

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 ST. JOSEPH ACADEMY MIDDLE SCHOOL
2. Location of Project 1 BEATRICE AVE WALTON, KY
3. Total Acreage of Site 1.01 ACRES
4. Current Zoning of Site O-2
5. Proposed Zoning (Classification being requested) PF
6. Proposed Uses (please specify each use) EDUCATION, OFFICE (MEETING), SEMINARS, RETREATS, FUND RAISING ACTIVITIES
7. Names of Applicant(s) ANDREW PIASKOWY
Phone Number 859 431-8612 Fax No. 859 431-8611
8. Address of Applicant(s) 14 EAST EIGHTH STREET
CINCINNATI KY. 41011
City State Zip
9. Name of Property Owner(s) SISTERS OF SAINT JOSEPH THE WORKER
Phone Number 859-485-4256 Fax No. 859 485-9302
10. Address of Property Owner(s) ST. WILLIAM CONVENT 1ST. JOSEPH ST.
WALTON KY 41094
City State Zip
11. Proposed Building Intensities (please specify) MIDDLE SCHOOL
EDUCATIONAL ACTIVITIES GRADES 6, 7, & 8
12. Are there any existing buildings on the site? NO
How many? _____
13. Deed Book 969 Page No. 995 Group No. 2082
14. Are you also applying for:
 Conditional Use Permit
 Dimensional Variance
15. Have you submitted a Concept Development Plan? NO
16. Have you had a pre-application meeting with BCPC Staff? YES
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water District
- Florence 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)

EXHIBIT

“A”

STAFF REPORT

Request of Andrew Piaskowy (applicant) for Sisters of St. Joseph the Worker (owner) for a Zoning Map Amendment from Office Two (O-2) to Public Facilities (PF), and two Variances to reduce the rear yard building setback and the rear landscape buffer yard, all for a 1.07 acre tract located at 1 Beatrice Avenue, Walton, Kentucky. The request is for a zone change to allow middle school and church related functions and two Variances for a proposed building addition.

December 2, 2009

REQUEST

This request is for a zone change from Office Two (O-2) to Public Facilities (PF) and two variances for the property located 1 Beatrice Avenue in Walton. The applicant has requested the zone change to permit the entire building to be used for a middle school and church functions associated with the adjoining All Saints parish such as meetings, seminars, retreats, fund raising activities, adult evening classes, and overflow parking.

A Concept Development Plan has been submitted with this request. This plan shows an approximate 3,400 to 3,500 square foot, two story addition at the rear of the building (approximate 1,700 to 1,750 sf footprint). The total combined floor area of the existing building and addition would be approximately 11,290 square foot (5,645 sf footprint X 2 levels; a second note on the plan states the footprint as 5,596 sf). The entire interior of the building would be renovated to serve the proposed uses.

Concept architectural drawings of the front and two side elevations have been submitted (no rear view was provided). The addition has two levels, with the lower level being below grade on the north side of the building like the existing structure due to the site's topography. A gabled roof design with a pitch that matches the existing structure is proposed. The addition's footprint and roof line are offset from the existing structure to create a separate building massing. The proposed building materials include brick for the exterior walls and siding within the street facing gable. No physical changes other than the building addition and interior renovation are proposed.

Two variances have been requested with this application. The first variance is from Table 31.1 to allow the addition to encroach into the 50 foot rear yard setback that is required when a PF zone adjoins an SR-1 zone. The proposed building setback is 40.22 feet. The second variance is from Section 3645 to allow a 30 foot wide buffer yard along the rear property line adjoining the addition which utilizes the existing tree cover as the required landscaping, and without a fence, wall, or berm. The normal requirement is "Buffer Yard C" which is either:

- A. 60 feet wide with 10 evergreen trees, 8 large deciduous or medium deciduous trees, and 35 large shrubs per 100 linear feet; or
- B. 30 feet wide with 10 evergreen trees, 8 large deciduous or medium deciduous trees, and 15 large shrubs per 100 linear feet, plus a 6 foot high berm, fence, or masonry wall.

The submitted application materials include a Concept Development Plan, architectural concept drawings, and narratives for both the requested zone change and variances (attached).

SITE HISTORY

Upon the recommendation of the Planning Commission, a zone change from UR-1 to O-2 was granted by the City of Walton in 1981 to allow the existing office building. In 1997, the Zoning Administrator made an interpretation of the zoning regulations that a portion of the building could be used for elementary school classrooms (6/10/97 letter to Sister Patricia Jean is attached). On 10/18/99, the Planning Commission approved a Minor Site Plan to permit a parking lot expansion. In October of this year, the Zoning Administrator determined that a zone change from the current O-2 zone was necessary to permit the entire structure to be used for a middle school and church functions (10/2/09 letter to Sister Elizabeth Ann is attached).

SITE CHARACTERISTICS

The site contains 1.07 acres, has approximately 300 feet of frontage along Beatrice Avenue, and approximately 156 feet of frontage along the Mary Grubbs Highway right-of-way. The site is developed with a two story office building and separate parking areas on both the north and south sides of the building. Each parking area has its own access point onto Beatrice Avenue. The overall topography of the site slopes from northwest to southeast, with the high point in the northwest corner of the lot at el. 916 and the low point in the southeast corner at el. 889. The grade along the rear (east) property line runs from west to east with an approximate 35 percent slope in the area that adjoins the proposed addition. There is existing tree cover along the south and east property lines, and along the eastern part of the north property line. The site is served by both public water and sanitary sewer, although a public water main does not adjoin this tract.

ADJACENT LAND USES AND ZONING

The land uses and zoning adjacent to the subject site include the following.

- A. A wooded area is located to the east (SR-1).
- B. Detached single family residences are located to the north along Beatrice Avenue and both sides of Needmore Street (SR-1).
- C. The All Saints Church and St. Joseph Academy complex is located to the west across Beatrice Avenue (PF and SR-1).
- D. The developing Walton Towne Center commercial subdivision is located to the south across Mary Grubbs Highway (C-2).

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's 2030 Future Land Use Map designates the majority of the site as "Commercial." This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." A small area along the north property line is designated as "Suburban Residential," which is described as "single family housing of up to four units per acre. This classification does not preclude low density or estate residential developed as a formal subdivision."

The Land Use Element makes the following statements that relate to the general 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 ("Walton Area," pg. 149).

The Land Use Element's "Future Land Use Development Guidelines" make the following comments which relate to this 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 ("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. Overhead utility lines should be placed underground wherever possible, and junction boxes screened from public view ("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 where the site is located (884) is expected to increase from 2,107 in the year 2000, to 3,206 in 2010, and to 4,206 in 2020 (pp. 24 and 25).

The Business Activity Element makes the following comments regarding 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. The area between U.S. 25 and the Boone/Kenton County line contains industrial potential due to interstate and rail access ("Recommended Areas of Industrial and Office Activity," pg. 65).

The Housing Element makes the following comments regarding 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).

The Public Facilities makes the following statements regarding private schools in Boone County.

- A. Currently, six private or parochial schools exist in Boone County:
- * **St. Paul School**
U.S. 25 (Dixie Highway) Florence; Enrollment - 625; Grades K-8.
 - * **Mary, Queen of Heaven Elementary**
Donaldson Road at Turfway Road; Enrollment - 260; Grades PS-8.
 - * **Immaculate Heart of Mary School**
KY 18; Enrollment - 540; Grades PS-8.
 - * **St. Joseph Academy**
Needmore Street, Walton; Enrollment - 300; Grades K-8.
 - * **Heritage Academy**
U.S. 42, Florence; Enrollment - 357; Grades K-12.
 - * **St. Henry District High School**
Donaldson Rd; Enrollment - 540; Grades 9-12.

These schools are shown on **Figure 10.6**. Private schools ease part of the pressure placed on the public schools as new residents come into the county. As the county continues to grow, new private schools can be expected to emerge. The Covington Diocese has conducted a facilities plan which includes a future high school and grade school in Boone County.

This plan encourages these schools as long as they meet or surpass the standards of public schools. These schools can be expected to be built in conjunction with religious institutions ("Private Schools," pg. 119).

The "KY Transportation Cabinet Six-Year Plan" section of the Transportation Element (pg. 129) lists improvements in the general area described as "High Street Bridge replacement/extension of Mary Grubbs Highway east of US 25 - const. 2005." The "Street Connections" section (pp. 130 and 131) lists a connection in the overall area described as "Mary Grubbs Hwy. extension to Kenton County."

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. Safe, efficient and environmentally sound public services and facilities shall exist for all development ("Public Services and Facilities," Goal).

BOONE COUNTY TRANSPORTATION PLAN 2030

Exhibit 6-9 (pg. 6-13) lists the "Year 2030 Recommended Transportation Plan Levels of Service - Arterials" for Mary Grubbs Highway between Walton-Verona Road and US 25 as LOS C.

STAFF COMMENTS

1. The governing bodies will need to determine whether the proposal is in agreement with the Comprehensive Plan. The Future Land Use Map designates the majority of the site as "Commercial." A small area along the north property line is designated as "Suburban Residential."

The Comprehensive Plan's text does not discuss this particular site, but it does discuss the overall area. The Land Use Element ("Walton Area," pg. 149) states "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."

The Business Activity Element ("Recommended Areas of Commercial Activity," pg. 64) states regarding the I-75/Mary Grubbs Highway interchange area that "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 section continues by stating "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."

The Business Activity Element ("Recommended Areas of Industrial and Office Activity," pg. 65) also states that "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." The Housing Element ("Geographic Housing Issues, Walton-Verona Area," pg. 80) discusses "significant subdivision development during the last decade" in the Walton area, which infers a need for expanded public and private

schools. Similarly, the Population Element anticipates a substantial population increase for the transportation analysis zone in question.

The Public Facilities Element ("Private Schools," pg. 119) discusses private schools in the County. This Element states "private schools ease part of the pressure placed on the public schools as new residents come into the county. As the county continues to grow, new private schools can be expected to emerge. The Covington Diocese has conducted a facilities plan which includes a future high school and grade school in Boone County." It also states "this plan encourages these schools as long as they meet or surpass the standards of public schools. These schools can be expected to be built in conjunction with religious institutions." St. Joseph Academy is specifically listed in the text among five other private or parochial schools in the County.

The Land Use Element's "Future Land Use Development Guidelines" include several provisions that pertain to this proposal which are quoted previously. These include the retention of existing tree cover, landscaping, overall design, and signage. The governing bodies will also need to consider whether the current zoning is inappropriate and the proposed zoning is appropriate, and whether there have been changes of an economic, physical, or social nature not anticipated in the comprehensive plan that substantially alter the area's character. The applicant provided a narrative with their application materials which addresses the statutory zone change criteria (attached).

2. As stated above, two dimensional variances from both setback and buffer yard requirements along the rear (east) property line have been requested with this application. The first variance is from Table 31.1 to allow the addition to encroach into the 50 foot rear yard setback that is required when a PF zone adjoins an SR-1 zone. The proposed building setback is 40.22 feet along the property line (an approximate 10' encroachment into the required setback). The second variance is from Section 3645 to allow a 30 foot wide buffer yard along the rear property line adjoining the addition which utilizes the existing tree cover as the required landscaping (does not include evergreen trees), and which does not include the normally required fence, wall, or berm. The required Buffer Yard C is either a 60 foot wide buffer yard with specified plantings, or a 30 foot wide buffer yard with a 6 foot high berm, fence, or masonry wall and specified plantings including evergreen trees. For the Planning Commission's information, the adjoining site to the east is currently wooded, is zoned SR-1, and is designated as "Rural Lands" on the Comprehensive Plan's Future Land Use Map.

Variations are to be evaluated against the standards in Section 251 "Application and Standards for Variations" of the *Boone County Zoning Regulations* (attached). The applicant provided a narrative with their application materials which discusses the requested variations (attached).

Staff's basic comment on the requested variations is that the proposal is for a small addition at the rear of the existing building and site which would result in an overall building intensity that is less than one half of the amount permitted in the PF zone. When considering the configuration of the existing building and parking areas, and the site's topography and tree cover, it is Staff's view that the proposed addition is generally less visually intrusive (and retains more green space) than several options that would not need a variation(s).

If the Commission grants the requested variations, Staff agrees that the berm, wall, or fence normally required with the 30 foot Buffer Yard C option would be ineffective due to the grade and tree cover between the addition and the east property line. The application materials ask for the existing vegetation within the 30 foot buffer yard to be credited as the entirety of the required landscaping. In light of this request, Staff agrees that the normally required shrubs would be largely ineffective for the same reasons as the berm, wall, or fence. However, because there are no existing evergreen plantings in the 30 buffer yard area to be retained and the adjoining site is zoned SR-1, Staff does see merit in a condition of approval which would require a row of columnar (narrow) evergreen trees at the top of the grade that immediately adjoins the proposed addition. This is particularly important as it appears that several larger trees in this part of the site that were likely planted at the time of the original building's construction would be removed to allow the addition. The specific number of plants needed depends on the species or cultivars selected.

3. Staff has the following comments regarding specific aspects of the proposal.

Use: Some of the uses permitted in the PF zone (funeral homes, entertainment facilities, et al) potentially have notable impacts, such as traffic and noise. Due to this issue, Staff recommends that a condition be included in any zone change approval which limits the use of the property to school and church/parish functions as requested in the application materials, and that there will be no active outdoor functions such as play areas on this site (none are currently proposed).

Building Design: The design of the building addition matches the original structure (brick is the primary material, same basic roof pitch and gable design, etc.), yet the footprint and roof line jogs from the original structure to give it "dimension" and avoid a monolithic building massing. However, no rear (east) elevation drawing was provided. Due to this issue and the fact that this elevation faces the part of the site

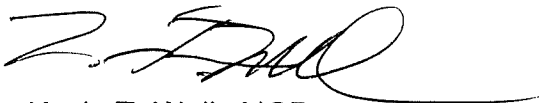
where the two variances are proposed, Staff recommends a condition which requires this elevation to use a basic design, materials, and colors which are complementary to the remainder of the structure. This elevation does not need to necessarily duplicate the other facades, but rather have a visual correlation to them.

4. Chief Tom Ollier of the Walton Fire Department has commented that if the building is sprinkled, a new fire hydrant will be necessary. If the building is not sprinkled, a new fire hydrant would be beneficial and the Department requests that one be provided. A new hydrant at the subject site would also help to protect the existing church/school complex across the street as the existing fire plug is on Needmore Street (there is no water main in the Beatrice Avenue right-of-way). The Boone County Building Department will make a determination regarding whether sprinkling will be required after detailed construction drawings are provided.
5. For the applicant's information, whether a Major or Minor Site Plan will be required for the construction of the addition, should this application be approved, depends on the amount of additional impervious area and extent of grading work as outlined in Article 30 of the zoning regulations.

CONCLUSION

The Boone County Planning Commission and the Walton City Council need to evaluate the proposed zone change 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. The Planning Commission also needs to evaluate the requested variances in terms of the standards in Section 251 "Application and Standards for Variances." The Future Land Use Map will need to be amended if this request is approved.

Respectfully submitted,



Kevin T. Wall, AICP
Director, Zoning Services

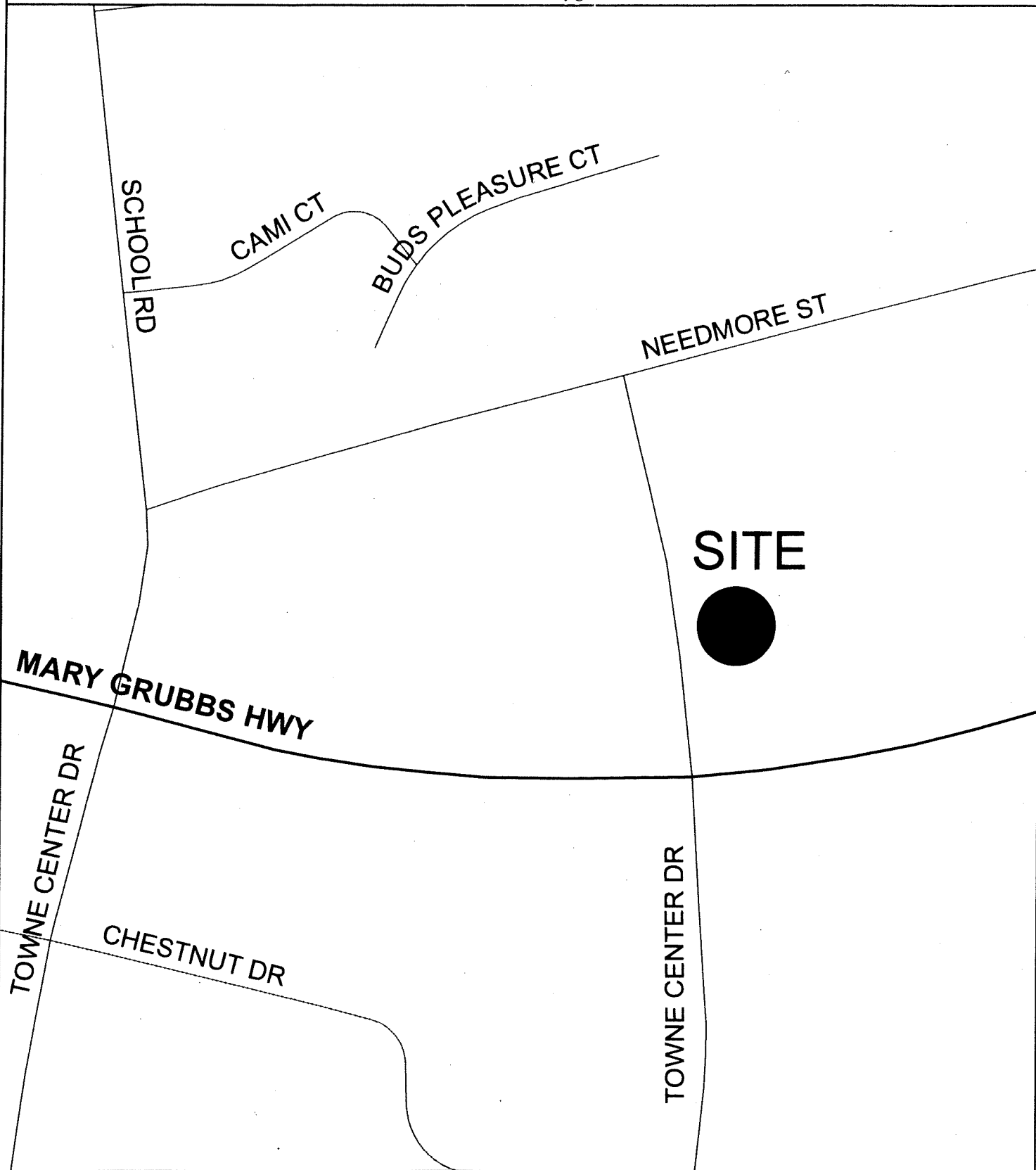
KTW/pr

attachments:

- location map
- aerial photo w/ zoning
- Future Land Use Map excerpt
- topographic map
- 6/10/97 letter from Kevin Wall to Sister Patricia Jean
- 10/2/09 letter to Sister Elizabeth Ann
- Section 251 "Application and Standards for Variances" of the *Boone County Zoning Regulations*
- application materials including Concept Development Plan and narratives

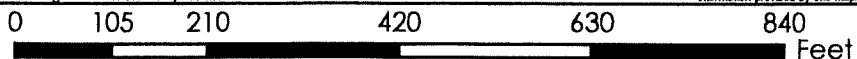
Location

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1 inch = 209 feet



Boone County GIS - Putting Northern Kentucky on the Map



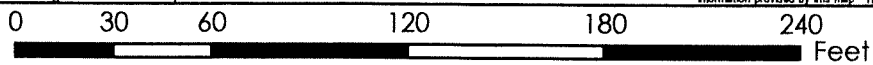
Zoning

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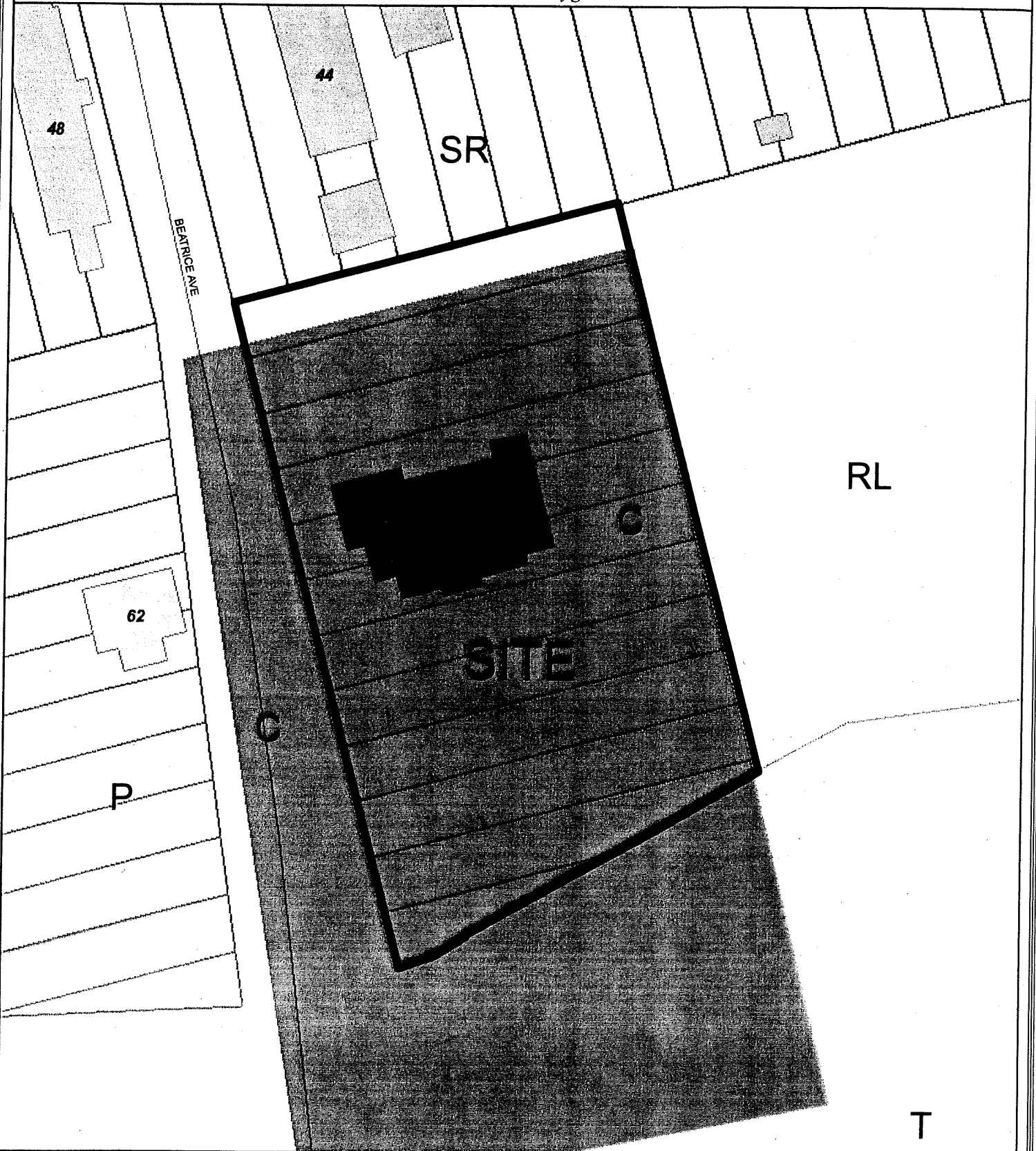
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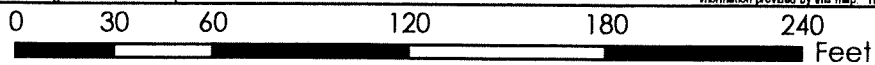
Future Land Use

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1 inch = 58 feet

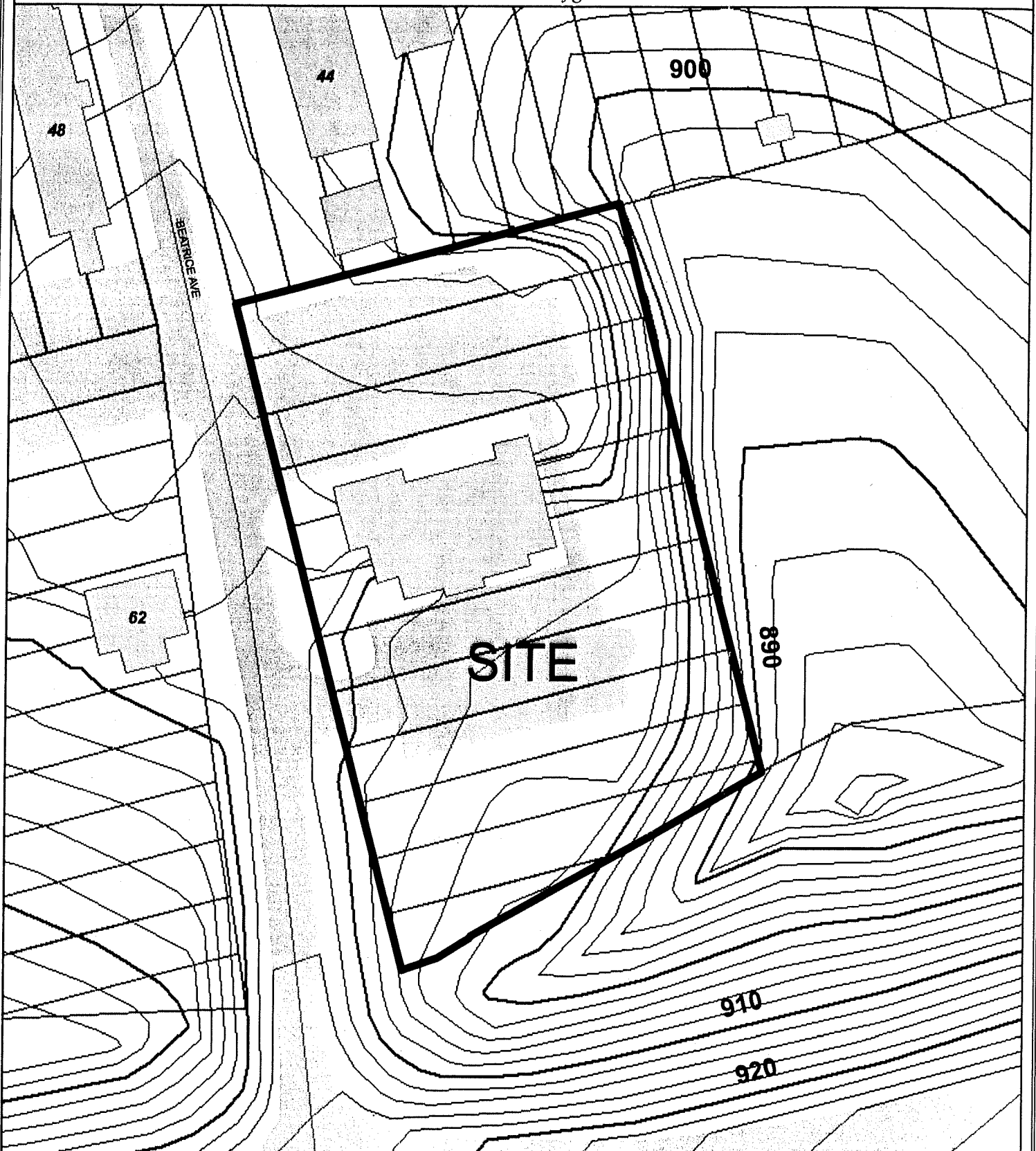


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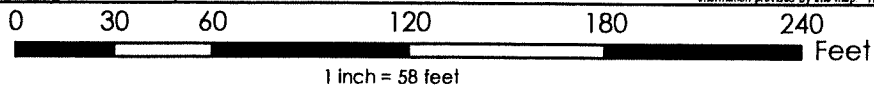
Topography

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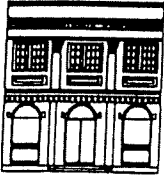
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BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005
606-334-2196 FAX 606-334-2264

June 10, 1997

Sister Patricia Jean
St. Joseph's Academy
48 Needmore
Walton, KY 41094

RE: Use of Office Space for Elementary School Classrooms - 1 Beatrice (Waller Office Building), Walton, Kentucky - Office Two (O-2) Zone

Dear Sister Patricia Jean:

In response to your inquiry, I am providing the following information as Zoning Administrator for the City of Walton.

First, it is my understanding that you wish to use the basement level of Dr. Waller's office building located at 1 Beatrice in Walton. This space would be divided into two classrooms which would be used for regularly scheduled elementary school classes.

Second, the location in question is located in an Office Two (O-2) zone. The regulations do not list elementary, primary, or secondary schools as either a Principally Permitted Use or a Conditional Use in the O-2 zone. However, the Boone County Zoning Regulations do identify two similar uses that are permitted in this zone. These include "business colleges or schools" which are permitted as a Principally Permitted Use and "child and adult care centers" which are permitted as a Conditional Use.

Third, Section 201 "Duties of Zoning Administrator" of the Zoning Regulations states that one of the roles of the Zoning Administrator is to (underlines added for emphasis): "determine the classification of a use of land, buildings or structures as a permitted (meaning "Principally Permitted"), accessory, or conditional use in a specific zoning district, as well as determine the applicability and substance of development performance standards, based on interpretation of the stated and implied requirements of the zoning regulations." Therefore, based on my interpretation of the stated and implied requirements of the O-2 zone requirements, it is my determination that the proposed elementary school classrooms are permitted as a Conditional Use in the O-2 zone due to the following reasons:

Sister Patricia Jean

June 10, 1997

Page 2


- A. As mentioned above, the zone allows business colleges or schools as a Principally Permitted Use and child and adult care centers as a Conditional Use. From a land use perspective, the proposed elementary school classrooms basically constitute a hybrid of both of these use categories, as the classroom use has an inherent child care aspect (like a day care center) and is educational in nature (like a business/technical college).
- B. Based on the two use categories mentioned above, I have determined that the use is most appropriately classified as a Conditional Use because the land use characteristics of elementary school classrooms (including how the use "behaves" relative to neighboring properties) most closely resemble that of a day care center versus a business or technical college/school (both have concentrated morning and afternoon peak hour traffic where business/technical schools have dispersed traffic over the course of a day; both uses tend to have active outdoor play areas or other active outdoor activities; the duration of use is fairly constant over the course of a day for both uses where business/technical schools tend to have fluctuations in the intensity of the use over the course of an average day; and , both uses involve the care of children which necessitates an environment conducive to active supervision whereas adult students are theoretically "self supervised").

Because the classroom use has been classified as a Conditional Use in the O-2 zone, a Conditional Use Permit (CUP) must be granted by the Board of Adjustment (BOA) through a Public Hearing process before the Planning Commission can grant zoning approval for a Building Permit to alter the space to accommodate the classroom use or before the use can be initiated. As we discussed previously, the basic purpose of the Conditional Use Permit process is to assure that a given use is appropriate for a specific location.

For the benefit of future inquiries that may use this letter for reference, I will note that this interpretation is predicated on the fact that your proposal includes only a few classrooms in the O-2 zone which would basically serve as an annex to an established school that is located within a Public Facilities (PF) zone (versus an entire elementary school complex or campus within the O-2 zone). Any proposal for an entire elementary school campus within the O-2 zone would need to be evaluated on its own merits.

I recommend that you schedule a "pre-application" meeting with Ed Coleman, a Planner in our office, regarding the Board of Adjustment process and the materials that must be submitted with a CUP application. Ed handles all Board of Adjustment requests. The submittal deadline for the July Board of Adjustment meeting is Wednesday, July 18, 1997. Please call me if you have any questions regarding the determination outlined above.

Sincerely,



Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW/vlm

cc: Ed Coleman, Planner



BOONE COUNTY PLANNING COMMISSION

www.boonecountyky.org/pc
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

October 2, 2009

Sr. Elizabeth Ann, SJW
St. Joseph Academy
48 Needmore Street
Walton, KY 41094

RE: Proposed Middle School Use of Office Building at 1 Beatrice Avenue (Waller Office Building), Walton, Kentucky; Office Two (O-2) Zone

Dear Sr. Elizabeth Ann:

I have reviewed your letter dated 9/29/09 regarding St. Joseph's proposal for the office building at 1 Beatrice Avenue. I have also reviewed the zoning requirements that apply to the property and visited the site.

The site is within an Office Two (O-2) zone. The regulations for this zone do not list schools such as elementary, primary, middle, or junior high schools as either principally permitted or conditional uses. As Zoning Administrator, I made an interpretation of the zoning regulations in 1997 that two elementary school classrooms in the basement of the Beatrice Avenue building qualified as a conditional use in the O-2 zone (see enclosed letter dated 6/10/97 to Sister Patricia Jean). This interpretation was based on the combination of several use categories listed in the O-2 zone versus the overt language of the zoning text. An application for a Conditional Use Permit (CUP) for these two classrooms was submitted by St. Joseph's and then approved by the Walton Board of Adjustment on 7/9/97.

Key aspects of the 1997 interpretation was that the proposal was for only a few classrooms within an existing office building (i.e., one user in a multi-tenant building) for an existing school on a neighboring site, and was not for an entire building/site, campus, etc., in the O-2 zone. The 1997 interpretation was for elementary school classrooms as that was the proposal at the time, but it is applicable to junior high or middle schools as well. This interpretation also stipulated that any future proposal would need to be evaluated on its own merits.

As I understand your letter, the current proposal is to use the entire building for various middle school functions for students in grades 5 through 8. When considering that the entire building and site at 1 Beatrice Avenue would now function as a school (versus one tenant in what is otherwise an office building), I can not reasonably conclude that the use is permitted in the O-2 zone. This is due to the fact that the express language of the code

Sr. Elizabeth Ann, SJW
October 2, 2009
Page 2

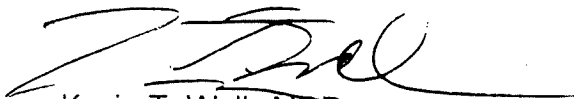
does not list this or a comparable type of school as either a principally permitted or conditional use, and the prior interpretation was based on a limited proposal as discussed above. If I could conclude that the 1997 interpretation was applicable to the current proposal, an application for a new Conditional Use Permit would need to be approved by the Walton Board of Adjustment through a public hearing procedure.

However, the "primary, elementary, and secondary schools" category is listed as a principally permitted use in the Public Facilities (PF) zone. This is the same zone that applies to the majority of the St. Joseph complex across the street. The PF zone also permits churches whereas the O-2 zone does not. Thus, if the needs of the parish change over time, the building could be used for church related purposes if the zoning of the site was changed to PF.

In short, I can not reasonably conclude that the current proposal is permitted in the O-2 zone, as the use was not legislatively contemplated for this district, but a zoning map amendment (or "zone change") to PF could be sought to allow it. The process requires submission of the necessary application materials, a public hearing before the Planning Commission, a review and recommendation by the Commission's Zone Change Committee, a decision by the full Planning Commission which is a recommendation to the Walton City Council, and a final decision by the City Council. The process takes between four and six months to complete.

It would be a good idea for us, along with your architect, to have a pre-application meeting to review the application materials, statutory criteria for granting zone changes, as well as the local zoning requirements related to adequate parking and the like. Please call me if you have any questions or would like to arrange a pre-application meeting.

Sincerely,



Kevin T. Wall, AICP
Zoning Administrator
City of Walton

KTW/vlm

Enclosure

cc: Kevin Costello, AICP, Executive Director

SECTION 251

Application and Standards for Variances

A variance from the terms of this order shall not be granted by the Board of Adjustment and Zoning Appeals unless and until a written and signed application for a Variance is submitted to the Zoning Administrator and the Board of Adjustment and Zoning Appeals, along with any additional information the Board may find appropriate.

1. Before any variance is granted, the Board must find that the granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. In making these findings, the board shall consider whether:
 - a. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - b. The strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;
 - c. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought.
2. The Board shall deny any request for a variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

SECTION 252

Supplementary Conditions and Safeguards

In granting any appeal or variance, the Board of Adjustment and Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this order. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this order and punishable under Section 430 of this ordinance.

SECTION 253

Notice of Hearing

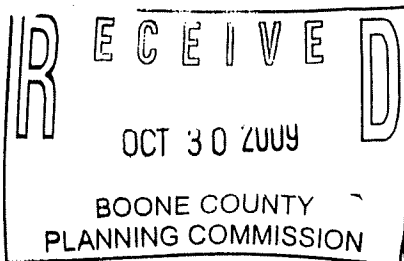
Notice of the time, place and purpose of a hearing of a notice of appeal or application for variance shall be published in a newspaper of general circulation at least seven (7) days, but not more than twenty-one (21) days before the date of the hearing.

Also, all adjoining property owners involved in an appeal and a variance request shall be notified in writing of the public hearing at least two weeks in advance. The applicant shall be responsible for supplying the names and addresses of all adjoining property owners and shall pay costs of notification. Records maintained by the property valuation administrator may be relied upon conclusively to determine the identity and address of property owners. In addition, a written notice of the appeal shall be made to the applicant or appellant and the Zoning Administrator and a sign, that announces the fact that a Board of Adjustment and Zoning Appeals hearing has been scheduled, shall be posted on the subject property at least 7 days prior to the public hearing if a specific site is being reviewed and subject to an appeal.

SECTION 254

Action by Board of Adjustment and Zoning Appeals

The Board of Adjustment and Zoning Appeals shall hear and decide upon the notice of appeal or application for variance within sixty (60) days of filing. The Board of Adjustment and Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 245, or disapprove the request for appeal or variance. The Board shall further make a finding that the reasons set forth in an application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure. If the request is disapproved, the board shall state the reasons for disapproval in writing. Appeals from Board decisions shall be to the appropriate court of jurisdiction as provided by law.



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 ST. JOSEPH ACADEMY MIDDLE SCHOOL
2. Location of Project BEATRICE AVE WALTON, KY
3. Total Acreage of Site 1.07 ACRES
4. Current Zoning of Site O-2
5. Proposed Zoning (Classification being requested) PF
6. Proposed Uses (please specify each use) EDUCATION, OFFICE (MEETING) SEMINARS, RETREATS, FUND RAISING ACTIVITIES
7. Names of Applicant(s) ANDREW PLASKOWY
8. Address of Applicant(s) 14 EAST EIGHTH STREET COVINGTON KY 41011
9. Name of Property Owner(s) SISTERS OF SAINT JOSEPH THE WORKER
10. Address of Property Owner(s) ST. WILLIAM CONVENT 1ST. JOSEPH ST. WALTON KY 41094
11. Proposed Building Intensities (please specify) MIDDLE SCHOOL EDUCATIONAL ACTIVITIES GRADES 6, 7, & 8
12. Are there any existing buildings on the site? NO
13. Deed Book 969 Page No. 995 Group No. 2082
14. Are you also applying for: Conditional Use Permit [] Dimensional Variance [x]
15. Have you submitted a Concept Development Plan? NO
16. Have you had a pre-application meeting with BCPC Staff? YES
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- Boone County Water District
Florence 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)

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
 - Walton
 - Union

19. ORIGINAL Property Owner's Signature *S. Elizabeth Barkett*
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature *Andrew Pashoway*
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

SECTION B (To be completed by BCPC Staff)

1. Date Received 10-30-09
2. Review Fee \$ 3,298.05 R 59698
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 KEVIN WALL
6. Committee Chairman _____
7. Scheduled Public Hearing Date 12/2/09
8. Boone County Planning Commission Action:
 - Approval
 - Approval with Conditions
 - Denial
9. Other: _____

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

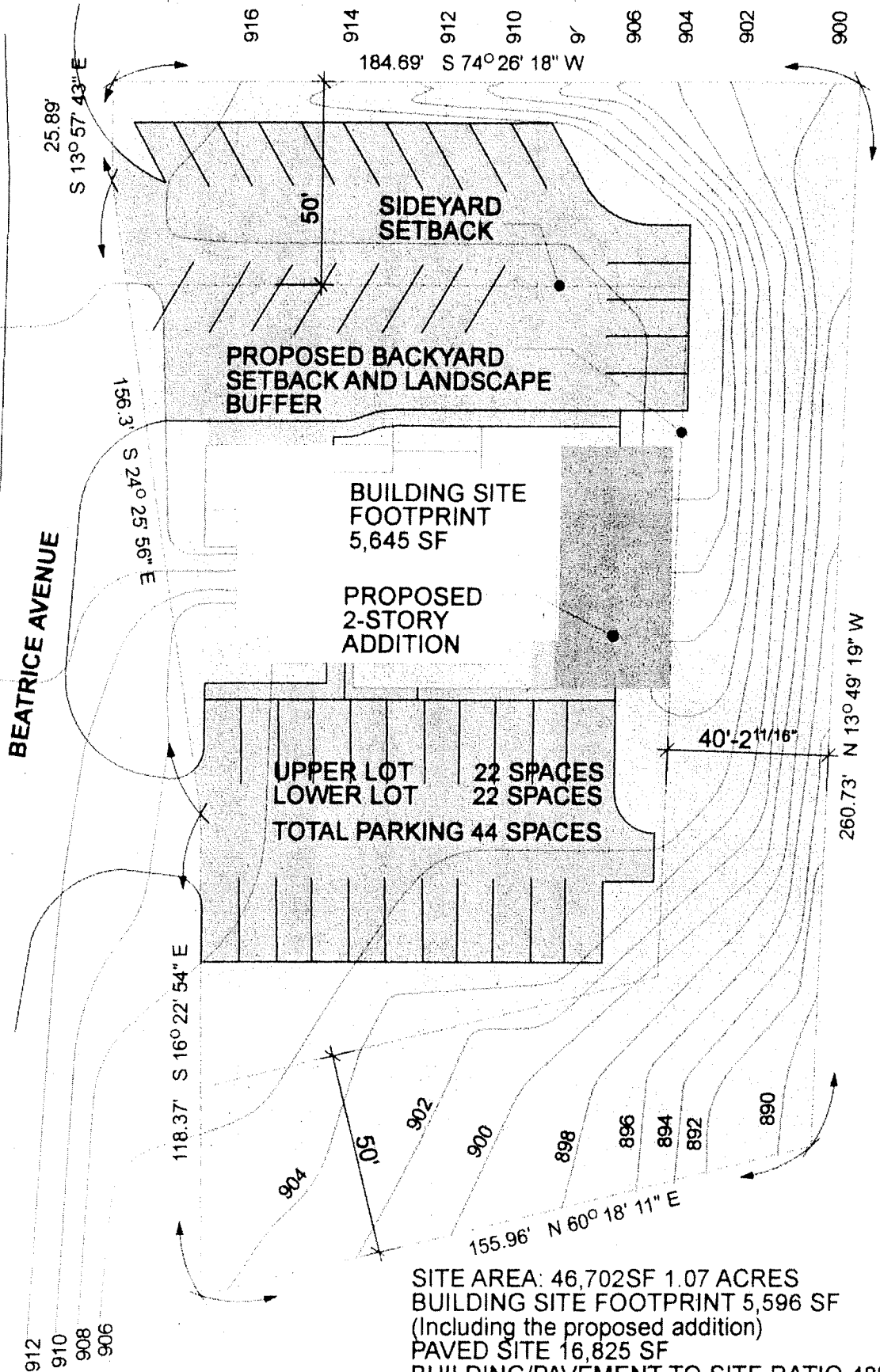
Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page

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

RECEIVED

OCT 30 2009

BOONE COUNTY
PLANNING COMMISSION



Notes:
 All public utilities and infrastructures are existing and shall remain.

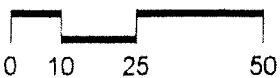
Original use :
 medical office.

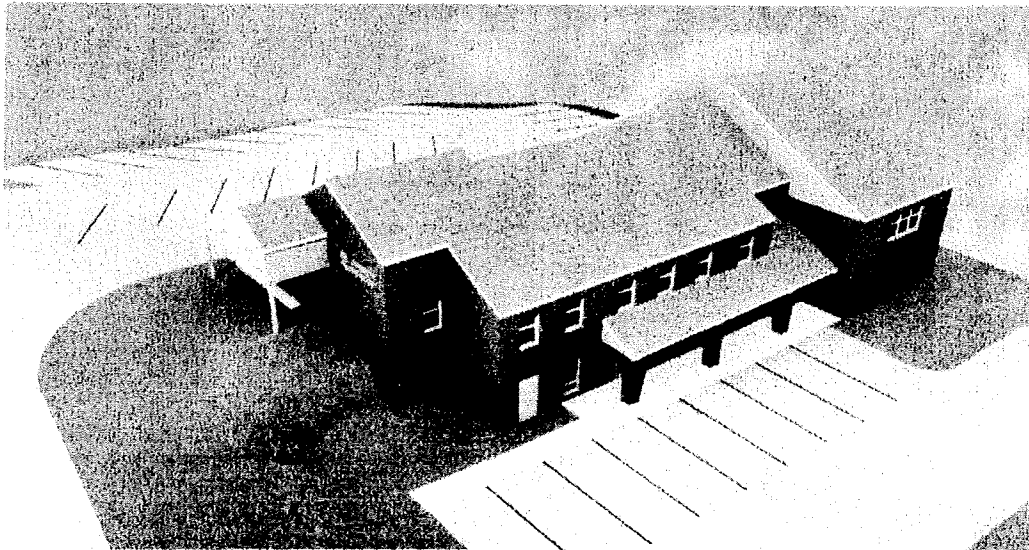
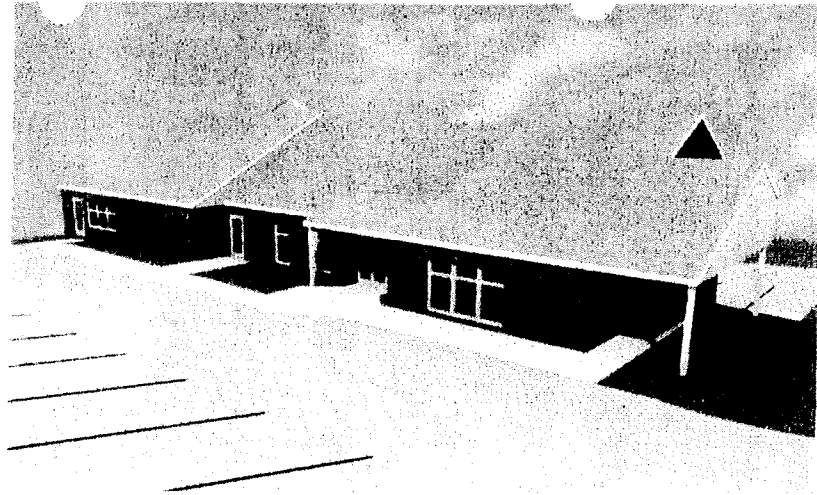
Proposed use:
 primarily educational
 with occasional
 evening and weekend
 meeting and seminar
 use associated with
 Parish activities.

SITE AREA: 46,702SF 1.07 ACRES
BUILDING SITE FOOTPRINT 5,596 SF
 (Including the proposed addition)
PAVED SITE 16,825 SF
BUILDING/PAVEMENT TO SITE RATIO 48%
RATIO OF ADDITION (2,748SF) TO ENTIRE
BUILDING + IMPERVIOUS AREA (24,814SF) = 9%

Proposed St. Joseph Academy Middle School

1 Beatrice Avenue Walton, Kentucky





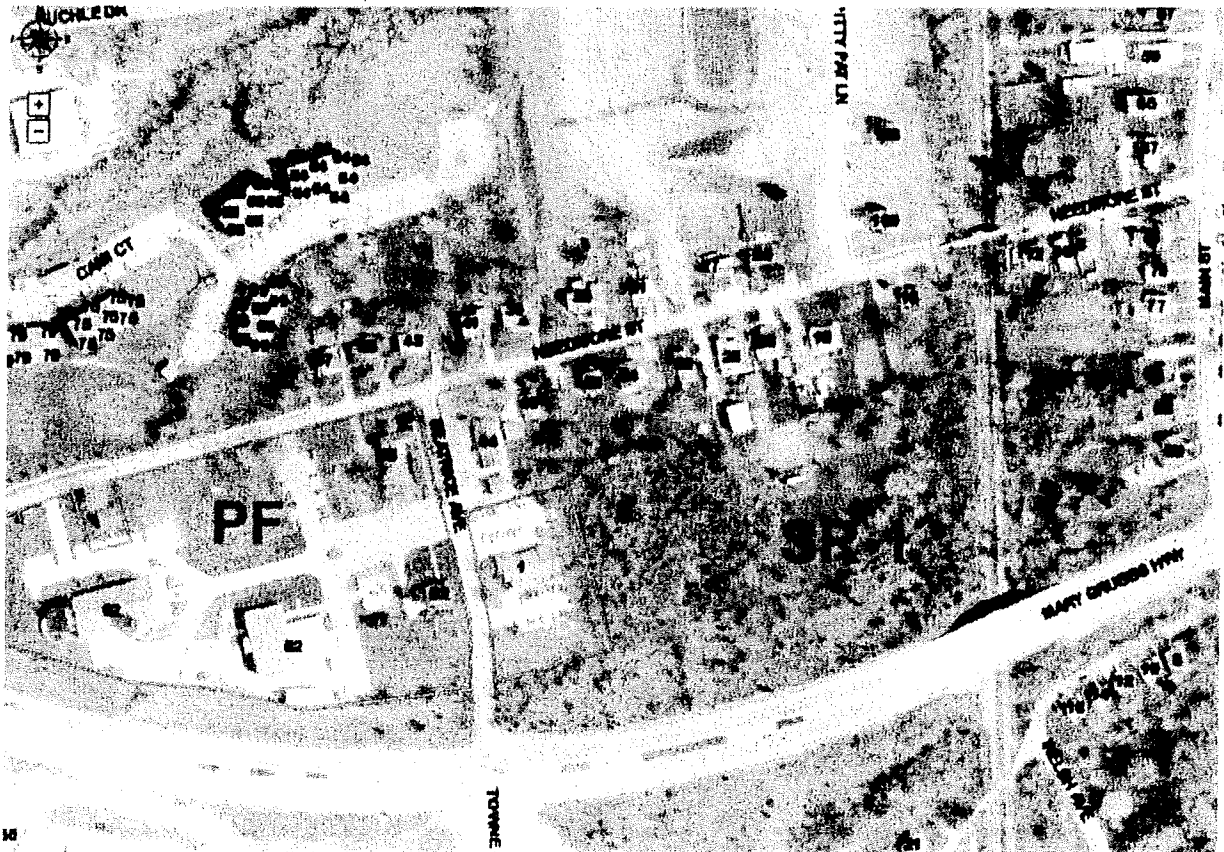
Proposed
St. Joseph Academy Middle School
1 Beatrice Avenue Walton, Kentucky

MAP AMENDMENT:

We request the current O-2 zone at 1 Beatrice Avenue be changed to PF to allow the existing owner to occupy and expand the entire existing structure for the the Saint Joseph Academy to expand their educational program and use currently provided in the adjacent PF zone. We request any additional conditional use to allow occupancy for occasional church related meetings, seminars, fundraising activities that do not conflict with the school schedule and calendar.

We believe the map amendment is in agreement with the adopted comprehensive plan. The amendment would eliminate an isolated O-2 use contained on a single property and would expand the adjacent PF zone. Expansion of the school is dictated by the growth and development in the City of Walton and Boone County. The school would required 2 parking spaces per classroom for a total requirement of 12. Current parking far exceeds the minimum required, however the parking is used for overflow church event parking and the school classrooms could be used for occasional church sponsored events such as adult evening classes or weekend retreat activities.

It is anticipated the existing utilities are adequate to serve the proposed addition. Earthwork will disturb the existing site minimally and no change is proposed for the existing storm water system and parking areas except for much needed repairs. Transportation patterns are dictated by the existing school and given the proximity to Mary Grubbs Highway do not adversely impact the adjacent residential communities. Except for morning and afternoon drop off and pick-up the proposed change from a medical office would reduce the vehicular traffic on Beatrice Avenue.



Proposed
St. Joseph Academy Middle School
1 Beatrice Avenue Walton, Kentucky

VARIANCE REQUEST FOR BACKYARD SETBACK:

We request a reduction of the back yard setback from 50 feet to 40 feet.

The topography and existing natural vegetation along the East property line does not apply to other parcels in the general vicinity or same zone. Existing site conditions do not permit easy development of the adjoining property and provide a natural buffer to the adjoining residential zone.

The proposed addition is the most economically feasible location to provide additional classroom space. Strict adherence to the back yard setback would create an unnecessary economic hardship on the Owner.

Current parking arrangements are as efficient as possible;e. Building on one or another of the existing parking areas would require additional hard pavement to manage on site vehicular circulation and less net green space.



VARIANCE REQUEST FOR LANDSCAPE BUFFER YARD:

We request the landscape buffer yard be reduced to 30 foot width without the required 6 foot high berm, fence, or masonry wall along the East property line and that since no work is proposed along the North and south property lines no additional landscape or fencing be required.

The topography along the East property falls away with the setback and landscape buffer approx. 20 feet which would render a 6' high berm or fence ineffective. Work to install a berm or fence would disturb existing natural vegetation which not only meets but exceeds the purpose of the prescribed buffers. The existing undeveloped area exceeds 2 acres of undisturbed forest.

Although the zoning code requires the buffer be installed adjacent to an undeveloped parcel per the zoning designation, the topograph of the adjacent residential zone makes development very difficult if not economically impossible to achieve.

Proposed
St. Joseph Academy Middle School
1 Beatrice Avenue Walton, Kentucky

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
PUBLIC HEARINGS
DECEMBER 2, 2009
7:30 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Ben Brandstetter
Mr. Greg Breetz
Mr. Kim Bunger
Mr. Jim Carmichael
Mr. Mike Ford
Mrs. Linda Herald
Mr. Jim Longano
Mr. Don McMillian
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Vice Chairman
Mr. Bob Schwenke, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. Mark Hicks
Mrs. Janet Kegley
Mrs. Susan Poston, Chairwoman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Todd K. Morgan, AICP, Senior Planner
Mr. Kevin T. Wall, AICP, Director of Zoning Services

Mr. Charlie Rolfsen, Vice-Chairman, called the meeting to order at 7:30 P.M. and introduced the first item on the Agenda:

APPLICANT: Andrew Piaskowy for Sisters of St. Joseph the Worker

REQUEST: Zoning Map Amendment and Variances

- 1. Request of Andrew Piaskowy (applicant) for Sisters of St. Joseph the Worker (owner) for a Zoning Map Amendment from Office Two (O-2) to Public Facilities (PF), and two Variances to reduce the rear yard building setback and the rear landscape buffer yard, all for a 1.07 acre tract located at 1 Beatrice Avenue, Walton, Kentucky. The request is for a zone change to allow middle school and church related functions and two Variances for a proposed building addition.**

Staff Member, Kevin Wall presented the Staff Report, which included a Power Point presentation. Mr. Wall stated the request is for a Zone Change from Office Two (O-2) to Public Facilities (PF) and two dimensional Variances. The request is to convert an existing office building located at 1 Beatrice Avenue into a middle school and to hold church related functions (such as meetings, seminars, retreats, fund-raising activities, adult evening classes and overflow parking). The Concept Development Plan shows an approximate 3,400-3,500 square foot, two-story addition at the rear of the building. In addition, the interior of the building would be totally renovated. Mr. Wall explained that the Future Land Use Map indicates a Commercial Use on the subject property with a little strip of Suburban Density Residential toward the north side of the property. Due to the topography of the site, there is a two tiered parking lot. The first dimensional variance involves the east side of the building - a 40 foot building setback instead of a required 50 feet. The second dimensional variance involves landscaping or landscaped Buffer Yard Requirement "C". Building elevations were presented.

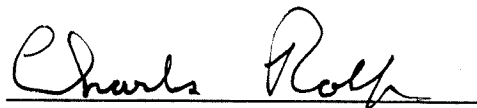
Mr. Wall noted that the proposal needs to be reviewed in relationship to the Comprehensive Plan and the other two criteria outlined in KRS 100. He noted that the text of the Comprehensive Plan discusses the development and expansion of private schools including St. Joseph Academy. Mr. Wall noted that the applicant has submitted a narrative supporting the Zone Change request. In regard to the variances, Mr. Wall provided an analysis of the building setback and landscaping buffer as outlined in the Staff Report. Mr. Wall described the other permitted uses in a PF zoning district and a concern about the building design. Mr. Wall recommended that the applicant consider using the same design, colors and materials for the rear and east side of the building where the dimensional variances are being requested. This would be complimentary to the existing structure. A final comment pertains to Fire Chief, Tom Ollier's request of a new hydrant near the building in order to provide a closer source of water other than Needmore Street.

Mr. Andrew Piaskowy, Architect for the project introduced Sr. Elizabeth Barkett, Principal for St. Joseph Academy and Sr. Mary Catherine Korte, Vice Principal for St. Joseph Academy. Mr. Piaskowy stated that he was in general agreement with the Staff Report. Mr. Piaskowy explained that they plan on bringing the brick veneer around the east elevation and around the building. At the gable end, it would be treated similar as to what is shown on the other elevations. It would be a horizontal lap siding at the gable end. In regard to sprinkling the building, it would be fire protected as required by the Kentucky Building Code. The plan would be to fire suppress the building for this new use. Finally, Mr. Piaskowy submitted four letters from adjoining property owners including one from the east supporting the zone change and two variances.

Mr. Rolfsen asked if there was anyone in the audience that wanted to speak in favor or against the Zone Change request. There was no one in the audience.

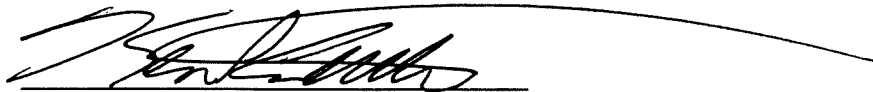
There being no further comments, Mr. Rolfsen stated that the Committee Meeting for this item will be on December 16, 2009 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on January 6, 2010 at 7:00 P.M. Mr. Rolfsen closed this Public Hearing at 7:45 P.M.

APPROVED:



Charles Rolfsen,
Vice-Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

Exhibit 1: Letters from John Schulte
Matthew P. Works
Mary Berkemeier
Vera Elaine Willoughby

Exhibit 1
12-2-09
Public Hearing

November, 2009

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

To Whom It May Concern:

This is to inform you that we, Matthew and Shawna Works, living at 44 Needmore Street, Walton, KY have no objection to the proposed zone change requested by St. Joseph Academy.

I understand the request is to change the zoning for the building on 1 Beatrice Ave. from an Office Zone to a Public Facilities Zone. This will allow St. Joseph Academy the opportunity to expand its educational programs.

A handwritten signature in cursive script, appearing to read "Matthew P. Works". The signature is written in black ink and is positioned below the main body of text.

Exhibit 1
Public Hearing
12-2-09

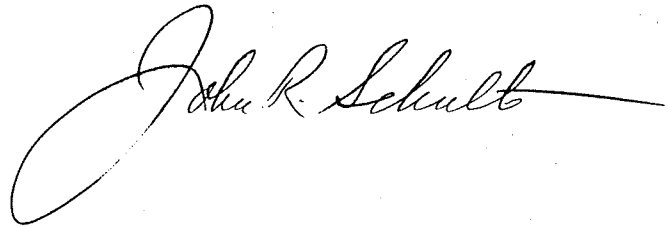
November, 2009

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

To Whom It May Concern:

This is to inform you that I, Msgr. John Schulte, living at 62 Needmore Street, Walton, KY and pastor of All Saints Church, have no objection to the proposed zone change requested by St. Joseph Academy.

I understand the request is to change the zoning for the building on 1 Beatrice Ave. from an Office Zone to a Public Facilities Zone. This will allow St. Joseph Academy the opportunity to expand its educational programs.

A handwritten signature in cursive script that reads "John R. Schulte". The signature is written in black ink and includes a long horizontal flourish extending to the right.

November, 2009

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

To Whom It May Concern:

This is to inform you that I, Joseph Kolar, living at 36 Needmore Street, Walton, KY have no objection to the proposed zone change requested by St. Joseph Academy.

I understand the request is to change the zoning for the building on 1 Beatrice Ave. from an Office Zone to a Public Facilities Zone. This will allow St. Joseph Academy the opportunity to expand its educational programs.

*Via Elaine Willoughby
P.O. A for Joseph H Kolar*

Exhibit 1
12-2-09
Public Hearing

November, 2009

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

To Whom It May Concern:

This is to inform you that I, Mary Berkemeier, living at 28 Needmore Street, Walton, KY have no objection to the proposed zone change requested by St. Joseph Academy.

I understand the request is to change the zoning for the building on 1 Beatrice Ave. from an Office Zone to a Public Facilities Zone. This will allow St. Joseph Academy the opportunity to expand its educational programs.

A handwritten signature in cursive script that reads "Mary Berkemeier". The signature is written in dark ink and is positioned below the typed text of the letter.

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
JANUARY 6, 2010
7:00 P.M.**

Mrs. Susan Poston, Chairwoman, called the meeting to order at 7:00 PM.

COMMISSION MEMBERS PRESENT:

Mr. Ben Brandstetter
Mr. Greg Breetz
Mr. Kim Bunger
Mr. Mike Ford
Mrs. Linda Herald
Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Jim Longano
Mr. Don McMillian
Mrs. Susan Poston
Ms. Lisa Reeves
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Vice Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Bob Schwenke, Temporary Presiding Officer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Mitchell A. Light, Assistant Zoning Administrator/Enf. Officer
Mr. Todd K. Morgan, AICP, Senior Planner
Mr. Kevin T. Wall, AICP, Director, Zoning Services

Chairwoman Poston introduced our newest Board member representing the City of Florence, Ms. Lisa Reeves.

Approval of the Minutes:

Chairwoman, Mrs. Poston, stated that the Commissioners received copies of the Minutes of the December 2, 2009 Business Meeting and the December 2, 2009 Public Hearings. She asked if there were any comments or corrections. There being no changes to the Minutes, Mr. Longano moved that the Minutes be approved as written. Mr. Rolfsen seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

ZONING MAP AMENDMENT AND VARIANCES - Kevin Wall, Staff; Kim Bunger, Chairman

1. Request of **Andrew Piaskowy (applicant)** for **Sisters of St. Joseph the Worker (owner)** for a Zoning Map Amendment from Office Two (O-2) to Public Facilities (PF), and two Variances to reduce the rear yard building setback and the rear landscape buffer yard, all for a 1.07 acre tract located at 1 Beatrice Avenue, Walton, Kentucky. The request is for a zone change to allow middle school and church related functions and two Variances for a proposed building addition.

Staff Member, Kevin Wall, read the Committee Report, which recommended approval subject to conditions (see Committee Report). The property owner has signed a letter agreeing to the conditions.

Chairwoman Poston asked if the Applicant wished to make a summary statement in regard to items raised at the Public Hearing or discussed in Committee before the Planning Commission takes action on the request. Mr. Andrew Piaskowy (Applicant) was present, but had nothing to add to the Committee Report.

Mrs. Poston asked if there was anyone present who wished to make a summary statement in opposition. There was no response.

At this time, Mr. McMillian moved by Resolution to the City of Walton that the request be approved based on the Committee Report subject to conditions. Mr. Bunger seconded the motion and it passed unanimously.

CHANGE IN CONCEPT DEVELOPMENT PLAN - Todd Morgan, Staff; Greg Breetz, Chairman

2. Request of **Jonathon Woche, AICP (applicant)** for **The Patrick Decastro Trust - Bruce A. Krone, Trustee (owner)** for a Change in an Approved Concept Development Plan in a Commercial Services (C-3) zone for an approximate 1.5 acre site located at 1010 Burlington Pike and 5961 Greenview Drive, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow building additions totaling approximately 3,650 square feet and associated site changes for an existing auto sales and service facility.

Staff Member, Todd Morgan, read the Committee Report, which recommended approval subject to conditions (see Committee Report). The property owner has signed a letter agreeing to the conditions.

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: January 6, 2010

RE: Request of **Andrew Piaskowy (applicant)** for **Sisters of St. Joseph the Worker (owner)** for a Zoning Map Amendment from Office Two (O-2) to Public Facilities (PF), and two Variances to reduce the rear yard building setback and the rear landscape buffer yard, all for a 1.07 acre tract located at 1 Beatrice Avenue, Walton, Kentucky. The request is for a zone change to allow middle school and church related functions and two Variances for a proposed building addition.

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 2030 Future Land Use Map designates the vast majority of the site as "Commercial." This designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." The Committee has concluded that the proposed use of the site for school and church related purposes are functionally equivalent to the uses outlined in the Commercial designation from the perspectives of character and impacts such as traffic, types and levels of activity, and hours of operation. As no active outdoor use of the site is proposed, the outward appearance of the development will not tangibly change from the current office use.
 - B. The Business Activity Element ("Recommended Areas of Commercial Activity," pg. 64) states that the area around Mary Grubbs Highway should "provide a suitable 'front door' to the growing City of Walton." The proposal includes an addition at the rear of the building that will match the design of the existing structure, the existing and proposed improvements are substantially setback from the site's Mary Grubbs Highway frontage, and existing tree cover will be largely retained along the Mary Grubbs Highway frontage and the east property line. The existing access points on Beatrice Avenue will continue to be utilized with no direct access onto Mary Grubbs Highway.

St. Joseph
January 6, 2010

- C. The Public Facilities Element discusses private schools in the County ("Private Schools," pg. 119). It states that the Comprehensive Plan "encourages these schools as long as they meet or surpass the standards of public schools." St. Joseph Academy is specifically listed in the text among five other private or parochial schools in the County. Additionally, the Housing Element ("Geographic Housing Issues, Walton-Verona Area," pg. 80) states that there has been "significant subdivision development during the last decade" in the Walton area, and the Population Element anticipates a substantial population increase for the transportation analysis zone in question. When considering these facts, the Committee has concluded that the Comprehensive Plan anticipates a need for expanded private or parochial schools in the area.
- D. The Goals and Objectives include several provisions which relate to this proposal. These include:
- i. "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). The proposed use of the site will, much like the existing office use of the building in question and the neighboring All Saints Church/St. Joseph Academy complex across Beatrice Avenue, function as an appropriate transitional use between Mary Grubbs Highway and the adjoining residential neighborhood to the north. The proposal also serves as a modest expansion to the established PF zone which consists of the All Saints Church/St. Joseph Academy campus.
 - ii. "Proper design principles shall be applied in development" ("Overall," Objective 3). The proposed building addition will match the existing structure in terms of materials, colors, roof shape, and massing.
 - iii. "Existing vegetation shall be considered as both an important site characteristic and a community resource" ("Environment," Social Objective 4). The existing vegetation along the south and east boundaries of the site will be largely retained.
2. The Committee has concluded that the two requested Variances should be granted as both the 50 foot rear yard building setback and the normal Buffer Yard C requirements would create an unnecessary hardship as described in Section 251 "Application and Standards for Variances" of the Boone County Zoning Regulations.

3. 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. 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 use of the property shall be limited to school and church/parish functions as requested in the application materials, and no active outdoor functions such as play areas shall occur on the site.
2. The design of all building elevations on the proposed addition shall be consistent with the submitted architectural concept in terms of materials, colors, roof shape, and facade composition.
3. A row of columnar evergreen trees shall be provided on the top of the grade that is to the immediate rear of the proposed building addition. A sufficient quantity of trees will be provided so that a continuous evergreen screen will be created when the trees are mature.

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
PUBLIC HEARINGS
DECEMBER 2, 2009
7:30 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Ben Brandstetter
Mr. Greg Breetz
Mr. Kim Bunger
Mr. Jim Carmichael
Mr. Mike Ford
Mrs. Linda Herald
Mr. Jim Longano
Mr. Don McMillian
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Vice Chairman
Mr. Bob Schwenke, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. Mark Hicks
Mrs. Janet Kegley
Mrs. Susan Poston, Chairwoman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Todd K. Morgan, AICP, Senior Planner
Mr. Kevin T. Wall, AICP, Director of Zoning Services

Mr. Charlie Rolfsen, Vice-Chairman, called the meeting to order at 7:30 P.M. and introduced the first item on the Agenda:

APPLICANT: Andrew Piaskowy for Sisters of St. Joseph the Worker

REQUEST: Zoning Map Amendment and Variances

- 1. Request of Andrew Piaskowy (applicant) for Sisters of St. Joseph the Worker (owner) for a Zoning Map Amendment from Office Two (O-2) to Public Facilities (PF), and two Variances to reduce the rear yard building setback and the rear landscape buffer yard, all for a 1.07 acre tract located at 1 Beatrice Avenue, Walton, Kentucky. The request is for a zone change to allow middle school and church related functions and two Variances for a proposed building addition.**

Staff Member, Kevin Wall presented the Staff Report, which included a Power Point presentation. Mr. Wall stated the request is for a Zone Change from Office Two (O-2) to Public Facilities (PF) and two dimensional Variances. The request is to convert an existing office building located at 1 Beatrice Avenue into a middle school and to hold church related functions (such as meetings, seminars, retreats, fund-raising activities, adult evening classes and overflow parking). The Concept Development Plan shows an approximate 3,400-3,500 square foot, two-story addition at the rear of the building. In addition, the interior of the building would be totally renovated. Mr. Wall explained that the Future Land Use Map indicates a Commercial Use on the subject property with a little strip of Suburban Density Residential toward the north side of the property. Due to the topography of the site, there is a two tiered parking lot. The first dimensional variance involves the east side of the building - a 40 foot building setback instead of a required 50 feet. The second dimensional variance involves landscaping or landscaped Buffer Yard Requirement "C". Building elevations were presented.

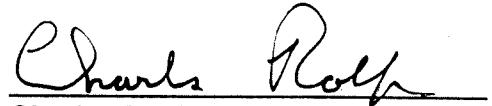
Mr. Wall noted that the proposal needs to be reviewed in relationship to the Comprehensive Plan and the other two criteria outlined in KRS 100. He noted that the text of the Comprehensive Plan discusses the development and expansion of private schools including St. Joseph Academy. Mr. Wall noted that the applicant has submitted a narrative supporting the Zone Change request. In regard to the variances, Mr. Wall provided an analysis of the building setback and landscaping buffer as outlined in the Staff Report. Mr. Wall described the other permitted uses in a PF zoning district and a concern about the building design. Mr. Wall recommended that the applicant consider using the same design, colors and materials for the rear and east side of the building where the dimensional variances are being requested. This would be complimentary to the existing structure. A final comment pertains to Fire Chief, Tom Ollier's request of a new hydrant near the building in order to provide a closer source of water other than Needmore Street.

Mr. Andrew Piaskowy, Architect for the project introduced Sr. Elizabeth Barkett, Principal for St. Joseph Academy and Sr. Mary Catherine Korte, Vice Principal for St. Joseph Academy. Mr. Piaskowy stated that he was in general agreement with the Staff Report. Mr. Piaskowy explained that they plan on bringing the brick veneer around the east elevation and around the building. At the gable end, it would be treated similar as to what is shown on the other elevations. It would be a horizontal lap siding at the gable end. In regard to sprinkling the building, it would be fire protected as required by the Kentucky Building Code. The plan would be to fire suppress the building for this new use. Finally, Mr. Piaskowy submitted four letters from adjoining property owners including one from the east supporting the zone change and two variances.

Mr. Rolfsen asked if there was anyone in the audience that wanted to speak in favor or against the Zone Change request. There was no one in the audience.

There being no further comments, Mr. Rolfsen stated that the Committee Meeting for this item will be on December 16, 2009 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on January 6, 2010 at 7:00 P.M. Mr. Rolfsen closed this Public Hearing at 7:45 P.M.

APPROVED:



Charles Rolfsen,
Vice-Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

Exhibit 1: Letters from John Schulte
Matthew P. Works
Mary Berkemeier
Vera Elaine Willoughby

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: December 16, 2009

RE: Request of **Andrew Piaskowy (applicant)** for **Sisters of St. Joseph the Worker (owner)** for a Zoning Map Amendment from Office Two (O-2) to Public Facilities (PF), and two Variances to reduce the rear yard building setback and the rear landscape buffer yard, all for a 1.07 acre tract located at 1 Beatrice Avenue, Walton, Kentucky. The request is for a zone change to allow middle school and church related functions and two Variances for a proposed building addition.

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.

St. Joseph

December 16, 2009

Kim Bunger

Kim Bunger, Chairman

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Ben Brandstetter

Ben Brandstetter

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Greg Breetz

Greg Breetz

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Janet Kegley

Janet Kegley

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

Charlie Rolfsen

Charlie Rolfsen

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Judy Arnett (Alternate)

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

Linda Herald (Alternate)

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

Charlie Reynolds (Alternate)

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

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

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

www.boonecountyky.org/pc
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

December 18, 2009

Sr. Elizabeth Ann Barkett
Sisters of St. Joseph the Worker
c/o Mr. Andrew Piaskowy
Piaskowy & Cooper PSC
14 East 8th Street
Covington, KY 41011

FAX: 431-8611

RE: Recommended Conditions of Approval for Zone Change Application from O-2 to PF and Variances for Middle School and Church/Parish Functions, 1 Beatrice Avenue, Walton, Kentucky

Dear Sr. Elizabeth Ann:

The following represents the conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their 12/16/09 meeting. If you, as the authorized representative of 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 Thursday, December 31, 2009.

CONDITIONS

1. The use of the property shall be limited to school and church/parish functions as requested in the application materials, and no active outdoor functions such as play areas shall occur on the site.
2. The design of all building elevations on the proposed addition shall be consistent with the submitted architectural concept in terms of materials, colors, roof shape, and facade composition.
3. A row of columnar evergreen trees shall be provided on the top of the grade that is to the immediate rear of the proposed building addition. A sufficient quantity of

trees will be provided so that a continuous evergreen screen will be created when the trees are mature.

Sincerely,

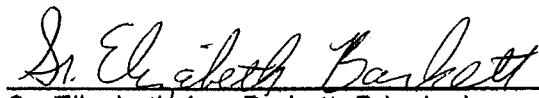


Kevin T. Wall, AICP
Director, Zoning Services

KTW/vlm

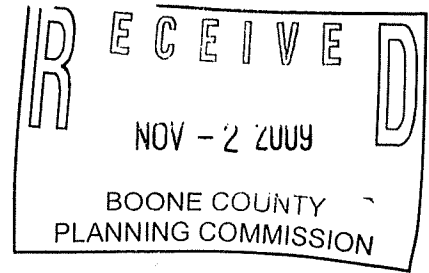
AGREEMENT

I, the authorized representative for the property owner of the 1.07 acre tract located at 1 Beatrice Avenue, Walton, Kentucky, agree to the conditions listed herein for the above referenced Zoning Map Amendment and Variance application.



Sr. Elizabeth Ann Barkett, Principal
St. Joseph Academy

Jan. 4, 2010
Date



RETURN TO:

Property Transfer Tax Paid \$ _____
Rena Ping, Clerk D.C. _____

RETURN TO:
DENNIS C. HELMER
7415 Burlington Pike, Suite B
Florence, Kentucky 41042

DEED

KNOW ALL MEN BY THESE PRESENTS:

That WILLIAM M. WALLER and LEOLA C. WALLER, his wife, grantors, for and in consideration of Two Hundred Fifty-Five Thousand Dollars (\$255,000.00) and other good and valuable consideration to them paid by grantee, the receipt whereof is hereby acknowledged, do hereby bargain, sell and convey to the SISTERS OF SAINT JOSEPH THE WORKER, INC., a Kentucky Non-Profit Corporation, by and through its Superior General, MOTHER CELESTE MARIE DOWNES, its successors and assigns forever, the following described real estate, lying in Boone County, Kentucky to-wit

Grantors Mailing Address: 2658 Verona-Mudlick Road, Verona, Kentucky 41092
Grantee Mailing Address: 1 Saint Joseph Lane, Walton, Kentucky 41094
Property Tax Mailing Address: 1 Saint Joseph Lane, Walton, Kentucky 41094
Property Street Address: 1 Beatrice Avenue, Walton, Kentucky 41094

GROUP NO. 7 (for lots 73, 74 & 75)
8 (for lots 76, 84 & 86)

Being all of Lot 84, part of Lots 73 through 83 and part of Lot 86, Glenn Subdivision, as shown on plat recorded in Plat Book 1, page 3, Boone County Clerk's records at Burlington, Kentucky and forming a parcel described as follows:

Located on the East side of Beatrice Avenue and North side of Kentucky Highway 14 & 16 and I-75 Connector at their intersection, and is described thus: BEGINNING at

a point in the East right-of-way of Beatrice Avenue, 17.5 feet from the centerline; thence with said right-of-way for four calls: South 13° 57' 43" East, 25.89 feet to a concrete monument; thence South 24° 57' 56" East, 44.30 feet to a concrete monument; thence South 24° 25' 56" East, 112.10 feet to a concrete monument, 50 feet left of the centerline; thence South 16° 22' 54" East, 118.37 feet to the controlled right-of-way fence 138.22 feet from the centerline; thence with said fence for one call North 60° 18' 11" East, 155.96 feet; thence with the remaining land of the Grantor North 13° 49' 19" West, 260.73 feet to a fence; thence South 74° 26' 18" West, 184.69 feet to the beginning and containing 1.06 acres, as surveyed by James E. Ransom, Ky. L.S. No. 111, which survey was approved on July 1, 1981, Boone County Planning Commission, as evidenced by instrument recorded in Miscellaneous Book 124, page 54.

Being the same property conveyed to the Grantors by WILLIAM ROBINSON and MARY ROBINSON, his wife, by deed dated the 28th day of July, 1982 and recorded in Deed Book 295, Page 160, in the office of the Boone County Clerk, Burlington, Kentucky.

Together with all the privileges and appurtenances to the same belonging. To have and to hold the same to the said SISTERS OF SAINT JOSEPH THE WORKER, INC., its successors and assigns forever, with covenants of general warranty.

IN WITNESS whereof the said WILLIAM M. WALLER and LEOLA C. WALLER, his wife, grantors, hereunto set their hands this 31st day of August, 2009. Grantee executes this instrument for the sole purpose of giving the consideration certificate.

CONSIDERATION CERTIFICATION

We, WILLIAM M. WALLER and LEOLA C. WALLER, his wife, grantors, and SISTERS OF SAINT JOSEPH THE WORKER, INC., by and through its Superior General, MOTHER CELESTE MARIE DOWNES, grantee, do hereby certify, pursuant to KRS Chapter 382, that the fair market value of said property is \$625,000.00 and the above-stated consideration in the amount of

\$255,000.00 is the true, correct and full consideration paid for the property herein conveyed. The balance of said consideration in the amount of \$370,000.00 is transferred by gift and without consideration.

William M. Waller
WILLIAM M. WALLER, Grantor
2658 Verona-Mudlick Road
Verona, Kentucky 41092

Leola C. Waller
LEOLA C. WALLER, Grantor
2658 Verona-Mudlick Road
Verona, Kentucky 41092

STATE OF KENTUCKY
COUNTY OF BOONE

The foregoing was acknowledged and sworn to before me this the 31st day of August, 2009 by WILLIAM M. WALLER and LEOLA C. WALLER, his wife, grantors herein, to be their act and deed.

My commission expires: February 23, 2013

Dominic C. Johnson
NOTARY PUBLIC

SISTERS OF SAINT JOSEPH THE
WORKER, INC., Grantee


BY: Mother Celeste M. Downes, SJW
**MOTHER CELESTE MARIE
DOWNES, SJW**, Superior General
1 Saint Joseph Lane
Walton, Kentucky 41094

STATE OF KENTUCKY

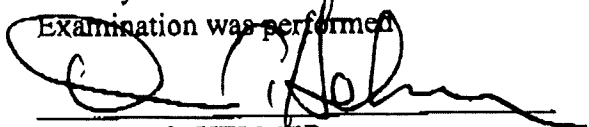
COUNTY OF BOONE

The foregoing was acknowledged and sworn to before me this the 31st day of August, 2009 by SISTERS OF SAINT JOSEPH THE WORKER, INC., grantee herein, by and through its Superior General, MOTHER CELESTE MARIE DOWNES, to be its act and deed.

My commission expires: February 23, 2013


NOTARY PUBLIC

I certify that I drafted this Deed. No Title Examination was performed

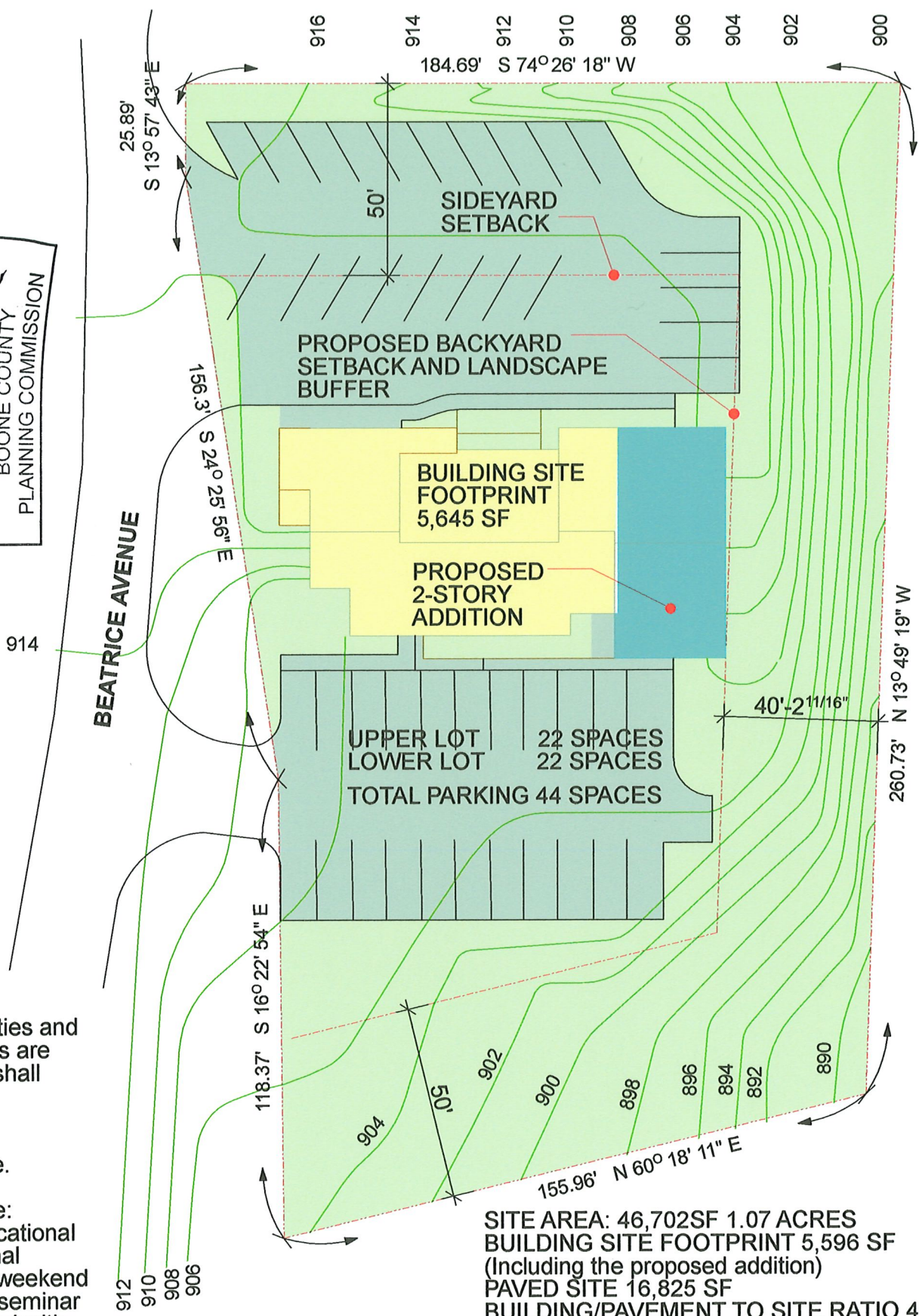


DENNIS C. HELMER
Of Dennis C. Helmer, P.S.C.
7415 Burlington Pike, Suite B
Florence, Kentucky 41042
(859) 371-0730

Boone County
D969 PG 998

DOCUMENT NO: 309992
RECORDED ON: AUGUST 31, 2009 02:26:00PM
TOTAL FEES: 120.00
TRANSFER TAX: 4625.00
GROUP : 7
COUNTY CLERK: KERRY PING
COUNTY: BOONE COUNTY CLERK
NOTARY CLERK: ALTE SPOULDRING
BOOK PAGE: PAGES 998 - 998

RECEIVED
 OCT 30 2009
 BOONE COUNTY
 PLANNING COMMISSION



Notes:
 All public utilities and infrastructures are existing and shall remain.

Original use :
 medical office.

Proposed use:
 primarily educational
 with occasional
 evening and weekend
 meeting and seminar
 use associated with
 Parish activities.

SITE AREA: 46,702SF 1.07 ACRES
BUILDING SITE FOOTPRINT 5,596 SF
 (Including the proposed addition)
PAVED SITE 16,825 SF
BUILDING/PAVEMENT TO SITE RATIO 48%
RATIO OF ADDITION (2,748SF) TO ENTIRE
BUILDING + IMPERVIOUS AREA (24,814SF) = 9%

Proposed St. Joseph Academy Middle School

1 Beatrice Avenue Walton, Kentucky



**Proposed
St. Joseph Academy Middle School
1 Beatrice Avenue Walton, Kentucky**

MAP.AMENDMENT:

We request the current O-2 zone at 1 Beatrice Avenue be changed to PF to allow the existing owner to occupy and expand the entire existing structure for the the Saint Joseph Academy to expand their educational program and use currently provided in the adjacent PF zone. We request any additional conditional use to allow occupancy for occasional church related meetings,seminars, fundraising activities that do not conflict with the school schedule and calendar.

We believe the map amendment is in agreement with the adopted comprehensive plan. The amendment would eliminate an isolated O-2 use contained on a single property and would expand the adjacent PF zone. Expansion of the school is dictated by the growth and development in the City of Walton and Boone County. The school would required 2 parking spaces per classroom for a total requirement of 12. Current parking far exceeds the minimum required, however the parking is used for overflow church event parking and the school classrooms could be used for occasional church sponsored events such as adult evening classes or weekend retreat activities.

It is anticipated the existing utilities are adaqate to serve the proposed addition. Earthwork will disturb the existing site minimally and no change is proposed for the existing storm water system and parking areas except for much needed repairs. Transportation pattens are dictated by the existing school and given the proximity to Mary Grubbs Highway do not adversely impact the adjacent residential communities. Except for morning and afternoon drop off and pick-up the proposed change from a medical office would reduce the vehicular traffic on Beatrice Avenue.



Proposed
St. Joseph Academy Middle School
1 Beatrice Avenue Walton, Kentucky

VARIANCE REQUEST FOR BACKYARD SETBACK:

We request a reduction of the back yard setback from 50 feet to 40 feet.

The topography and existing natural vegetation along the East property line does not apply to other parcels in the general vicinity or same zone. Existing site conditions do not permit easy development of the adjoining property and provide a natural buffer to the adjoining residential zone.

The proposed addition is the most economically feasible location to provide additional classroom space. Strict adherence to the back yard setback would create an unnecessary economic hardship on the Owner.

Current parking arrangements are as efficient as possible;e. Building on one or another of the existing parking areas would require additional hard pavement to manage on site vehicular circulation and less net green space.



VARIANCE REQUEST FOR LANDSCAPE BUFFER YARD:

We request the landscape buffer yard be reduced to 30 foot width without the required 6 foot high berm, fence, or masonry wall along the East property line and that since no work is proposed along the North and south property lines no additional landscape or fencing be required.

The topography along the East property falls away with the setback and landscape buffer approx. 20 feet which would render a 6' high berm or fence ineffective. Work to install a berm or fence would disturb existing natural vegetation which not only meets but exceeds the purpose of the prescribed buffers. The existing undeveloped area exceeds 2 acres of undisturbed forest.

Although the zoning code requires the buffer be installed adjacent to an undeveloped parcel per the zoning designation, the topography of the adjacent residential zone makes development very difficult if not economically impossible to achieve.

**Proposed
St. Joseph Academy Middle School
1 Beatrice Avenue Walton, Kentucky**



ADJOINING PROPERTY OWNERS AND CURRENT ZONING

- A** 1 Beatrice Avenue
Sisters of Saint Joseph the Worker
- B** 44 Needmore Street
Matthew and Shawna Works 44 Needmore Street Walton KY 41094
- C** 40 Needmore Street
Samuel and Barbara Schadler 12915 Pennington Road Walton KY 41094
- D** 36 Needmore Street
Joseph Kolar 36 Needmore Street Walton KY 41094
- E** 28 Needmore Street
Edward Berkemeier, William and Mary Berkemeier 28 Needmore Street
Walton KY 41094
- F** Walton Land Development LLC 8080 Steilen Drive Florence, KY 41042
- G** Walton Towne Center 8044 Montgomery Road, Suite 520 Cincinnati, OH 45236
- H** Litmer Properties LLC 305 Mary Grubbs Highway Walton KY 41094
- J** 62 Needmore Street
All Saints Church 62 Needmore Street Walton KY 41094

Proposed
St. Joseph Academy Middle School
 1 Beatrice Avenue Walton, Kentucky

CITY OF WALTON, KENTUCKY
ORDINANCE NO. 2010-03

AN ORDINANCE APPROVING AND ADOPTING A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL, WITH CONDITIONS, FOR A REQUEST FOR A ZONING MAP AMENDMENT AND TWO VARIANCES.

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 Andrew Piaskowy (Applicant) on behalf of Sisters of St. Joseph the Worker (Owner) for a Zoning Map Amendment to the Boone County Zoning Map, and such Zoning Map Amendment being a zone change from Office Two (O-2) to Public Facilities (PF), and two Variances to reduce the rear building yard setback and the rear landscape buffer yard, all for a 1.07 acre site located at 1 Beatrice Avenue, Walton, Kentucky; and,

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

WHEREAS, the City of Walton, has received Resolution R-10-001-A of the Boone County Planning Commission recommending approval for this request; and,

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

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

SECTION ONE

The request for a Zoning Map Amendment with conditions is hereby approved. The Zoning Map Amendment is a zone change from Office Two (O-2) to Public Facilities (PF), and two Variances to reduce the rear building yard setback and the rear landscape buffer yard, all for a 1.07 acre site located at 1 Beatrice Avenue, Walton, Kentucky. The real property which is the subject of this request for a Zoning Map Amendment is more particularly described in Deed Book 969, Page 995 (as supplied by the Applicant) as recorded in the Boone County Clerk's records.

SECTION TWO

Resolution R-10-001-A of the Boone County Planning Commission, recommending approval of the Zoning Map Amendment, with conditions, and two Variances, is hereby approved and adopted. The Resolution, along with the minutes and official records for this request, are attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION THREE

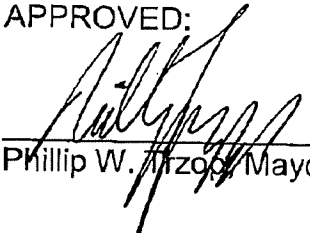
This Ordinance shall take effect and shall be in full force after its enactment and publication as required by law.

PASSED AND APPROVED on first reading by 6 Members of City Council on the 8TH day of MARCH, 2010.


PASSED AND APPROVED on second reading by 5 Members of City Council on the 12TH day of APRIL, 2010.

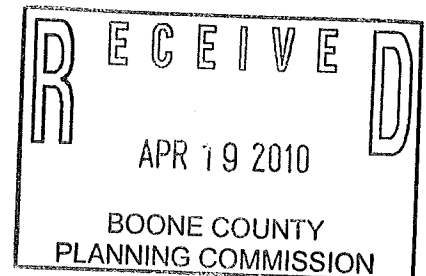
DATE OF PUBLICATION: April 29, 2010, 2010.

APPROVED:


Phillip W. Arzoo, Mayor

ATTEST:


Peggy Gray, City Clerk



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

Phone number:
859-485-4383

Fax Number:
859-485-9710

Fax Transmittal Form

To: Kevin Costello

From: Peggy Gray, City Clerk

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

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

Date: Time: Pages:

Urgent
 Please Reply
 For your Approval

As Requested
 For Review and Comment
 Confidential

Message:

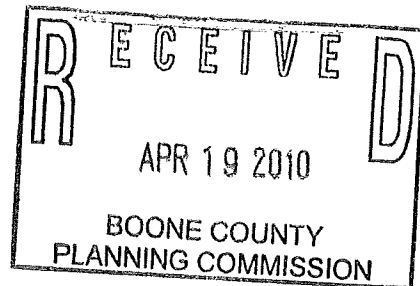
Kevin

Ordinance 2010-03

Ordinance 2010-04

Thanks,

*Peggy Gray
City Clerk*



"This message may contain confidential and/proprietary information, and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited."