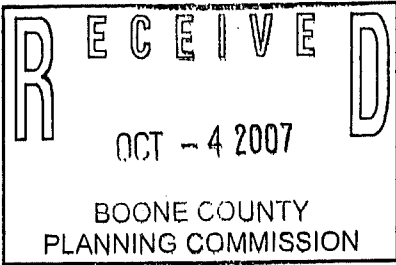


10/4/07

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 Walton Towne Center
2. Location of Project Mary Grubbs Highway, Walton, Kentucky 41094
3. Total Acreage of Site 98 Acres
4. Current Zoning of Site C-2
5. Proposed Zoning (Classification being requested) N/A
6. Proposed Uses (please specify each use) N/A
7. Names of Applicant(s) James W. Berling
8. Address of Applicant(s) 1671 Park Road, Suite One Ft. Wright, Kentucky 41011
9. Name of Property Owner(s) Walton Land Development, LLC
10. Address of Property Owner(s) 8080 Steilen Drive Florence, Kentucky 41042
11. Proposed Building Intensities (please specify) Special Sign District
12. Are there any existing buildings on the site? Yes
13. Deed Book Page No. Group No.
14. Are you also applying for: Conditional Use Permit Dimensional Variance
15. Have you submitted a Concept Development Plan?
16. Have you had a pre-application meeting with BCPC Staff?
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 **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 12300 Towne Center Drive, Walton, Kentucky. The request is for a Special Sign District to allow alternative signage in a Commercial Two (C-2) zone.

November 28, 2007

REQUEST

The applicant and property owners are requesting this Zoning Map Amendment for a Special Sign District to allow alternative signage in a Commercial Two (C-2) zone. The project narrative (attached) requests two (2) freestanding pylon signs, one located at each entrance into the development from Mary Grubbs Highway. Each sign is proposed at a maximum of 35 feet high and 300 square feet. They are requesting that the westernmost freestanding pylon sign have electronic copy to display fuel costs for the anchor tenant (Kroger) only.

Monument signs (one per lot) must have a minimum 2 foot high base constructed of materials "consistent with the overall development" with a maximum height of 8 feet (including the base), and a maximum overall size of 120 square feet.

The "Interstate Pylon Signage" is proposed to have a maximum height of 50 feet with a maximum size of 500 square feet for the purpose of being seen from the interstate. This proposed sign currently has no location, but the applicant has included it as part of the request.

ADJACENT ZONING AND LAND USES

- North: Property along and across Service Road including the new Walton Pharmacy zoned Commercial Two (C-2), the All Saints Church and St. Joseph Academy across Mary Grubbs Highway zoned Public Facilities (PF) and Doctor/Professional office zoned Office Two (O-2).
- East: Single Family detached residences across the railroad tracks zoned Suburban Residential One (SR-1).
- South: Remaining Walton Land Development property zoned Industrial One (I-1) and existing residences along Service Road zoned Rural Suburban Estate (RSE).

West: Existing industrial uses as well as single family residences along Service Road zoned Industrial One (I-1). Across I-75 property located along Walton-Verona Road zoned Commercial Two (C-2).

RELATIONSHIP TO COMPREHENSIVE PLAN

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

Commercial: "Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Land Use Element within the 2005 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 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. 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).

STAFF CONCERNS/COMMENTS

1. An electronic message center was approved by the Walton Board of Adjustment on June 26, 2003 for the Walton Pharmacy (which is not part of this subdivision development). This sign measures 23.5 feet high and 147 square feet. The proposed 35' high and 300 s.f. freestanding pylon sign with electronic copy to display fuel costs for the anchor tenant will be located within approximately 250 feet of the existing Walton Pharmacy electronic message center.
2. Staff questions whether three (3) additional freestanding signs are really necessary (2 @ 35' high and 300 s.f. along Mary Grubbs Highway and 1 @ 50' high and 500 s.f.).
3. Section 3413 of the Boone County Zoning Regulations would permit this commercial subdivision to have one (1) architectural free-standing sign 30 feet high and 200 square feet. It also states that "any parcel or out-lot which is accessible from or marketed as part of a shopping center, mixed use commercial, commercial subdivision, or planned development (except for the lot where the above referenced architectural free-standing sign is located) shall be permitted a density of one (1) on-premises monument sign for the purpose of identifying the tenant(s) on the lot." Heritage Bank already has a monument sign. The Bank of Kentucky does not have permits approved for their monument sign, but they have expressed their desire to have a monument sign. How does the Commission feel about two (2) freestanding signs on a lot? A copy of Section 3413 has been attached.

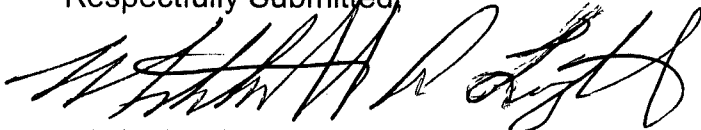
4. Staff would like to point out that if the "Interstate Pylon Signage" is ultimately approved with this application, it would have to be placed on one of the properties listed with this request.
5. No conceptual sign designs were submitted for review as part of this application.

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,

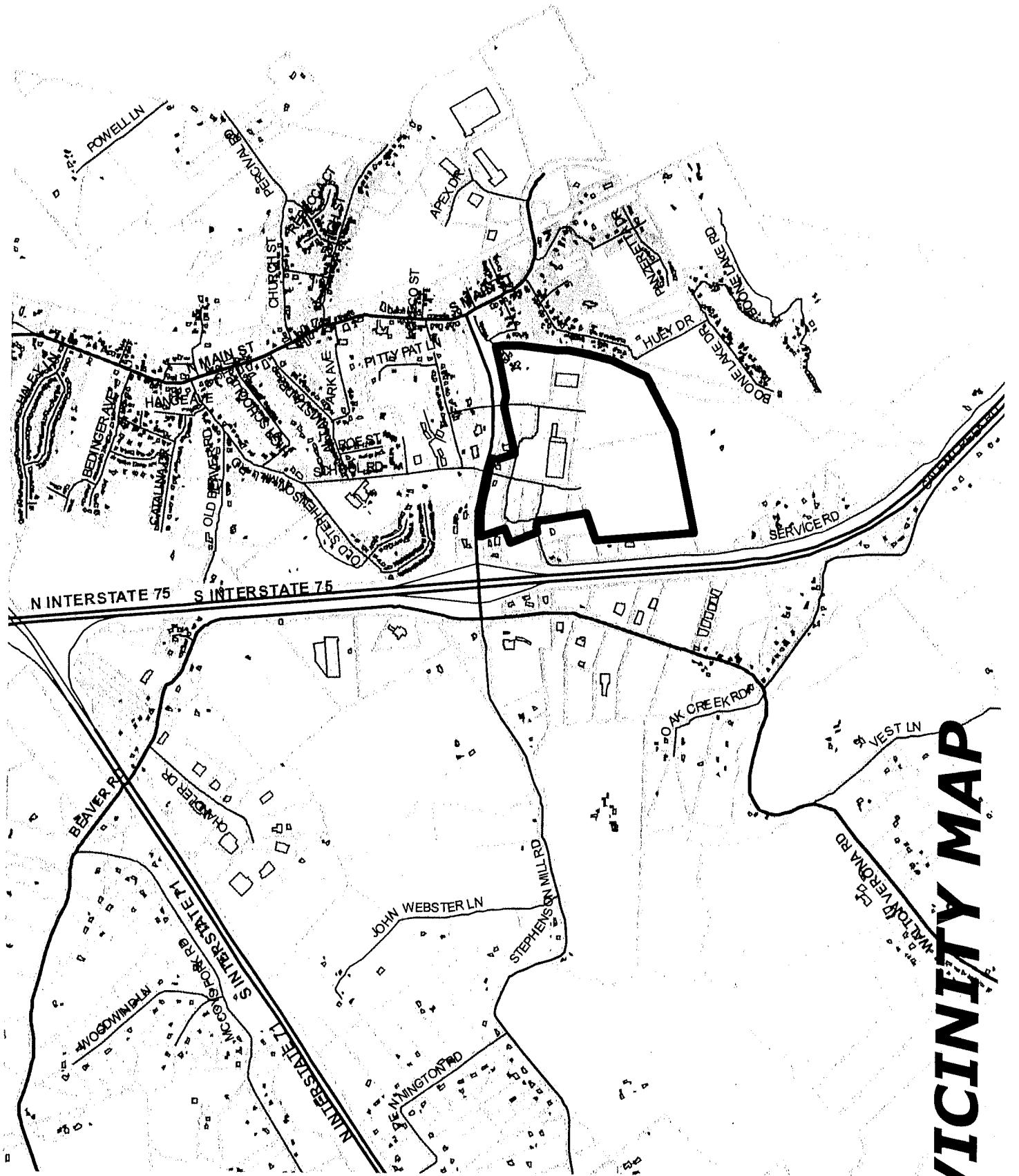


Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

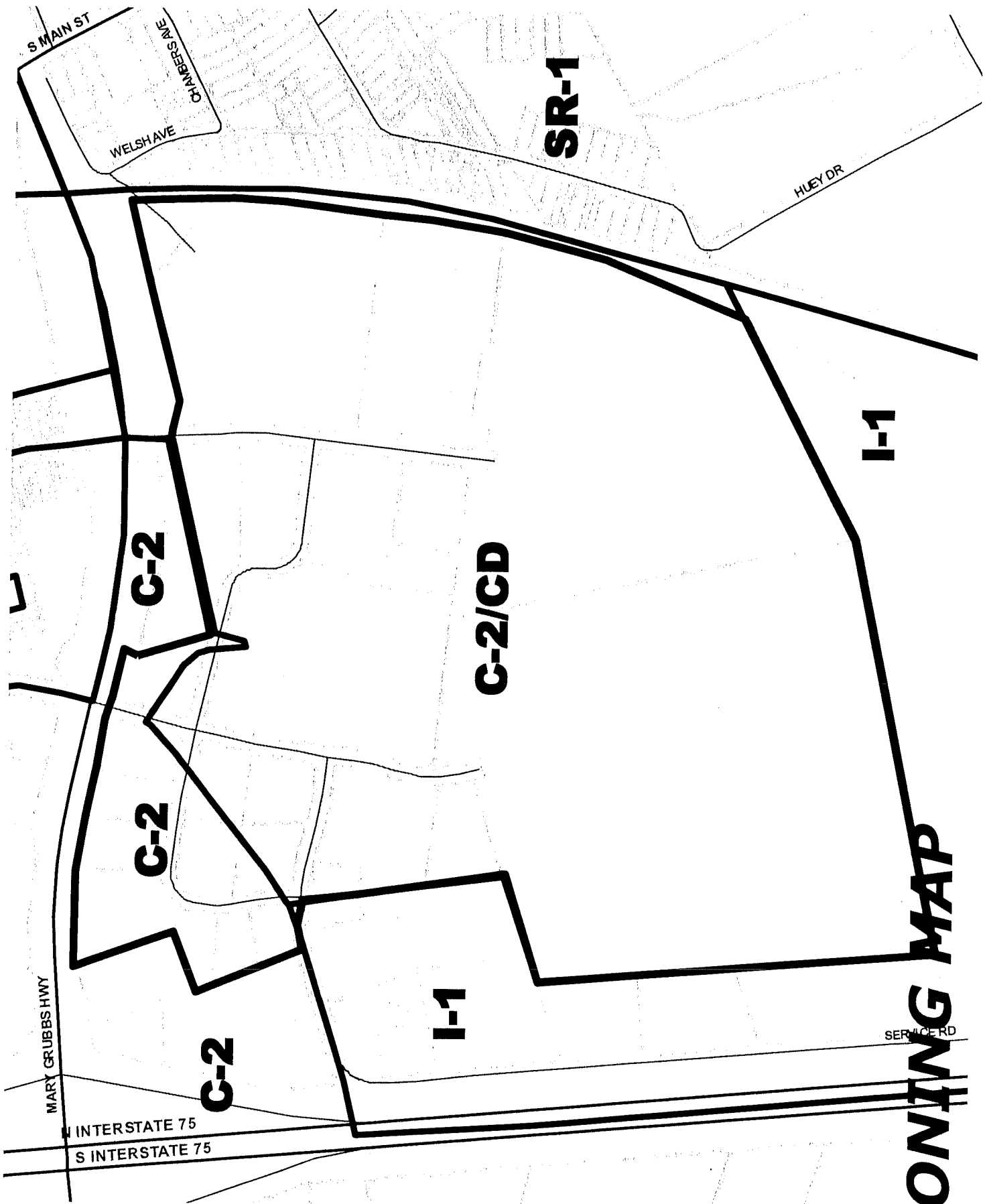
MAL/pr

Attachments:

- Vicinity Map
- Zoning Map
- Future Land Use Map
- 2004 Aerial Photography
- Comments from the Kentucky Transportation Cabinet
- Section 3413 of the Boone County Zoning Regulations (Signage)
- Project Narrative
- Application



VICINITY MAP



S MAIN ST

CHARLES AVE

WELSHAVE

HUEY DR

L

SR-1

I-1

C-2

C-2/CD

C-2

I-1

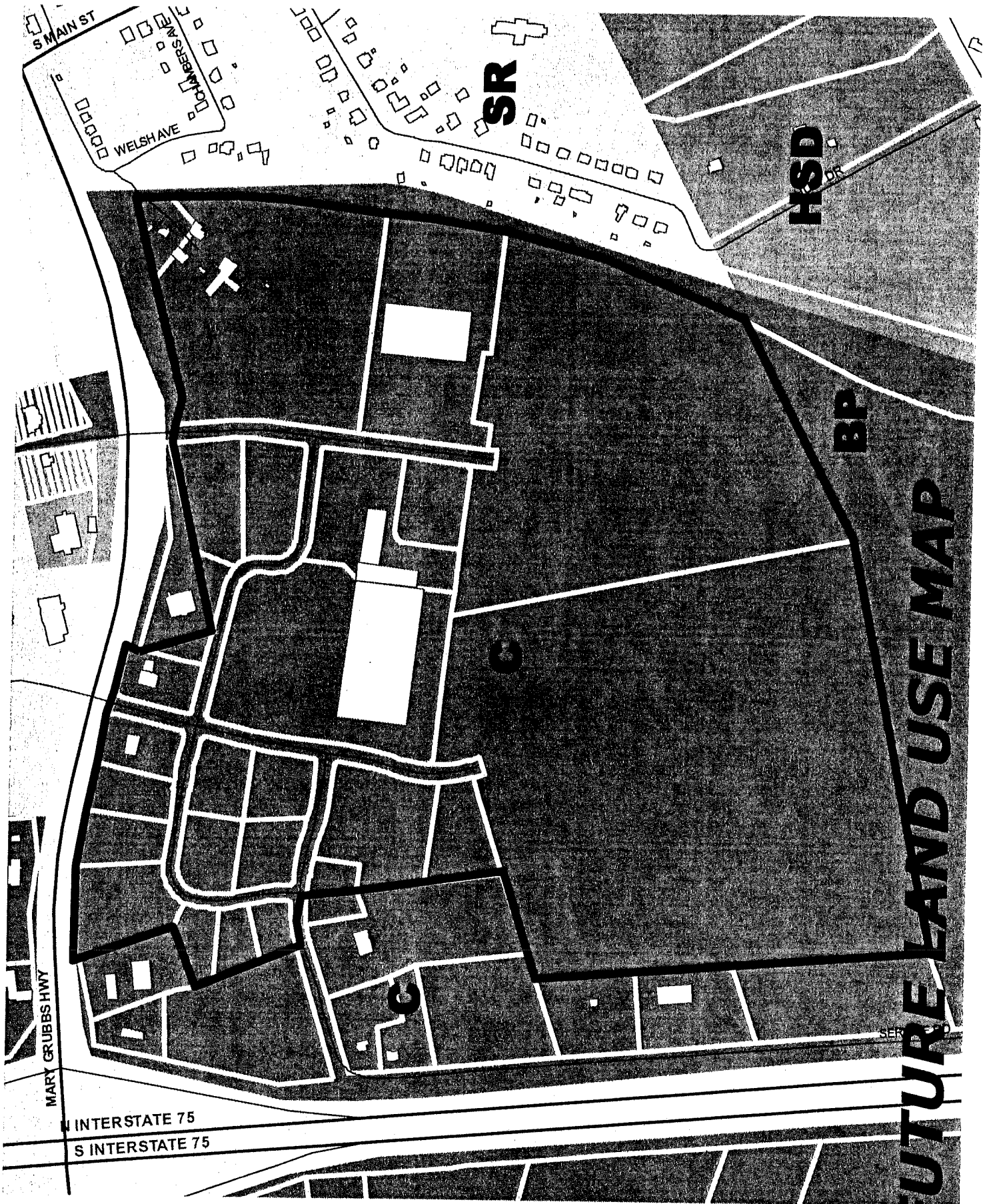
C-2

SERVICE RD

N INTERSTATE 75

S INTERSTATE 75

ZONING MAP



S MAIN ST

COMBERS

WELSHAVE

SR

HSD

BP

FUTURE LAND USE MAP

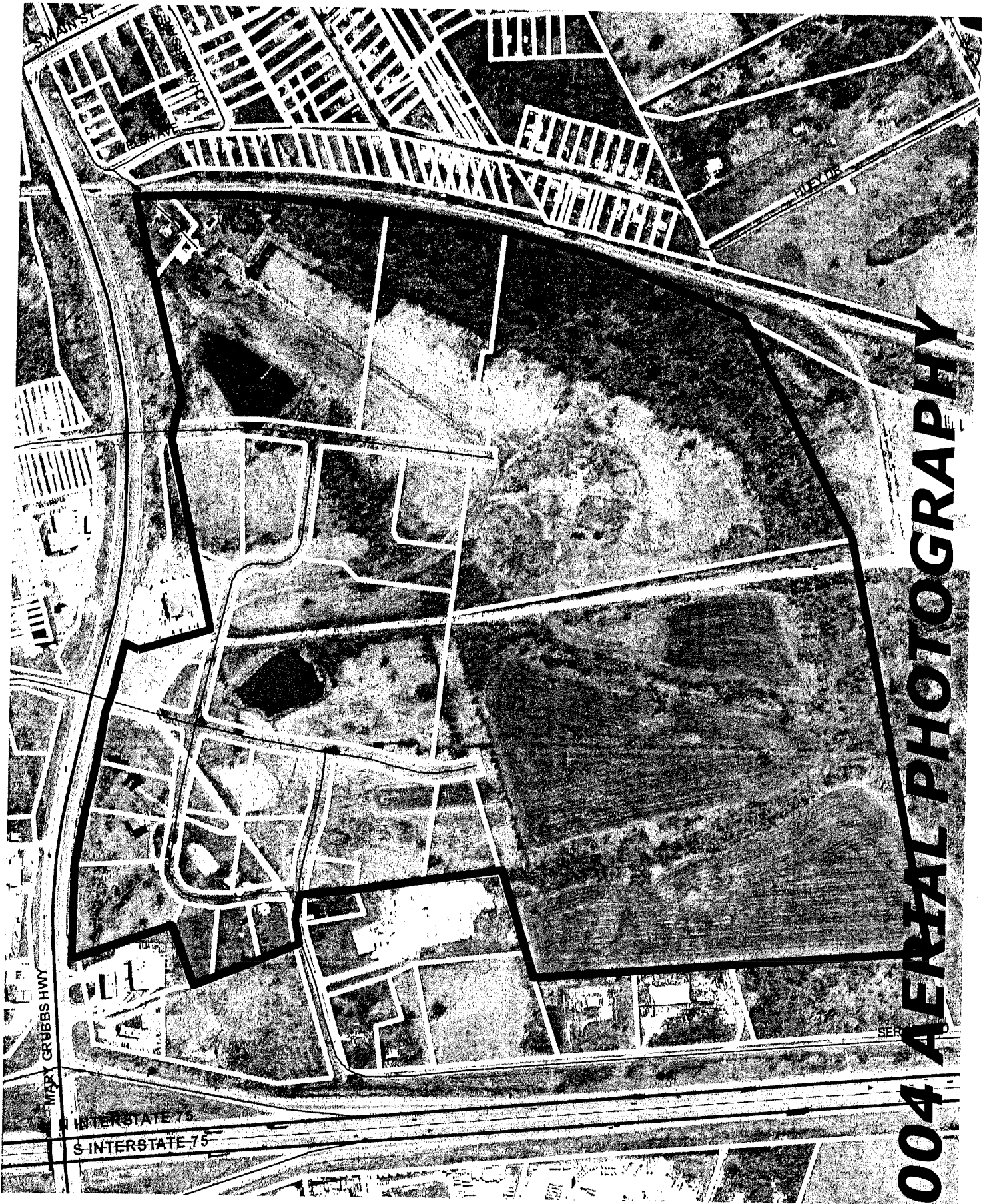
MARY GRUBBS HWY

INTERSTATE 75

S INTERSTATE 75

C

C



2004 AERIAL PHOTOGRAPHY

Mitch Light

From: Hans, Robert (KYTC-D06) [Robert.Hans@ky.gov]
Sent: Wednesday, October 31, 2007 11:27 AM
To: Mitch Light
Cc: Thompson, Ed (KYTC-D06); Yeager, Mike (KYTC-D06); Schomaker, Tom (KYTC-D06)
Subject: Zoning Map Amendment, Service Road and Mary Grubbs Highway, Walton

Mitchell,

The Kentucky Department of Highways has reviewed the document related to the subject request and offers the following comments:

For Item 2a., the signs located along KY 14 & KY 16 (Mary Grubbs Highway) must be located off of Right-of-Way.

For Item 2c., the westernmost sign can not be visible from the Interstate. If it is, additional requirements related to Interstate Signage will have to be met. Information related to these requirements and other KYTC signage requirements can be found at: <http://transportation.ky.gov/traffic/signing%20programs.htm>.

For Item 4a., all requirements related to Interstate Signage must be followed. This information again can be found at: <http://transportation.ky.gov/traffic/signing%20programs.htm>.

If further information is needed, please feel free to contact us.

Thanks,

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

This transmission is sent on behalf of the Kentucky Transportation Cabinet and may be privileged, proprietary, or confidential. It is intended only for the intended recipient. If you are not the intended recipient or a person responsible for delivering this transmission to the intended recipient, you shall not disclose, copy, or distribute this transmission or take any action in reliance on it. If you have received this transmission in error, please notify us immediately by telephone at (859) 341-2700, by facsimile transmission at (859) 341-3661, or by e-mail at Robert.Hans@ky.gov. Please dispose of and delete this transmission. Thank you.

located. The individual parcel or out-lot monument sign shall not exceed sixty (60) square feet in area and eight (8) feet in height.

- (2). Commercial Two (C-2), Commercial Services (C-3), and Commercial Four (C-4) Districts
- a. Individual parcels of land which are not located within a shopping center, mixed-use commercial, commercial subdivision, or planned development shall be permitted a density of one (1) on-premises, architectural free-standing sign (see Article 2, Section 250 regarding Board of Adjustment and Zoning Appeals authority regarding density). There shall be only one (1) architectural free-standing sign for each parcel, regardless of the number of business establishments conducted in the building(s) and regardless of the number of road frontages.
 - b. Shopping centers, mixed use commercial, commercial subdivisions, and planned developments shall be permitted a density of one (1) on-premises architectural free-standing sign for the purpose of identifying the name of the development, its major tenant(s), and its major access point. (see Article 2, Section 250 regarding Board of Adjustment and Zoning Appeals authority regarding density).

In addition, any parcel or out-lot which is accessible from or marketed as part of a shopping center, mixed use commercial, commercial subdivision, or planned development (except for the lot where the above referenced architectural free-standing sign is located) shall be permitted a density of one (1) on-premises monument sign for the purpose of identifying the tenant(s) on the lot. The maximum size of this monument sign shall be no more than one (1) square foot of sign area per lineal foot of road frontage along the street frontage where the sign is to be located. The individual parcel or out-lot monument sign shall not exceed one hundred (100) square feet in area and ten (10) feet in height.

- c. In Commercial Two (C-2), Commercial Services (C-3), and Commercial Four (C-4) zoning districts, the maximum size of a architectural free-standing sign shall be no more than one (1) square foot of sign area per lineal foot of road frontage along the street frontage where the sign is to be located. No free-standing sign in C-2, C-3, and C-4 districts may exceed two-hundred (200) square feet in area. **(THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS.)** In Commercial Two (C-2), Commercial Services (C-3), and Commercial Four (C-4) zoning districts, the maximum size of a architectural free-standing sign shall be no more than one (1) square foot of sign area per lineal foot of road frontage along the street frontage where the sign is to be located. No free-standing sign in C-2, C-3, and C-4 districts may exceed one-hundred fifty (150) square feet in area
- d. In Commercial Two (C-2), Commercial Services (C-3), and Commercial Four (C-4) zoning districts, the maximum height of a architectural free-standing sign from grade to the top of the sign structure shall be proportional to the road frontage along which the sign is to be located at the following scale:

Road Frontage	Maximum Sign Height
50 feet or less:	15 feet in height
51 to 100 feet:	20 feet in height
101 to 200 feet:	25 feet in height
201 feet or more:	30 feet in height

WALTON TOWNE CENTER

09/21/07

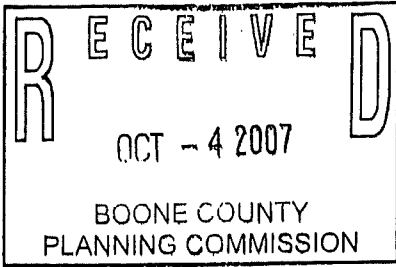
SECTION

Walton Towne Center Special Sign District

A 95.7 acre development site located in the City of Walton, south of Ky. Hwy. 14 & 16 (Mary Grubbs Hwy.) and east of I-75. (See Boone County Planning Commission Resolution _____ and Boone County Ordinance _____).

1. All sections of Article 34 not otherwise replaced or overwritten by the subsections below.
2. Free Standing Pylon Signage:
 - a. Two (2) freestanding pylon signs will be permitted along Ky. Hwy. 14 & 16 (Mary Grubbs Hwy.), one at each of main entrances to the development (Towne Center Drive to the east and to the west).
 - b. Each sign will have a maximum height of 35' and 300 square feet of tenant signage which shall include the project name of Walton Towne Center on each side.
 - c. The westernmost sign will have an electronically changeable message board that will display fuel costs for the anchor tenant. That area will be included with the 300 square feet of tenant signage.
3. Monument Signage:
 - a. Sign bases must be of building materials consistent with the overall development and be at least 2' in height.
 - b. Overall height of sign, including the base, will not be greater than 8'.
 - c. Maximum size of sign, including the base and all tenant signage will not exceed 120 square feet.
4. Interstate Pylon Signage:
 - a. Notwithstanding other permits which may be required by other agencies, the Walton Towne Center may have an Interstate Highway pylon sign. The maximum height of the sign may not exceed 50 feet and the maximum size shall have 500 sq. ft. of tenant signage on each side.

10/4/07



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 Walton Towne Center
2. Location of Project Mary Grubbs Highway, Walton, Kentucky 41094
3. Total Acreage of Site 98 Acres
4. Current Zoning of Site C-2
5. Proposed Zoning (Classification being requested) N/A
6. Proposed Uses (please specify each use) N/A
7. Names of Applicant(s) James W. Berling
8. Address of Applicant(s) 1671 Park Road, Suite One Ft. Wright, Kentucky 41011
9. Name of Property Owner(s) Walton Land Development, LLC
10. Address of Property Owner(s) 8080 Steilen Drive Florence, Kentucky 41042
11. Proposed Building Intensities (please specify) Special Sign District
12. Are there any existing buildings on the site? Yes
13. Deed Book Page No. Group No.
14. Are you also applying for: Conditional Use Permit Dimensional Variance
15. Have you submitted a Concept Development Plan?
16. Have you had a pre-application meeting with BCPC Staff?
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: _____

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

19. Applicant's Signature _____
Property Owner's Signature _____

James W. Berling, Manager for Walton Land Development & Agent for Kohl's Department Stores, Regency Centers, Kroger Co., Bank of Kentucky & Heritage Bank

- SECTION B** (To be completed by BCPC Staff)
1. Date Received 10-4-07
 2. Review Fee \$11621.00 R# 54804
 3. Check what has been submitted:
 - Application
 - Fee
 - Legal Description
 - Concept Development Plan
 - Address of Adjoining Property Owners
 - 5 Number of copies of plan received**
 4. Is application complete? _____ Yes _____ No
 5. Staff Reviewer _____
 6. Committee Chairman _____
 7. Scheduled Public Hearing Date _____
 8. Boone County Planning Commission Action:
 - _____ Approval
 - _____ Approval with Conditions
 - _____ Denial
 9. Other: _____

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

Boone County Planning Commission
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.

Public Hearing Item No. 2:

Commission Members Present: Mrs. Arnett – Secretary/Treasurer, Mr. Breetz, 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; and Mr. Mitch Light, Assistant Zoning Administrator/ZEO.

Legal Counsel Present: Mr. Dale Wilson

2. **Applicant:** **James W. Berling for
Walton Land Development LLC, Heritage Bank, The Bank
of Kentucky, Regency Centers, Kohl's Department Stores, Inc.
and Kroger Limited Partnership I (owners)**

Request: **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 12300 Towne Center Drive, Walton, Kentucky. The request is for a Special Sign District to allow alternative signage in a Commercial Two (C-2) zone.

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

Mrs. Arnett asked for the applicant's presentation.

Mr. Jim Berling, engineer for the development, stated that all the banks have 8-foot monument signs. The Staff told them they could not have an 8-foot monument sign for The Bank of Kentucky because the main identification (pylon) sign will be on their lot by easement. They had to take the 8-foot monument sign off the Site Plan. If this request is approved, they will be able to have the monument sign. He stated that there is a need for pylon signs for both major entrances. Kroger's and Kohl's and other potential users wanted them and they feel they are important for marketing. He stated that the description of an interstate pylon sign is there because this is a Special Sign District. The Special Sign District can be expanded and other properties added. They are describing

what they would like to have. He stated that many uses coming there would like to have identification from the interstate. He stated that the Department of Transportation has extensive regulations for advertising along the interstate, and their regulations are more stringent than the county's. He stated that they wanted to get something in the document showing what signs could be visible from the interstate as far as the Planning Commission is concerned. They will still have to meet the governmental regulations. He will bring the details of both signs to the Committee Meeting.

Mr. Knock asked if the signs will be close enough to have an effect on the interstate traffic. Mr. Berling responded "no" and stated that they do not own any property towards the interstate – if they cannot find property visible from the interstate it will just lay there, but at least it's in there.

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

Mr. Jim Litmer, 305 Mary Grubbs Highway, owner of the pharmacy at 305 Mary Grubbs Highway, stated that the westernmost sign renders his sign worthless. He talked to Mr. Berling about this a long time ago and he agreed to locate the sign further to the west, but that has not happened. He stated that because no other electronic message board could be located within 400 feet of his sign, he felt protected when he spent the money to get the sign approved and purchase it. His message board was an expensive sign and represents about 50% of his advertising budget (including the maintenance). He stated that within 800 feet there will be three large pylon signs. The Heritage Bank sign is 10.5 feet tall and 17 feet wide and it is not what is called for in the Special Sign District.

Mr. Costello stated that the Heritage Bank sign went in subject to the current regulations. He questioned why they are an applicant if they will not conform to the proposed regulations. Mr. Berling responded that if they are not in conformance with the proposed regulations, that is news to him. Mr. Knock asked if they want to move the sign. Mr. Berling responded "no" and stated that they put that piece of property in the Special Sign District because he wanted the same sign district for all the lots so he asked them to be part of the application. He stated that since he had already sold the lot, he had no control over them.

In response to a comment from Mr. Knock, Mr. Berling stated that he will get together with Mr. Litmer in regard to his concerns. Mr. Knock asked that they get together prior to the Committee Meeting.

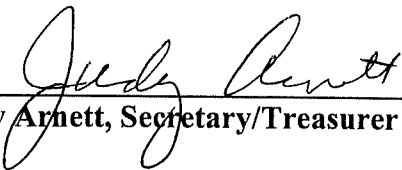
Mr. Costello stated that typically there is a lot more detail for a Special Sign District. He stated that this is a large site. He questioned the specs for the larger signs and asked if there is a prototype monument sign for the outlots. Mr. Berling responded "no" and explained that they only provided minimum information

because they thought these were minimal dimensional changes and there was the issue of whether there would be one sign or two. They were concerned about size and number of signs. He stated that Kroger's was adamant about having a reader board for their gas prices.

In response to a question from Mr. McMillian, Mr. Light explained that the Heritage Bank sign meets the current Article 34 standards, but it does not necessarily meet the proposal this evening. The sign is already in place – it meets the Code and it has a permit. The sign does not adhere to the standards presented this evening, but those standards are not yet approved. The sign meets the Code, but not the Special Sign District – however, the Special Sign District has not been approved.

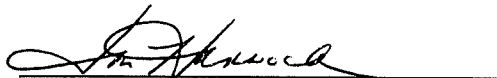
There being no further comments, Mrs. Arnett stated that the Committee Meeting for this item will be on December 5, 2007 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on December 19, 2007 at 7:00 PM. Mrs. Arnett closed this Public Hearing at 8:55 PM.

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.**

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**

12300 Towne Center Drive, Walton, Kentucky. The request is for a Special Sign District to allow alternative signage in a Commercial Two (C-2) zone.

Staff Member Mitch Light stated that the Committee met with Mr. Berling and a condition letter was prepared and sent out. Mr. Berling received the letter and forwarded it to the property owners, but it was not signed. Therefore, the Committee Chairman, Mr. Breetz, instructed Staff to prepare alternate findings for denial.

Counselor Wilson advised that the conditions are not agreed to in writing and, therefore, they are not binding conditions. He stated that the Planning Commission could discuss approval without the conditions, denial, or sending the request back to Committee.

Mr. Bunger questioned if there is any benefit to discussing the request further. He asked if the applicant wants further discussion. Mr. Berling responded that he does not think another Committee Meeting would produce different results. He was not able to sell the recommendation from the Committee to the many people who are involved in the project.

Counselor Wilson asked if the applicant wants action taken on the request or if they want to withdraw it. Mr. Berling responded "No, just deny it".

At this time, Mr. Light presented the Findings of Fact for Denial and provided a written copy for the minutes (see Exhibit 1).

Mrs. Poston 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. Berling stated that Staff outlined the request correctly and captured the thoughts of the Committee. He stated that he was not able to sell the recommendation to the group involved. Mrs. Poston noted that there was no one else present in the audience.

Mr. Rolfsen moved that the request be denied based on the Findings of Fact for Denial as presented by Staff. Mr. Patrick Reynolds seconded the motion.

Mr. Costello stated that the Committee Report for approval was not introduced because the applicant did not agree to the conditions.

Mrs. Kegley stated that the Committee was aware that this site is very important to the City of Walton and the Committee looked at the request carefully. It is a very large parcel and the Committee was willing to allow more signage than would normally be allowed by the Code. She stated that the conditions the Committee asked for were minimal.

Counselor Wilson advised that a vote in favor of the motion is a vote in favor of denial. There being no further comments, Mrs. Poston asked for a vote on the motion made by Mr. Rolfsen and it **carried unanimously**.

Chairman Caddell returned to the meeting at this time.

NEW BUSINESS:

Agenda Item

No.

4

Change in Concept Development Plan

The request of Enterprise Rent-a-Car, Kelly Simon (applicant) for Jeff Simmons (owner) for a Change in Approved Concept Development Plan for a 0.773 acre site locate along the west side of Merchants Street between 5985 and 5969 Merchants Street, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan in a Commercial Two/Planned Development (C-2/PD) zone to allow rental, storage, parking of motor vehicles, cleaning/preparation of vehicles, office/administrative and other related uses.

Mr. Charlie Reynolds moved to schedule a Public Hearing for the above item on January 16, 2008 at 7:30 PM. Mr. Rolfsen seconded the motion and it carried unanimously.

EXECUTIVE DIRECTOR'S REPORT:

Mr. Kevin Costello, AICP, Executive Director, discussed the following items in his report to the Planning Commission:

1. **Airport Committee Meeting** The next Airport Committee Meeting will be hosted by the Planning Commission and held on January 24, 2008. Additional information will be provided in January.
2. **APA Training Session** Mr. Costello sent out in the packets information regarding upcoming APA audio-conference training sessions in January, February and March. Commissioners interested in participating should let him know.

COMMITTEE REPORTS:

Airport: Mr. Breetz (absent)
No report

The Findings of Fact for Denial stated below were read at the December 19, 2007 Business Meeting and were adopted by the Planning Commission with an unanimous vote.

#3

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)

FINDINGS OF FACT FOR DENIAL

December 19, 2007

1. The submitted Zoning Map Amendment request for a Special Sign District would allow the following alternative signage in a Commercial Two (C-2) zone:

-Two (2) freestanding pylon signs, one located at each entrance into the development from Mary Grubbs Highway, proposed at a maximum of 35 feet high and 300 square feet with the westernmost freestanding pylon sign having electronic copy to display fuel costs for the anchor tenant (Kroger) only.

-The proposed monument signs (one per lot) must have a minimum 2 foot high base constructed of materials "consistent with the overall development" with a maximum height of 8 feet (including the base), and a maximum overall size of 120 square feet.

-The "Interstate Pylon Signage" would function like a billboard and is proposed with a maximum height of 50 feet and a maximum size of 500 square feet for the purpose of being seen from the interstate, but the applicant has not indicated a location for this proposed sign and may not even be located within the current limits of the development.

The Applicant has failed to demonstrate the necessity for the amount of signage proposed for a development consisting of approximately 98 acres. The Applicant has failed to provide enough details to justify this degree of departure from the signage permitted in Article 34 of the 2001-02 Boone County Zoning Regulations. Section 3413 of the Boone County Zoning Regulations would permit this commercial subdivision to have one (1) architectural free-standing sign 30 feet high and 200 square feet. It also states that "any parcel or out-lot which is accessible from or marketed as part of a shopping center, mixed use commercial, commercial subdivision, or planned development (except for the lot where the above referenced architectural free-standing sign is located) shall be permitted a density of one (1) on-premises monument sign for the purpose of identifying the tenant(s) on the lot. The maximum size of this monument sign shall be no more than one (1) square foot of sign area per lineal foot of road frontage along the street frontage where the sign is to be located. The individual parcel or out-lot monument sign shall not exceed one hundred (100) square feet in area and ten (10) feet in height."

2. The Zone Change Committee has concluded that the proposed signage is not in agreement with the 2005 Boone County Comprehensive Plan. The Land Use Element in the 2005 Boone County Comprehensive Plan states "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, p.142). The Applicant has not adequately demonstrated how the proposal supports this text, especially since the proposed pylon sign quantity, sizes, and heights far exceed the maximum normally permitted by code and the lack of detail to evaluate other "design" issues.
3. The Committee has not identified any facts which would lead to a finding that 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 nor has the Applicant provided any such facts.
4. The Applicant has not agreed to a number of conditions which should be applied to the development, should it be approved by the full Planning Commission. These conditions are necessary to mitigate foreseeable impacts that may be created by the development. This includes reducing the height and total square footage of each free-standing sign in order to fit in with the scale of the project and character of the area. These conditions are outlined in the Condition Letter for Approval which was mailed to the Applicant to obtain the signatures of the Property Owners. This application should also be denied, regardless of the potential conditions, because none of the three statutory criteria of KRS 100.213 have been met. The conditions determined by the Zone Change Committee are necessary to achieve agreement with the Comprehensive Plan and also to compensate for a lack of detail in the application materials. The Committee does not believe that the application has sufficient detail to warrant approval without the discussed conditions. In short, the original application, on its own merits, requests an exorbitant amount of signage without sufficient information or justification to warrant an unmodified approval.

EXHIBIT

“B”

The Findings of Fact for Denial stated below were read at the December 19, 2007 Business Meeting and were adopted by the Planning Commission with an unanimous vote.

#3

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)

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-The proposed monument signs (one per lot) must have a minimum 2 foot high base constructed of materials "consistent with the overall development" with a maximum height of 8 feet (including the base), and a maximum overall size of 120 square feet.

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The Applicant has failed to demonstrate the necessity for the amount of signage proposed for a development consisting of approximately 98 acres. The Applicant has failed to provide enough details to justify this degree of departure from the signage permitted in Article 34 of the 2001-02 Boone County Zoning Regulations. Section 3413 of the Boone County Zoning Regulations would permit this commercial subdivision to have one (1) architectural free-standing sign 30 feet high and 200 square feet. It also states that "any parcel or out-lot which is accessible from or marketed as part of a shopping center, mixed use commercial, commercial subdivision, or planned development (except for the lot where the above referenced architectural free-standing sign is located) shall be permitted a density of one (1) on-premises monument sign for the purpose of identifying the tenant(s) on the lot. The maximum size of this monument sign shall be no more than one (1) square foot of sign area per lineal foot of road frontage along the street frontage where the sign is to be located. The individual parcel or out-lot monument sign shall not exceed one hundred (100) square feet in area and ten (10) feet in height."

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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) 344-7427

Land Surveyor License KY 2106

January 3, 2008

LEGAL DESCRIPTION

SPECIAL SIGN DISTRICT

WALTON TOWNE CENTER

Beginning at a point in the northerly right of way line of Chestnut Drive, said point being the southeast corner of Lot No. 26 of Section No. 1 of Walton Towne Center as recorded in the Boone County Clerk's office; thence in an easterly direction along the north line of Chestnut Drive 355.59 feet to the southwest corner of Lot No. 12 of Walton Towne Center; thence along the lines of said Lot No. 12, N 21° 04' 31" E 155.32 feet and N 76° 50' 31" E 408.20 feet to a point in the south right of way line of Kentucky Highway 14 & 16 (Mary Grubbs Highway); thence along the south right of way line of Kentucky Highway 14 & 16 (Mary Grubbs Highway) S 70° 29' 24" E 226.83 feet, N 85° 54' 32" E 207.01 feet and N 58° 27' 00" E 419.98 feet to a point in the westerly right of way line of the CSX Railroad; thence in a southerly direction along the westerly right of way line of CSX Railroad 1,821.40 feet to a point; thence leaving said railroad S 83° 21' 39" W 366.23 feet, S 40° 18' 56" W 204.72 feet, S 61° 26' 01" W 194.16 feet, N 82° 46' 20" W 1,162.40 feet, N 43° 48' 42" W 87.00 feet, N 18° 34' 50" W 563.60 feet, N 71° 25' 22" E 2.40 feet and N 7° 03' 53" W 271.33 feet to the southwest corner of Lot No. 24 of Walton Towne Center; thence along the west line of Lot No. 24, N 7° 03' 53" W 233.00 feet to the northwest corner of same; thence along the lines of Lot No. 25, S 69° 33' 01" W 87.09 feet and N 10° 58' 23" W 205.80 feet to a point in the south line of Service Road; thence in a westerly direction along the south line of Service Road 58.54 feet to a point; thence N 22° 01' 21" W crossing Service Road and running along the west lines of Lot Nos. 7, 6 and 5, a distance of 425.62 feet to the northwest corner of Lot No. 5; thence N 69° 53' 39" E along the north line of Lot No. 5, a distance of 219.55 feet to a point; thence N 20° 06' 21" W along the west line of Lot No. 4 a distance of 366.03 feet to a point in the south right of way line of Kentucky Highway 14 & 16 (Mary Grubbs Highway); thence in an easterly direction along the south line of Mary Grubbs Highway 1,097.25 feet to the northeast corner of Lot No. 26; thence in a southerly direction along the east line of Lot No. 26 a distance of 281.47 feet to the place of beginning.

Containing 98.00 Acres

CITY OF WALTON, KENTUCKY
ORDINANCE NO. 2008- 05

AN ORDINANCE APPROVING AND ADOPTING A REQUEST FOR A ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT AT THE WALTON TOWNE CENTER.

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 the ("Applicant") on behalf of Walton Land Development, LLC, Heritage Bank, The Bank of Kentucky, Regency Centers, Kohl's Department Stores, Inc., and Kroger Limited Partnership for a zoning map amendment for a Special Sign District for an approximate 98 acre area known as the Walton Towne Center, located on the south side of Mary Grubbs Highway, to allow alternative signage in a Commercial Two (C-2) zone; 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 R-07-024-D from the Boone County Planning Commission recommending disapproval for the request; and,

WHEREAS, the City Council of the City of Walton has reviewed the request of the Applicant and the recommendations and findings of the Boone County Planning Commission, and has made adjudicative 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 for a Special Sign District is hereby approved and adopted. The zoning map amendment is a Special Sign District in a Commercial Two (C-2) zone for an approximate 98 acre area known as the Walton Towne Center, located on the south side of Mary Grubbs Highway. The language for the Special Sign District and the real estate which is the subject of this zoning map amendment are both more particularly described in Resolution R-07-024-D of the

Boone County Planning Commission, including all exhibits thereto, all of which is attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION TWO

Resolution R-07-024-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 sign restrictions for a Commercial Two (C-2) zone are inappropriate for the subject property and that the proposed Special Sign District is appropriate for the subject property. The City Council of the City of Walton has reviewed the Resolution of the Boone County Planning Commission, including all exhibits thereto, and has made adjudicative findings approving the request. The adjudicative 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 7TH day of FEBRUARY, 2008.

PASSED AND APPROVED on second reading by 6 Members of City Council on the 11TH day of FEBRUARY, 2008.

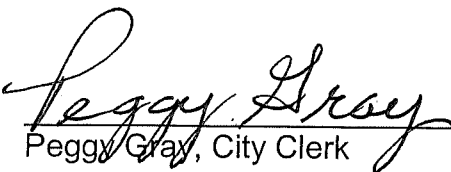
DATE OF PUBLICATION: 02-21-2008, 2008.

APPROVED:



Phillip W. Tzop, Mayor

ATTEST:



Peggy Gray, City Clerk

Exhibit "B"

ADJUDICATIVE FINDINGS FOR APPROVAL OF A ZONING MAP AMENDMENT FOR A SPECIAL SIGN DISTRICT AT THE WALTON TOWNE CENTER

The following are findings of the City Council of the City of Walton that support the approval of the request for a Special Sign District at the Walton Towne Center.

Free standing pylon signs are necessary at each major entrance to the development. Without proper signage the traffic will concentrate at the entrance with the pylon sign, which will cause unnecessary traffic problems.

Because every commercial lot should be entitled to its own monument sign, any lot that has a pylon sign will also be permitted to have a monument sign.

The pylon sign on Mary Grubbs Highway at the two major entrances to the development will have a maximum height of 35 feet and 300 square feet of tenant signage which shall include the project name of Walton Towne Center on each side. This size sign is necessary because of the extremely long frontage of the development, from the 1-75 interchange to the railroad bridge. The size of these pylon signs was developed from research and experience of the marketing and sales departments of the Kroger Company and Kohl's Department Stores.

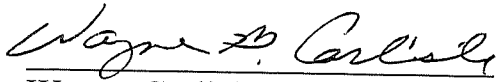
The westernmost pylon sign will have an electronically changeable message board that will display fuel costs for the Kroger store. This is a basic need for their operation.


The monument signs have been identified in a particular manner in the Special Sign District to provide continuity to the signage in the development and to reflect the architectural materials of the building in the sign base.

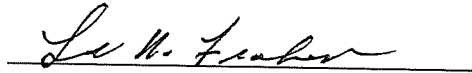
The Interstate Pylon Sign identified in the Special Sign District provides the basic design criteria for the construction of such a sign in the Special Sign District. Before such a sign may be constructed, it must meet all of the location requirements and restrictions of the Federal Highway Administration and the Kentucky Department of Transportation.

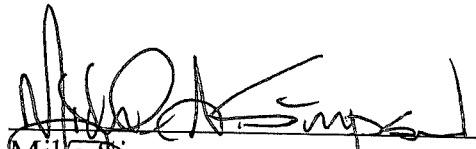
The existing sign restrictions for a Commercial Two (C-2) zone are inappropriate and the proposed Special Sign District is appropriate for the Walton Towne Center.

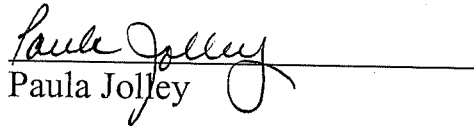
Adopted this 11th day of February, 2008 by the following members of the City Council of the City of Walton:

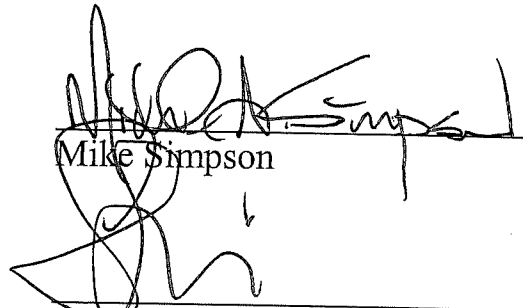

Wayne Carlisle


Anne Leake


Lee Frakes


Mike Simpson


Paula Jolley


Stephanie Williams