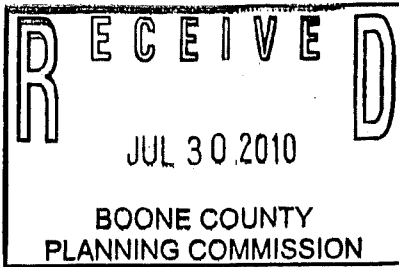


7/28/10



APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

(See Boone County
Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project Walton Station Apartments
2. Location of Project Wenstrup Drive, Walton, Kentucky
3. Total Acreage of Site 6.9 Acres
4. Current Zoning of Site C-2 & I-1 (C-2 4.3 Ac. & I-1 2.6 Ac.)
5. Proposed Zoning (Classification being requested) UR-2
6. Proposed Uses (please specify each use) Multi-Family Apartments
(96 Units)
7. Names of Applicant(s) James W. Berling
Phone Number 859-331-9191 Fax No. 859-344-7422
8. Address of Applicant(s) 1671 Park Road, Suite One
Ft. Wright, Kentucky 41011
City State Zip
9. Name of Property Owner(s) Walton Land Development Co., LLC
Phone Number 859-282-6900 Fax No. 859-282-6901
10. Address of Property Owner(s) 8080 Steilen Drive
Florence, Kentucky 41042
City State Zip
11. Proposed Building Intensities (please specify) 4 buildings of 24 units
12. Are there any existing buildings on the site? No
How many? _____
13. Deed Book 900 - 908 Page No. 685 - 481 Group No. 2082
14. Are you also applying for:
_____ Conditional Use Permit
_____ Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? No
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- N/A Boone County Water District
- N/A Florence Public Services Dept.
- NO Duke Energy
- N/A Sanitation District #1
- NO Cincinnati Bell
- NO Owen Electric Cooperative, Inc.
- NO Boone County Public Works Department
- NO Kentucky Transportation Cabinet
- NO Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

(over)

EXHIBIT

“A”

STAFF REPORT

Request of **James W. Berling (applicant)** for **Walton Land Development Co., LLC (owner)** for a Zoning Map Amendment from Commercial Two (C-2) and Industrial One (I-1) to Urban Residential Two (UR-2) for a 6.9 acre site located on the east side of Wenstrup Drive, approximately 700 feet south of the Wenstrup Drive/Towne Center Drive intersection, Walton, Kentucky. The site is also known as a portion of the property at 13066 Service Drive, Walton, Kentucky. The request is for a zone change to allow multi-family dwellings.

September 1, 2010

REQUEST

The Applicant is requesting this Zoning Map Amendment from Commercial Two (C-2) and Industrial One (I-1) to Urban Residential Two (UR-2) in order to develop a 96-unit apartment complex (4 buildings @ 24 units each). The request is to change 4.74 acres from Commercial Two (C-2) and 2.16 acres from Industrial One (I-1), for a total of 6.9 acres, to Urban Residential Two (UR-2). The proposed 96 units located on 6.9 acres is 13.9 dwelling units per acre. The UR-2 zone allows a maximum of 20 dwelling units per acre. The submitted concept plan also shows a "Proposed City of Walton Park" adjoining to the north separating proposed lots 18 & 19 from the apartment complex. The proposed park is not part of this application.

The Walton Towne Center Special Sign District applies only to the C-2 zoned portion of this property. However, the proposed apartment entrance drive is located within the portion of the property currently zoned I-1. The permitted signage for this development, if approved, would be an eight-foot high monument style entrance sign with a maximum of 100 square feet for one (1) sign or 50 square feet for two (2) signs located on opposite sides of the entry drive.

WALTON TOWNE CENTER HISTORY

The Boone County Planning Commission held a public hearing on August 17, 2005 for a Zoning Map Amendment from Industrial One (I-1) to Commercial Two (C-2) for an approximate 130 acre tract which is now the limits of the Walton Towne Center Commercial Subdivision. The remaining Quality Forest Products property remained Industrial One (I-1). In 2007, a public hearing was held for a Special Sign District for the Walton Towne Center Commercial Subdivision. In 2009, a public hearing was held to amend the Special Sign District approved by the City of Walton.

ADJACENT ZONING AND LAND USES

- North: Property owned by Walton Land Development zoned Commercial Two (C-2) and shown as "Proposed City of Walton Park."
- West: Undeveloped property owned by Walton Land Development zoned Commercial Two (C-2) and Industrial One (I-1) and individual residences accessed from Service Road zoned Rural Suburban Estates (RSE).
- South: Undeveloped property owned by Walton Land Development zoned Industrial One (I-1).
- East: Across CSX Railroad, property owned by Boone Lake Inc. zoned Suburban Residential One (SR-1).

RELATIONSHIP TO COMPREHENSIVE PLAN

The Future Land Use Map shows the subject property as Commercial (C) and Business Park (BP). These classifications are defined in the adopted Comprehensive Plan as:

- C: "Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."
- BP: "A mix of office warehouse, research, office, and light industrial uses in a park-like, office campus setting with large building setback, low floor area ratio, integrated pedestrian and recreation facilities, constant architectural and signage theme, extensive landscaped areas, and attractive entrance treatment. This land use is recommended for high visibility areas and transition areas between industrial and residential land uses."

The Land Use Element within the 2005 *Boone County Comprehensive Plan* only refers to this general area by stating:

"The Walton area should experience gradual commercial, residential, and industrial growth. This growth should result primarily from the Walton interchange, and its location near the intersection of I-71 and I-75."

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

- A. Proper planning is achieved through specific land use regulation tools and coordination with public infrastructure ("Overall," Goal).

- B. Boone County shall be viewed as an integral part of the Cincinnati Metropolitan Area ("Overall," Objective 1).
- C. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- D. Proper design principles shall be applied in development ("Overall," Objective 3).
- E. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained and improved as needed ("Overall," Objective 4).
- F. The needs of Boone County's population are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- G. New development or redevelopment within Boone County is designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are enhanced. Development within Boone County preserves and promotes a better quality of life ("Environment," Goal).
- H. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used. Residential development design in particular should minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ("Environment," Physical Objective 2).
- I. Safe, environmentally sound, and sanitary housing exists for all Boone County Residents ("Housing," Goal).
- J. A broad range of housing opportunities shall be provided which meet the needs and desires for all household types ("Housing," Objective 1).
- K. Housing supply in Boone County shall be balanced against present and planned commercial, industrial, and education needs. Primary and Secondary education capacity shall be evaluated during housing development review ("Housing," Objective 4).

- L. In order to offer the citizens of Boone County maximum choice of living environment, residential developments shall be judged primarily on the impact on infrastructure, buffering, and development design with only secondary consideration given to the type of dwelling units ("Housing," Objective 5).
- M. Mixed use, higher density neighborhoods shall be encouraged to locate at proposed mass transit stations near commercial districts and public facilities (i.e. parks) and also have convenient access to major streets and highways ("Housing," Objective 10).
- N. Where existing infrastructure, services, and the public school system are not adequate, development shall be phased to coordinate with the provision of these items ("Housing," Objective 14).

STAFF CONCERNS/COMMENTS

1. The portion of this property that is currently zoned I-1 is not part of the Walton Towne Center Special Sign District. The Special Sign District only applies to the C-2 property within the Walton Towne Center development. The permitted signage for this development, if approved, would be an eight-foot high monument style entrance sign with a maximum of 100 square feet for one (1) sign or 50 square feet for two (2) signs located on opposite sides of the entry drive. Signage/advertising for this development is only permitted on this property. No directional signage/advertising is permitted off-site.
2. Staff could not identify anywhere on the concept plan whether the applicant is proposing street lights and sidewalks from the development to the shopping center, possible future library, etc. Sidewalks in front of the apartment buildings and a sidewalk connection out to the public right-of-way is required. Staff would like to see these sidewalk connections shown on a revised concept plan.
3. Page 3 of the applicants presentation submitted as part of their concept plan states "all brick building with some vinyl siding on gables and porches" and "2 and 3 bedroom units." Staff wants to know (1.) if this applies to all sides of all buildings (including garages) and (2.) What is the proposed breakdown between 2 and 3 bedroom units?
4. The applicant's photos show a swimming pool however there is no pool on the concept plan. Is one proposed at this time or are there future phases? What amenities are proposed with this apartment complex?
5. What is the plan for the rail spur that was utilized by Quality Forest Products?

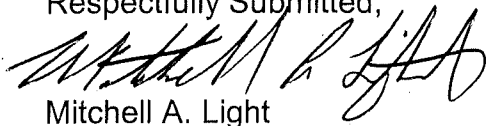
6. Staff understands how this can be seen as a transitional use from the commercial subdivision to potentially more residential development along Wenstrup Drive, but Staff is concerned that the remaining land could develop with the current I-1 zoning and potentially leave these 96 units on an "island" of residential between commercial and industrial.

CONCLUSION

The Boone County Planning Commission and the City of Walton must review this request on the basis of its relationship to the Comprehensive Plan and in terms of the three (3) criteria necessary for a Zoning Map Amendment.

1. The map amendment request is in agreement with the adopted Comprehensive Plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or,
2. The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate; or,
3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted Comprehensive Plan that substantially alter the area's character.

Respectfully Submitted,

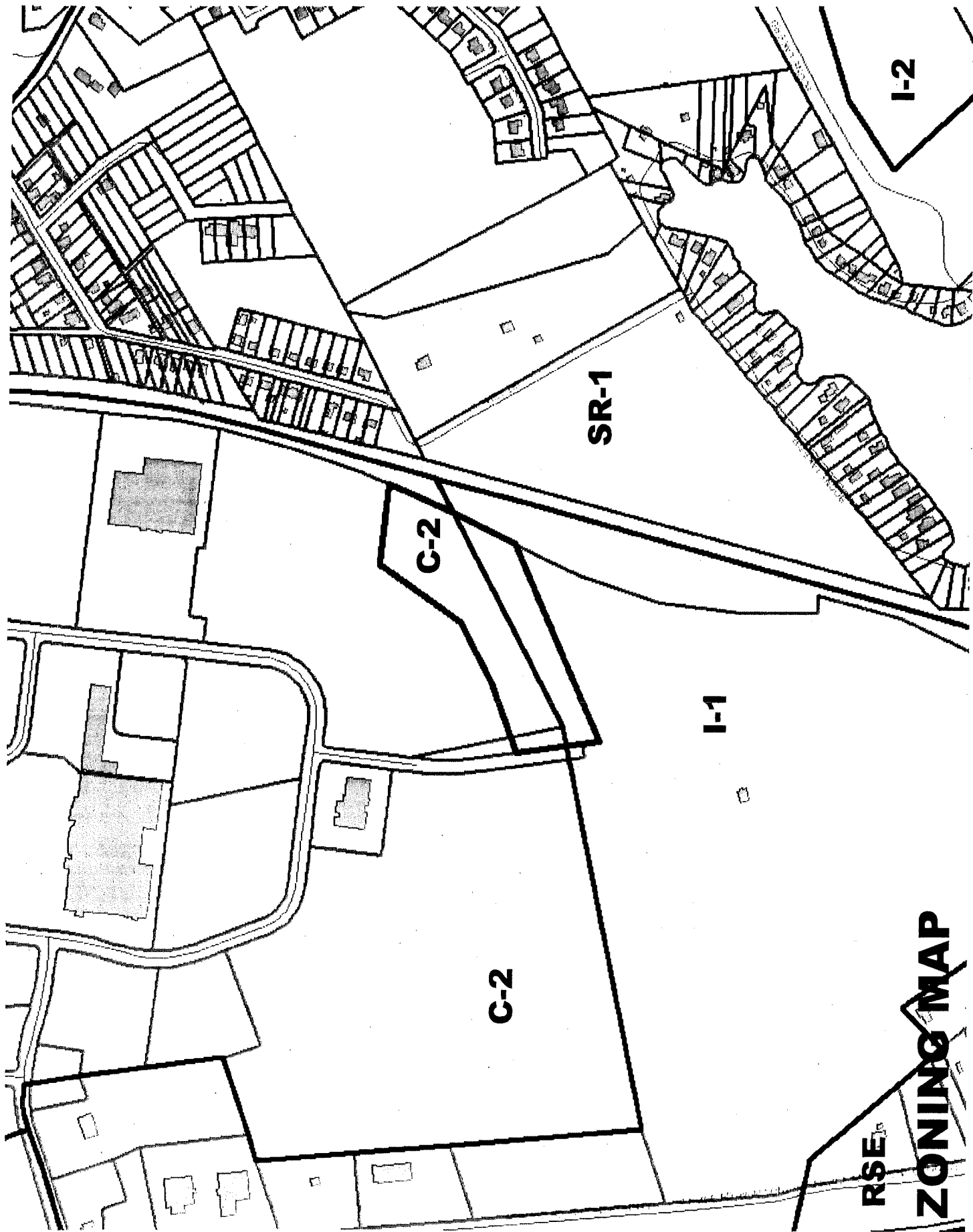


Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

MAL/pr

Attachments:

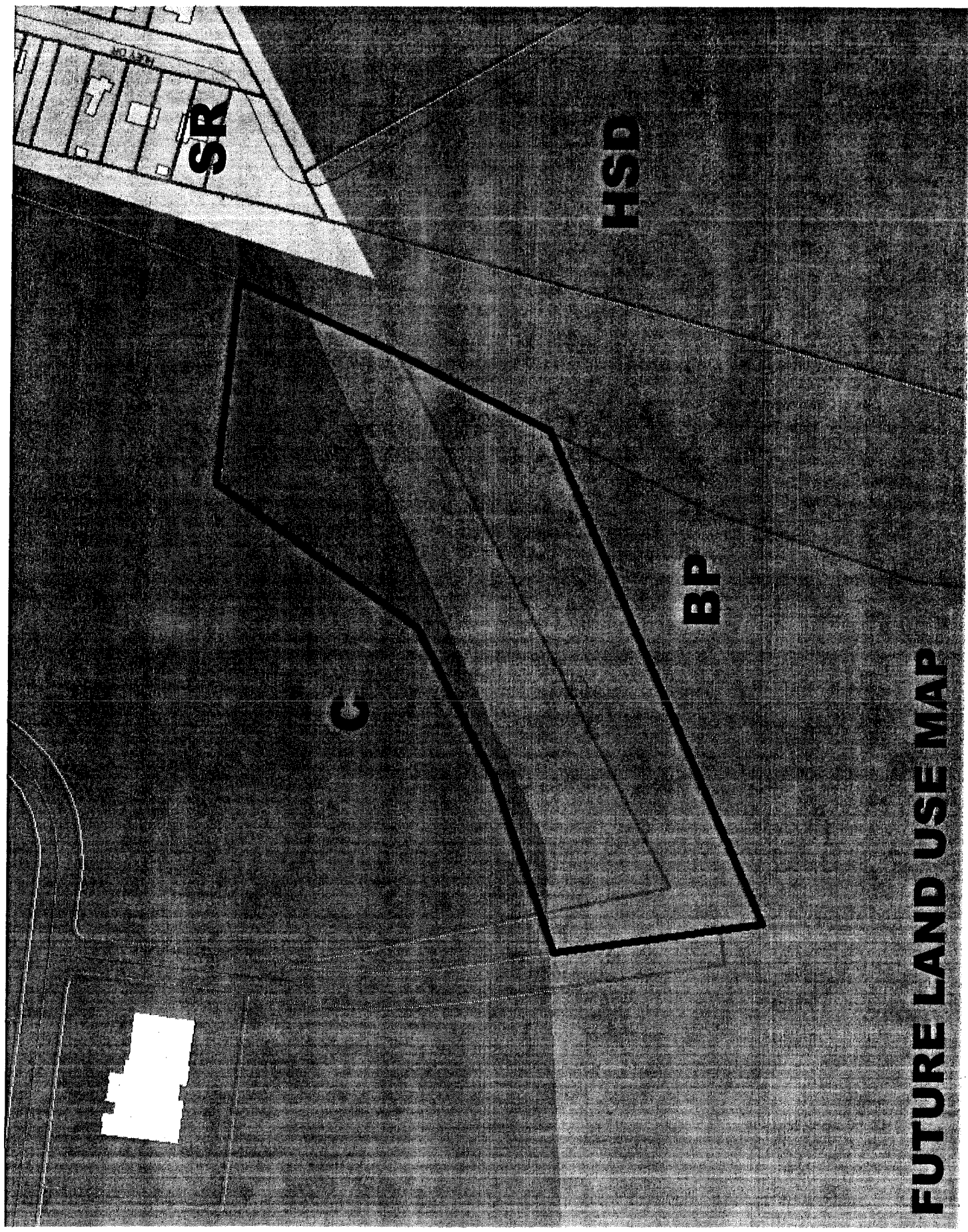
- Vicinity Map
- Zoning Map
- Future Land Use Map
- Concept Development Plan
- Application
- Letter from the Walton-Verona School Board
- E-mail from the Superintendent of the Walton-Verona School Board
- Letter from CSX



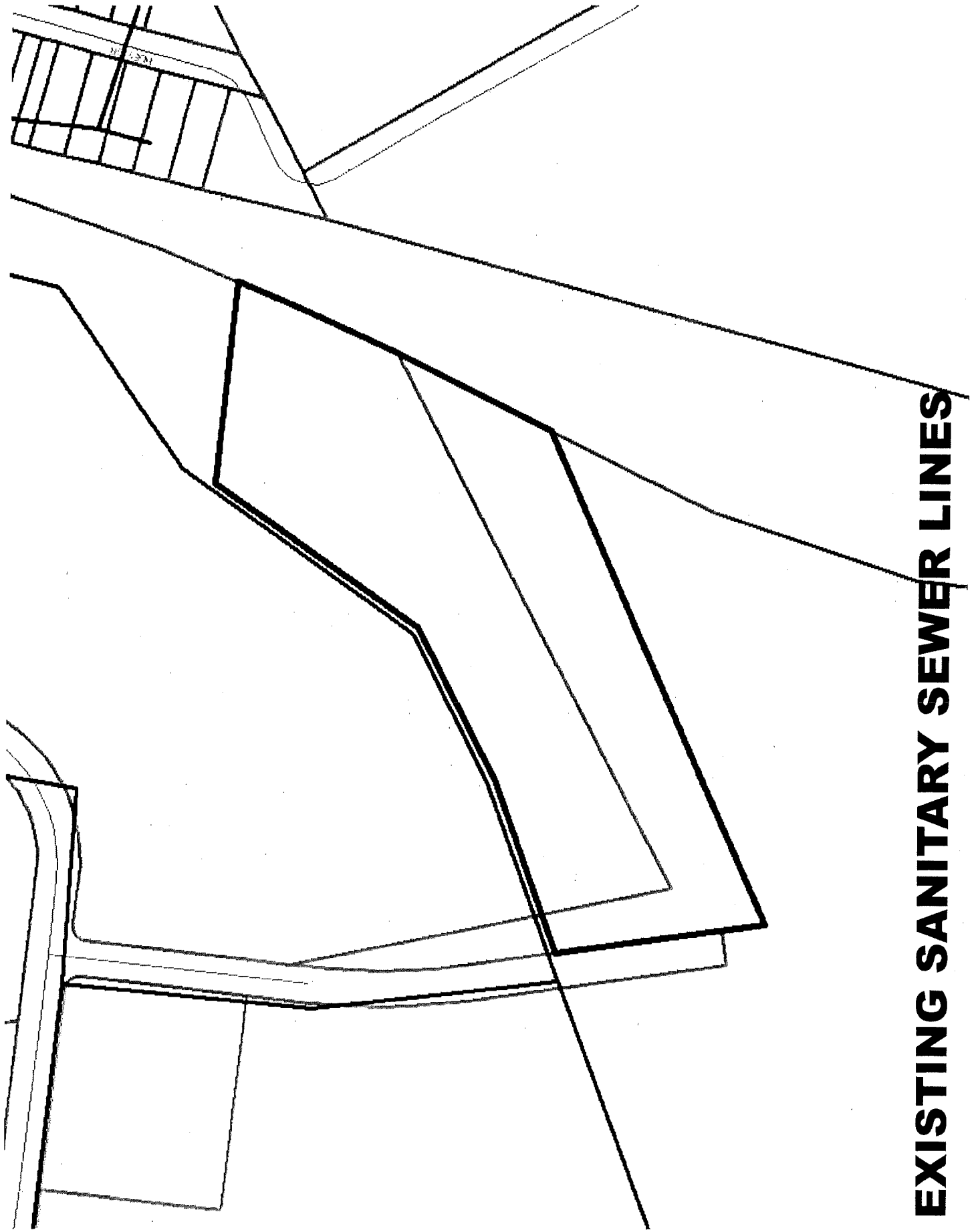
RSE^{INC}
ZONING MAP



VICINITY MAP



FUTURE LAND USE MAP



EXISTING SANITARY SEWER LINES

WALTON STATION APARTMENTS

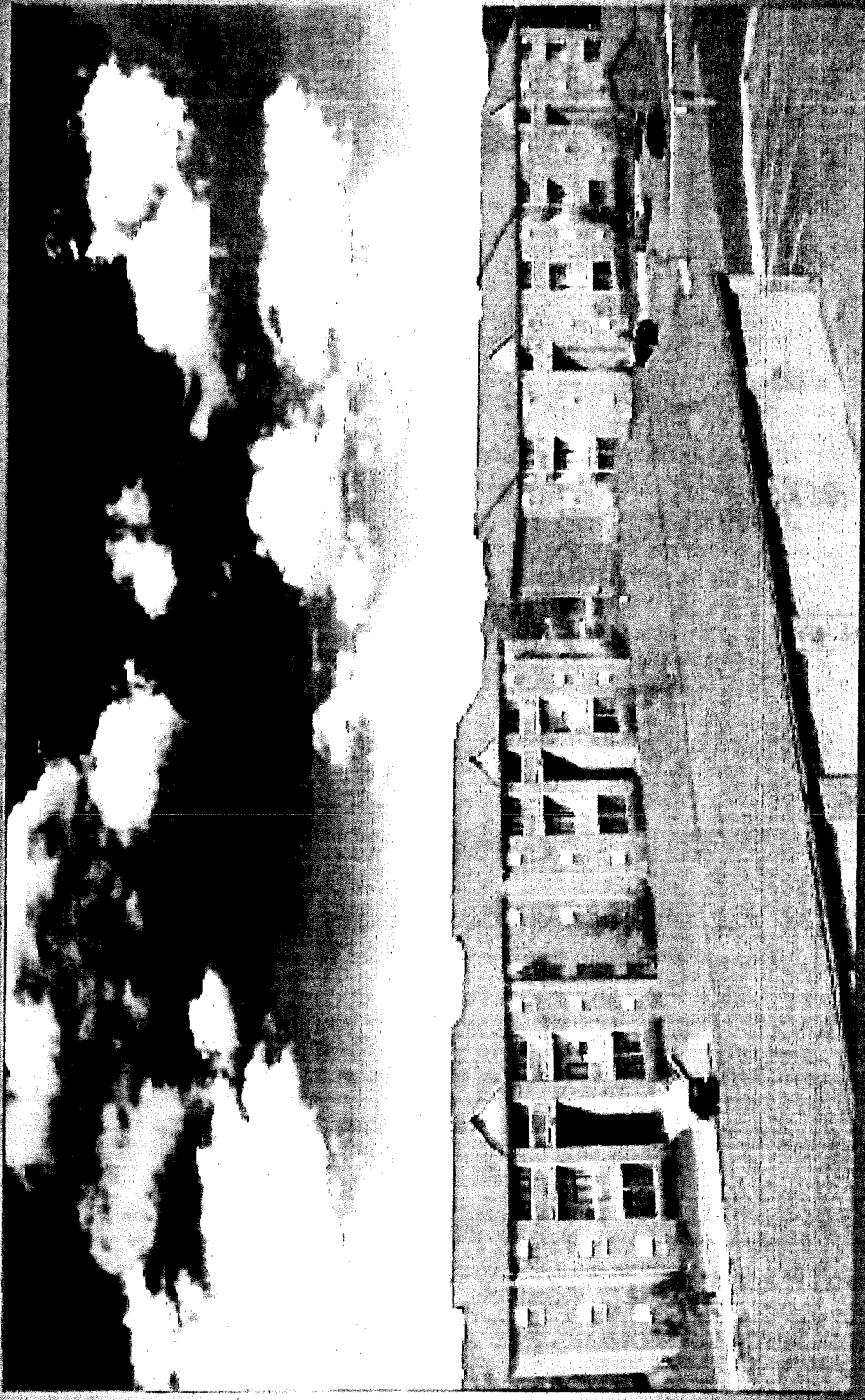
LUXURY APARTMENT COMMUNITY BY:

DEVELOPER:

FRED BURNS AND ASSOCIATES

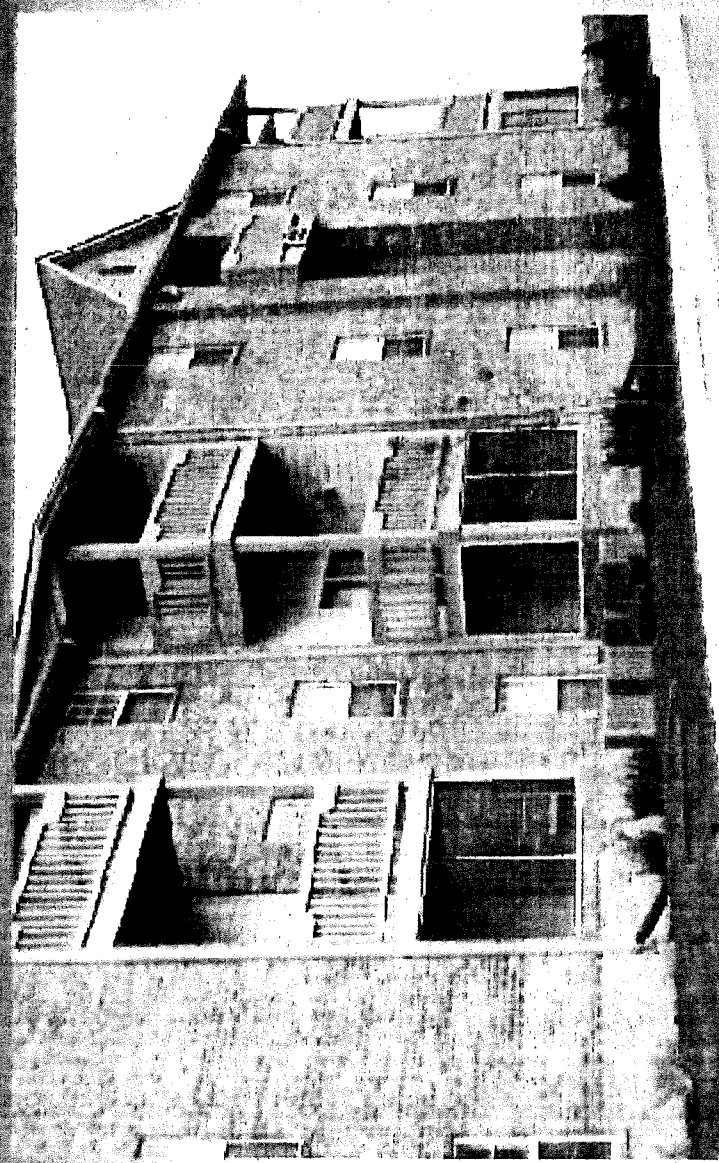
PROPOSAL

WALTON STATION, ALABAMA



Apartment Home Features

- Energy Efficient
- Washer & Dryer Connections
- Fully Furnished Kitchens
- Electric Self Cleaning Range
- Dishwasher
- Microwave
- Refrigerator with Ice Maker
- Large Walk-In Closets
- Vaulted Ceilings



Mini Blinds

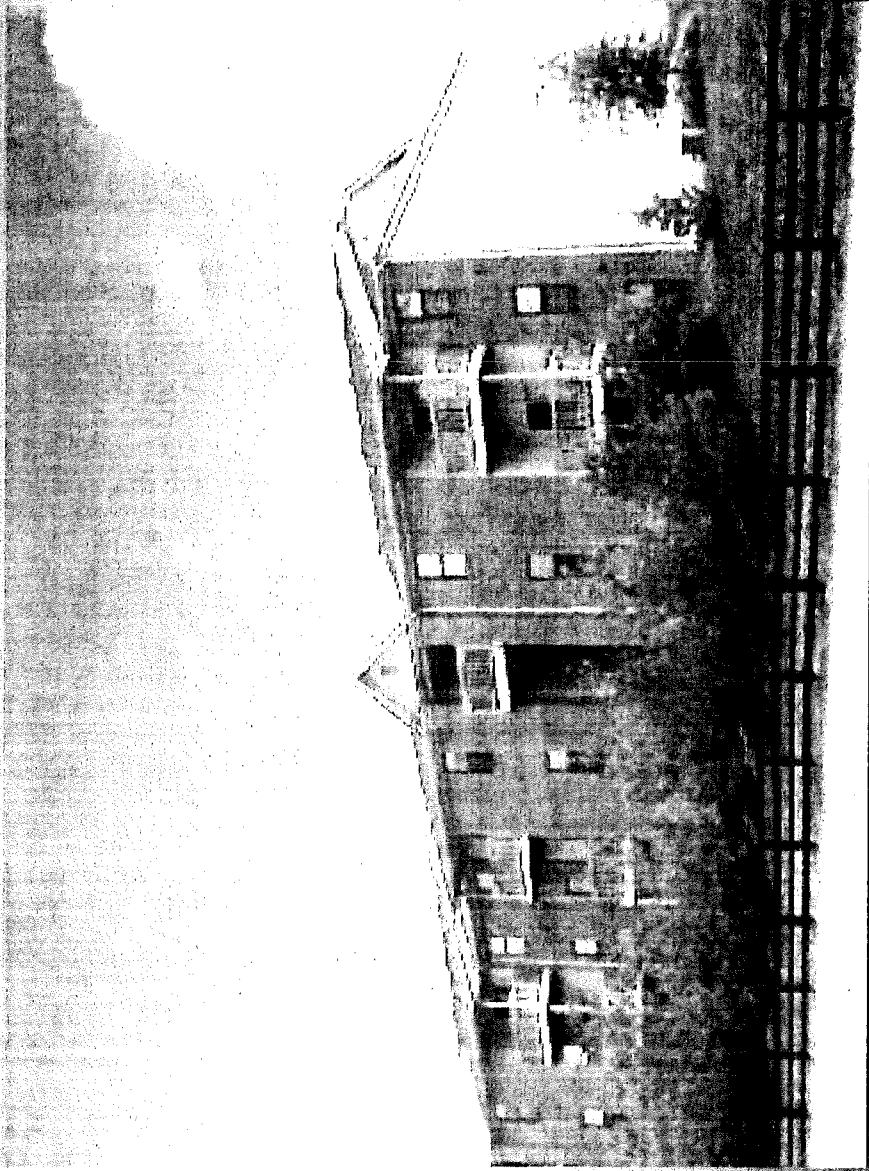
- Ceiling Fans
- Carpeting

Picture of a Proposed Building

All Brick Building with some wood siding on 2nd and 3rd floors

© 2003 J. B. BROWN, JR., INC.

PROPOSED DENSITY



- 72 - 96 Units Total

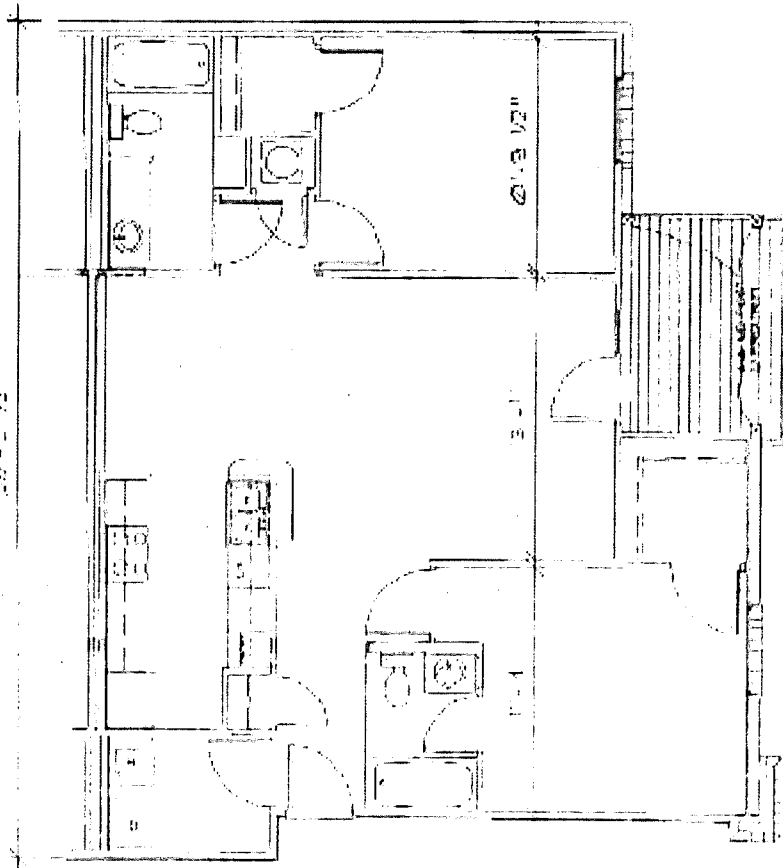
- 2 Bedrooms @ \$825.00 / month
- 3 Bedrooms @ \$975.00 / month

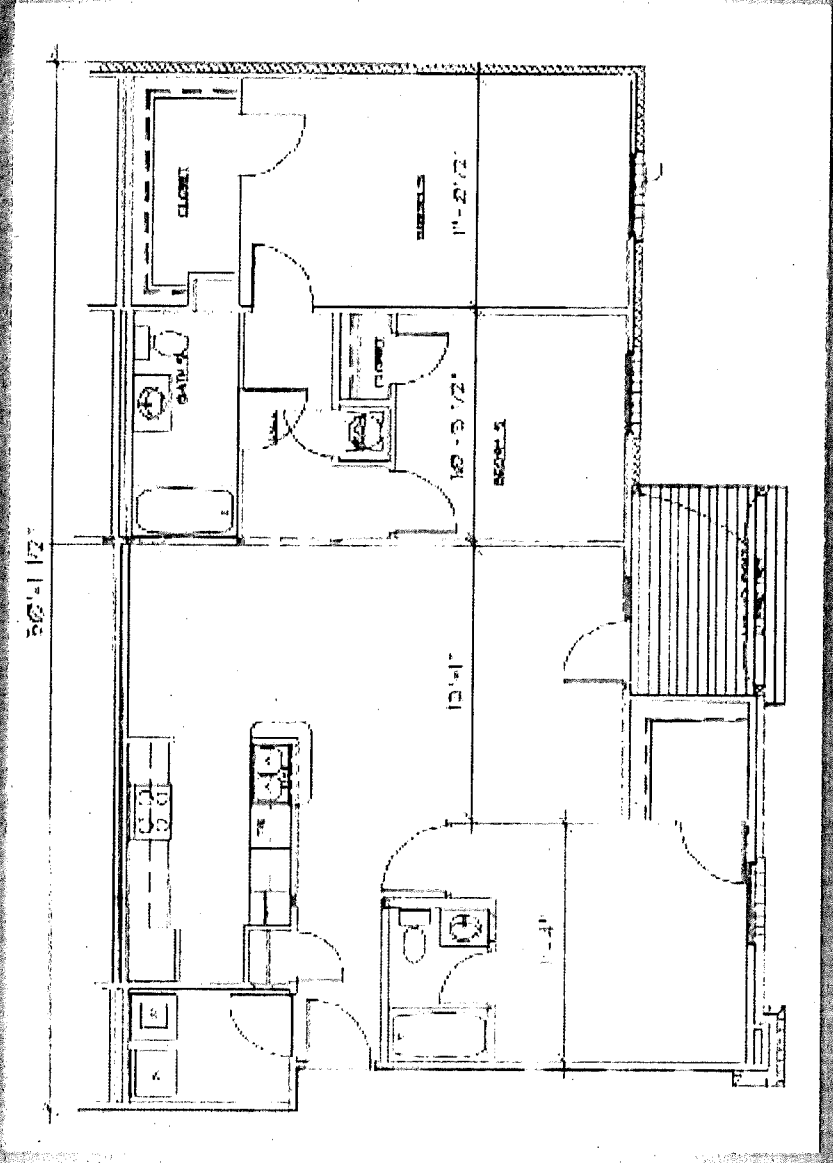
Site is approx. 6.9 Acres

Maximum Density of
13.91 units / acre

WALTON STATION

- **Typical 2 Bedroom Unit**
- **First Floor Units will be handicap accessible**
- **Great First Floor Senior Living Accommodations**





• Typical 3 Bedroom Unit

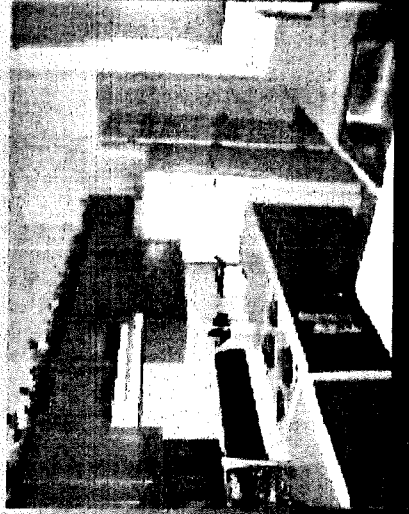
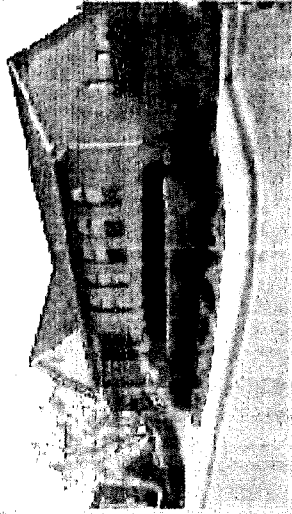
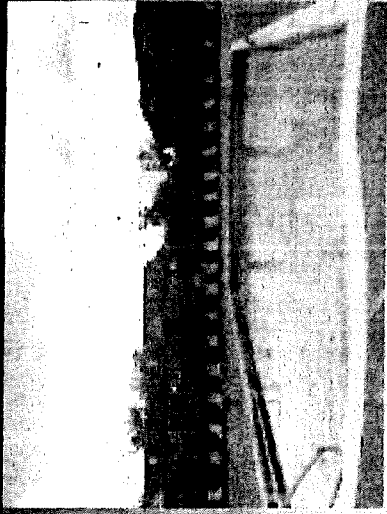
WHO IS BURNS & ASSOCIATES?

- Fred Burns formed Fred Burns Builders in 1966
- Based out of Burlington, KY
- Built and sold single family homes before expanding into the development and management of an abundant number of large-scale luxury apartment complexes within

the State of Kentucky

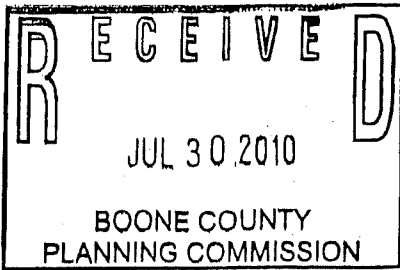


Burns developed Mt. Zion Apartments, a 432 unit apartment complex, in Florence, Kentucky



Burlington Oaks Apts., a 240-unit complex in Burlington, VT

7/28/10



APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project Walton Station Apartments
2. Location of Project Wenstrup Drive, Walton, Kentucky
3. Total Acreage of Site 6.9 Acres
4. Current Zoning of Site C-2 & I-1 (C-2 4.3 Ac. & I-1 2.6 Ac.)
5. Proposed Zoning (Classification being requested) UR-2
6. Proposed Uses (please specify each use) Multi-Family Apartments
(96 Units)

7. Names of Applicant(s) James W. Berling
Phone Number 859-331-9191 Fax No. 859-344-7422
8. Address of Applicant(s) 1671 Park Road, Suite One
Ft. Wright, Kentucky 41011
City State Zip
9. Name of Property Owner(s) Walton Land Development Co., LLC
Phone Number 859-282-6900 Fax No. 859-282-6901
10. Address of Property Owner(s) 8080 Steilen Drive
Florence, Kentucky 41042
City State Zip
11. Proposed Building Intensities (please specify) 4 buildings of 24 units

12. Are there any existing buildings on the site? No
How many? _____
13. Deed Book 900 - 908 Page No. 685 - 481 Group No. 2082
14. Are you also applying for:
_____ Conditional Use Permit
_____ Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? No
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:
N/A Boone County Water District
N/A Florence Public Services Dept.
NO Duke Energy
N/A Sanitation District #1
NO Cincinnati Bell
NO Owen Electric Cooperative, Inc.
NO Boone County Public Works Department
NO Kentucky Transportation Cabinet
NO Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

(over)

Walton - Verona Independent Schools

Phone: (859) 485-4181 • Fax: (859) 485-1810

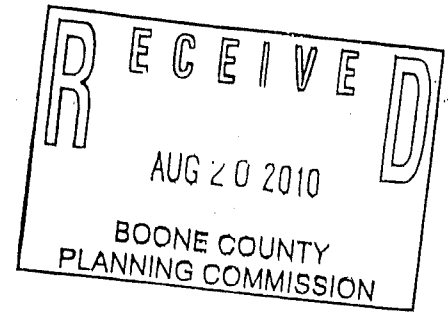
Board of Education

16 School Road • Walton, Kentucky 41094

ww.kyschools.us

August 11, 2010

Boone County Planning Commission
c/o Mitch Light
2950 Washington Street Room 317
PO Box 958
Burlington, KY 41005



Commissioners of Planning and Zoning:

All across the length and breadth of our great Commonwealth Boone County is generally regarded as being among the finest set of zip codes in the State. Walton particularly is viewed, at least by those who are lifelong multi-generational residents such as myself, as having rich traditions and time honored values which could be viewed as synonymous with those of the founding of our great Republic itself.

Unfortunately, there are those that seek for unknown motives the destruction of the very fabric which is Walton, Boone County, Kentucky.

Regrettably, I am writing to express my disdain and to abjectly oppose the Request for Zone Change in order to accommodate the construction of apartments in the Walton Town Center.

Walton, per capita, has far more than its fair share of high density and low-income housing. Without exception each of these developments was portrayed at their genesis as being high end.

Walton Townhomes, Walton Ridge, DH Vest, Brookview, The Old School House, the Waltonian and the duplexes on Old Stephenson Mill were all originally supposed to be unsubsidized and within six months became just that, and of course, brought with it a less than desirable clientele.

Walton-Verona Independent Schools has seen an increase in our poverty population from 18% to 30% over the course of the last few years with the advent of Walton Ridge and Old Stephenson Mill duplexes. Overwhelmingly, the Walton-Verona faculty will attest to the fact that the majority of the behavior problems and learning disabilities come directly from these subsidized developments and therefore utilize a disproportionate number of resources that other children then have no access to. For the foreseeable future the board of education even lacks the bonding capacity to build adequate facilities to accommodate the growth this type of proposed development will surely bring much less furnish the staff to teach.

Bill Boyle
Superintendent

Pam Saylor
Deputy Superintendent

Kim Chevalier
Director of Student Services

Kevin L. Ryan
Director of Finance

Dan Stenger
Director of Technology



Board Members:

Kelly Fulmer, Esq.
Chairman

William M. Wethington
Vice-Chairman

Walt Ryan

Tina Crase

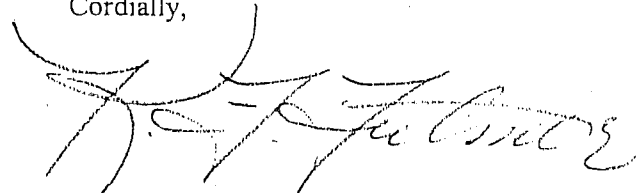
Rene' Rice

Furthermore, the subsidized housing population statistically causes an increase in calls for police, fire, and EMS services which adds an additional strain to already tight budgets for those entities. Again, subsidized housing brings a transient population with little if any community investment and as such they use up resources and leave. We as a community cannot continue to let this happen.

The opportunity to plan the positive growth of Walton should not be lost by short sightedness and misrepresentation; but rather an effort to pursue positive development which brings businesses and other stakeholders to the community that will make the overall municipality a better place to live, work, learn, and thrive for future generations as opposed to being overrun by high density subsidized housing.

Therefore, on behalf of the Walton-Verona Board of Education and countless other constituents I respectfully request this subject petition for a zone change be denied.

Cordially,



K. F. Fulmer, Esq.
Chairman of Walton-Verona
Board of Education

KFF/cmh

Mitch Light

From: Boyle, Bill [bill.boyle@wv.kyschools.us]
Sent: Friday, August 20, 2010 11:34 AM
To: mlght@boonecountky.ort
Cc: Kelly Fulmer; Bill Wethington; jryanwgt@zoomtown.com; Crase, Tina; rice.rene@gmail.com; Chevallier, Klm; Feldmann, Tony; Hartman, Robert - WVES; Krummen, Mark - WVHS; Owens, Malina; Rldener, Troy; Saylor, Pam; Sullivan, Dan
Subject: comments regarding proposed apartment complex

Dear Mr. Light,

I know Mr. Fulmer our board chairman for the Walton-Verona Schools has sent you a letter opposing the zone change for the east side of Wenstrup Drive in Walton. As superintendent of the Walton-Verona School System, I too, adamantly oppose this zone change from commercial and industrial One to Urban Residential Two. Such a change would place undue hardship on our school system as we do not have the physical capacity (classrooms and support facilities) for the explosive growth that comes with apartment complexes. We have been planning on growth as outlined with the original model for the Walton Town Center, not what is currently proposed.

Please place my comments into the record of proceedings regarding this issue. Should you or anyone have questions for me please do not hesitate to contact me. I may have missed something, but I also thought that the developer was required to meet with the school system to discuss the feasibility of a project like this to determine the impact of a project prior to requesting a zoning amendment. To date we have not heard from the developer.

Sincerely,

Bill Boyle

Superintendent

Walton-Verona Schools

Mitch Light

From: Boyle, Bill [bill.boyle@wv.kyschools.us]
Sent: Thursday, August 26, 2010 2:19 PM
To: Kelly Fulmer; Bill Wethington; jryanwgt@zoomtown.com; Crase, Tina; rice.rene@gmail.com
Cc: Mitch Light; Phillip Trzop; Chevalier, Kim; Feldmann, Tony; Hartman, Robert - WVES; Krummen, Mark - WVHS; Owens; Malina; Ridener, Troy; Saylor, Pam; Sullivan, Dan
Subject: FW: The Prichard Blog!

Folks,

Please read below "The Prichard Blog" which outlines the fact that we are the second fastest growing district in the state over the past five years with 28% growth. This does not take into account the 3+% that we grew this current school year. Southgate experienced explosive growth last year that put them ahead of us in % of growth due to an APARTMENT COMPLEX that was built in their district. They are dealing with overnight growth that they could not handle due to space (they now have more trailer classrooms) and with transient folks and balancing an appropriate teaching staff. I thought this would be useful data while discussing the proposed apartment complex in the Walton Town Center.

Bill Boyle

From: Fish, Lisa
Sent: Thursday, August 26, 2010 12:35 PM
To: Walton-Verona ES Faculty
Subject: FW: The Prichard Blog!

Interesting information...

From: Susan.Herron@KEA.ORG [mailto:Susan.Herron@KEA.ORG]
Sent: Thursday, August 26, 2010 12:29 PM
Subject: FW: The Prichard Blog!

The Prichard Blog!



Adding students, unevenly

Posted: 25 Aug 2010 08:02 PM PDT

Kentucky public schools have added students over the last five years, with average daily membership growing from 631,760 in 2004-05 to 647,560 in 2009-10. Overall, that's an increase of 2.5 percent.

Sixteen districts grew by more than 10 percent over those five years, with growth rates of

- 10 percent in Barren, Eminence, Fort Thomas, and Madison
- 11 percent in Calloway and Kenton

- 14 percent in Oldham
- 15 percent in Warren
- 16 percent in Bardstown and Shelby
- 17 percent in Boone
- 18 percent in Spencer
- 20 percent in Corbin and Scott
- 28 percent in Walton-Verona
- 48 percent in Southgate

Eighteen districts declined by more than 10 percent, with losses of:

- 10 percent in Campbellsville, Clay, and Covington
- 11 percent in Harlan County, Lyon, and Middlesboro
- 12 percent in Leslie
- 13 percent in Russellville and Robertson
- 14 percent in Anchorage
- 15 percent in Frankfort
- 16 percent in Dayton and Newport
- 21 percent in Murray and Fulton County
- 22 percent in Silver Grove
- 23 percent in West Point
- 27 percent in Jackson Independent

To comment on this article, click on the article headline.



You are subscribed to email updates from [Welcome to the Prichard Blog!](#)
To stop receiving these emails, you may [unsubscribe now](#).

Email delivery powered by Google



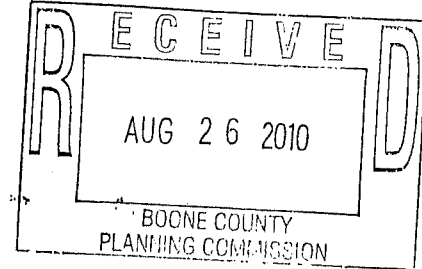
301 West Bay Street
Suite 800, S/C J915
Jacksonville, FL 32202-5184
(904) 633-4868
Telefax (904) 633-4586
matthew_cangiolosi@csx.com

Matthew Cangiolosi
Regional Manager

VIA FACSIMILE - (859) 334-2264

August 26, 2010

Mitchell A. Light
Assistant Zoning Administrator/Enf. Officer
Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
Burlington, KY 41005



Re: James W. Berling (applicant)
Walton Land Development Co., LLC (owner)
Rezoning Request - Portion of the Property at 13066 Service Drive
Walton, Kentucky

Gentlemen:

Thank you for the notice of an upcoming Public Hearing regarding the request of James W. Berling (applicant) for Walton Land Development Co., LLC (owner) for a Zoning Map Amendment from Commercial Two (C-2) and Industrial One (I-1) to Urban Residential Two (UR-2) for a 6.9 acre site located on the east side of Wenstrup Drive. The site is also known as a portion of the property at 13066 Service Drive, Walton, Kentucky. The request is for a zone change to allow multi-family dwellings.

While we can appreciate the situation of the property owners who own lots there, the land use of Urban Residential Two (UR-2) (Multi-family) next to the railroad right of way is of great concern to us especially if it poses a safety risk. If the land use should take place despite our concerns, please be sure to place an appropriate buffer (we suggest a minimum of 100 ft. barrier) between operating track and any residential development.

We also request that you enter our comments in the public record.

Thank you.

Sincerely,

Matthew Cangiolosi

Attachments

COMMISSION MEMBERS PRESENT:

Mr. Ben Brandstetter
Mr. Mike Ford, Vice Chairman
Mrs. Janet Kegley
Mr. Jim Longano
Mr. Don McMillian
Mrs. Susan Poston, Temporary Presiding Officer
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Greg Breetz
Mr. Kim Bunger, Secretary/Treasurer
Mrs. Linda Herald
Mr. Mark Hicks
Ms. Lisa Reeves
Mr. Bob Schwenke
Mr. Steve Turner

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. Rolfsen, Chairman, called the meeting to order at 8:26 P.M. and introduced the second item on the Agenda:

ZONING MAP AMENDMENT

2. **Request of James W. Berling (applicant) for Walton Land Development Co., LLC (owner) for a Zoning Map Amendment from Commercial Two (C-2) and Industrial One (I-1) to Urban Residential Two (UR-2) for a 6.9 acre site located on the east side of Wenstrup Drive, approximately 700 feet south of the Wenstrup Drive/Towne Center Drive intersection, Walton, Kentucky. The site is also known as a portion of the property at 13066 Service Drive, Walton, Kentucky. The request is for a zone change to allow multi-family dwellings.**

Staff Member, Mitch Light presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The Applicant is requesting a Zoning Map Amendment from Commercial Two (C-2) and Industrial One (I-1) to Urban Residential Two (UR-2) in order to develop a 96 unit apartment complex (4 buildings at 24 units each). About 4.74 acres of the site is currently zoned Commercial Two (C-2) and the remaining 2.16 acres is zoned Industrial One (I-1). The project is 13.9 dwelling units per acre. The UR-2 zone allows a maximum of 20 dwelling units per acre. The submitted Concept Plan also shows a "proposed City of Walton Park" adjoining to the north separating proposed lots 18 & 19 from the apartment complex. The proposed park is not part of this application. The Walton Towne Center Special Sign District applies only to the C-2 zoned portion of this property. However, the proposed apartment entrance drive is located within the portion of the property currently zoned I-1. The permitted signage for this development, if approved, would be an eight-foot high monument style entrance sign with a maximum of 100 square feet for one (1) sign or 50 square feet for two (2) signs located on opposite sides of the entry drive. In regard to the Walton Towne Center History, the Boone County Planning Commission held a public hearing on August 17, 2005 for a Zoning Map Amendment from Industrial one (I-1) to Commercial Two (C-2) for an approximate 130 acre tract which is now the limits of the Walton Towne Center Commercial Subdivision. The remaining Quality Forest Products property remained Industrial One (I-1). In 2007, a public hearing was held for a Special Sign District for the Walton Towne Center Commercial Subdivision. In 2009, a public hearing was held to amend the Special Sign District originally approved by the City of Walton.

The adjoining zoning and land uses are as follows: North - property owned by Land Development or the Walton Towne Center and the proposed City of Walton park zoned Commercial Two (C-2); West-Undeveloped property owned by Walton Land Development zoned Commercial Two (C-2) and Industrial One (I-1) and individual residences accessed from Service Road zoned rural Suburban Estates (RSE); South-Undeveloped property owned by Walton Land Development zoned Industrial One (I-1) and; East - Across CSX Railroad and property owned by Boone Lake, Inc. zoned Suburban Residential One (SR-1).

With regard to the Comprehensive Plan, Mr. Light stated that the Future Land Use map shows the subject property as Commercial (C) and Business Park (BP). The Land use Element within the 2005 Comprehensive Plan refers to this general area by stating: "The Walton Area should experience gradual commercial, residential and industrial growth. This growth should result primarily from the Walton interchange, and its location next to the intersection of I-71 and I-75."

Mr. Light mentioned that the Board should refer to the Goals and Objectives referenced in the Staff Report. Mr. Light then proceeded to show photographs of the site and Concept Development Plan. Mr. Light noted that the Applicant submitted a PowerPoint presentation as part of the Application.

Mr. Light noted several Staff Concerns. First, the portion of this property that is currently zoned I-1 is not part of the Walton Towne Center Special Sign District. The Special Sign District only applies to the C-2 area. The permitted signage for this development, if approved, would be an eight-foot high monument style entrance sign with a maximum of 100 square feet for one (1) sign or 50 square feet for two (2) signs located on opposite sides of the entry drive. Signage/advertising for this development is only permitted on this property. No directional signage/advertising is permitted off-site-not off Mary Grubbs Highway, Towne Center Drive or Wenstrup Drive.

Second, Staff could not identify anywhere on the Concept Plan whether the applicant is proposing street lights and sidewalks from the development to the shopping center, a possible future library, etc. Sidewalks in front of the apartment buildings and a sidewalk connection out to the public right-of-way is required. Staff would like to see these sidewalk connections shown on a revised Concept Plan: Third, Page 3 of the Applicant's presentation submitted as part of their Concept Plan states "all brick building with some vinyl siding on gables and porches" and "2 and 3 bedroom units." Staff wants to know (1.) if this applies to all sides of all buildings (including garages) and (2.) What is the proposed breakdown between 2 and 3 bedroom units? Fourth, the applicant's photos show a swimming pool however there is no pool on the concept plan. Is one proposed at this time or are there future phases? What amenities are proposed with this apartment complex? Fifth, what is the plan for the rail spur that was utilized by Quality Forest Products? It currently doesn't connect to anything. Sixth, Staff understands how this can be seen as a transitional use from the commercial subdivision to potentially more residential development along Wenstrup Drive, but Staff is concerned that the remaining land could develop with the current I-1 zoning and potentially leave these 96 units on an "island" of residential between commercial and industrial.

In conclusion, the Boone County Planning Commission and the City of Walton must review this request on the basis of its relationship to the Comprehensive Plan and in terms of the three (3) criteria necessary for a Zoning Map Amendment. Attached to the Staff Report is a letter from the Walton-Verona School District, an e-mail from the Superintendent of Walton-Verona School District and a letter from CSX Railroad. The CSX Railroad letter refers to requiring a 150 foot buffer or barrier from the operating track and any residential development because of a potential safety risk.

Mr. Jim Berling, Applicant and Engineer for the project, stated that in 2005 they requested a C-2 zone change for the Walton Towne Center. It has been a good development for Walton. The developer built the infrastructure first and then 2 banks located near the entrance. There is a Kroger Marketplace, a strip center and a Kohl's store despite a slow market. This small parcel is unique - fully wooded, a creek and a difference of 30 feet in elevation. The City wants a park in this area. The site doesn't lend itself to commercial or industrial. This could be a mixed use concept. He examined Mr. Fred Burns product in Northern Kentucky. Mr. Berling distributed a handout of materials about the project and a letter from Ms. Tonya Burns, the future owner of the project. The back portion of this property was owned by Quality Forest. They had a railroad spur track on the property. Quality Forest brought in lumber on the railroad track, pressure treated lumber and then

resold it. Mr. Berling noted that when he brought the property, the previous owner had already been through the U.S. EPA and cleaned up the site for future industrial uses. They had to clean it up again for possible residential use. They spent an extreme amount of money to remove chemicals and dispose of everything. There are no restrictions to the property. It has been inspected by the State and the U.S. EPA. This unique little parcel is isolated and it is all of the apartments they would build there.

Ms. Tonya Burns, attorney and owner of the project, explained that she is originally from Lexington and moved to Northern Kentucky 20 years ago and has an office in Burlington. Ms. Burns mentioned her father's development company, which built the Mt. Zion Apartments and Burlington Oaks Apartments. Her father has owned a farm in Walton, Kentucky since 1998. She noted that her role is to help manage and maintain her father's developments. Burlington Oaks is located behind the Boone County Library and consists of 240 units. It is a Class A property owned by her father. Mt. Zion Apartments was developed by her father. The 432 unit complex is no longer owned by her father. They are still helping the new owners manage the property.

Ms. Burns referred to a letter submitted by Mr. Kelly Fulmer and stated it is not her style to prejudge someone or convict someone without letting them have an opportunity to represent themselves. The proposed project will be a Class A property. She stated that we don't have low income housing. She didn't know where this information came from as stated in Mr. Fulmer's letter. She agrees that Walton has far more than its share of low income high density properties. That is why we want to come here. We want to balance the scales. The Walton Towne Center is a beautiful development with all of the brick buildings. It wasn't there when she first moved to the area. There was no grocery store or department store. Even though she is not a Walton native, she wants to be part of the history of Walton and hopefully it won't be held against her. With regard to her father's company, they have built 672 Class A units that continue to be Class A units in Boone County. Their clientele is selective. There are strict guidelines for renters. The typical renter has to have 3.5 times their rent for their monthly income. There are credit checks. Her company is regularly in District Court for non-payment of rent or cars with flat tires in the parking lot. The renters in the Burlington Oaks complex includes older people, working professionals and some families. From the 240 units, about 20% are families with school age children. The Walton Schools will not suffer from the proposed project. The Walton Station Apartments will be 95% brick. They have many features but will not have a laundry mat or a clubhouse because it is a smaller community. It will include a gazebo, a basketball court, trails, and a fenced picnic area. The first floor units will have screened porches and will be handicapped accessible. There will be between 72-96 units dependent on the number of 2-3 bedroom units. About 30-35% of the units will be 3 bedroom units and remaining will be 2 bedroom units. They most likely attract seniors and young professionals from Toyota who commute. People will live there 1-2 years and then move into a house. Ms. Burns stated that their property in Ashland, Kentucky (216 units) has less children there than Burlington Oaks. She liked the site in Walton because of the tree cover or forested area. She realized the past track record of developers in Walton, but her company is different. One should look at her track record and properties. Every property his company owns continues to be a Class A property even the one next to the Fayette Mall-Shillito Apartments.

Mr. Jim Berling stated the project will have sidewalks adjacent to the parking lot in front of each building. It will be continuous through the site. He also stated that the developer of the subdivision will also bring the sidewalks to the project site.

Mr. Doug Hawk, Supervisor for the Fred Burns Company, stated that the buildings are 90-95% brick with vinyl siding in the soffit areas. The patio porches are made of hard board siding. Usually, the lighting is perimeter or security lighting from each building. They may place some lighting in the parking areas. Due to the small number of planned units, there will be no clubhouse or pool. There may be a fenced in pet area or basketball court. Of the 1,500 units the applicant has built in the past 25 years, none of them have been low-income even the units that have been sold. The garages will also be brick.

Mr. Gerry Dusing, attorney for the applicant with offices in Florence and Covington, stated that this development is high and rent is between \$800-\$900 a month. The project is compatible with the Comprehensive Plan because it is mixed-use. His experience has been that the Planning Commission desires housing with retail. If the original Walton Towne Center Concept Development Plan showed residential from the beginning, no one would have blinked. The project is consistent with the Comprehensive Plan cited in the Staff Report. According to the Goals and Objectives, Housing, Objective 5, -"In order to offer the citizens of Boone County maximum choice of living environment, residential developments shall be judged primarily on the impact on infrastructure, buffering and development design with only secondary consideration given to the type of dwelling units." Further, "mixed use, higher density neighborhoods shall be encouraged to locate at proposed mass transit stations near commercial districts and public facilities (i.e. parks) and also have convenient access to major streets and highways (Housing, Objective 10)."

Mr. Dusing continued to explain that this project causing a population boom at the Walton Verona Schools is a myth and an unfounded fear. The owner compared the proposed project with one that had similar demographics. Information like this could be examined by the School District. The data indicates that 67 school aged children between the ages of 4 and 17 live in Burlington Oaks out of the 248 units. If you proportionally figure this out, it would be equivalent to 27 school aged kids between the ages of 4 and 17. There would be 2 more kids age 18 who may or may not be in high school. There would be on average of 2 kids per grade from kindergarten through 12th grade. It will not be a significant impact on the school system. It should not be a factor in your land use decision. The myth is that low income housing with three bedroom apartments tends to have more children impacting the school. The proposed project is a totally different demographic. The truth is that you will have more kids from single family detached residential development at 3 dwelling units per acre than the proposed project. The project has to be evaluated on actual data and not on fears or reputation.

Chairman Rolfsen asked if there was anyone in the audience in favor of the project.

Ms. Diane Fiddle, Hebron, Kentucky spoke in favor of the project. She stated that she lived in the Burlington Oaks complex for 3 years. It is a classy place to live. It is not a low income complex.

Chairman Rolfsen asked if there was anyone in the audience against the project.

Mr. Paul Johnson, 13556 Service Road, asked why the applicant didn't consider making the units condominiums? What would prohibit someone from attracting Section 8 housing if the complex was sold?

Mr. Kelly Fulmer, 13 Park Avenue, stated that the Planning Commission has done a great job for Boone County. The Long Range Comprehensive Plan has helped positively shape the community during a very difficult period of rapid growth. He complemented Mr. Berling as the Walton Towne Center has filled a void of a grocery store for over a 16-year time period. The character and climate of the community has changed significantly as a result of the high density housing. At the heart of Planning and Zoning is the duty to minimize the negative impacts of development. Walton has definitely been changed with the development of Walton Ridge, Walton Townhomes, Walton Village, D.H. Vest, Brookwood and Old Stephenson Mill duplexes. All were built with a different intention but are now Section 8 housing now. Over the past 4 years, there has been 13,500 service calls to the Boone County Sheriff's office from these developments. The comparison of the children coming from the Burlington Oaks project to the Boone County schools is not an apples to apples comparison. It is like comparing a Cadillac to a Chevrolet. People are coming to Walton because of the school system. You cannot state that with any degree of certainty that because Burlington Oaks only produced 27 students to Stephens Elementary, that it will only produce 2 students per grade at Walton-Verona. It is not an accurate comparison. He disagrees with Mr. Dusing's assertion that the project is in keeping with the Comprehensive Plan. It is spot zoning and it is in contravention with the Long Range Plan. Walton and Mr. Berling has the best opportunity to positively develop under the Comprehensive Plan and based on the Walton Towne Center plan. Walton is the place to be and not be from. That is why I am in opposition to the zone change.

Ms. Patricia Parsons, 13482 Service Road, inquired about the U.S. EPA report that was referenced with Quality Forest Products. She is aware of what they left on the site. She stated she is against the zone change because it backs up to her. Are they going to build 96 garages and how many parking spaces will be provided?

Mr. Bill Boyle, Superintendent of Walton-Verona Schools, voiced in opposition to the zone change request. As superintendent of the Walton-Verona Schools I am in attendance tonight to speak in opposition of the proposed zone change. Our opposition stems from the following: First, all of the state required local planning efforts for the schools have been based around the current plan which did not include changing the zoning to permit more apartments in Walton. The planning efforts with regard to the Walton Town Center have centered around the commercial area, and behind that future residential areas consisting of senior citizen patio homes, condominiums with amenities, and single family homes. All of which are owned by individual homeowners which have a stake in our community; second, we are the second fastest growing school district in the state with 28% growth in student population over the past five years, second only to Southgate Independent, which received their explosive growth due to an apartment complex. As stated by Mr. Jim Palm superintendent of the Southgate Independent Schools, "We have had to bring in more trailers to use as classrooms to accommodate the growth. Also, and equally important is the transient population that the apartments have brought to our community. It drastically affects our budget in that we must hire teachers on a yearly contract for students that my

or may not be there throughout the year"; third, the District is currently building 13 rooms on our elementary school and planning for 8 rooms onto our new high school to accommodate the planned growth without additional high density dwellings. We are Maxed out with regard to space for students and with regard to money to build. We do not have any more bonding potential to build additional classrooms or schools. We have not raised our tax rate in 6 years and do not which to do so to accommodate an apartment complex; and fourth, society's hope for an educated population is to not repeat the mistakes of others and of the past. We must step back and look at how changing the zoning in our area for an apartment complex would impact all stakeholders especially the school system that has been the staple of our community and a beacon for educational success in the state for many years. We understand that there are current vacancies in existing apartment and multifamily dwellings throughout our district and surrounding towns. This along with the fact that we already have our fair share of multifamily dwellings should make one realize that we should stick to the current zoning restrictions. We have the opportunity to shape, mold and develop our community into a positive place for our citizens to live, grow, be educated, work and play. Therefore, it is our recommendation to the planning and zoning commission to reject this zoning change and remain steadfast to the existing plan providing for appropriate home ownership in the allotted areas of this development.

Mr. Leonard Whalen, 18 Willowood Lane, asserted he is a proponent of vision and growth. There is a time and place for everything. There may be a place at some point in time but not right now. We have been sold a "bill of goods" over and over again. What was supposed to be high end units over time turns into Section 8 housing over a short period of time due to the economy or profitability. Mt. Zion Apartments are no longer owned by the developer. There is nothing that prevents them from turning the units into Section 8 housing.

Mr. Bill Wethington, 13724 Walton-Verona Road, stated that he grew up in Walton. It is a good place to raise a family. Good things have happened in Walton. Wildcat Run is a great subdivision full of many young families. They have moved to the area for the same reasons he moved to Walton 30 years ago - good place to raise a family and attend Walton-Verona Schools. He served on the City Council for two terms during a period that was a genesis for future development - Clarion, Flying J and other subdivisions. The Walton Towne Center is the crown jewel. As a Walton-Verona School District Board Member, he has learned that is has nothing to do with income level, but with commitment. This is regardless of whether you live in a half a million dollar home in Verona or a \$50,000 home in Brookwood Subdivision. People come to Walton because they are committed to the community and to education. This is the quality of life. The submitted application is similar to the one that was presented to the Planning Commission for the Walton Ridge Apartments - brick and high rent. It later became a Section 8 project. The School District is already in year 3 of a 10 year plan for a new high school. We are already building twice the amount today. With apartments, it changes that growth. It is not fair to compare the Burlington Oaks projects with this project. When people move to Walton, they move there

for the schools. We are maxed out. The Planning Commission is a tool to protect communities. As stated in the Comprehensive Plan, "development issues shall be viewed in terms of promoting overall quality of life." There is crime associated from the existing apartment complexes. Eighty percent of the school discipline problems come from that portion of the population. The quality of life has changed. You have a Long Range Plan that doesn't call for apartments but for commercial and industrial. Finally, it should be noted that "primary and secondary education capacity shall be evaluated during housing development review." You have a good plan and I urge you to vote no.

Ms. Angie Prickel, 14112 Walton-Verona Road, noted she was a teacher and has served as a surrogate mother for students who live in Section 8 homes. With regard to the comparison of Mt. Zion Apartments and Burlington Oaks, the students attend multiple schools. We will become a small town Covington.

Mr. Wayne Carlise, a Walton Council member, stated that there are three entities - the City of Walton, Walton-Verona School District and the Walton Fire District. If there is ever one entity that is affected adversely, then the other two have to stand up and support the other entity so it doesn't get affected. If there is any unreasonable doubt that this may not be good for Walton, then the Planning Commission has to work through it.

Mr. Kevin Ryan, 35 Old Beaver Road, suggested the developer consider \$150,000-\$160,000 condominiums instead of an apartment complex based on the stated monthly rent. The units would not attract a transient population.

Ms. Jennifer Coleman, 111 N. Main Street noted there are a lot of vacancies in the community - apartments and foreclosed homes. There is no reason to add new apartments. We don't need more of a transient population. We love our town and we don't need this development.

Ms. Sarah Conaster, 167 N. Main Street, moved to Walton because it was a small town. It is the kind of community where everyone knows everyone. We have enough big buildings.

Mr. Bill Freeman, 42 Catalina Drive, stated that he isn't against growth. He prefers patio homes and would buy one if they were available.

At this time, Chairman Rolfsen asked whether any Board members had any questions.

Mrs. Susan Poston inquired about the wooded area and how much would be retained? Mr. Jim Berling responded that they would leave the area north of the sanitary sewer line. They would not cross the creek. There would be a wooded area on the south side near the railroad spur. Mrs. Poston asked how the rents at the proposed facility compared to those at Burlington Oaks. Ms. Burns noted the rents at the Walton facility would be higher. She stated that they raise rents. Rents are based upon building costs. Land costs have increased along with building material costs. Mrs. Poston asked staff about other apartments in the area. Mr. Light responded that the closest is Walton Ridge Apartments. The other ones were mentioned earlier. About a third of the units will be three bedroom units.

Chairman Rolfsen asked what is the average length of residency from Burlington Oaks? Ms. Burns responded that she would provide that information at the Committee meeting. In addition, Chairman Rolfsen asked if the applicant could show the location of the gazebo and trails at the Committee meeting? Mr. Rolfsen restated the CSX comment about a 150 foot buffer. Mr. Berling explained that it was a recommendation and the buildings are at 160 feet.

Mr. Ford suggested bringing a landscaping plan to the Committee meeting. He also inquired about a phasing plan for the project? Mr. Hawk answered that all four buildings would be built at once but it would take more time to rent them.

Mrs. Kegley asked how many garages would be built? Mr. Hawk answered there would be 32 garages. She asked if legal counsel could address the issue of rental units versus owner occupied units (condos) or "buy versus renting" units at the Committee meeting? Mrs. Kegley wanted to know the percentage of breakdown of a 2 and 3 bedroom units at the applicant's other apartment complexes - Mt. Zion Apartments and Burlington Oaks.

Mr. Don McMillian noted that all of the people against the project are here at the meeting and people that support the project are not here. There are more at home than here. If the schools can't handle or teach poor people, they need to educate their teachers. A small school district may need to consolidate. If they can't teach the kids going to the school, then the schools need some help. People don't like changes but no one likes the same old same old. Walton is a nice town. Things will be built. The school system is good but we need help.

Mr. Brandstetter asked Staff to bring the Original Concept Development Plan of the Walton Towne Center to the Committee meeting. He is interested in knowing more about Wenstrup Drive and the Industrial One (I-1) land use. What is the current enrollment of the Walton-Verona School District? Mr. Boyle answered 1,530 students.

Mrs. Poston inquired about Mrs. Parsons' comment on whether there was an EPA report which approved this land use? Mr. Berling responded yes and said he would bring it to the Committee meeting.

Mr. Longano asked what the market research was in terms of percentage for renting to seniors? What specific amenities would be included to attract seniors? Ms. Burns said she would provide the research at the Committee meeting. She stated there would not be a fitness center or clubhouse due to the small size of the complex. They are planning a trail and a pet park at the complex.

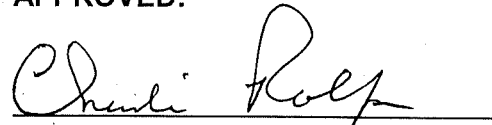
Mr. Reynolds asked how close is the closest residence to the proposed project? Mr. Light responded by showing a map of the location of residences along Service Road and across the railroad tracks. Mr. Brandstetter asked staff to bring the photos to the Committee meeting.

Chairman Rolfsen asked Mr. Dusing whether he had any final comments? Mr. Dusing distributed two handouts about the amount of taxes generated from the Walton Towne Center. The school taxes are about \$335,000. In the immediate vicinity, the figure rises to over \$400,000. The proposed project is \$4 million and it would generate about \$40,000 in taxes to the schools.

Mr. Dusing stated that over the years the Planning Commission has made decisions based upon facts and not fears. Also, the Planning Commission cannot discriminate based upon ownership versus rental. The demographics with these apartments will not drive the number of students to the schools. He disagrees with Superintendent Boyle. The proposed project is similar to Burlington Oaks - same design, same price point, similar demographics and same ratio of two and three bedroom apartments. It will be 2 kids per grade. Both the Walton-Verona and Boone County School systems are great and they attract new residents. People have choices to move to other areas but chose Boone County because of the quality of schools. They are top notch. Also, how many students attend Walton-Verona Schools who live outside the District? They don't have to take them. Further, Mr. Dusing emphasized that Mr. Berling has spent thousands of dollars to clean up the site from the mess left by Quality Forest Products. This allows the developer to construct a mixed-use project as recommended in the Comprehensive Plan.

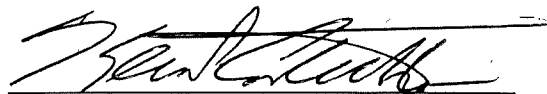
There being no further comments, Chairman Rolfsen stated that the Committee Meeting for this item will be on September 15, 2010 at 5:00 P.M. in this room. This item will be on the Agenda for the business Meeting on October 6, 2010 at 7:00 P.M. Chairman Rolfsen closed this Public Hearing at 10:05 P.M.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

Exhibits

- 1 - Estimated Property Tax Revenues**
- 2 - Walton Verona School Taxes**

ESTIMATED PROPERTY TAX REVENUES

Property Location: Walton Towne Center; 6.9 ACRES

<u>Taxing District</u>	<u>Rate per \$100</u>	<u>Taxable value</u>	<u>Tax Amount</u>
STATE	0.1220	\$4,000,000.00	\$ 4,880.00
COUNTY	0.1020	\$4,000,000.00	\$ 4,080.00
CITY	0.1060	\$4,000,000.00	\$ 4,240.00
W/V I SCHOOL	1.0060	\$4,000,000.00	\$ 40,240.00
LIBRARY	0.0500	\$4,000,000.00	\$ 2,000.00
HEALTH	0.0190	\$4,000,000.00	\$ 760.00
EXTENSION	0.0160	\$4,000,000.00	\$ 640.00
WALTON FIRE	0.1900	\$4,000,000.00	\$ 7,600.00

GROSS TAX DUE: \$ 64,440.00

8/31/10

WALTON TOWNE CENTER EXHIBIT #2
September 1, 2010
WALTON VERONA SCHOOL TAXES Boone County Planning
Commission -
Public Hearing No. 2

<u>PROPERTY OWNER</u>	<u>TAX RATE</u>	<u>ASSESSMENT</u>	<u>TAX AMOUNT</u>
WALTON LAND DEVELOPMENT, LLC	\$10.06/1000\$	\$ 7,837,110	\$ 78,841
KROGER	\$10.06/1000	\$10,357,523	\$104,197
WALTON TOWNE CENTER, LLC	\$10.06/1000	\$ 4,488,530	\$ 45,155
KOHL'S	\$10.06/1000	\$ 5,932,160	\$ 59,677
MCDONALD'S	\$10.06/1000	\$ 1,344,800	\$ 13,529
BANK OF KENTUCKY	\$10.06/1000	\$ 1,250,000	\$ 12,575
HERITAGE BANK	\$10.06/1000	\$ 1,585,140	\$ 15,945
WALTON FIRE DISTRICT	\$10.06/1000	\$ 800,000	\$ 8,048
AUTO ZONE	\$10.06/1000	\$ 600,000	\$ 6,036
WAFFLE HOUSE	\$10.06/1000	\$ 200,000	\$ 2,012
SPARKS CONTRACTORS	\$10.06/1000	\$ 450,000	\$ 4,527
WILLIAM BAY	\$10.06/1000	\$ 150,000	\$ 1,509
S.G.A. ENTERPRISES	\$10.06/1000	\$ 673,840	\$ 6,779
HARPER PROPERTIES	\$10.06/1000	\$ 847,500	\$ 8,526
TURQUOISE WATERS	\$10.06/1000	\$ 185,000	\$ 1,861
WALTON MEDICAL PROPERTIES	\$10.06/1000	\$ 1,599,090	\$ 16,087
CORNERSTONE	\$10.06/1000	\$ 223,600	\$ 2,249
GREG MYERS	\$10.06/1000	\$ 430,000	\$ 4,326
LITMER PROPERTIES	\$10.06/1000	\$ 821,000	\$ 8,259
TOTAL			\$400,138

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

Mr. Charlie Rolfsen, Chairman, called the meeting to order at 7:00 P.M.

COMMISSION MEMBERS PRESENT:

Mr. Ben Brandstetter
Mr. Kim Bungler, Secretary/Treasurer
Mr. Mike Ford, Vice Chairman
Mr. Jim Longano
Mr. Don McMillian
Mrs. Susan Poston, Temporary Presiding Officer
Ms. Lisa Reeves
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mr. Greg Breetz
Mrs. Linda Herald
Mr. Mark Hicks
Mrs. Janet Kegley

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

Approval of the Minutes:

Chairman Rolfsen, stated that the Commissioners received copies of the Minutes of the September 1, 2010 Business Meeting and the September 22, 2010 Special Business Meeting. He asked if there were any comments or corrections. There being no changes to the Minutes, Mr. Ford moved that both sets of Minutes be approved as written. Mr. Reynolds seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

ZONING MAP AMENDMENT

1. Request of James W. Berling (applicant) for Walton Land Development Co., LLC (owner) for a Zoning Map Amendment from Commercial Two (C-2) and Industrial One (I-1) to Urban Residential Two (UR-2) for a 6.9 acre site located on the east side of Wenstrup Drive, approximately 700 feet south of the Wenstrup Drive/Towne Center Drive intersection, Walton, Kentucky. The site is also known as a portion of the property at 13066 Service Drive, Walton, Kentucky. The request is for a zone change to allow multi-family dwellings.

Staff Member, Mitch Light, presented the Committee Report, which recommended denial of the request based upon Findings of Fact (See Committee Report). Mr. Light noted that the Committee vote was 3-1 in recommending denial with Mrs. Poston and Mr. Brandstetter voting for the denial and Mr. Bungler voting against the denial. Mrs. Kegley passed her vote and her vote was counted with the majority vote of denial.

Chairman Rolfsen stated that individuals in favor and in opposition of the request will be given 5 minutes each to make a statement. He asked if the applicant wanted to make a 5 minute summary statement in regard to items raised at the Public Hearing or discussed at the Committee Meeting before the Planning Commission takes action on the request?

Mr. Berling asked if he could distribute a written statement. Mr. Wilson responded that Mr. Berling could not introduce new materials but could provide comments based upon the record already made. Mr. Berling stated that at the September 15th Committee Meeting, there was a motion to deny the request because there wasn't significant change in the area since the adoption of the 2005 Comprehensive Plan. He noted that the 6.9 acres is fully wooded. It lies along the south side of the creek. The site slopes upward to the south from the creek. This wooded sloping land works very well as a pocket of residential development near a large commercial area. The site will be separated from the commercial area by a wooded park along the north side of the existing creek. On the south side of the 6.9 acres is a large flat parcel zoned Industrial One (I-1). This parcel has been zoned industrial for many years. He stated that when they purchased the land, he knew this land was used by Quality Forest Products to preserve and treat lumber. When Quality Forest Products stopped pressure treating lumber at the site, they restored the entire area to an industrial level before the Kentucky EPA would grant them final closure of their permit to operate. He stated that they fully intended to develop the site into other uses - commercial, office, warehousing, light industrial, business park and residential. To further cleanse the site, he worked with an environmentalist and Kentucky EPA to come up with a plan for restoration. His Company spent over \$200,000 to excavate and remove contaminant soils. Samples of the soil were taken and they met all requirements like other soils in Boone County and

Kentucky. If his Company intended to keep the southern portion of the property in an I-1 zone, they would have not spent the time or money to restore it to a residential level. The 2005 Comprehensive Plan shows the site Agricultural and Woodlands. The 6.9 acre site is served by a dedicated road leading to two 3 lane roads and intersecting with the five lane Mary Grubbs Highway and 2 signals. A new sanitary sewer line has been constructed along the north side and a new 8" water line serves the site. The commercial development adjacent to the site consists of a Kroger Marketplace, Kohl's Department Store, two banks, two restaurants, several shops and a fire station. The Future Land Use map of the industrial zoned area is classified as Business Park as defined in the Comprehensive Plan's Land Use Element. Mr. Berling stated that he believes that the basis for the motion to deny the request is incorrect as there has been significant changes in the area since 2005. Mr. Berling also noted that the Goals and Objectives of the Comprehensive Plan as stated in Item B on page 2 promotes mixed land uses and this project promotes mixed land uses. Residential is appropriate on this site because of the trees and creeks.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak against the project. Mr. Bill Wethington, Walton-Verona School District Board Member, stated that he agreed with the Committee Report and its Findings of Fact. The Zone Change does not meet any of the three criteria for granting such a change. Even if it met the last criteria, it would be spot zoning. The result would be a multi-family housing development in the middle of an industrial/commercial area with a major railroad and spur in the back yard. There would be no control of what goes in the industrial area. The Walton-Verona District is a fast growing school district. The tax revenue from this development would not come close to funding the services that would be required. The foundation of zoning is to address the impact of growth. It has to be controlled growth. The proposed development doesn't meet the community's master plan.

At this time, Chairman Rolfsen asked if there was a motion on the request. Mr. Brandstetter moved to deny the request by Resolution to the City of Walton based upon the Committee Report. Mr. Reynolds seconded the motion. Chairman Rolfsen asked whether there were any questions or comments from the Board.

Mr. Brandstetter stated that the Committee and Staff Reports address all the concerns with this request.

Mrs. Poston thought that the Committee Report was appropriate and she thought the request was spot zoning.

Mr. Bunger said he voted in favor of the project at the Committee Meeting because there have been changes as it relates to the sanitary sewer and water lines to the site. The proposed park would provide a buffer between the proposed use and the commercial area. The topography of the site lends itself for residential use versus industrial use. In addition, the wooded site provides adequate buffering for the residential area. It is located on an adequate transportation and roadway system. It is similar to other apartment complexes in other parts of the County and they function satisfactorily. It is a less intense use than the planned uses. The restoration work completed by the applicant was a commitment to a lighter use on the property.

Mr. McMillian stated that he has spoken to three families or senior citizens and they are ready to move into the units now. It would be a good mix with a grocery store and a doctor's office close by.

There being no further comments or questions, Chairman Rolfsen asked for a vote on the motion made by Mr. Brandstetter and seconded by Mr. Reynolds. Mr. Brandstetter, Mr. Ford, Mr. Longano, Mrs. Poston, Mrs. Reeves, Mr. Reynolds, Mr. Schwenke, and Mr. Turner voted for Denial and Mr. Bungler, Mr. McMillian and Mr. Rolfsen voted against the Denial. The motion carried by a vote of 8-3.

Chairman Rolfsen reminded everyone in the audience that the City of Walton will have final action on the matter.

2. Technical Design Review - **La Hacienda Real Restaurant
4756 Houston Road**

Staff Member, Mitch Light, presented the request. (PowerPoint presentation). The Applicant is requesting three 32 square foot building mounted signs-one facing the side street, one facing Lowes and one facing Golden Corral. Nothing would be on the rear portion of the building. The Applicant is proposing a total of 96 square feet versus the 113 square feet that was previously approved for Schlotzsky's. Mr. Light stated that the Technical/Design Review Committee met prior to the Business Meeting and unanimously recommended approval based upon meeting the signage requirements of the Houston-Donaldson Study.

There being no further comments or questions, Mr. Reynolds moved to approve the request based upon the Committee Report. Mr. Brandstetter seconded the motion and it carried unanimously.

3. Technical Design Review - **Union Baptist Church
1947 Mt. Zion Road**

Staff member, Todd Morgan, presented the request (PowerPoint presentation). The Applicant is requesting Design Review as outlined in the Union Town Plan. The Applicant is proposing a 26'X50' picnic pavilion off the east side of their parking lot. The structure will be 13 feet tall with a blue metal roof similar to their existing building. The treated posts from the structure may be wrapped with brick and stone. The sides of the picnic pavilion may be vinyl siding, brick veneer or shaker shingles. Mr. Morgan showed a photo of a structure at Beaverlick Baptist Church.

Mr. Morgan stated that the Technical/Design Review Committee met prior to the Business Meeting and unanimously recommended approval 5-0.

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Ben Brandstetter, Chairman

DATE: October 6, 2010

RE: Request of **James W. Berling (applicant)** for **Walton Land Development Co., LLC (owner)** for a Zoning Map Amendment from Commercial Two (C-2) and Industrial One (I-1) to Urban Residential Two (UR-2) for a 6.9 acre site located on the east side of Wenstrup Drive, approximately 700 feet south of the Wenstrup Drive/Towne Center Drive intersection, Walton, Kentucky. The site is also known as a portion of the property at 13066 Service Drive, Walton, Kentucky. The request is for a zone change to allow multi-family dwellings.

REMARKS:

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

Findings of Fact

1. The Committee has concluded that the request is not in agreement with the adopted 2005 Boone County Comprehensive Plan for the following reasons:
 - A. The Future Land Use Map shows the subject property as Commercial (C) and Business Park (BP) which are defined in the adopted Comprehensive Plan as:
 - C: "Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."
 - BP: "A mix of office warehouse, research, office, and light industrial uses in a park-like, office campus setting with large building setback, low floor area ratio, integrated pedestrian and recreation facilities, constant architectural and signage theme, extensive landscaped areas, and attractive entrance treatment. This land use is recommended for high visibility areas and transition areas between industrial and residential land uses."

- B. In the Goals and Objectives section of the 2005 Boone County Comprehensive Plan, Overall Objective 2 (pg. 4) states: "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."

The remaining land could develop with the current I-1 zoning and potentially leave these 96 units on an "island" of residential between commercial and industrial which does not promote an overall quality of life, nor is it an appropriately planned and designed neighborhood development.

- C. In the Goals and Objectives section of the 2005 Boone County Comprehensive Plan, the Environment Goal (pg. 5) states: "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."

This proposal is for 96 units on 6.9 acres located next to an active rail road line to the east and an existing rail road spur to the south. This does not promote a better quality of life for residents living in the proposed housing development.

- D. In the Goals and Objectives section of the 2005 Boone County Comprehensive Plan, the Housing Goal (pg. 7) states: "Safe, environmentally sound, and sanitary housing exists for all Boone County Residents."

Since the proposal is only for 6.9 acres of a much larger tract that is currently zoned C-2 and I-1 with no use restrictions, there is no way to guarantee the safety or environmental soundness of this proposal as it relates to the adjoining zoning.

2. The proposed zone change as expressed through the submitted Concept Development Plan does not compel a conclusion that the proposed zoning classification is appropriate due to the lack of compatibility with the neighboring commercial and industrial land uses. Due to this fact, whether or not the existing zoning classification is inappropriate is a moot issue.
3. The Committee has not identified any facts which would lead to a finding that there have been major changes of an economic, physical, or social nature not anticipated in the adopted Comprehensive Plan that substantially alter the area's character nor has the Applicant provided any such facts.

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

COMMISSION MEMBERS PRESENT:

Mr. Ben Brandstetter
Mr. Mike Ford, Vice Chairman
Mrs. Janet Kegley
Mr. Jim Longano
Mr. Don McMillian
Mrs. Susan Poston, Temporary Presiding Officer
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Greg Breetz
Mr. Kim Bunger, Secretary/Treasurer
Mrs. Linda Herald
Mr. Mark Hicks
Ms. Lisa Reeves
Mr. Bob Schwenke
Mr. Steve Turner

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. Rolfsen, Chairman, called the meeting to order at 8:26 P.M. and introduced the second item on the Agenda:

ZONING MAP AMENDMENT

2. **Request of James W. Berling (applicant) for Walton Land Development Co., LLC (owner) for a Zoning Map Amendment from Commercial Two (C-2) and Industrial One (I-1) to Urban Residential Two (UR-2) for a 6.9 acre site located on the east side of Wenstrup Drive, approximately 700 feet south of the Wenstrup Drive/Towne Center Drive intersection, Walton, Kentucky. The site is also known as a portion of the property at 13066 Service Drive, Walton, Kentucky. The request is for a zone change to allow multi-family dwellings.**

Staff Member, Mitch Light presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The Applicant is requesting a Zoning Map Amendment from Commercial Two (C-2) and Industrial One (I-1) to Urban Residential Two (UR-2) in order to develop a 96 unit apartment complex (4 buildings at 24 units each). About 4.74 acres of the site is currently zoned Commercial Two (C-2) and the remaining 2.16 acres is zoned Industrial One (I-1). The project is 13.9 dwelling units per acre. The UR-2 zone allows a maximum of 20 dwelling units per acre. The submitted Concept Plan also shows a "proposed City of Walton Park" adjoining to the north separating proposed lots 18 & 19 from the apartment complex. The proposed park is not part of this application. The Walton Towne Center Special Sign District applies only to the C-2 zoned portion of this property. However, the proposed apartment entrance drive is located within the portion of the property currently zoned I-1. The permitted signage for this development, if approved, would be an eight-foot high monument style entrance sign with a maximum of 100 square feet for one (1) sign or 50 square feet for two (2) signs located on opposite sides of the entry drive. In regard to the Walton Towne Center History, the Boone County Planning Commission held a public hearing on August 17, 2005 for a Zoning Map Amendment from Industrial one (I-1) to Commercial Two (C-2) for an approximate 130 acre tract which is now the limits of the Walton Towne Center Commercial Subdivision. The remaining Quality Forest Products property remained Industrial One (I-1). In 2007, a public hearing was held for a Special Sign District for the Walton Towne Center Commercial Subdivision. In 2009, a public hearing was held to amend the Special Sign District originally approved by the City of Walton.

The adjoining zoning and land uses are as follows: North - property owned by Land Development or the Walton Towne Center and the proposed City of Walton park zoned Commercial Two (C-2); West-Undeveloped property owned by Walton Land Development zoned Commercial Two (C-2) and Industrial One (I-1) and individual residences accessed from Service Road zoned rural Suburban Estates (RSE); South-Undeveloped property owned by Walton Land Development zoned Industrial One (I-1) and; East - Across CSX Railroad and property owned by Boone Lake, Inc. zoned Suburban Residential One (SR-1).

With regard to the Comprehensive Plan, Mr. Light stated that the Future Land Use map shows the subject property as Commercial (C) and Business Park (BP). The Land use Element within the 2005 Comprehensive Plan refers to this general area by stating: "The Walton Area should experience gradual commercial, residential and industrial growth. This growth should result primarily from the Walton interchange, and its location next to the intersection of I-71 and I-75."

Mr. Light mentioned that the Board should refer to the Goals and Objectives referenced in the Staff Report. Mr. Light then proceeded to show photographs of the site and Concept Development Plan. Mr. Light noted that the Applicant submitted a PowerPoint presentation as part of the Application.

Mr. Light noted several Staff Concerns. First, the portion of this property that is currently zoned I-1 is not part of the Walton Towne Center Special Sign District. The Special Sign District only applies to the C-2 area. The permitted signage for this development, if approved, would be an eight-foot high monument style entrance sign with a maximum of 100 square feet for one (1) sign or 50 square feet for two (2) signs located on opposite sides of the entry drive. Signage/advertising for this development is only permitted on this property. No directional signage/advertising is permitted off-site-not off Mary Grubbs Highway, Towne Center Drive or Wenstrup Drive.

Second, Staff could not identify anywhere on the Concept Plan whether the applicant is proposing street lights and sidewalks from the development to the shopping center, a possible future library, etc. Sidewalks in front of the apartment buildings and a sidewalk connection out to the public right-of-way is required. Staff would like to see these sidewalk connections shown on a revised Concept Plan. Third, Page 3 of the Applicant's presentation submitted as part of their Concept Plan states "all brick building with some vinyl siding on gables and porches" and "2 and 3 bedroom units." Staff wants to know (1.) if this applies to all sides of all buildings (including garages) and (2.) What is the proposed breakdown between 2 and 3 bedroom units? Fourth, the applicant's photos show a swimming pool however there is no pool on the concept plan. Is one proposed at this time or are there future phases? What amenities are proposed with this apartment complex? Fifth, what is the plan for the rail spur that was utilized by Quality Forest Products? It currently doesn't connect to anything. Sixth, Staff understands how this can be seen as a transitional use from the commercial subdivision to potentially more residential development along Wenstrup Drive, but Staff is concerned that the remaining land could develop with the current I-1 zoning and potentially leave these 96 units on an "island" of residential between commercial and industrial.

In conclusion, the Boone County Planning Commission and the City of Walton must review this request on the basis of its relationship to the Comprehensive Plan and in terms of the three (3) criteria necessary for a Zoning Map Amendment. Attached to the Staff Report is a letter from the Walton-Verona School District, an e-mail from the Superintendent of Walton-Verona School District and a letter from CSX Railroad. The CSX Railroad letter refers to requiring a 150 foot buffer or barrier from the operating track and any residential development because of a potential safety risk.

Mr. Jim Berling, Applicant and Engineer for the project, stated that in 2005 they requested a C-2 zone change for the Walton Towne Center. It has been a good development for Walton. The developer built the infrastructure first and then 2 banks located near the entrance. There is a Kroger Marketplace, a strip center and a Kohl's store despite a slow market. This small parcel is unique - fully wooded, a creek and a difference of 30 feet in elevation. The City wants a park in this area. The site doesn't lend itself to commercial or industrial. This could be a mixed use concept. He examined Mr. Fred Burns product in Northern Kentucky. Mr. Berling distributed a handout of materials about the project and a letter from Ms. Tonya Burns, the future owner of the project. The back portion of this property was owned by Quality Forest. They had a railroad spur track on the property. Quality Forest brought in lumber on the railroad track, pressure treated lumber and then

resold it. Mr. Berling noted that when he brought the property, the previous owner had already been through the U.S. EPA and cleaned up the site for future industrial uses. They had to clean it up again for possible residential use. They spent an extreme amount of money to remove chemicals and dispose of everything. There are no restrictions to the property. It has been inspected by the State and the U.S. EPA. This unique little parcel is isolated and it is all of the apartments they would build there.

Ms. Tonya Burns, attorney and owner of the project, explained that she is originally from Lexington and moved to Northern Kentucky 20 years ago and has an office in Burlington. Ms. Burns mentioned her father's development company, which built the Mt. Zion Apartments and Burlington Oaks Apartments. Her father has owned a farm in Walton, Kentucky since 1998. She noted that her role is to help manage and maintain her father's developments. Burlington Oaks is located behind the Boone County Library and consists of 240 units. It is a Class A property owned by her father. Mt. Zion Apartments was developed by her father. The 432 unit complex is no longer owned by her father. They are still helping the new owners manage the property.

Ms. Burns referred to a letter submitted by Mr. Kelly Fulmer and stated it is not her style to prejudge someone or convict someone without letting them have an opportunity to represent themselves. The proposed project will be a Class A property. She stated that we don't have low income housing. She didn't know where this information came from as stated in Mr. Fulmer's letter. She agrees that Walton has far more than its share of low income high density properties. That is why we want to come here. We want to balance the scales. The Walton Towne Center is a beautiful development with all of the brick buildings. It wasn't there when she first moved to the area. There was no grocery store or department store. Even though she is not a Walton native, she wants to be part of the history of Walton and hopefully it won't be held against her. With regard to her father's company, they have built 672 Class A units that continue to be Class A units in Boone County. Their clientele is selective. There are strict guidelines for renters. The typical renter has to have 3.5 times their rent for their monthly income. There are credit checks. Her company is regularly in District Court for non-payment of rent or cars with flat tires in the parking lot. The renters in the Burlington Oaks complex includes older people, working professionals and some families. From the 240 units, about 20% are families with school age children. The Walton Schools will not suffer from the proposed project. The Walton Station Apartments will be 95% brick. They have many features but will not have a laundry mat or a clubhouse because it is a smaller community. It will include a gazebo, a basketball court, trails, and a fenced picnic area. The first floor units will have screened porches and will be handicapped accessible. There will be between 72-96 units dependent on the number of 2-3 bedroom units. About 30-35% of the units will be 3 bedroom units and remaining will be 2 bedroom units. They most likely attract seniors and young professionals from Toyota who commute. People will live there 1-2 years and then move into a house. Ms. Burns stated that their property in Ashland, Kentucky (216 units) has less children there than Burlington Oaks. She liked the site in Walton because of the tree cover or forested area. She realized the past track record of developers in Walton, but her company is different. One should look at her track record and properties. Every property his company owns continues to be a Class A property even the one next to the Fayette Mall-Shillito Apartments.

Mr. Jim Berling stated the project will have sidewalks adjacent to the parking lot in front of each building. It will be continuous through the site. He also stated that the developer of the subdivision will also bring the sidewalks to the project site.

Mr. Doug Hawk, Supervisor for the Fred Burns Company, stated that the buildings are 90-95% brick with vinyl siding in the soffit areas. The patio porches are made of hard board siding. Usually, the lighting is perimeter or security lighting from each building. They may place some lighting in the parking areas. Due to the small number of planned units, there will be no clubhouse or pool. There may be a fenced in pet area or basketball court. Of the 1,500 units the applicant has built in the past 25 years, none of them have been low-income even the units that have been sold. The garages will also be brick.

Mr. Gerry Dusing, attorney for the applicant with offices in Florence and Covington, stated that this development is high and rent is between \$800-\$900 a month. The project is compatible with the Comprehensive Plan because it is mixed-use. His experience has been that the Planning Commission desires housing with retail. If the original Walton Towne Center Concept Development Plan showed residential from the beginning, no one would have blinked. The project is consistent with the Comprehensive Plan cited in the Staff Report. According to the Goals and Objectives, Housing, Objective 5, -"In order to offer the citizens of Boone County maximum choice of living environment, residential developments shall be judged primarily on the impact on infrastructure, buffering and development design with only secondary consideration given to the type of dwelling units." Further, "mixed use, higher density neighborhoods shall be encouraged to locate at proposed mass transit stations near commercial districts and public facilities (i.e. parks) and also have convenient access to major streets and highways (Housing, Objective 10)."

Mr. Dusing continued to explain that this project causing a population boom at the Walton Verona Schools is a myth and an unfounded fear. The owner compared the proposed project with one that had similar demographics. Information like this could be examined by the School District. The data indicates that 67 school aged children between the ages of 4 and 17 live in Burlington Oaks out of the 248 units. If you proportionally figure this out, it would be equivalent to 27 school aged kids between the ages of 4 and 17. There would be 2 more kids age 18 who may or may not be in high school. There would be on average of 2 kids per grade from kindergarten through 12th grade. It will not be a significant impact on the school system. It should not be a factor in your land use decision. The myth is that low income housing with three bedroom apartments tends to have more children impacting the school. The proposed project is a totally different demographic. The truth is that you will have more kids from single family detached residential development at 3 dwelling units per acre than the proposed project. The project has to be evaluated on actual data and not on fears or reputation.

Chairman Rolfsen asked if there was anyone in the audience in favor of the project.

Ms. Diane Fiddle, Hebron, Kentucky spoke in favor of the project. She stated that she lived in the Burlington Oaks complex for 3 years. It is a classy place to live. It is not a low income complex.

Chairman Rolfsen asked if there was anyone in the audience against the project.

Mr. Paul Johnson, 13556 Service Road, asked why the applicant didn't consider making the units condominiums? What would prohibit someone from attracting Section 8 housing if the complex was sold?

Mr. Kelly Fulmer, 13 Park Avenue, stated that the Planning Commission has done a great job for Boone County. The Long Range Comprehensive Plan has helped positively shape the community during a very difficult period of rapid growth. He complemented Mr. Berling as the Walton Towne Center has filled a void of a grocery store for over a 16-year time period. The character and climate of the community has changed significantly as a result of the high density housing. At the heart of Planning and Zoning is the duty to minimize the negative impacts of development. Walton has definitely been changed with the development of Walton Ridge, Walton Townhomes, Walton Village, D.H. Vest, Brookwood and Old Stephenson Mill duplexes. All were built with a different intention but are now Section 8 housing now. Over the past 4 years, there has been 13,500 service calls to the Boone County Sheriff's office from these developments. The comparison of the children coming from the Burlington Oaks project to the Boone Bounty schools is not an apples to apples comparison. It is like comparing a Cadillac to a Chevrolet. People are coming to Walton because of the school system. You cannot state that with any degree of certainty that because Burlington Oaks only produced 27 students to Stephens Elementary, that it will only produce 2 students per grade at Walton-Verona. It is not an accurate comparison. He disagrees with Mr. Dusing's assertion that the project is in keeping with the Comprehensive Plan. It is spot zoning and it is in contravention with the Long Range Plan. Walton and Mr. Berling has the best opportunity to positively develop under the Comprehensive Plan and based on the Walton Towne Center plan. Walton is the place to be and not be from. That is why I am in opposition to the zone change.

Ms. Patricia Parsons, 13482 Service Road, inquired about the U.S. EPA report that was referenced with Quality Forest Products. She is aware of what they left on the site. She stated she is against the zone change because it backs up to her. Are they going to build 96 garages and how many parking spaces will be provided?

Mr. Bill Boyle, Superintendent of Walton-Verona Schools, voiced in opposition to the zone change request. As superintendent of the Walton-Verona Schools I am in attendance tonight to speak in opposition of the proposed zone change. Our opposition stems from the following: First, all of the state required local planning efforts for the schools have been based around the current plan which did not include changing the zoning to permit more apartments in Walton. The planning efforts with regard to the Walton Town Center have centered around the commercial area, and behind that future residential areas consisting of senior citizen patio homes, condominiums with amenities, and single family homes. All of which are owned by individual homeowners which have a stake in our community; second, we are the second fastest growing school district in the state with 28% growth in student population over the past five years, second only to Southgate Independent, which received their explosive growth due to an apartment complex. As stated by Mr. Jim Palm superintendent of the Southgate Independent Schools, "We have had to bring in more trailers to use as classrooms to accommodate the growth. Also, and equally important is the transient population that the apartments have brought to our community. It drastically affects our budget in that we must hire teachers on a yearly contract for students that my

or may not be there throughout the year"; third, the District is currently building 13 rooms on our elementary school and planning for 8 rooms onto our new high school to accommodate the planned growth without additional high density dwellings. We are Maxed out with regard to space for students and with regard to money to build. We do not have any more bonding potential to build additional classrooms or schools. We have not raised our tax rate in 6 years and do not which to do so to accommodate an apartment complex; and fourth, society's hope for an educated population is to not repeat the mistakes of others and of the past. We must step back and look at how changing the zoning in our area for an apartment complex would impact all stakeholders especially the school system that has been the staple of our community and a beacon for educational success in the state for many years. We understand that there are current vacancies in existing apartment and multifamily dwellings throughout our district and surrounding towns. This along with the fact that we already have our fair share of multifamily dwellings should make one realize that we should stick to the current zoning restrictions. We have the opportunity to shape, mold and develop our community into a positive place for our citizens to live, grow, be educated, work and play. Therefore, it is our recommendation to the planning and zoning commission to reject this zoning change and remain steadfast to the existing plan providing for appropriate home ownership in the allotted areas of this development.

Mr. Leonard Whalen, 18 Willowood Lane, asserted he is a proponent of vision and growth. There is a time and place for everything. There may be a place at some point in time but not right now. We have been sold a "bill of goods" over and over again. What was supposed to be high end units over time turns into Section 8 housing over a short period of time due to the economy or profitability. Mt. Zion Apartments are no longer owned by the developer. There is nothing that prevents them from turning the units into Section 8 housing.

Mr. Bill Wethington, 13724 Walton-Verona Road, stated that he grew up in Walton. It is a good place to raise a family. Good things have happened in Walton. Wildcat Run is a great subdivision full of many young families. They have moved to the area for the same reasons he moved to Walton 30 years ago - good place to raise a family and attend Walton-Verona Schools. He served on the City Council for two terms during a period that was a genesis for future development - Clarion, Flying J and other subdivisions. The Walton Towne Center is the crown jewel. As a Walton-Verona School District Board Member, he has learned that is has nothing to do with income level, but with commitment. This is regardless of whether you live in a half a million dollar home in Verona or a \$50,000 home in Brookwood Subdivision. People come to Walton because they are committed to the community and to education. This is the quality of life. The submitted application is similar to the one that was presented to the Planning Commission for the Walton Ridge Apartments - brick and high rent. It later became a Section 8 project. The School District is already in year 3 of a 10 year plan for a new high school. We are already building twice the amount today. With apartments, it changes that growth. It is not fair to compare the Burlington Oaks projects with this project. When people move to Walton, they move there

for the schools. We are maxed out. The Planning Commission is a tool to protect communities. As stated in the Comprehensive Plan, "development issues shall be viewed in terms of promoting overall quality of life." There is crime associated from the existing apartment complexes. Eighty percent of the school discipline problems come from that portion of the population. The quality of life has changed. You have a Long Range Plan that doesn't call for apartments but for commercial and industrial. Finally, it should be noted that "primary and secondary education capacity shall be evaluated during housing development review." You have a good plan and I urge you to vote no.

Ms. Angie Prickel, 14112 Walton-Verona Road, noted she was a teacher and has served as a surrogate mother for students who live in Section 8 homes. With regard to the comparison of Mt. Zion Apartments and Burlington Oaks, the students attend multiple schools. We will become a small town Covington.

Mr. Wayne Carlise, a Walton Council member, stated that there are three entities - the City of Walton, Walton-Verona School District and the Walton Fire District. If there is ever one entity that is affected adversely, then the other two have to stand up and support the other entity so it doesn't get affected. If there is any unreasonable doubt that this may not be good for Walton, then the Planning Commission has to work through it.

Mr. Kevin Ryan, 35 Old Beaver Road, suggested the developer consider \$150,000-\$160,000 condominiums instead of an apartment complex based on the stated monthly rent. The units would not attract a transient population.

Ms. Jennifer Coleman, 111 N. Main Street noted there are a lot of vacancies in the community - apartments and foreclosed homes. There is no reason to add new apartments. We don't need more of a transient population. We love our town and we don't need this development.

Ms. Sarah Conaster, 167 N. Main Street, moved to Walton because it was a small town. It is the kind of community where everyone knows everyone. We have enough big buildings.

Mr. Bill Freeman, 42 Catalina Drive, stated that he isn't against growth. He prefers patio homes and would buy one if they were available.

At this time, Chairman Rolfsen asked whether any Board members had any questions.

Mrs. Susan Poston inquired about the wooded area and how much would be retained? Mr. Jim Berling responded that they would leave the area north of the sanitary sewer line. They would not cross the creek. There would be a wooded area on the south side near the railroad spur. Mrs. Poston asked how the rents at the proposed facility compared to those at Burlington Oaks. Ms. Burns noted the rents at the Walton facility would be higher. She stated that they raise rents. Rents are based upon building costs. Land costs have increased along with building material costs. Mrs. Poston asked staff about other apartments in the area. Mr. Light responded that the closest is Walton Ridge Apartments. The other ones were mentioned earlier. About a third of the units will be three bedroom units.

Chairman Rolfsen asked what is the average length of residency from Burlington Oaks? Ms. Burns responded that she would provide that information at the Committee meeting. In addition, Chairman Rolfsen asked if the applicant could show the location of the gazebo and trails at the Committee meeting? Mr. Rolfsen restated the CSX comment about a 150 foot buffer. Mr. Berling explained that it was a recommendation and the buildings are at 160 feet.

Mr. Ford suggested bringing a landscaping plan to the Committee meeting. He also inquired about a phasing plan for the project? Mr. Hawk answered that all four buildings would be built at once but it would take more time to rent them.

Mrs. Kegley asked how many garages would be built? Mr. Hawk answered there would be 32 garages. She asked if legal counsel could address the issue of rental units versus owner occupied units (condos) or "buy versus renting" units at the Committee meeting? Mrs. Kegley wanted to know the percentage of breakdown of a 2 and 3 bedroom units at the applicant's other apartment complexes - Mt. Zion Apartments and Burlington Oaks.

Mr. Don McMillian noted that all of the people against the project are here at the meeting and people that support the project are not here. There are more at home than here. If the schools can't handle or teach poor people, they need to educate their teachers. A small school district may need to consolidate. If they can't teach the kids going to the school, then the schools need some help. People don't like changes but no one likes the same old same old. Walton is a nice town. Things will be built. The school system is good but we need help.

Mr. Brandstetter asked Staff to bring the Original Concept Development Plan of the Walton Towne Center to the Committee meeting. He is interested in knowing more about Wenstrup Drive and the Industrial One (I-1) land use. What is the current enrollment of the Walton-Verona School District? Mr. Boyle answered 1,530 students.

Mrs. Poston inquired about Mrs. Parsons' comment on whether there was an EPA report which approved this land use? Mr. Berling responded yes and said he would bring it to the Committee meeting.

Mr. Longano asked what the market research was in terms of percentage for renting to seniors? What specific amenities would be included to attract seniors? Ms. Burns said she would provide the research at the Committee meeting. She stated there would not be a fitness center or clubhouse due to the small size of the complex. They are planning a trail and a pet park at the complex.

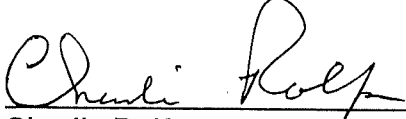
Mr. Reynolds asked how close is the closest residence to the proposed project? Mr. Light responded by showing a map of the location of residences along Service Road and across the railroad tracks. Mr. Brandstetter asked staff to bring the photos to the Committee meeting.

Chairman Rolfsen asked Mr. Dusing whether he had any final comments? Mr. Dusing distributed two handouts about the amount of taxes generated from the Walton Towne Center. The school taxes are about \$335,000. In the immediate vicinity, the figure rises to over \$400,000. The proposed project is \$4 million and it would generate about \$40,000 in taxes to the schools.

Mr. Dusing stated that over the years the Planning Commission has made decisions based upon facts and not fears. Also, the Planning Commission cannot discriminate based upon ownership versus rental. The demographics with these apartments will not drive the number of students to the schools. He disagrees with Superintendent Boyle. The proposed project is similar to Burlington Oaks - same design, same price point, similar demographics and same ratio of two and three bedroom apartments. It will be 2 kids per grade. Both the Walton-Verona and Boone County School systems are great and they attract new residents. People have choices to move to other areas but chose Boone County because of the quality of schools. They are top notch. Also, how many students attend Walton-Verona Schools who live outside the District? They don't have to take them. Further, Mr. Dusing emphasized that Mr. Berling has spent thousands of dollars to clean up the site from the mess left by Quality Forest Products. This allows the developer to construct a mixed-use project as recommended in the Comprehensive Plan.

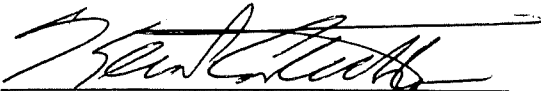
There being no further comments, Chairman Rolfsen stated that the Committee Meeting for this item will be on September 15, 2010 at 5:00 P.M. in this room. This item will be on the Agenda for the business Meeting on October 6, 2010 at 7:00 P.M. Chairman Rolfsen closed this Public Hearing at 10:05 P.M.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

Exhibits

- 1 - Estimated Property Tax Revenues**
- 2 - Walton Verona School Taxes**

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Ben Brandstetter, Chairman

DATE: September 15, 2010

RE: Request of **James W. Berling (applicant)** for **Walton Land Development Co., LLC (owner)** for a Zoning Map Amendment from Commercial Two (C-2) and Industrial One (I-1) to Urban Residential Two (UR-2) for a 6.9 acre site located on the east side of Wenstrup Drive, approximately 700 feet south of the Wenstrup Drive/Towne Center Drive intersection, Walton, Kentucky. The site is also known as a portion of the property at 13066 Service Drive, Walton, Kentucky. The request is for a zone change to allow multi-family dwellings.

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.

Walton Land Development

September 15, 2010

Ben Brandstetter
Ben Brandstetter, Chairman

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred ___

Greg Breetz

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred ___

Kim Bunger
Kim Bunger

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred ___

Janet K. Kegley
Janet Kegley

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred ___

Susan Poston
Susan Poston

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred ___

Linda Herald (Alternate)

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred ___

Charlie Reynolds

For Project ___ Absent ___
 Against Project ___
 Abstain ___ Deferred ___

TOTAL: ___ DEFERRED 1 FOR PROJECT ___ ABSENT
2 AGAINST PROJECT 1 ABSTAIN

SUPPORTING INFORMATION



JAMES W. BERLING ENGINEERING, PLLC

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

KY License No. 5745

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

Land Surveyor License KY 206

July 29, 2010

LEGAL DESCRIPTION

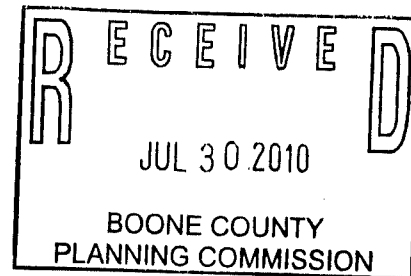
PROPOSED REZONING OF 6.900
ACRES FROM I-1 and C-2 to UR-2

WALTON, KENTUCKY

Situated in the City of Walton, Boone County, Kentucky, lying along the westerly right of way line of the CSX Railroad Track right of way and southeast of Towne Center Drive, containing 6.900 acres and being more particularly described as follows:

Beginning at the intersection point of the centerline of Towne Center Drive and the centerline of Wenstrup Drive as shown on the plat of Section Three of Walton Towne Center as recorded in the office of the Boone County Clerk in Burlington, Kentucky; thence S 06° 46' 59" W along the centerline of Wenstrup Drive as shown on Section Five of said records, a distance of 361.87 feet to a point; thence in a southerly direction along a curve, in the centerline of Wenstrup Drive, tangent to the last described course, as it curves to the left with a radius of 905.40 feet, an arc distance of 228.77 feet to a point; thence S 07° 41' 39" E along the centerline of Wenstrup Drive 141.44 feet to a point; thence leaving said centerline N 70° 04' 53" E 25.58 feet to a point in the east line of Wenstrup Drive and the REAL PLACE OF BEGINNING; thence from this real place of beginning, running through the lands of Walton Towne Center, LLC, N 70° 04' 53" E 249.39 feet, N 63° 18' 07" E 238.37 feet, N 35° 12' 48" E 353.85 feet and S 89° 34' 33" E 289.72 feet to a point in the westerly line of the CSX Railroad track right of way; thence along the westerly line of the CSX Railroad track right of way, S 23° 30' 31" W 204.87 feet, S 24° 42' 19" W 54.88 feet, N 62° 18' 24" E 13.11 feet and S 26° 08' 39" W 240.24 feet to a point; thence leaving said railroad right of way and running through the lands of Walton Towne Center S 64° 11' 52" W 778.39 feet to a point; thence N 07° 41' 39" W and along the easterly right of way of Wenstrup Drive a distance of 309.87 feet to the Real Place of Beginning.

Containing 6.900 Acres



**CITY OF WALTON, KENTUCKY
ORDINANCE NO. 2010-09**

AN ORDINANCE APPROVING AND ADOPTING A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING DENIAL FOR A REQUEST FOR A ZONING MAP AMENDMENT FOR A ZONE CHANGE FROM COMMERCIAL TWO AND INDUSTRIAL ONE TO URBAN RESIDENTIAL TWO ON A 6.9 ACRE SITE LOCATED AT 13066 SERVICE DRIVE.

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

WHEREAS, the Boone County Planning Commission received a request from James W. Berling (Applicant) on behalf of Walton Land Development Co., LLC (Owner) for a Zoning Map Amendment to the Boone County Zoning Map, and such Zoning Map Amendment being a zone change from Commercial Two (C-2) and Industrial One (I-1) to Urban Residential Two (UR-2) on a 6.9 acre site located generally on the east side of Wenstrup Drive, approximately 700 feet south of the Wenstrup Drive/Towne Center Drive Intersection, also known as a portion of the property located at 13066 Service Drive, in order to allow multi-family dwellings; 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 denial for the Zoning Map Amendment; and,

WHEREAS, the City of Walton, has received Resolution R-10-010-D of the Boone County Planning Commission recommending denial for this request; and,

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

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

SECTION ONE

The request for a Zoning Map Amendment is hereby denied. The Zoning Map Amendment to the Boone County Zoning Map is for a zone change from Commercial Two (C-2) and Industrial One (I-1) to Urban Residential Two (UR-2) on a 6.9 acre site located generally on the east side of Wenstrup Drive, approximately 700 feet south of the Wenstrup Drive/Towne Center Drive Intersection, also known as a portion of the property located at 13066 Service Drive, in order to allow multi-family dwellings. The real property which is the subject of this request for a Zoning Map Amendment is more

particularly described in Deed Books 900 and 908, Pages 685 and 481, respectively, (as supplied by the Applicant) as recorded in the Boone County Clerk's records.

SECTION TWO

Resolution R-10-010-D of the Boone County Planning Commission, recommending denial of the Zoning Map Amendment, is hereby approved and adopted. The Resolution, along with the minutes and official records for this request, are attached hereto collectively as Exhibit "A" and incorporated herein by reference.


SECTION THREE

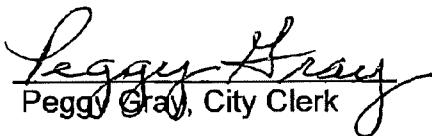
This Ordinance shall take effect and shall be in full force after its enactment and publication as required by law.

FIRST READING: December 13, 2010, two (2) Yes and two (2) No; Sharon Mc Donald abstain.

SECOND READING: January 10, 2011, four (4) Yes and one (1) No; Mark Camahan abstain.

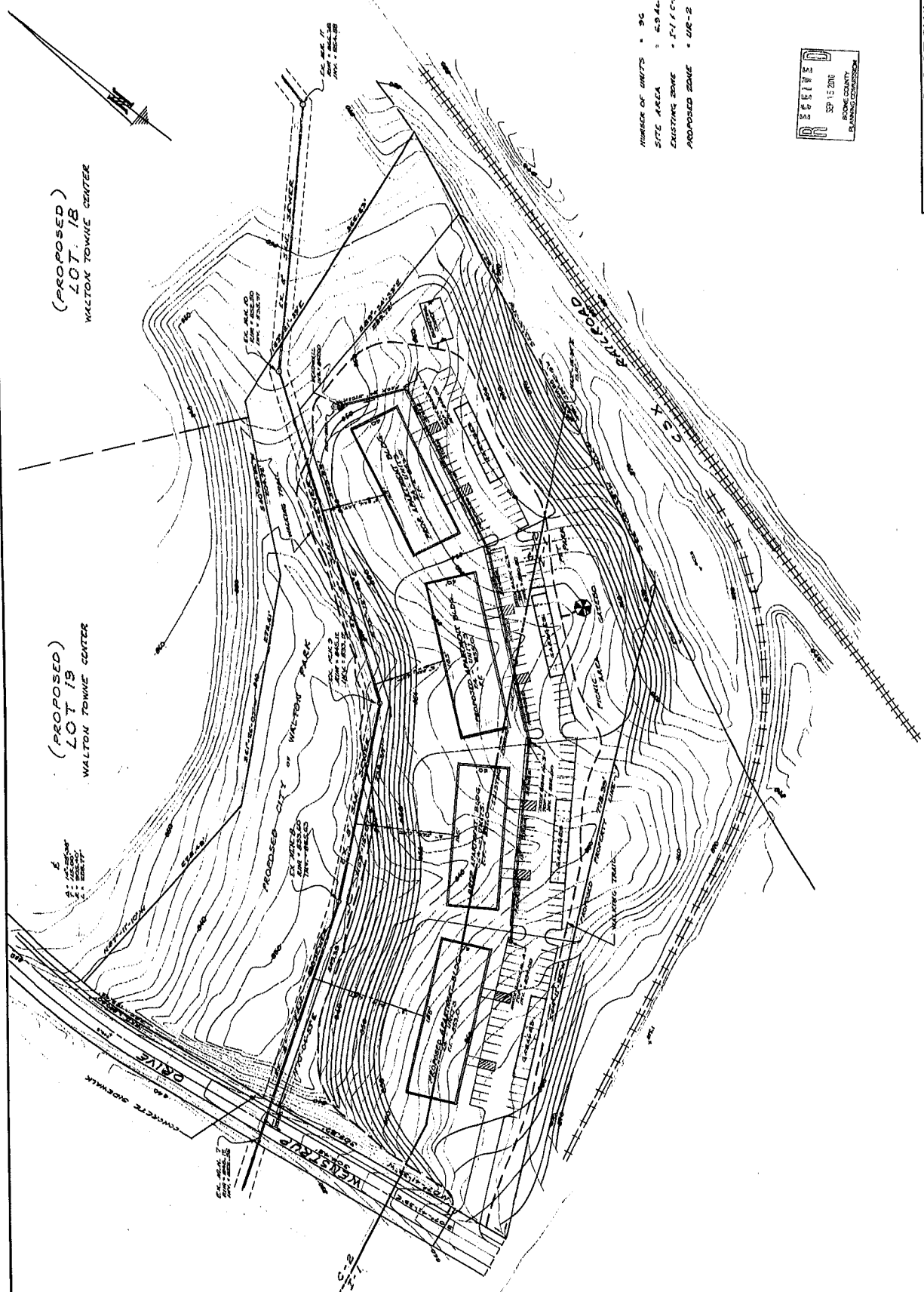
DATE OF PUBLICATION: January 20, 2011.

APPROVED: 
Wayne Carlisle, Mayor

ATTEST: 
Peggy Gray, City Clerk

(PROPOSED)
LOT 18
WALTON TOWNE CENTER

(PROPOSED)
LOT 19
WALTON TOWNE CENTER



NUMBER OF UNITS = 36
SITE AREA = 62.84
EXISTING ZONE = P-1-C-2
PROPOSED ZONE = UR-2

RECEIVED
SEP 13 2016
PLANNING COMMISSION

CONCEPT DEVELOPMENT PLAN	
WALTON STATION APARTMENTS	
DATE	11-1-20
SCALE	1"=20'
PROJECT NO.	16-00000000
WENSTRUP DRIVE	
WALTON, BOONE CO., KY	
JAMES W. BEALINE	
22 PRICKLE CREEK, W. KY	

