiums or apartments, of over 8 dwelling units per acre."

The text of the Land Use Element does not discuss this specific site, but includes several provisions that apply to the general area ("9. Walton Area," pg. 149). These include "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" and "the City of Walton is being surrounded by industrial development and zoning to the north, south, and west of the City." Thus, the Land Use Element acknowledges the potential for industrial growth in the interchange area and specifically to the west of the City.

This same section of the Land Use Element mentions the interchange area in particular by stating "attention should be given to the appearance of industrial uses from the interstate in this area, because it represents the southern entrance into Boone County." Although this quote is in direct reference to the southeast quadrant of the interchange across I-75, the basic directive is applicable to the subject site. This section continues by saying that "the southwest quadrant of the interchange will continue to be dominated by the Flying J development, however, traffic circulation improvements are needed at this specific location. As described in the Business Activity Element, there should be no further development of commercial uses oriented to truck traffic." While the proposed general contracting facility may use trucks in the course of its business, it is not "oriented to truck traffic" in the context of the Comprehensive Plan as opposed to a truck stop, big box retailer, or distribution warehouse.

These basic points are reinforced by the Business Activity Element ("Recommended Areas of Commercial Activity, pg. 64) which states "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."

Although the Future Land Use Map doesn't acknowledge industrial uses on this site, the governing bodies need to consider the other aspects of the Comprehensive Plan, specifically the text dealing with this area. The governing bodies further need to consider the alternate statutory findings for granting zone change approval. Finding #2 that "the existing zoning classification is inappropriate and that the proposed zoning classification is appropriate" in particular should be carefully evaluated. A fact to consider is that Urban Density Residential uses per the Future Land Use Map may (or may not depending on a specific proposal) provide a better land use transition between the adjoining sites, but they would likely have a higher building intensity and generate substantially more traffic as well. Conversely, this proposal includes a substantial outdoor storage area and would entail the use of large vehicles and material handling that would not occur in a residential development. Any findings for approval would be better supported with an express condition that limited the use of the property to construction contracting as stated on the application form and possibly comparable low intensity, low traffic generating, light industrial uses.

2. Staff has the following comments on design related issues.
  - A. The bulk of the development is proposed to be a gravel surfaced lot. Section 3314 "Paving" of the zoning regulations requires all parking, driveway, and outdoor storage areas to be hard surfaced with concrete or asphalt. Gravel surfacing may be permitted through the waiver procedure by the Zoning Administrator, although it has been customarily approved in industrial developments only for the parking of tracked vehicles and storage of materials where either the items themselves or the material handling equipment could readily damage the pavement. Minimally, any parking of street legal vehicles and designated driveways in the area currently delineated for gravel will need to be hard surfaced. For informational purposes, the number of parking spaces shown or noted is below the amount required by the zoning regulations, but these requirements can be readily met on the site.

- B. In light of the Comprehensive Plan (site is designated as UD by the Future Land Use Map, text describes this area as an "entrance" and "front door" to the City, etc.), buffering and other design matters are pivotal issues for this development. Section 3645 requires the provision of Buffer Yard D (80' wide w/ specified plantings or 40' wide w/ berm/wall/fence and specified plantings) along the south boundary of the site adjoining the RS zone. As currently shown, the 80 foot buffer yard width is not met throughout, but the 40 foot width option is met.

To better assimilate this development with the adjoining sites, Staff recommends that the existing vegetation that is to be retained along the south boundary, to the west of the rear storage area and office building, be supplemented with a combination of evergreen trees, native hardwood trees, and hedging composed of large shrubs that are planted on/around berming. The hedging should be added where necessary to fill visual "gaps" between trees or where drainage breaks were provided in the berming. Provided this combination is comparable to the buffering that would be accomplished by the required Buffer Yard D plantings, Staff is not concerned with the provision of the small shrubs and ornamental trees normally required (the Zoning Administrator will grant a waiver for this approach if it is endorsed by the governing bodies). A comparable solution is recommended for the portion of the southern boundary that is to the south of the rear storage area, although the existing vegetation in this area is much more substantive and any additional landscaping can likely be limited to intermittent berming and evergreen trees.

Staff also recommends that a similar combination of evergreen trees, native hardwood trees, and large shrub hedging be provided for the required Buffer Yard B along the north boundary of the site (20' wide w/ specified plantings). The existing trees that were retained along this boundary can be credited toward the required landscaping. The existing vegetation that was retained along the I-75 frontage is fairly substantial and fulfills the applicable street frontage landscape requirements, but it should be reviewed in a complete "leaf off" state to verify that it will effectively screen the rear service area from I-75. All of the buffering comments assume that the final disturb limits have now been established in the field with the recent clearing work, and that they will not be enlarged. If this is not the case, additional landscape materials will be warranted.

- C. Although not indicated on the Concept Development Plan, Staff anticipates that fencing will be desired around the rear portion of the site. Security style

fencing (chain link, over 4' in height, etc.) must be located behind the front building line of the office building, and may be up to 12 feet high in industrial zones. In order to minimize the visual impact of such fencing should it be opted, Staff recommends that it be provided only around the immediate perimeter of the rear storage area, and that any chain link fencing use a dark (black or green) vinyl coating, minimally for the portions that face Walton-Verona Road. The applicant should provide details for any other type of fencing that may be intended.

- D. Lighting is a concern to Staff relative to potential impacts on adjoining properties. Staff recommends that all site lighting be downlit, directed toward the interior of the site, and that measurable light be less than 1 footcandle at the interior edge of the various buffer yards with no measurable light (0.0 fc) at the property lines. To further reduce effects on adjoining residential properties, a modest mast height for freestanding fixtures, such as 15 feet, should be considered for the front parking area and the southern portion of the rear storage area (part that is south of the shop building).
- E. No architectural concepts were provided in the application. Based on the direction of the comprehensive plan, Staff recommends that minimally the office building have a "finished" appearance when viewed from the road. This would include the use of "solid" materials such as brick, architectural CMU, or precast concrete, the use of architectural detailing, and a full pitched roof or three dimensional pitched elements, and/or a parapet design with a defined cornice line. The front office structure for the adjoining mini-warehouse development can be used as a basic model. Due to the residential adjacencies, deeper natural colors are recommended for both structures. Provided substantial buffering is provided and the disturb limits are not enlarged, Staff is not concerned with the design details of the shop building provided it uses a color(s) that will help it function as a "background" building.
- F. The Kentucky Transportation Cabinet, District 6 has commented that the proposal may have sight distance problems and that the State's required sight distance is 396 feet in both directions (refer to attached 11/7/07 e-mail from Robert Hans, TEBM - Planning, KTC, District 6). The proposal is also subject to the sight distance requirements in Article 32 of the Boone County Zoning Regulations, which are currently substantially greater (720' to the right turning out of the development, 780' to the left turning out of the development, and 530' for vehicles entering the development).

3. The City of Walton has reported that both public water and sanitary sewer service are available at the project site.
4. The Boone County Engineer has commented that because Walton-Verona Road is state maintained, he does not have any comments on this proposal (refer to attached 10/31/07 memo from Greg Sketch, PE, PLS, Boone County Engineer). Additionally, the Walton Fire District has no comment on this proposal (refer to attached 11/1/07 e-mail from Deputy Chief Allen Roberts).
5. The Kentucky Division of Water was requested to comment on the proposal relative to their policies. No written comments have been received to date. Any comments received will be forwarded to the Zone Change Committee.

### CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Walton City Council in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3 "Amendment" of the Boone County Zoning Regulations and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will need to be amended if this request is approved.

Respectfully submitted,



Kevin T. Wall, ATCP  
Director, Zoning Services

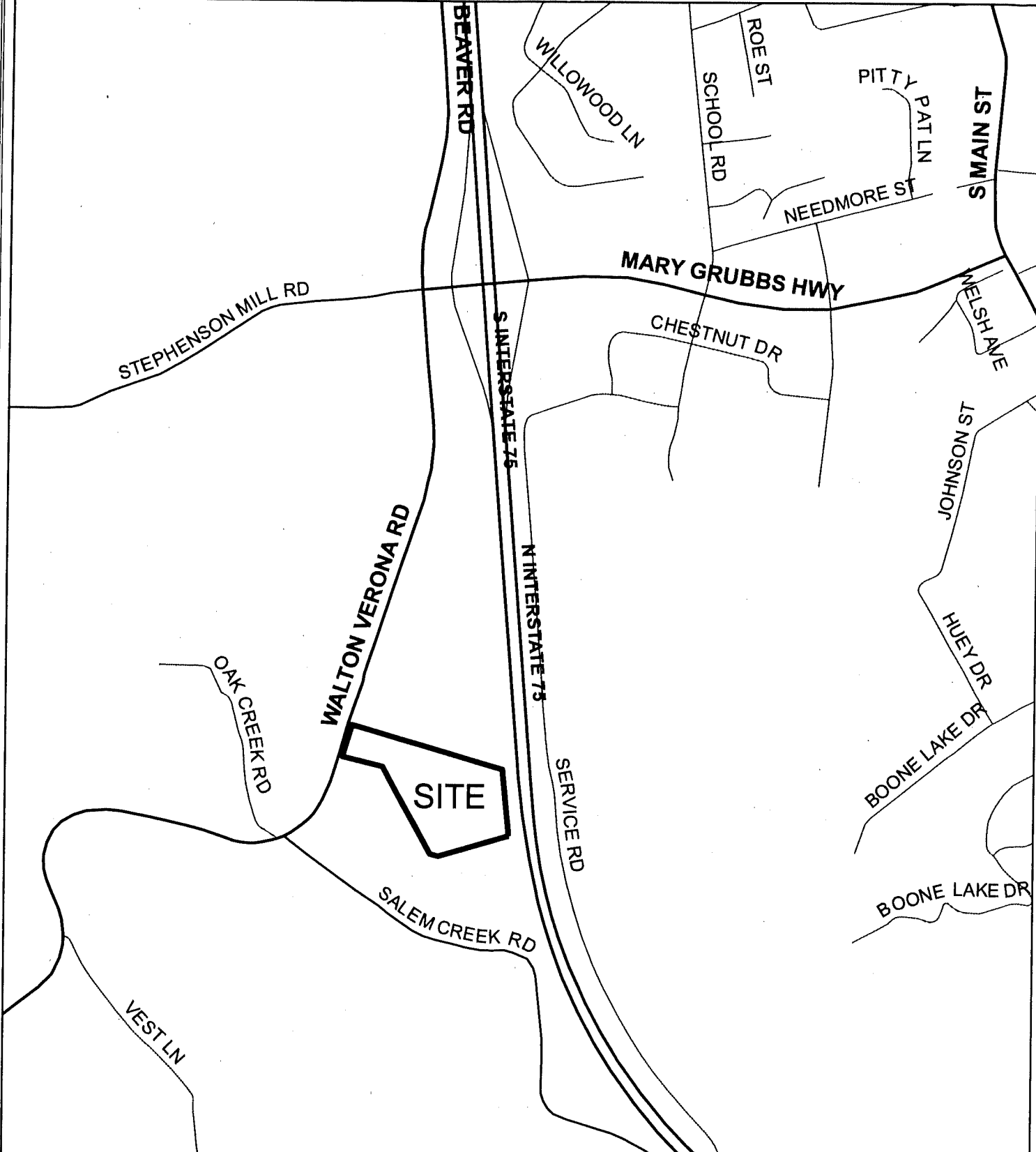
KTW/pr

#### attachments:

- location map
- aerial photo w/ zoning
- Future Land Use Map excerpt
- 11/7/07 e-mail from Robert Hans, TEEM - Planning, Kentucky Transportation Cabinet, District 6
- 10/31/07 memo from Greg Sketch, PE, PLS, Boone County Engineer
- 11/1/07 e-mail from Deputy Chief Allen Roberts, Walton Fire District
- application materials including Concept Development Plan

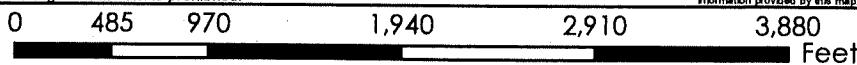
# Location

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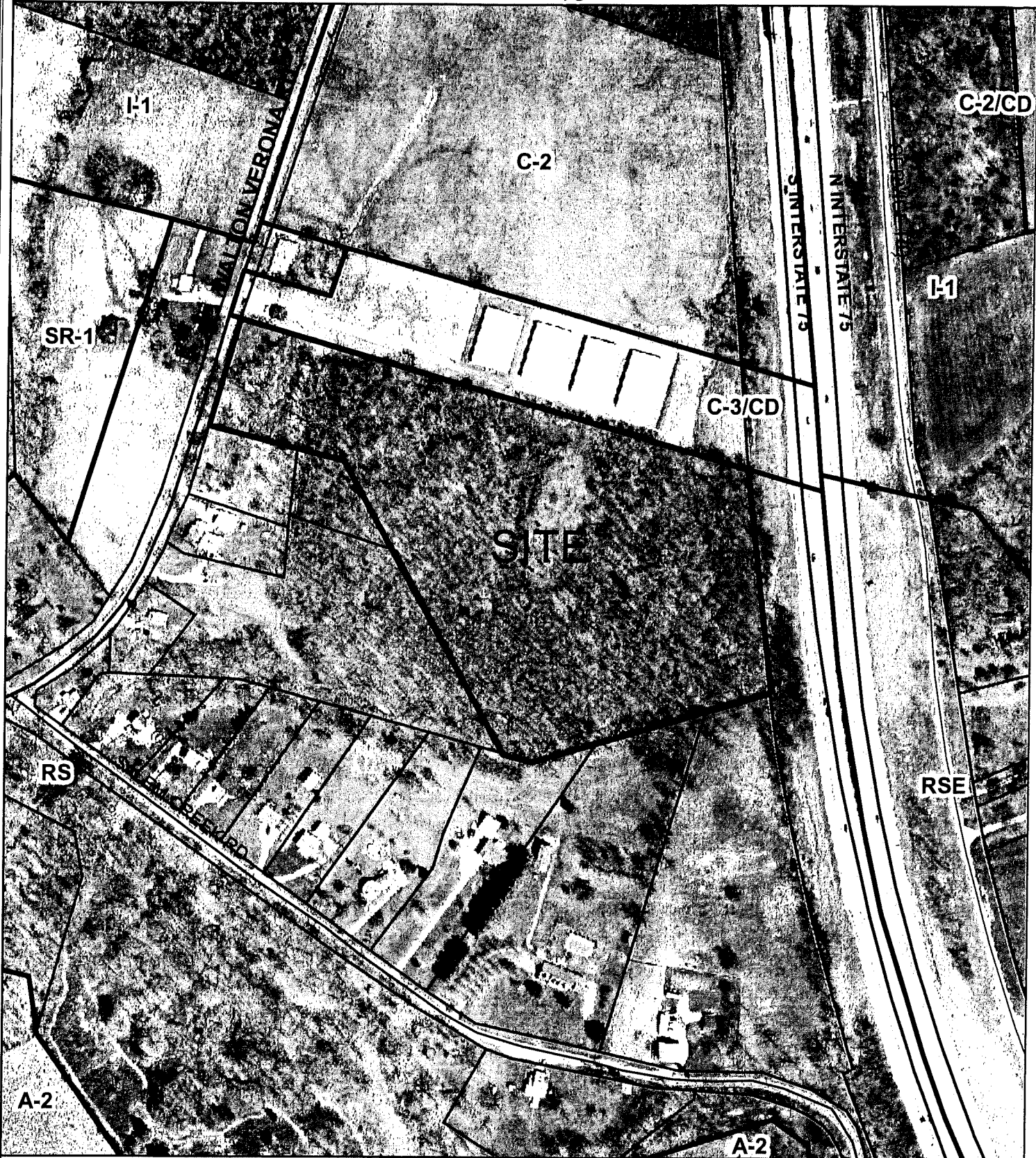
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## Boone County GIS - Putting Northern Kentucky on the Map

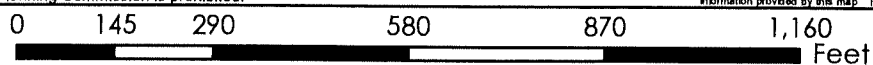
# Zoning

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1 inch equals 283 feet

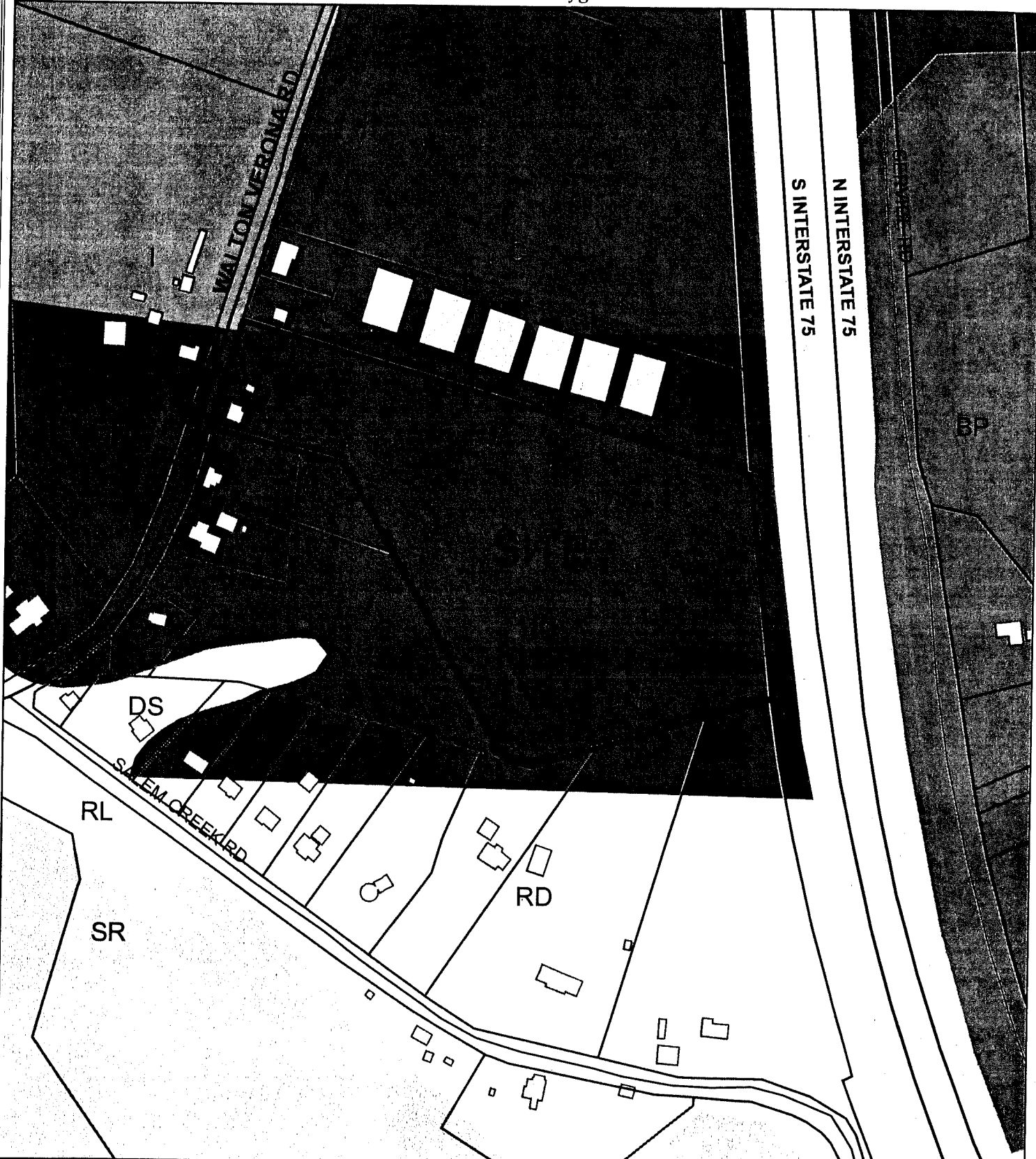


**Boone County GIS - Putting Northern Kentucky on the Map**



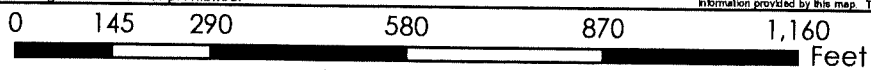
# Future Land Use

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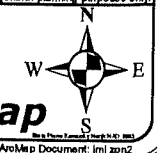
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**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created at 14:33:35 on 10/19/2007



Map Document: [m] 2002

**Kevin Wall**

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**From:** Hans, Robert (KYTC-D06) [Robert.Hans@ky.gov]  
**Sent:** Wednesday, November 07, 2007 3:48 PM  
**To:** Kevin Wall  
**Cc:** Thompson, Ed (KYTC-D06); Yeager, Mike (KYTC-D06); Schomaker, Tom (KYTC-D06)  
**Subject:** RE: Requested Zone Change - JMJ Investments, 13310 Walton-Verona Road, Walton - Boone County

Kevin,

The Kentucky Department of Highways has reviewed the subject Requested Zone change and offers the following comments.

Access to KY 14/16 will need to be approved by the Department of Highways following Department Specifications.

- Proposed site's access point on KY 14 may have sight distance problems.
- Speed limit on KY 14 is 45 MPH so sight distance lengths of 396' will be required in both directions on KY 14.

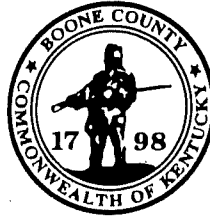
If you have any questions, please feel free to contact me.

Thanks,

Rob Hans, TEBM - Planning  
KY Department of Highways, District Six  
(859) 341-2707, ext. 256

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GARY W. MOORE  
County Judge-Executive



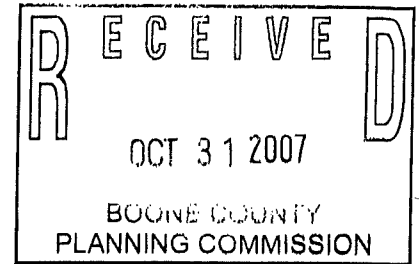
GREGORY V. SKETCH, PE, PLS  
County Engineer

JEFFREY S. EARLYWINE  
County Administrator

**PUBLIC WORKS DEPARTMENT**

[www.BooneCountyKy.org](http://www.BooneCountyKy.org)

5645 Idlewild Road  
Burlington, KY 41005  
(859) 334-3600  
Fax (859) 334-3598



**MEMORANDUM**

**TO:** Kevin Wall, Director, Zoning Services  
Boone County Planning Commission

**FROM:** Greg Sketch, PE, PLS  
Boone County Engineer

**RE:** **Proposed Zone Change for JMJ Investments Located at 13310  
Walton-Verona Road (KY 14/16)**

**DATE:** October 31, 2007

This is in response to your request for input concerning the request for the approval of a zone change by JMJ Investments located at 13310 Walton-Verona Road. The request is to change the current zone of Rural Suburban (RS) to Industrial One (I-1) to allow construction of a general contracting facility.

Because the access to this proposed site is from Walton-Verona Road (KY 14/16), a Kentucky Transportation Cabinet maintained road, I do not have any comments on this proposal.

Thank you for the opportunity for input in this matter.

c: Jeff Earlywine, Boone County Administrator

**Kevin Wall**

---

**From:** Deputy Chief Roberts [Dep.Chief326@fuse.net]

**Sent:** Thursday, November 01, 2007 10:51 AM

**To:** Kevin Wall

**Subject:** jmj Investments

Kevin,

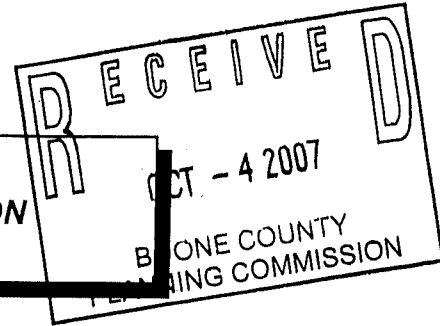
The Walton Fire District has no comment on this project. There is a hydrant within 500' of the facility. We foresee no other reason for this zone change not to go. If you should have any other questions please feel free to call.

Allen Roberts  
Dep. Chief

10/1/07

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 J.M.J. Investments, LLC
2. Location of Project 13300 Walton Verona Road, Walton, Kentucky 41094
3. Total Acreage of Site 13.1846 Acres
4. Current Zoning of Site RS
5. Proposed Zoning (Classification being requested) I-1
6. Proposed Uses (please specify each use) Home office, maintenance and storage area for general contractor's company (heavy equipment and pipe supply yard)
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) J.M.J. Investments, LLC  
Phone Number 331-5457 Fax No. 331-6768
10. Address of Property Owner(s) 980 Helen Ruth Drive  
Ft. Wright, Kentucky 41017  
City State Zip
11. Proposed Building Intensities (please specify) 7,500 sq./ft. of office and 10,000 sq.ft. maintenance storage building
12. Are there any existing buildings on the site? No  
How many? \_\_\_\_\_
13. Deed Book 913 Page No. 663 Group No. 2086A
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? No
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- \_\_\_\_\_ Boone County Water District
- \_\_\_\_\_ Florence Public Services Dept.
- \_\_\_\_\_ Duke Energy
- \_\_\_\_\_ Sanitation District #1
- \_\_\_\_\_ Cincinnati Bell
- \_\_\_\_\_ Owen Electric Cooperative, Inc.
- \_\_\_\_\_ Boone County Public Works Department
- \_\_\_\_\_ Kentucky Transportation Cabinet
- \_\_\_\_\_ Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

(over)

**ZONING MAP AMENDMENT  
APPLICATION  
PAGE 2**

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

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

19. Applicant's Signature \_\_\_\_\_  
Property Owner's Signature \_\_\_\_\_

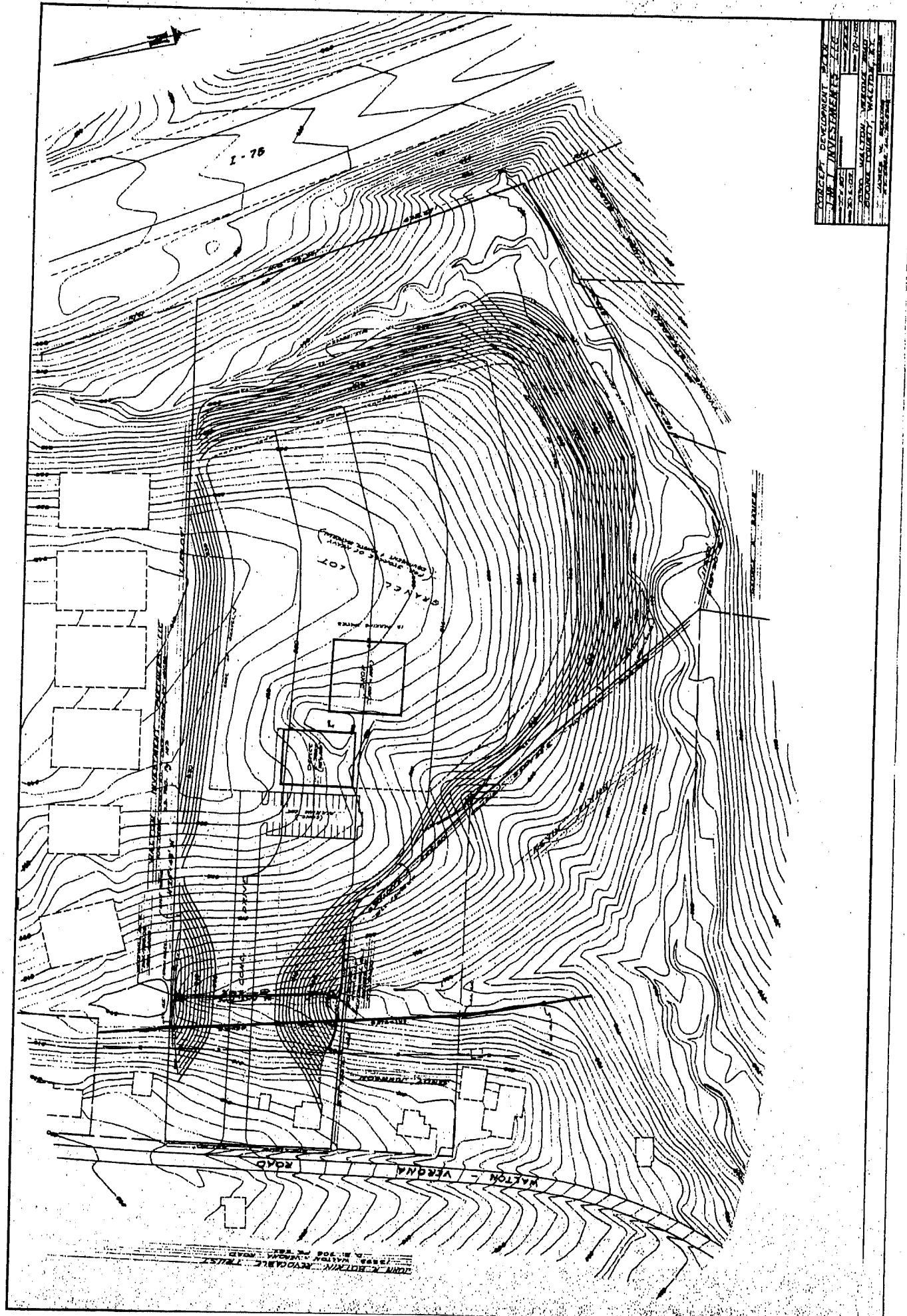
**SECTION B (To be completed by BCPC Staff)**

1. Date Received 10-4-07
2. Review Fee \$1884.69 R# 54805
3. Check what has been submitted:
  - Application
  - Fee
  - Legal Description
  - Concept Development Plan
  - Address of Adjoining Property Owners
  - Number of copies of plan received\*\*
4. Is application complete? \_\_\_\_\_ Yes \_\_\_\_\_ No
5. Staff Reviewer K. [Signature]
6. Committee Chairman \_\_\_\_\_
7. Scheduled Public Hearing Date 11/28/07
8. Boone County Planning Commission Action:
  - Approval
  - Approval with Conditions
  - Denial
9. Other: \_\_\_\_\_

**\*\* Five (5) Copies Are Required**

**Boone County Planning Commission  
Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, Kentucky 41005  
(859) 334-2196 - Phone  
(859) 334-2264 - Fax  
plancom@boonecountyky.org - E-mail  
www.boonecountyky.org - Web Page**

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



PROJECT DEVELOPMENT PLAN	
L.P. INVESTMENT CO.	
DATE	10-1-76
BY	J. J. [unclear]
SCALE	AS SHOWN
PROJECT	WALTON VERONA ROAD
OWNER	WALTON VERONA ROAD
ENGINEER	J. J. [unclear]

JOHN A. BERTINI, REGISTERED SURVEYOR  
 1000 W. WALTON VERONA ROAD, WASHINGTON, D.C. 20004

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
FIRST FLOOR FISCAL COURTROOM**

**November 28, 2007**

**7:30 P.M.**

**PUBLIC HEARINGS**

**Commission Members Present:** Mrs. Arnett – Secretary/Treasurer, Mr. Breetz, Mr. Bunger, Mr. Carmichael, Mrs. Herald, Mrs. Kegley, Mr. Knock – Temporary Presiding Officer, Mr. McMillian, Mr. Poe, Mr. Patrick Reynolds, Mr. Rolfsen, and Mr. Schwenke.

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

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

Mrs. Judy Arnett, Secretary/Treasurer called the meeting to order at 8:03 PM and introduced the first item on the Agenda:

**Applicant:** James W. Berling for  
J.M.J. Investments, LLC (owner)

**Request:** Zoning Map Amendment

**The request of James W. Berling (applicant) for J.M.J. Investments, LLC (owner) for a Zoning Map Amendment from Rural Suburban (RS) to Industrial One (I-1) for a 13.1846 acre tract at 13310 Walton Verona Road, Walton, Kentucky. The request is for a zone change to allow a general contracting use.**

Staff Member Kevin Wall presented the Staff Report which included a Power Point presentation (see Staff Report). He noted that the pictures of the site were taken several weeks ago and additional trees have been removed since that time.

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

Mr. Jim Berling, applicant and engineer for the project, stated that the proposed development is for Howe Construction. JMJ is Jimmy Howe's company and he is

in the business of general heavy construction – such as earth moving and sanitary sewer/water mains. He stated that this is a reasonable location because of the industrial and commercial uses to the north which adjoin the property line. He stated that when there is a change in land use designation or zoning it follows a geographic line. There is a major creek along the south property line -- it is a more logical division between commercial and residential uses and provides more buffer for the residential zone. He reviewed the location of the creek from north to south, along the interstate, and along the south edge of the property. He stated that the use has very little traffic. They will be a good neighbor. In regard to sight distance, he stated that they surveyed and submitted information to the Highway Department showing that they have the required sight distance and more. The Kentucky Department of Transportation is satisfied with the sight distance. He stated that there will be no dirt imported or exported dirt from the site. The site will be restored as soon as construction is completed. This concluded the applicant's presentation.

Mrs. Arnett asked if there was anyone else in the audience 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.

Mr. Kevin Flynn, 13330 Walton-Verona Road, stated that his property backs up to this site. He stated that the 2005 Comprehensive Plan, Section 9, #D talks about Walton and the southwest quadrant at this exit, which is where the subject property is located. The Comprehensive Plan talks about the inability of the current infrastructure to handle the commercial traffic as it exists today. He stated that this property will not greatly increase commercial traffic, but it will increase it. He stated that Walton is the welcome mat to Boone County for people coming from the south and with the grade work and clearing of the property it will be highly visible from I-71/I-75 northbound. He stated that the lot is gravel and not an impervious surface. He stated that they want to store earth-moving equipment and there is no secondary containment. It will be a maintenance facility. He is concerned about the creek and the tributary running behind his property. He is a close neighbor and he is concerned about the use and the owner's ability to comply with KDPS Permit Requirements, specifically with the gravel lot.

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

Mr. McMillian stated that the area is building up and there is no decel lane for heavy equipment. He stated that there is quite a bit of traffic now and there is a camping area down the road that has big trailers going in and out. There have not been decel lanes there before, which may be a mistake. He stated that there will be heavy traffic coming to the site carrying sewer pipe and other items and he believes a decel lane is needed.

Mr. Schwenke asked if they will do maintenance on their bulldozers and heavy equipment. He stated that there is noise involved in working on heavy equipment. He stated that when turning in from the road, there is a ditch close to the highway and there is not a lot of room. Oversized loads and long trailers could have a problem getting in and out of the site. These items will be discussed at the Committee Meeting.

Mr. Knock noted the location of Mills Fence and asked if there are other commercial businesses on the road. Mr. Berling responded that it is all commercial. Mr. Knock noted the min-warehouse facility to the north and stated that PMI is on the same road.

Mrs. Arnett asked Mr. Berling to respond to the comments. Mr. Berling stated that they are not allowed to permit excess erosion into the creek or any spillage of things like oil. He stated that there will be containment and berms. He stated that the traffic is minimal. If the property was developed as medium-density residential, there would be ten times the traffic. He stated that they will move the equipment to a job when the weather breaks in the spring and then the equipment will go from one jobsite to another. The equipment will not come back to this site unless it needs repair or to be stored for the winter. The equipment does not go in and out of the site everyday. The large building is for maintenance which will, hopefully, all be done inside. It is their desire to do it all inside. He stated that they bring the equipment to the site in December and get it tuned up and ready to go in February or March. Their traffic is minimal and will not influence the decel lane one way or the other. He stated that they can flare the access and have generous radii at the entrance.

Ms. Yvonne Stephens, 13506 Salem Creek Road, questioned the impact of this development on her property when she wants to sell it. She used to have trees at the back of her property and now there is heavy equipment. She is concerned about her property value and the increase in the noise level from the interstate due to the removal of the trees that acted as a buffer.

Mr. McMillian agreed that they may take their bulldozers in and out once, but they also haul and store pipe and those vehicles will go in and out all the time as the pipe is needed. He stated that there is also additional traffic from the area building up and he feels that the road should be widened.

Mr. George Bauer, 13494 Salem Creek Road, asked for more trees to be planted near the creek to block the view of the heavy equipment and stored pipe. He is concerned about his property value. He asked if lights from the lot will shine on his property.

Mr. Wall responded that there are recommendations on those issues in the Staff Report. He stated that buffering is very important. Buffer Yard D is required along the RS zone. He stated that additional trees have been removed since he

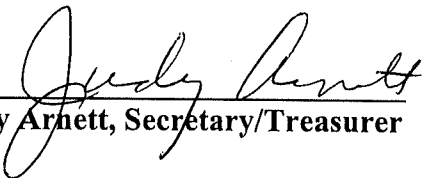
was out there and there may be a need for additional replacement of trees and more extensive berming.

Mr. Schwenke stated that more trees have been taken out than he would have liked. He questioned how many trees they can take out. Mr. Wall responded that the property is currently zoned RS and they could get approval for earthwork to clear and level the entire lot.

Mr. Kevin Flynn stated that if they are allowed three feet, they will take four. The damage to the property has been done in terms of transitioning from Suburban Residential to Industrial One – the trees are gone – and that demonstrates a behavior that should be of concern when they begin developing as Industrial One.

There being no further comments, Mrs. Arnett stated that the Committee Meeting for this item will be on December 5, 2007 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on December 19, 2007 at 7:00 PM. Mrs. Arnett closed this Public Hearing.

**APPROVED:**

  
\_\_\_\_\_  
Judy Arnett, Secretary/Treasurer

**Attest:**

  
\_\_\_\_\_  
Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
FIRST FLOOR FISCAL COURTROOM  
BUSINESS MEETING  
December 19, 2007  
7:00 P.M.**

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

**COMMISSION MEMBERS PRESENT:**

Mrs. Judy Arnett, Secretary/Treasurer  
Mr. Kim Bungler  
Mr. Arnold Caddell, Chairman  
Mrs. Linda Herald  
Mrs. Janet Kegley  
Mr. Don McMillian  
Mr. Randy Poe  
Mrs. Susan Poston, Vice Chairwoman  
Mr. Charlie Reynolds  
Mr. Patrick Reynolds  
Mr. Charlie Rolfsen  
Mr. Bob Schwenke

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Greg Breetz  
Mr. Jim Carmichael  
Mr. Richard Knock, Temporary Presiding Officer

**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

the Findings of Fact, with the changes recommended by the Committee (see Committee Report).

There being no discussion, **Mr. Schwenke moved by resolution to Boone County Fiscal Court and the Cities of Florence, Union and Walton that the request be approved based on the Committee Report with the recommended changes. Mr. Rolfsen seconded the motion and it carried unanimously.**

**2. Zoning Map Amendment**

**The request of James W. Berling (applicant) for J.M.J. Investments, LLC (owner) for a Zoning Map Amendment from Rural Suburban (RS) to Industrial One (I-1) for a 13.1846 acre tract at 13310 Walton Verona Road, Walton, Kentucky. The request is for a zone change to allow a general contracting use.**

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

The Chairman asked if the applicant wished to make a summary statement in regard to items raised at the Public Hearing or discussed at the Committee Meetings before the Planning Commission takes action on this request.

Mr. Jim Berling stated that they had a good Committee Meeting and everyone seemed to be in agreement.

The Chairman noted that there was no one else present in the audience.

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

The Chairman left the meeting at this time. Mrs. Poston chaired the meeting and introduced the next item on the Agenda:

**3. Zoning Map Amendment for Special Sign District**

**The request of James W. Berling (applicant) for Walton Land Development LLC, Heritage Bank, The Bank of Kentucky, Regency Centers, Kohl's Department Stores, Inc. and Kroger Limited Partnership I (owners) for a Zoning Map Amendment for a Special Sign District for an approximate 98 acre area located on the south side of Mary Grubbs Highway at both intersections with Towne Center Drive and including the properties at 225 Mary Grubbs Highway, 235 Mary Grubbs Highway, 635 Chestnut Drive, and**

**EXHIBIT**

**“B”**

## ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Charlie Rolfsen, Chairman

DATE: December 19, 2007

RE: Request of **James W. Berling (applicant)** for **J.M.J. Investments, LLC (owner)** for a Zoning Map Amendment from Rural Suburban (RS) to Industrial One (I-1) for a 13.1846 acre tract at 13310 Walton Verona Road, Walton, Kentucky. The request is for a zone change to allow a general contracting use.

### REMARKS:

We, the Committee, recommend approval of the above referenced request based on the following findings of fact and with the following conditions.

### FINDINGS OF FACT

1. The Committee has concluded that the proposed Zoning Map Amendment is in agreement with the Comprehensive Plan due to the following reasons.
  - A. The 2005 Boone County Comprehensive Plan's Future Land Use Map designates the site for "Urban Density Residential" (UD) uses. This classification is described as "attached housing, generally condominiums or apartments, of over 8 dwelling units per acre." This UD area would function as a transitional use between planned Industrial and Commercial uses to the north along Walton-Verona Road, Rural Density Residential and Suburban Density Residential uses to the south and southwest, and High Suburban Density Residential uses further to the west. Although this proposal is for a general contracting facility, which is a light industrial use, the proposal will function as a transitional use as intended by the Future Land Use Map. This is due to the fact that the Concept Development Plan illustrates low building intensity, large open areas that will have little activity, extensive buffering based on the landscaping requirements and agreed conditions, and the property owner has reported that only a few employees will be stationed at this location. These qualities of the development also agree with the "Business Activity" Goal and "Business Activity" Overall Objective which are outlined in the Staff Report. This proposal is in contrast to the UD uses shown on the Future Land Use Map which would have a much higher building intensity and generate substantially more traffic.

- B. The text of the Land Use Element does not discuss this specific site, but includes several provisions that apply to the general area ("9. Walton Area," pg. 149). These include "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" and "the City of Walton is being surrounded by industrial development and zoning to the north, south, and west of the City." Thus, the Land Use Element acknowledges the potential for industrial growth in the interchange area and specifically to the west of the City.

This same section of the Land Use Element mentions the interchange area in particular by stating "attention should be given to the appearance of industrial uses from the interstate in this area, because it represents the southern entrance into Boone County." Although this quote is in direct reference to the southeast quadrant of the interchange across I-75, the basic directive is applicable to the subject site. This section continues by saying that "the southwest quadrant of the interchange will continue to be dominated by the Flying J development, however, traffic circulation improvements are needed at this specific location. As described in the Business Activity Element, there should be no further development of commercial uses oriented to truck traffic." The Business Activity Element ("Recommended Areas of Commercial Activity, pg. 64) reinforces the importance of the appearance of the overall area by stating that a "suitable 'front door' to the growing City of Walton" should be provided.

To create an appropriate appearance of this site from the interstate and adjoining properties, the property owner has agreed to: retain existing vegetation along the site's boundaries; provide supplemental buffering between this site, the freeway, and adjoining residential properties; and follow lighting and architectural stipulations. These same considerations also fulfill the "Business Activity," Industrial Objective 2 which states "effective site placement, architectural design and landscape design for industrial uses shall enable a favorable relationship with adjoining uses. Industrial nuisances such as smoke, dust, noise and odor shall be kept at a minimum, and site development and enforcement shall be carefully coordinated with necessary approvals of other regulatory agencies." While the proposed general contracting facility would use trucks in the course of its business, it is not "oriented to truck traffic" in the context of the Comprehensive Plan as opposed to a truck stop, big box retailer, or distribution warehouse. However, the property owner has agreed to a larger radius at the access point to accommodate the larger vehicles which would be used.

- C. The Committee has concluded that the proposal is in agreement with the applicable Future Land Use Development Guidelines as described in the Comprehensive Plan and the Goals and Objectives. Specific references to the guidelines and Goals and Objectives are outlined in the staff report for this request.
2. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2005 Boone County Comprehensive Plan and to address concerns that were expressed at the Public Hearing. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

#### CONDITIONS

1. The development shall follow the submitted Concept Development Plan and shall be for a general contracting use as expressed in the application materials. Healthy, existing trees which are outside of the disturb limits delineated on the Concept Development Plan shall be retained.
2. A minimum 5 foot high berm shall be provided at the top of the slope along the east and south boundaries of the rear outside storage area. In addition to the retained vegetation along the freeway, 8 evergreen trees and 4 deciduous trees per 100 linear feet shall be provided on the berming along the east boundary of the rear outside storage area. Existing trees which are retained along the entire south boundary of the site shall be credited toward the required Buffer Yard D plantings. Supplemental plantings that are necessary to fulfill the Buffer Yard D requirements along the south boundary of the rear outside storage area shall be placed on the required berming.
3. Lighting on the site shall be limited to building mounted security lighting only, which shall be directed downward and toward the interior of the site.
4. The north side of the entrance drive shall have a 50 foot radius at its intersection with Walton-Verona Road.

5. The front office building shall be constructed of brick on all sides with architectural detailing and shall have a full pitched roof or three dimensional pitched elements, and/or a finished parapet design. The rear shop building shall be a metal building which uses deeper, natural colors.

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

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
FIRST FLOOR FISCAL COURTROOM**

**November 28, 2007**

**7:30 P.M.**

**PUBLIC HEARINGS**

**Commission Members Present:** Mrs. Arnett – Secretary/Treasurer, Mr. Breetz, Mr. Bunger, Mr. Carmichael, Mrs. Herald, Mrs. Kegley, Mr. Knock – Temporary Presiding Officer, Mr. McMillian, Mr. Poe, Mr. Patrick Reynolds, Mr. Rolfsen, and Mr. Schwenke.

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

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

Mrs. Judy Arnett, Secretary/Treasurer called the meeting to order at 8:03 PM and introduced the first item on the Agenda:

**Applicant:** James W. Berling for  
J.M.J. Investments, LLC (owner)

**Request:** Zoning Map Amendment

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Mrs. Arnett asked Mr. Berling to respond to the comments. Mr. Berling stated that they are not allowed to permit excess erosion into the creek or any spillage of things like oil. He stated that there will be containment and berms. He stated that the traffic is minimal. If the property was developed as medium-density residential, there would be ten times the traffic. He stated that they will move the equipment to a job when the weather breaks in the spring and then the equipment will go from one jobsite to another. The equipment will not come back to this site unless it needs repair or to be stored for the winter. The equipment does not go in and out of the site everyday. The large building is for maintenance which will, hopefully, all be done inside. It is their desire to do it all inside. He stated that they bring the equipment to the site in December and get it tuned up and ready to go in February or March. Their traffic is minimal and will not influence the decel lane one way or the other. He stated that they can flare the access and have generous radii at the entrance.

Ms. Yvonne Stephens, 13506 Salem Creek Road, questioned the impact of this development on her property when she wants to sell it. She used to have trees at the back of her property and now there is heavy equipment. She is concerned about her property value and the increase in the noise level from the interstate due to the removal of the trees that acted as a buffer.

Mr. McMillian agreed that they may take their bulldozers in and out once, but they also haul and store pipe and those vehicles will go in and out all the time as the pipe is needed. He stated that there is also additional traffic from the area building up and he feels that the road should be widened.

Mr. George Bauer, 13494 Salem Creek Road, asked for more trees to be planted near the creek to block the view of the heavy equipment and stored pipe. He is concerned about his property value. He asked if lights from the lot will shine on his property.

Mr. Wall responded that there are recommendations on those issues in the Staff Report. He stated that buffering is very important. Buffer Yard D is required along the RS zone. He stated that additional trees have been removed since he

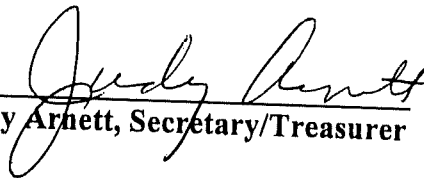
was out there and there may be a need for additional replacement of trees and more extensive berming.

Mr. Schwenke stated that more trees have been taken out than he would have liked. He questioned how many trees they can take out. Mr. Wall responded that the property is currently zoned RS and they could get approval for earthwork to clear and level the entire lot.

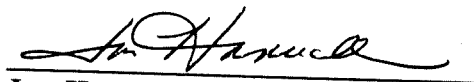
Mr. Kevin Flynn stated that if they are allowed three feet, they will take four. The damage to the property has been done in terms of transitioning from Suburban Residential to Industrial One – the trees are gone – and that demonstrates a behavior that should be of concern when they begin developing as Industrial One.

There being no further comments, Mrs. Arnett stated that the Committee Meeting for this item will be on December 5, 2007 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on December 19, 2007 at 7:00 PM. Mrs. Arnett closed this Public Hearing.

**APPROVED:**

  
\_\_\_\_\_  
Judy Arnett, Secretary/Treasurer

**Attest:**

  
\_\_\_\_\_  
Jan Hancock, Recording Secretary

## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Charlie Rolfsen, Chairman

DATE: December 5, 2007

RE: Request of **James W. Berling (applicant)** for **J.M.J. Investments, LLC (owner)** for a Zoning Map Amendment from Rural Suburban (RS) to Industrial One (I-1) for a 13.1846 acre tract at 13310 Walton Verona Road, Walton, Kentucky. The request is for a zone change to allow a general contracting use.

### 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.

Berling/J.M.J. Investments, LLC

December 5, 2007

*Charlie Rolfsen*  
**Charlie Rolfsen, Chairman**

For Project  Absent   
 Against Project   
 Abstain  Deferred

**Judy Arnett**

For Project  Absent   
 Against Project   
 Abstain  Deferred

*Greg Breetz*  
**Greg Breetz**

For Project  Absent   
 Against Project   
 Abstain  Deferred

*Kim Bunger*  
**Kim Bunger**

For Project  Absent   
 Against Project   
 Abstain  Deferred

*Janet Kegley*  
**Janet Kegley**

For Project  Absent   
 Against Project   
 Abstain  Deferred

*Susan Poston*  
**Susan Poston**

For Project  Absent   
 Against Project   
 Abstain  Deferred

**Jim Carmichael (Alternate)**

For Project  Absent   
 Against Project   
 Abstain  Deferred

**Charlie Reynolds (Alternate)**

For Project  Absent   
 Against Project   
 Abstain  Deferred

**Bob Schwenke (Alternate)**

For Project  Absent   
 Against Project   
 Abstain  Deferred

**TOTAL:**  DEFERRED 5 FOR PROJECT 1 ABSENT  
 AGAINST PROJECT  ABSTAIN

# **SUPPORTING INFORMATION**

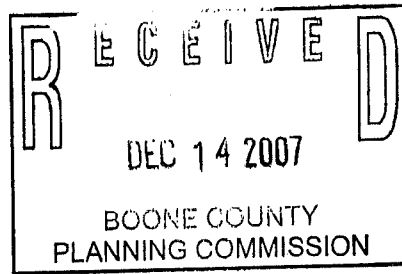


# BOONE COUNTY PLANNING COMMISSION

[www.boonecountyky.org/pc](http://www.boonecountyky.org/pc)  
[www.boonecountygis.com](http://www.boonecountygis.com)

Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264  
[plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)



December 6, 2007

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

FAX: 331-6768

RE: Recommended Conditions of Approval for J.M.J. Investments Zone Change Application from RS to I-1 for 13.1846 Acre Tract at 13310 Walton-Verona Road, Walton, Kentucky

Dear Mr. Howell:

The following represents the conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their 12/5/07 meeting. If you, as the property owner, agree to these conditions, please so indicate by signing in the space provided at the end of this letter and return the original letter to the Planning Commission's office by Friday, November 14, 2007.

## CONDITIONS

1. The development shall follow the submitted Concept Development Plan and shall be for a general contracting use as expressed in the application materials. Healthy, existing trees which are outside of the disturb limits delineated on the Concept Development Plan shall be retained.
2. A minimum 5 foot high berm shall be provided at the top of the slope along the east and south boundaries of the rear outside storage area. In addition to the retained vegetation along the freeway, 8 evergreen trees and 4 deciduous trees per 100 linear feet shall be provided on the berming along the east boundary of the rear outside storage area. Existing trees which are retained along the entire south boundary of the site shall be credited towards the required Buffer Yard D plantings. Supplemental plantings that are necessary to fulfill the Buffer Yard D requirements along the south boundary of the rear outside storage area shall be placed on the required berming.
3. Lighting on the site shall be limited to building mounted security lighting only, which shall be directed downward and toward the interior of the site.

Mr. James Howell  
December 7, 2007  
Page 2

4. The north side of the entrance drive shall have a 50 foot radius at its intersection with Walton-Verona Road.
5. The front office building shall be constructed of brick on all sides with architectural detailing and shall have a full pitched roof or three dimensional pitched elements, and/or a finished parapet design. The rear shop building shall be a metal building which uses deeper, natural colors.

Sincerely,

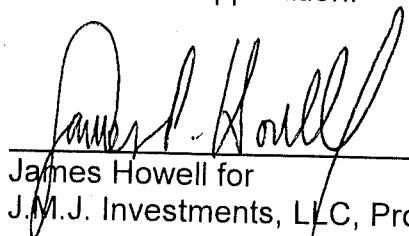


Kevin T. Wall, AICP CDT  
Director, Zoning Services

KTW/vlm

AGREEMENT

I, the property owner of the 13.1846 Acre Tract at 13310 Walton-Verona Road, Walton, Kentucky, agree to the conditions listed herein for the above referenced Zoning Map Amendment application.



---

James Howell for  
J.M.J. Investments, LLC, Property Owner

12/19/07  
Date

cc: Jim Berling, FAX: 344-7422

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

RECEIVED  
OCT - 5 2007  
BOONE COUNTY  
PLANNING COMMISSION

FILE #42781 JMJ

DEED

KNOW ALL PERSONS BY THESE PRESENTS:

That Bonnie Jean Burden, Executrix with Power of Sale, Estate of Goldie Cotton, for and in consideration of Two Hundred Fifty Thousand and 00/100 Dollars (\$250,000.00) Dollars paid by the Grantee, herein, the receipt of which is acknowledged, does bargain, sell and convey to JMJ Investments, LLC, a Kentucky Limited Liability Company, its successors and assigns, the following described real estate, County of Boone and Commonwealth of Kentucky, to-wit:

Present Street Address: 13300 Walton-Verona Road, Walton, Kentucky 41094  
Grantee Mailing Address: 980 Helen Park Ft. Wright 41019  
Grantor Mailing Address: X 235 Center St. Florence, Ky. 41042

GROUP NO. 2086A PIDN: 078.00-00-015.00  
LOCATED GENERALLY ON THE EAST SIDE OF KENTUCKY STATE HIGHWAY NO. 16, ABOUT 0.6 MILE WEST OF THE CITY OF WALTON AND DESCRIBED THUS: BEGINNING AT A POINT IN THE EAST RIGHT OF WAY LINE OF SAID STATE HIGHWAY (30 FEET FROM CENTERLINE) 208.7 FEET SOUTHWEST AS MEASURED ALONG SAID LINE FROM ITS INTERSECTION WITH THE NORTH LINE OF FLOYD COLSTON'S ORIGINAL 28 ACRE TRACT; THENCE ALONG SAID RIGHT OF WAY LINE S 16° 15' W. 222.8 FEET; THENCE S 71° E 303 FEET TO A POINT AND CORNER WITH THE REMAINDER OF SAID COLSTON'S LAND; THENCE WITH A LINE OF SAID REMAINDER S. 30° 45' E 713 FEET TO A POINT IN A BRANCH; THENCE UP SAID BRANCH S. 71° E 95 FEET TO A POINT; THENCE CONTINUING UP THE GENERAL COURSE OF SAID BRANCH WITH FISHER'S LINES N 77° 30' E 462 FEET; THENCE N 49° 05' E 646.8 FEET TO A STONE ON THE EAST SIDE THEREOF; THENCE CROSSING SAID BRANCH N 41° 45' W 83 FEET; THENCE N 81° W 363 FEET; THENCE N 75° 30' W 1250 FEET OR SUFFICIENT TO REACH THE PLACE OF BEGINNING, CONTAINING 16 ACRES MORE OR LESS ACCORDING TO A SURVEY MADE IN 1957 BY NOEL WALTON, CIVIL ENGINEER. LESS AND EXCEPT THAT PROPERTY PREVIOUSLY CONVEYED TO THE COMMONWEALTH OF KY. AS SHOWN IN HWY DEED BOOK 4, PAGES 89 AND 91.

Subject to Easements and Restrictions of record, if any..

Being the same property conveyed to B. H. Cotton and Goldie Cotton, husband and wife, by virtue of survivorship deed recorded in Deed Book 128, page 68 of the Boone County Clerk's records at Burlington, Kentucky. Said B. H. Cotton died on or about October 8, 1993 and by virtue of survivorship deed property was vested in Goldie Cotton, who died on or about June 4, 1998. Her Will recorded in Will Book 61, Page 94, Boone County, Kentucky records names daughter, Bonnie Jean Burden, Executrix with Power of Sale, Estate of Goldie Cotton.

THIS CONVEYANCE IS MADE WITH THE FULL KNOWLEDGE AND CONSENT OF ALL THE HEIRS OF GOLDIE COTTON.

Together with all the privileges and appurtenances to the same belonging. To have and to hold the same to the said Grantee, JMJ Investments, LLC, a Kentucky Limited Liability Company, its successors and assigns, the Grantor, Bonnie Jean Burden, Executrix with Power of Sale, Estate of Goldie Cotton, 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, Bonnie Jean Burden, Executrix with Power of Sale, Estate of Goldie Cotton, hereunto sets her hand, this 31st day of March, 2006.

GRANTOR:

*Bonnie Jean Burden Executrix*  
Bonnie Jean Burden, Executrix  
Estate of Goldie Cotton, Deceased

STATE OF KENTUCKY  
COUNTY OF KENTON

The foregoing instrument was acknowledged before me this 31st day of March, 2006 by the Grantor, Bonnie Jean Burden, Executrix with Power of Sale, Estate of Goldie Cotton, to be her voluntary act and deed.

**LINDA BATCHLER**  
Notary Public, Kentucky State at Large  
My Commission Expires August 18, 2009  
My commission expires:

*Linda Batchler*  
NOTARY PUBLIC

CONSIDERATION CERTIFICATE

We, the undersigned, being the Grantor, Bonnie Jean Burden, Executrix with Power of Sale, Estate of Goldie Cotton, and the Grantee, JMJ Investments, LLC, a Kentucky Limited Liability Company, in a certain deed dated March 31, 2006, 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.

GRANTEES:

*Paul Bricking*  
JMJ Investments, LLC  
A Kentucky Limited Liability Company  
BY: Paul Bricking

GRANTOR:

*Bonnie Jean Burden Executrix*  
Bonnie Jean Burden, Executrix  
Estate of Goldie Cotton, deceased

STATE OF KENTUCKY  
COUNTY OF KENTON

The foregoing Consideration Certificate was acknowledged, subscribed and sworn to before me this 31st day of March, 2006 by the Grantor, Bonnie Jean Burden, Executrix with Power of Sale, Estate of Goldie Cotton, to be her voluntary act and deed.

My commission expires:

STATE OF KENTUCKY  
COUNTY OF KENTON

The foregoing Consideration Certificate was acknowledged, subscribed and sworn to before me this 31st day of March, 2006 by the Grantee, JMJ Investments, LLC, a Kentucky Limited Liability Company, by and through Paul Bricking, pursuant to its Operating Agreement, to be their voluntary act and deed.

My commission expires:

*Linda Batchler*  
NOTARY PUBLIC  
**LINDA BATCHLER**  
Notary Public, Kentucky State at Large  
My Commission Expires August 18, 2009

*Linda Batchler*  
NOTARY PUBLIC  
**LINDA BATCHLER**  
Notary Public, Kentucky State at Large  
My Commission Expires August 18, 2009

BOONE COUNTY  
D913 PG 664

THIS INSTRUMENT PREPARED BY:

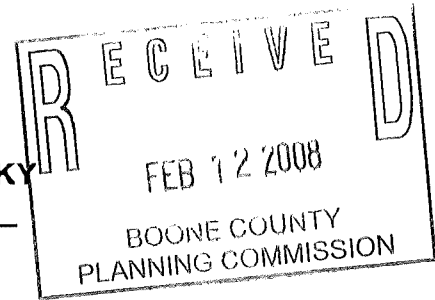


RONALD G. MULLEN, ATTORNEY  
KENTUCKY LAND TITLE AGENCY, INC.  
2362 Grandview Drive  
Ft. Mitchell, KY 41017  
(859) 344-1919

BOONE COUNTY  
D913 PG 665

DOCUMENT NO: 345434  
RECORDED ON: APRIL 03, 2006 03:03:12PM  
TOTAL FEES: \$12.00  
TRANSFER TAX: \$250.00  
GROUP : 2006A  
COUNTY CLERK: MARILYN R ROUSE  
COUNTY: BOONE COUNTY CLERK  
DEPUTY CLERK: ROBBIE COLLINS  
BOOK D913 PAGES 663 - 665

CITY OF WALTON, KENTUCKY  
ORDINANCE NO. 2008- 01



AN ORDINANCE APPROVING AND ADOPTING A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL FOR A REQUEST FOR A ZONING MAP AMENDMENT FOR A 13.1846 ACRE SITE LOCATED AT 13310 WALTON-VERONA ROAD.

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

WHEREAS, the Boone County Planning Commission received a request from James W. Berling (the "Applicant") on behalf of JMJ Investments, LLC (the "Owner") for a Zoning Map Amendment to the Boone County Zoning Map, and such Zoning Map Amendment being a zone change from Rural Suburban (RS) to Industrial One (I-1) for a 13.1846 acre site located at 13310 Walton-Verona Road; and,

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

WHEREAS, the City of Walton, Kentucky has received Resolution R-07-023-A of the Boone County Planning Commission recommending approval for this request; and,

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

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

**SECTION ONE**

The request for a Zoning Map Amendment is hereby approved and adopted. The Zoning Map Amendment is a zone change from Rural Suburban (RS) to Industrial One (I-1) for a 13.1846 acre site located at 13310 Walton-Verona Road. The real estate which is the subject of this request for a Zoning Map Amendment is more particularly described in Deed Book 913, Page 663 (as supplied by the Applicant) as recorded in the Boone County Clerk's records.

**SECTION TWO**

Resolution R-07-023-A of the Boone County Planning Commission, recommending approval of the Zoning Map Amendment, along with the minutes and official records for this request, is attached hereto as Exhibit "A" and incorporated herein by reference.

**SECTION THREE**

This Ordinance and the Boone County Zoning Regulations, including the Zoning Map, 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 Zoning Regulations, including the Zoning Map, all other parts, sections, subsections, clauses, or provisions shall remain valid and effective.

**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 6 Members of City Council on the 7<sup>th</sup> day of FEBRUARY, 2008.

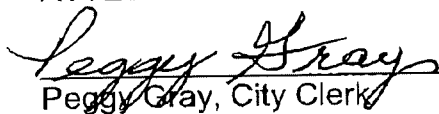
PASSED AND APPROVED on second reading by 6 Members of City Council on the 11<sup>th</sup> day of FEBRUARY, 2008.

DATE OF PUBLICATION: 02-21-2008, 2008.

APPROVED:

  
\_\_\_\_\_  
Phillip W. Tzop, Mayor

ATTEST:

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

I-75

APPROVED  
COUNTY COMMISSIONER  
BOONE COUNTY, VERONA, KY

CONCEPT DEVELOPMENT PLAN	
EMV INVESTMENTS LLC	
DATE: 12-15-2021	BY: [Signature]
13228 WALTON - VERONA ROAD	
BOONE COUNTY, VERONA, KY	
SCALE: 1" = 200'	
DATE: 12-15-2021	
BY: [Signature]	
PROJECT NO. 21-0000	



JOHN H. BOTKIN, REVOCABLE TRUST  
13228 WALTON - VERONA ROAD  
P.O. BOX 508 P.O. BOX 508

GEORGE A. BAUER