

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 Our Lady of Good Counsel Church
- 2. Location of Project 472 Beaver Rd. Walton KY 41094
- 3. Total Acreage of Site 13.7961
- 4. Current Zoning of Site SR-1
- 5. Proposed Zoning (Classification being requested) PF
- 6. Proposed Uses (please specify each use) Church (Existing) K-12 School
See attached letter for more detail
- 7. Names of Applicant(s) Mark Kolb
Phone Number 937.603.5144 Fax No. 937.331.9778
- 8. Address of Applicant(s) 472 Beaver Rd.
Walton KY 41094
City State Zip
- 9. Name of Property Owner(s) Our Lady of Good Counsel Church
Phone Number 859.485.3800 Fax No. 859.485.3801
- 10. Address of Property Owner(s) 12665 McCoy Fork Rd.
Walton Kentucky 41094
City State Zip
- 11. Proposed Building Intensities (please specify) Existing Structure
- 12. Are there any existing buildings on the site? 1
How many? 1
- 13. Deed Book 851 Page No. 61 Group No. 2078
- 14. Are you also applying for:
No Conditional Use Permit
No Dimensional Variance
- 15. Have you submitted a Concept Development Plan? Yes
- 16. Have you had a pre-application meeting with BCPC Staff? Yes
- 17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

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

EXHIBIT

“A”

STAFF REPORT

Request of **Mark Kolb (applicant)** for **Our Lady of Good Counsel Church (owner)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Public Facilities (PF) for a 13.7961 acre site located at 472 Beaver Road, Walton, Kentucky. The request is for a zone change to allow a K-12 school within the existing building in addition to the existing church function.

March 2, 2011

REQUEST

The applicant has applied for a zone change from Suburban Residential One (SR-1) to Public Facilities (PF) for a 13.7961 acre site located at 472 Beaver Road, Walton, Kentucky. The request will allow a K-12 school and the existing church function to operate out of the existing building. The applicant submitted letters indicating that a school is currently operating in the building and they were unaware that a zone change was needed for this use. The school operates Monday through Friday from 8:30 AM to 3:30 PM and the current enrollment is 40 students. They hope to grow to a maximum enrollment of 100 students over time. All students will arrive and depart by private transportation and there will be no bussing. A play and recreational area will be located in the rear portion of the property.

RELEVANT SITE HISTORY

- 6/26/03 – The Walton Board of Adjustment approves a Conditional Use Permit allowing a 21,650 square foot church. Eight (8) conditions were imposed on the approval (see attached 6/26/03 Walton Board of Adjustment meeting minutes).
- 8/7/07 – The Boone County Planning Commission approves a Major Site Plan for a 11,640 square foot church with 99 parking stalls.
- 5/14/10 – The Boone County Planning Commission approves a Major Site Plan allowing grading and parking lot modifications. On-site parking is increased from 99 stalls to 129 stalls.

SITE CHARACTERISTICS

The property is 13.7961 acres in area and has 715 feet of frontage along Beaver Road and approximately 380 feet of frontage along I-71/75. The parcel contains a 11,640 square foot church, a single curb cut on Beaver Road, 129 parking stalls, and a detention basin on the front half of the property. The areas adjoining the building and parking lot are landscaped with evergreen and deciduous trees. The back half of the property contains significant deciduous tree lines, a stream, a pond, and a gravel driveway that leads back to a future recreational area. The topography of the parcel varies from 915 feet above sea level at the access point, 888 feet above sea level in the rear parking lot, 820 feet above sea level where the stream bisects the property and 850 feet above sea level at Interstate 71/75.

ADJACENT LAND USES AND ZONING

North: Interstate 71 North to Interstate 75 Southbound Ramp

South: Beaver Road, Single-Family Residential Dwellings (SR-1), and Farms (SR-1 and I-1)

East: Single-Family Residential Dwellings fronting on Beaver Road and Skyway Drive (SR-1)

West: Single-Family Residential Dwellings fronting on Beaver Road (SR-1)

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's "2030 Future Land Use Plan" designates the site for Rural Density Residential (RD) uses. This designation is described as "low density residential uses of up to one dwelling unit per acre".

The Land Use Element makes the following statement regarding the general area:

- A. The area south of I-71 and Beaver Road, and west of I-75 to Stephenson Mill Road is suitable for light industrial development; access to this industrial area should connect to Beaver Road and Stephenson Mill Road. Urban Density Residential is appropriate to act as a transition between the Suburban Residential and Industrial uses along Stephenson Mill Road. However, before these areas develop, improvements to Stephenson Mill and Beaver Roads will be necessary. In addition, improvements to the intersection of these two roads and the interstate will be necessary (Land Use Plan Geographic Areas, Walton Area, pg. 149).

The Land Use Element provides the following Future Land Use Development Guidelines that relate to the proposal.

- A. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments. Developments proposed adjacent to planned or established greenbelts should provide pedestrian access where appropriate (Buffering, pg. 141).
- B. Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways.

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

- C. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the

existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system. Connections between and within commercial and industrial developments allow for more efficient provision of transit service (Access Management, pp. 141-142).

The Business Activity Element provides the following comment which relates to the general area:

- A. The Richwood and Walton interchanges will serve an increasing amount of industrial traffic along the U.S. 25 and I-75 corridors. Most of the industrial activity should locate near the interchanges to minimize travel on non-interstate roads (Recommended Areas of Industrial and Office Activity, pg. 65).

The Transportation Element provides the following comments that relate to the proposal:

- A. The Transportation plan has served as a guide for long range transportation improvement decisions. The thoroughfare component has assisted in the preservation of right-of-ways for transportation facilities and established a consistent framework for the design of new transportation facilities (Boone County Transportation Plan, pg. 128).
- B. The Transportation Plan is not an amendment to the Comprehensive Plan. Rather, it is intended to be one of many planning tools utilized during the review of applications submitted for development in this county (Boone County Transportation Plan, pg. 128).

The 2005 Boone County Comprehensive Plan's Goals and Objectives include the following pertinent statements:

- A. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed (Overall, Objective).
- B. Existing vegetation shall be considered as both an important site characteristic and a community resource (Environment, Social Objective).
- C. The incremental effects of development on the environment, including, but not limited to storm water, erosion, woodlands, streams, and views shall be evaluated and addressed (Environment, Objective).
- D. Safe, efficient and environmentally sound public services and facilities shall exist for all development (Public Services and Facilities, Goal).
- E. The incremental effects of developments on public facilities and services shall be evaluated and addressed (Public Services and Facilities, Objective).

- F. Priority shall be given toward maintaining, protecting, and improving the capacity and safety of the existing road system (Transportation, Objective).
- G. The incremental effects of developments on the transportation system shall be evaluated and provided for (Transportation, Objective).
- H. Traffic impact analysis should be used as a tool to address impacts to the existing roadway system (Transportation, Objective).

RELATIONSHIP TO BOONE COUNTY TRANSPORTATION PLAN 2030

- A. The current level of service (LOS) on Beaver Road, between I-71 and the Walton corporate boundary, is LOS B. There are 2,954 average daily trips on this section of road (Exhibit 2-8).
- B. The projected level of service (LOS) on Beaver Road, between I-71 and the Walton corporate boundary, is LOS C. There are projected to be 7,926 average daily trips on this section of road in the year 2030 (Exhibit 3-9).

STAFF COMMENTS

- 1. A Zoning Map Amendment from Suburban Residential One (SR-1) to Public Facilities (PF) is needed because a K-12 school is being proposed. The SR-1 zone allows churches as a conditional use but does not allow primary, elementary, or secondary schools. Primary schools, elementary schools, secondary schools, and churches are principally permitted uses in the PF zone.
- 2. Staff would like the applicant to address the following questions:
 - A. How many classrooms will be occupied once enrollment reaches 100 students?
 - B. Could church and school functions overlap?
 - C. Is any playground equipment or lighting being proposed in outside play area?
- 3. Staff has the following comments regarding traffic safety:
 - A. Beaver Road is two-lanes between Mary Grubbs Highway and the I-71 overpass and the entrance to the church is located in a gradual curve. Although the entrance meets the current sight distance regulations, Staff recommends that the Planning Commission should analyze if a center turn lane or right hand deceleration lane is warranted because of the current and future school traffic.
 - B. The applicant submitted a letter from Matt Bogen, with the Kentucky Transportation Cabinet (see attachments). Mr. Bogen's letter states that "the Department will require no further improvements to the permitted entrance on Beaver Road" based on the applicant's letter of intent. The letter of intent states that the school operates Monday through Friday from 8:30 AM to 3:00 PM, students will arrive from private transportation, school enrollment is currently 40 students but could grow to 100 students over time, and approximately 40 vehicles would transport children to and from school once the enrollment reached 100 students.

- C. Staff spoke with Mike Bezold, with the Kentucky Transportation Cabinet, and was informed that there are no scheduled road improvements on Beaver Road between the Mary Grubbs Highway and the I-71 overpass.
4. Copies of the 5/22/03 and 6/26/03 Walton Board of Adjustment meeting minutes have been attached to the Staff Report for review.
5. The Zoning Administrator has indicated that he would be willing to analyze a Waiver to reduce the required landscaping along the side property lines if the Zoning Map Amendment is approved. Consideration for the Waiver will be based on the number and type of plantings that were installed when the church developed.

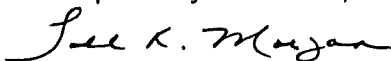
Properties that are zoned Public Facilities (PF) are required to provide Buffer Yard C plantings when they adjoin residentially zoned properties. Buffer Yard C is a minimum of 30 feet in width with 10 evergreen trees, 8 large or medium trees, and 35 large shrubs per 100 linear feet of buffer area and includes a 6' tall fence, masonry wall, or berm. There is also a 60 foot wide option with the same number of plantings but without the fence, wall, or berm.

6. Staff recommends the following conditions if the request is approved:
 - A. The approval is based on the submitted application. Uses other than a school or church will be required to go through the Change in Concept Development public hearing process.
 - B. The maximum school enrollment shall not exceed 100 students.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and Walton City Council in terms of Article 3 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area. The Future Land Use Map will need to be amended if the request is approved.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

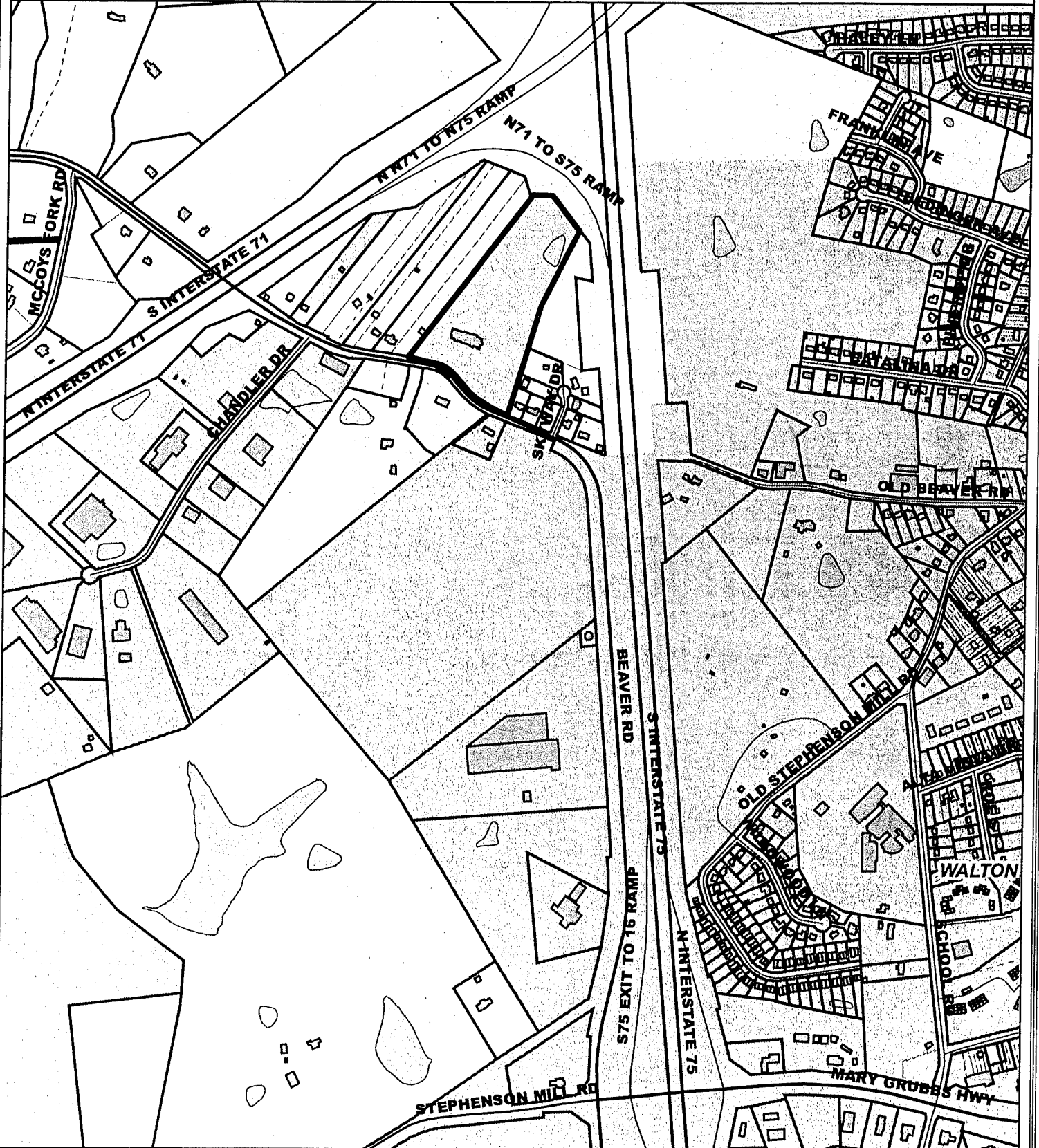
TKM/dw

Attachments:

- *Site Vicinity Map
- *Letter from Mark Kolb Outlining the Request
- *5/14/10 Site Plans
- *Letter from Mark Kolb to Matt Bogen
- *Letter from Matt Bogen to Mark Kolb
- *2009 Aerial Map
- *Zoning Map
- *Future Land Use Map
- *5/22/03 and 6/26/03 WBOA Meeting Minutes
- *Application

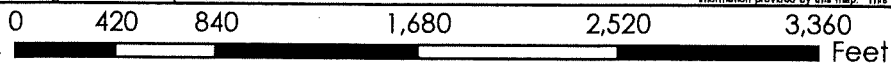
SITE VICINITY MAP

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01/25/11

To: Todd Morgan / Senior Planner
Boone County Planning Commission
2995 Washington St.
Burlington, Kentucky 41005

From: Mark Kolb/ Applicant
Our Lady of Good Counsel Church
12665 McCoy Fork Rd.
Walton, Kentucky 41094

Re: 472 Beaver Rd. Zoning Change

Our Lady of Good Counsel Church is requesting a zoning change from SR-1 to PF for the purpose of operating its school. It was not understood at the time the plans were approved that a change of zoning was required to operate a school. The church currently operates a school for 40 students, K-12, with hopes of accommodating up to 100 students. No changes have been made or will be made to the building or parking lot for accommodating 100 students. A play and recreational area is provided; the use of play equipment is not being planned for at this time. Students arrive and depart by private transportation, no busing. Please review the application and contact me at the information listed above.

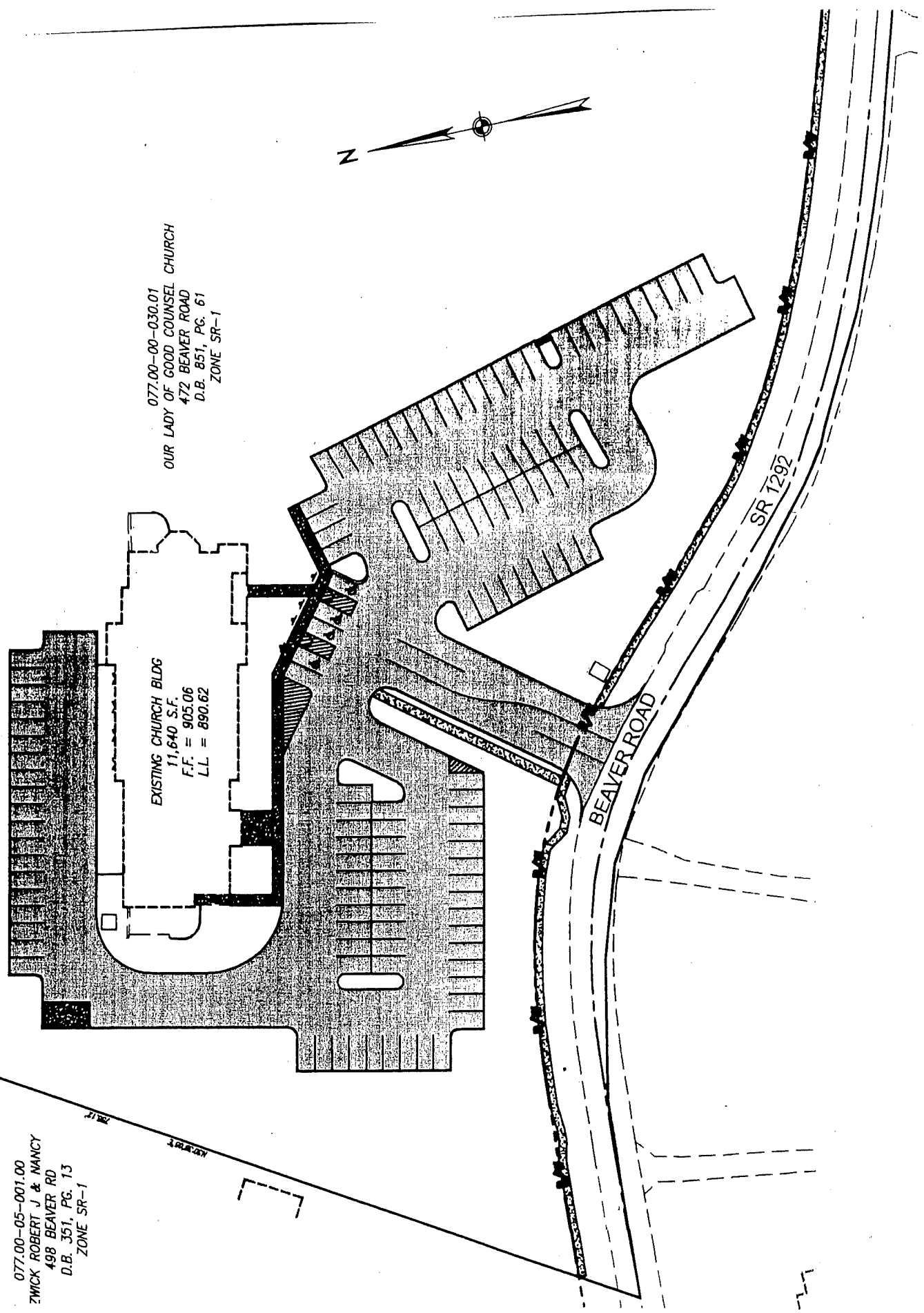
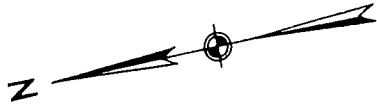
Sincerely,

Mark Kolb

077.00-05-001.00
ZWICK ROBERT J & NANCY
498 BEAVER RD
D.B. 351, PG. 13
ZONE SR-1

077.00-00-030.01
OUR LADY OF GOOD COUNSEL CHURCH
472 BEAVER ROAD
D.B. 851, PG. 61
ZONE SR-1

EXISTING CHURCH BLDG
11,640 S.F.
F.F. = 905.06
L.L. = 890.62



01/11/11

To: Matt Bogen
Transportation Cabinet
Department of Highways District 6 Office
421 Buttermilk Pike
P.O. Box 17130
Covington, KY 41017

From: Mark Kolb
Our Lady of Good Counsel Church
472 Beaver Rd.
Walton, KY 41094
937.603.5144
ologcc@sbcglobal.net

Re: Boone County Request for Zoning Change, School

Mr. Bogen,

Our Lady of Good Counsel Church is seeking a zoning change, at the request of Boone County, in order to operate its school. The school, located at 472 Beaver Rd, is currently open 5 days a week, Monday through Friday, 8:30am – 3:00pm. The 40 students arrive and depart by private transportation numbering 12 – 15 vehicles, since there is more than one student per family. Of these vehicles, 8 arrive from the East and 5 from the West. The school facility is capable of accommodating up to 100 students and hopes this number is obtainable in the future. At that time the number of vehicles servicing the school would be around 40. Of these 40, it is estimate that 10 - 12 vehicles would arrive from the West and 28 - 30 vehicles from the East. If any additional clarification is necessary please contact me at the information listed above.

Sincerely,

Mark Kolb



TRANSPORTATION CABINET

Steven L. Beshear
Governor

Department of Highways District 6 Office
421 Buttermilk Pike
Covington, KY 41017
(859) 341-2700

Michael W. Hancock, P.E.
Secretary

Our Lady of Good Counsel Church
472 Beaver Road
Walton, KY 41094

Attn: Mark Kolb

Subject: Zone Change for School
Beaver Road site
KY 1292, MP 4.00 Lt.
Boone County

January 19, 2011

Dear Mr. Kolb:

The Department has reviewed the letter of intent that you have sent for the property along KY 1292 "Beaver Road". This office has the following comments concerning the addition of a school at the proposed site.

Under the current conditions described in the letter of intent, the Department will require no further improvements to the permitted entrance on Beaver Road. Please note that any future expansion of the facilities on this site or any change in the use of the entrance or property will require further evaluation by the Department. At such time, an application for a new encroachment permit and a full review by the Department will be necessary.

If you have any questions or need additional information, please contact this office.

A handwritten signature in black ink that reads "Matt Bogen".

Matt Bogen, EIT
Permit Engineer

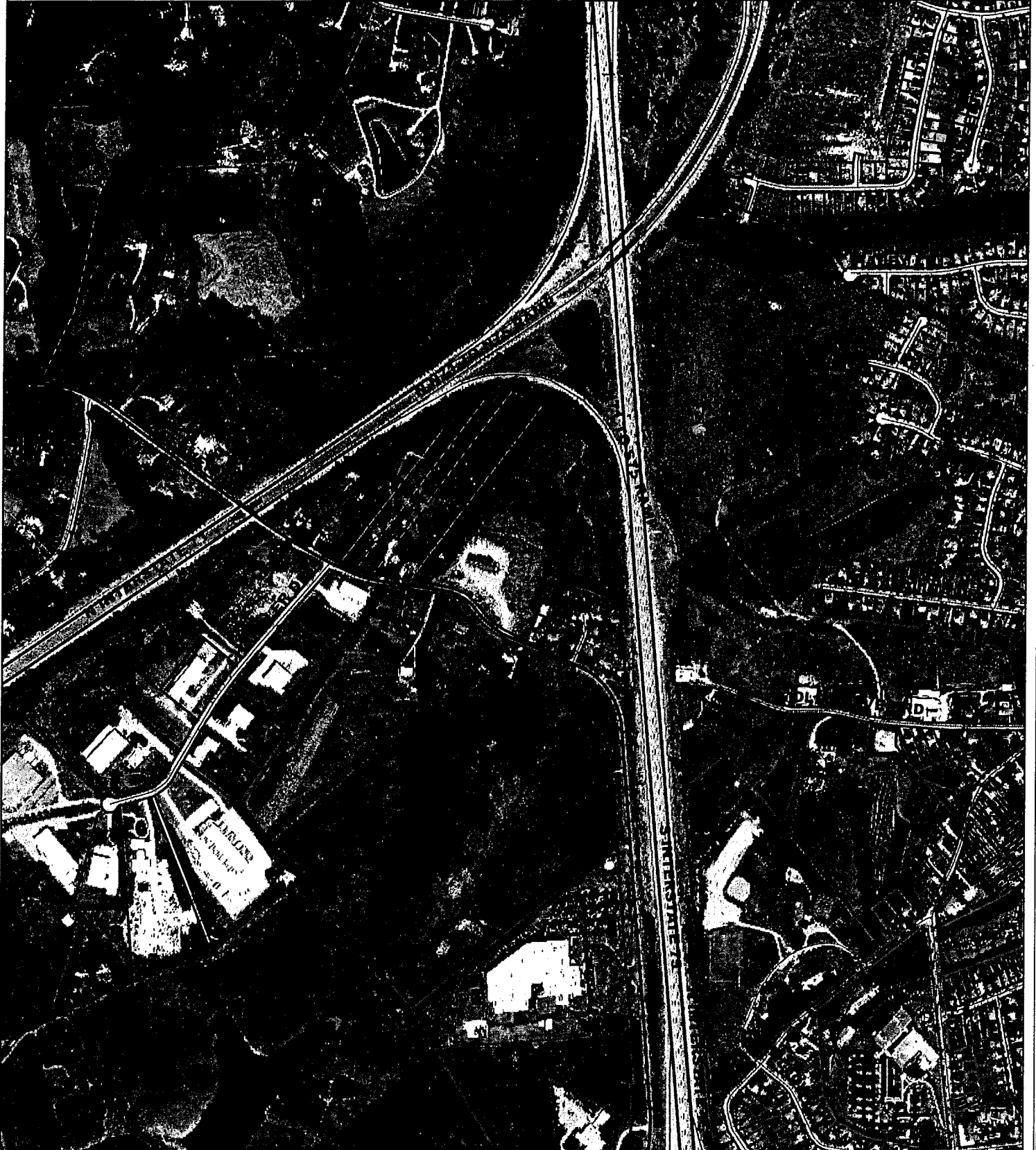
CC: James Minckley, Traffic and Permits Section Supervisor



An Equal Opportunity Employer M/F/D

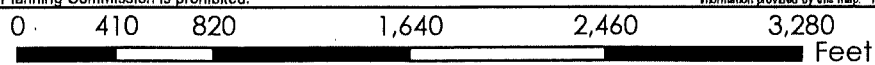
2009 AERIAL MAP

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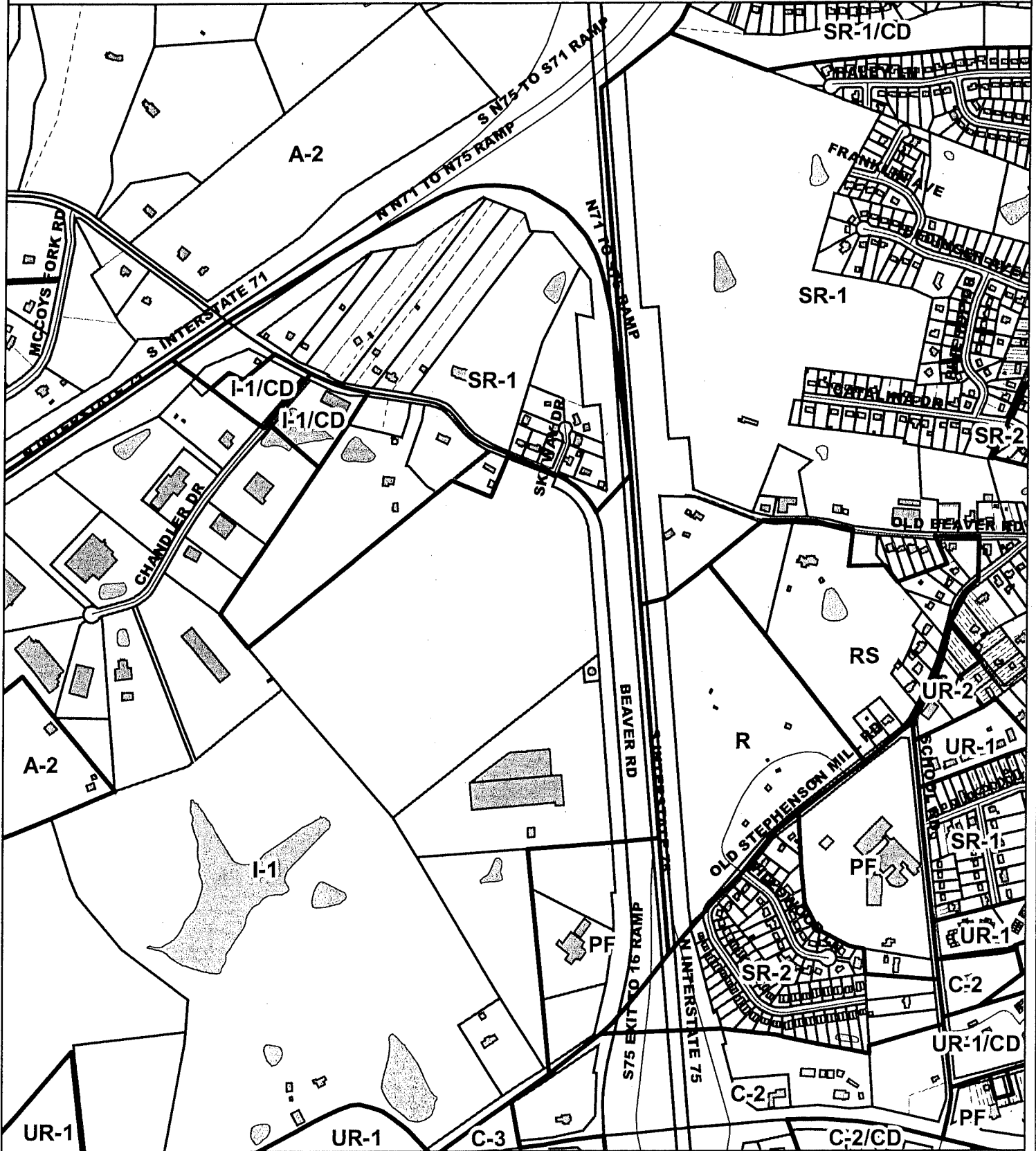
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ZONING MAP

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0 405 810 1,620 2,430 3,240 Feet

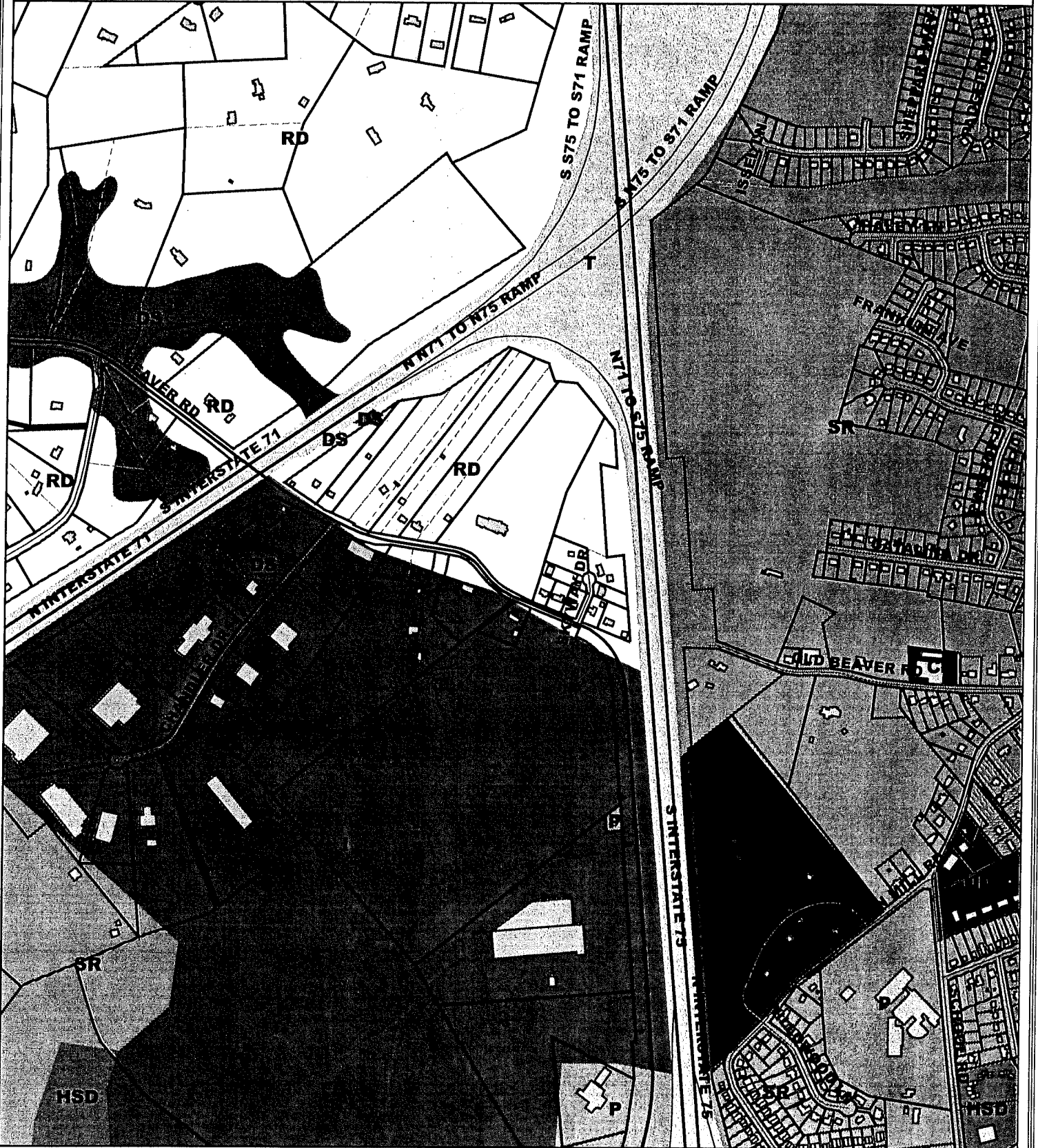
1 Inch = 800 feet



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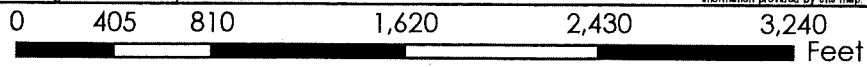
FUTURE LAND USE MAP

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WALTON BOARD OF ADJUSTMENT
BUSINESS MEETING
WALTON CITY BUILDING
May 22, 2003
6:30 P.M.

BOARD MEMBERS PRESENT:

Mr. Steve Turner, Secretary/Treasurer
Mr. James Bonar
Mr. Bill Hogan

BOARD MEMBERS NOT PRESENT:

Mr. Jim Bridges, Chairman
Mrs. Rebecca Huth

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Mr. Steve Turner, Secretary/Treasurer, called the meeting to order at 6:35 PM.

Approval of the Minutes: There were no minutes to be approved at this time.

Agenda Item:

1. The request of Our Lady of Good Counsel Church for a Conditional use Permit to allow a church to be constructed on a 13.54 acre parcel located between 438 and 498 Beaver Road, Walton, Kentucky. The property is currently zoned Suburban Residential One (SR-1).

Staff Member Todd Morgan, AICP, presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Turner asked for the applicant's presentation.

Mr. Mark Brueggemann, with CDS Associates, working with Our Lady of Good Counsel Church, stated that they are proposing a traditional church. Reviewing

exhibit boards, he stated that from the road the church will look like a two-story building, but in the back it will look like a three-story building due to the topography. The building is 2,100 square feet, but the footprint is 10,000. He stated that for the most part, they are in agreement with the Staff Report. They are proposing that the main drive be inside the curve to provide maximum sight distance in both directions. The access is at the high point of the road for maximum visibility. The second drive is proposed as right-in/right-out and will be used at peak periods. They are willing for the second drive to be right-in only if that is acceptable to the Board. They want people leaving the church to go out at the main drive where there is the best sight distance for turning left. They have met with the Transportation Cabinet and are aware that they have to get a permit from the state for the drive – and the state has indicated that is possible. He stated that the church is a traditional church, similar to St. Agnes in Fort Wright, and not as big as Blessed Sacrament or St. Timothy. There will be brick, stone, or plaster on the exterior. There will not be metal or wood and it will be a very good looking building. They are specifying brick or stone to fit in with the residential neighborhood. They have not decided if there will be a real bell in the bell tower or a speaker. The bells will only ring to call people to mass or during mass, and will not ring at a certain time every day. They do not plan to call people from adjacent counties and will work with the Board in regard to the decibels. They are in agreement regarding site lighting and will submit a lighting plan. They have not addressed landscaping, but landscaping is not typically required in this zone. The church is set towards the front of the property to minimize grading. There will be large mature trees on both sides. If the site was developed residentially, landscaping would not be required. He stated that they have indicated the number of parking spaces need to facilitate people coming to mass. A requirement of one parking space for every five seats does not seem reasonable – when is the last time anyone saw five people in one car? He stated that they could come down on the number of parking spaces, but they do not feel that the maximum number of parking spaces allowed is practical.

Mr. Turner asked if a right-in only second curb cut would be suitable. Mr. Morgan responded that they will have to go to the state and request it. Staff Member Kevin Wall stated that right-in only access points are usually benign because they do not interfere with the traffic going in the other direction or have sight visibility problems. Mr. Brueggemann stated that they will agree to a caveat that they can provide adequate sight distance to facilitate right turns – otherwise, they do not want the access. They want to get their parishioners in there safely. Mr. Turner stated that the curb cut would have to be clearly marked so that people do not try to exit there. Mr. Brueggemann proposed that it be designed in such a way as to restrict it to right-turn movements and they will address that in the detailed Site Plan. The curb cut will be designed to restrict people from exiting there.

Mr. Turner questioned water retention and stormwater runoff. Mr. Brueggemann responded that they will provide stormwater detention in the location shown at the side of the building or towards the rear of the site. They prefer that it be done in the back in order to keep as much of the existing vegetation as possible along the

property line. Counselor Wilson advised that if the Board approves the Conditional Use, it would then go to Site Plan Review and the retention/detention will be evaluated at that time. Mr. Morgan stated that the County Engineer will do a full analysis of the retention/detention system at Site Plan Review.

Mr. Turner asked if major Site Plan Review would address landscaping. Mr. Morgan responded "only if it is imposed in the conditions" as landscaping is not required for parcels zoned residential. He stated that Staff feels that landscaping is necessary because this is not a residential development and there is a large parking area. Adjoining property owners to the south, east, and west will be able to see the parking areas. Staff recommends Buffer Yard A on the front and more significant buffering on the sides. He stated that they will be able to get credit for existing trees when the survey is submitted. He stated that existing vegetation may meet the guidelines. He noted that there are no trees on the front portion of the site along Beaver Road.

Mr. Bonar asked if the site is served by city sewer and water. Mr. Brueggemann responded that they met with Mayor Trzop. They will have a pump station or a lift station and pump down to the manhole near Claring and they will run a force man to that location.

Mr. Turner recommended that the second curb cut be right-in only. Mr. Brueggemann responded "we are agreeable to right-in only".

Mr. Turner stated that the Board would need to condition the number of parking spaces. Mr. Morgan responded that if the Board is comfortable approving the parking as presented by the applicant, the Board can do that – but the Zoning Administrator needs to sign off on it. Mr. Brueggemann stated that they are agreeable to a condition as recommended by Staff in regard to parking lot lighting.

Mr. Hogan stated that he has not visited the site, but if he lived in the adjoining property, he would want buffering there. He would like to see buffering between the residential rear yards and the church parking lot. Mr. Brueggemann responded that they are agreeable to providing buffer along the sides, but he does not think buffering is warranted along the front. He stated that the more they push the church back, the more it falls off the hill and grading becomes more difficult. They want to keep the building up towards the front.

Mayor Phil Trzop stated that the City of Walton has strict landscaping requirements. They have worked for nine years to beautify the city and, as a minimum, the city wants trees and landscaping out front. He stated that he has not asked for a sidewalk yet – but if there aren't trees, he wants sidewalks – or both. He wants the requirements imposed on the front of the property. He wants the trees out front. The applicant can meet with Mr. Wall in regard to credits for the sides of the property, but there are no credits out front because there are no trees. The buffer is needed to protect the residential property owners.

Mr. Bernie Kunkel, Our Lady of Good Counsel Church, stated that his brother-in-law does landscaping and it is not a problem. Mr. Brueggemann stated that they are agreeable to the trees.

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

Mr. Matt Page stated that he lives across the street from the site. He recommended that the Board visit the site. He stated that there is a dangerous cut and a slope coming up. He asked if they meet the sight distance requirement looking east. Mr. Morgan responded "no". Mr. Page asked if they meet the requirement looking to the right. Mr. Morgan responded that it's closer, but he cannot say if it meets the requirements. Mr. Page stated that there is a dangerous curve there and he has had cars come into his yard. Another resident had a car go into his house. He stated that the other curb cut (right-in) does not meet the sight distance to the east or to the right and it will probably be used in different ways. He stated that it is a 55 MPH road. He is opposed to the request based on the safety issues. He stated that there are industrial properties nearby. He prefers that the bell tower be 65 feet. He stated that the curb cuts are dangerous and recommended that the Board visit the site.

Mr. Brueggemann stated that there could be single-family homes on the site which would generate more traffic at peak hour periods. The church traffic will be limited to mass times, which are off-peak times. The church is less of an impact on the infrastructure than if the site were developed as single-family residences. He stated that the design of the right-in/right-out access would have to be approved by Staff and the County Engineer. It will be designed to restrict left-turn movements. They understand that turning left is a safety issue. In response to comments from Mr. Page, he stated that the main access is at the highest point of the road and on the outside of the curve, and there is maximum visibility. He stated that the bell tower is not 80-feet tall, it is closer to 60-feet tall. Counselor Wilson stated that the applicant had agreed to a right-in only access. Mr. Brueggemann agreed and stated that the second access will be right-in only.

Mr. Page stated that they will probably use the church for weddings and there will be church functions in the morning and evening everyday. He stated that the access is a major safety hazard. He stated that cars go 55 MPH on the road and cars will be exiting the site - and he does not want them in his yard. He read from the requirements that an entrance "should not be constructed at locations where minimal visibility time of six seconds is not available". He stated that this is not a good place for the access. If this was a subdivision, the City of Walton would address the access to make it safer, and this needs to be looked at the same way as there will be just as many cars and someone is going to get hurt there.

Mr. Turner asked if there will be any nighttime functions when there would be a problem with not being about to see the traffic. Mr. Kunkel responded that mass is on Sunday morning and they do not have evening mass – except for midnight mass at Christmas. Mr. Turner questioned the lighting specifications – will the lighting illuminate the road at all? Mr. Morgan responded “very little”. He stated that Staff will ask for foot candle measurements at Site Plan Review and will request a reading of 1.0 or less.

Mr. Turner asked if the grading will make any difference in sight distance. Mr. Brueggemann responded that there will be some removal of trees, which will increase the line of sight. The sight triangle will be bigger because some of the vegetation will be removed. He stated that at night, people will be able to see the lights coming around the curve. Mr. Morgan questioned the overhead power pole at the main curb cut looking east. Mr. Brueggemann responded that they will investigate that. He has not researched it and does not have an opinion at this time. Mr. Morgan recommended that area be graded down to improve sight distance. Mr. Brueggemann responded that they will look at it when they get into the detailed grading. He indicated the fill area and stated that if it is necessary to improve the sight distance, they will move extra dirt. Mr. Turner stated that the hump there appears to block the view. Mr. Brueggemann responded that they are committed to making the necessary grade changes, but have not looked at it in detail at this time. They are committed to moving additional dirt if needed.

Mr. Page questioned Staff Comment #2. Mr. Brueggemann responded that in their conversation with Mr. Thompson of the Kentucky Transportation Cabinet he indicated that they will need to apply for an Encroachment Permit for the drive, which is standard procedure, but he did not give a negative response to providing the curb cut. They have not submitted an Encroachment Permit request to the Transportation Cabinet, but they have had an initial discussion. He stated that if they cannot get an Encroachment Permit, they cannot build and approval can be condition on their receiving approval from the Transportation Cabinet.

Mr. Page stated that they met with Mr. Thompson, he was approached by Mr. Brueggemann and Mr. Kunkel about buying part of his front yard to straighten out the curve because they felt that the sight distance was not being met. That sale did not occur, and now they are trying to go forward without addressing the safety concerns. He stated that the Board needs to make sure this is a safe project. He questioned the distance from the driveway to the curve. Mr. Brueggemann responded that it is a couple of hundred feet. Mr. Page stated that the speed limit is 55 MPH.

Mr. Jim Doepker, J. A. Doepker Associates, Inc., stated that he has been consulting with Mr. Brueggemann and he attended the meeting with Mr. Thompson. He stated that Mr. Thompson indicated that this could work the way it is proposed, but the new access points would have to have proper encroachment permits. It was never stated that they had to be taken out. The reason they looked at straightening the

road had to do with sight distance, which Mr. Thompson indicated was adequate, but new Encroachment Permits would have to be secured. All of the utilities would have to be relocated.

Mr. Page stated that he has a letter from the Transportation Cabinet and they have no record of any transaction and no notes concerning a meeting with Mr. Thompson (see Exhibit 1). Mr. Brueggemann responded that they have not submitted an Encroachment Permit, but they had a preliminary meeting to look at options to provide the best sight distance they can provide.

Mr. Turner questioned reducing the speed limit. Mayor Trzop responded that City Council can request a reduction, but it would be up to the state. Beaver Road is a state highway. Mr. Turner asked if the Board could impose that condition. Counselor Wilson advised that the Board does not have the authority to condition approval on the state doing something. Mr. Turner suggested a condition that the applicant ask the state to look into it. Counselor Wilson advised that the Board could include it as a concern, but not a condition since there could be a question of whether the applicant could proceed if the state elects not to consider it.

Mr. Rob Zwich, adjacent property owner to the west, stated that most of the houses in the area are brick and he would appreciate the church being brick and stone. He stated that the overgrowth and wooded area needs to be cleaned up. He stated that his elevation is lower. He stated that the state's regulations for an Encroachment Permit are weaker and they should use Boone County's regulations which are stricter. He wants to make sure the sight distance is as safe as can be and possibly the road can be widened. He stated that trucks are off the road all of the time and there have been many vehicles in the ditch. He believes that 55 MPH is ridiculous and anyone traveling 55 MPH will be in the ditch. He noted that there are warning signs to go slower. Mr. Page commented that that is in the good weather. Mr. Zwich suggested a study along Beaver Road to see if the speed limit could be reduced. He stated that there are a lot of young children out there.

Mr. Turner asked if there was anyone else present who wished to speak.

Ms. Barrie Creamer, who lives a couple of miles down the road, stated that there are 176 parking spaces from Phase I and Phase II. She stated that east of the site is a big bend and 176 cars with a speed limit of 55 MPH will be dangerous. Cars waiting to get into the site will be running into each other. She is concerned about the sight distance. At night, even if it is only the Christmas mass, the lights will shine into the Page house -- 176 lights one after the other. The bell will affect the neighbors. She is not sure the church fits in with the little country atmosphere and questioned why it has to be so big. She stated that the light at the Bank of Kentucky is a two-minute light and four cars get through at a time, if a semi is not stuck in the intersection. She is concerned about 176 cars getting out on Sunday morning. She believes there will be meetings at the church every night of the week, which happens in the Catholic Church she attends.

Mr. Turner asked if there was anyone else present who wished to speak.

Mr. Doepker stated that the church is only sixty feet wide. The church is 60' x 180' and the owner is committed to brick and stone for a soft appearance that blends with the neighborhood.

Mr. Turner asked if there is a way to address the lights. Mayor Trzop responded that lights are governed by KDOT and they do a study every six months to determine if a light needs to be changed. He agreed that the light needs to be changed. He stated that in the morning, it is lucky if six cars get through there. The city requests a traffic study every six months to review traffic conditions during the day and during peak hours and KDOT chose not to alter the timing of the signals. KDOT owns the signal.

Mr. Page questioned the future plans and future zoning of the area. Mr. Morgan responded that the Future Land Use Plan is attached to the Staff Report (Exhibit E) and noted that the subject site is rural density and on the other side of Beaver Road is forecast for industrial use. It is a mixture of residential and industrial uses. Mr. Page questioned the Hayes property. Mr. Morgan referred him to Exhibit D and stated that it is Industrial One (I-1). Mr. Page stated that there could be more traffic down the road. Counselor Wilson advised that the Comprehensive Plan is indicative of what is expected to possibly happen, but it has to be implemented through zoning. The site is currently zoned SR-1, which allows four units per acre.

Mr. Brueggemann stated that the church will produce less traffic during peak hours (Monday – Friday from 6 AM to 8:30 AM and from 4 PM to 6 PM) than if the site were developed residential because they do not have services during those times. If the site were developed residential, the people would generate traffic at those times.

Mr. Page stated that he does not see that many houses being built on the site. He questioned the church expanding down the road. He stated that the church would be an asset to the community if it is done right and if it is safe.

Ms. Mae Foley stated that for thirty years she has looked at the field and the slaughter house. She stated that if the church is done right, it will look nice there.

Mr. Bonar stated that he visited the site one night and had trouble seeing to get back out. The grass is tall and it is a bad spot. He believes someone will be hurt there if the traffic is not controlled. People will be coming along the road and flying over the hump and anyone pulling out in front of them will be hit.

Mr. Turner stated that it would be good to look into getting the speed limit reduced. There is a lot of concerned about safety and the speed on the road, and 55 MPH must be too high.

Mr. Hogan questioned the Board's options. Mr. Morgan responded that the Board can deny the request, approve it, approve it with conditions, or table the request to visit the site and reconvene after the Board has a chance to analyze the site. Mayor Trzop stated that the Board can ask the engineer to do further analysis. Mr. Morgan stated that the Board could request the sight distance and grading and have the applicant bring the information back to see if it is compelling enough for the Board to approve the request. Counselor Wilson agreed. Mayor Trzop questioned the applicant applying for an Encroachment Permit to see what the state will allow and then all of the other issues will fall into place. Counselor Wilson responded that the Board cannot tell the applicant that they will not take action until another agency acts. He advised that the Board can view the site, but there cannot be another meeting at the site as no record would be kept and both sides would not be present. It would be a viewing of the site, but not an interaction between people so that the Board does not run afoul of the Open Meeting Law.

Mr. Bonar moved to table the request until the Board visits the site and the applicant comes back with another recommendation. Mr. Turner stated that the applicant needs to do a grading analysis and sight distance analysis. Counselor Wilson advised that the Board could give the applicant a certain time period that would allow the Board to view the site and the applicant to provide more information about sight distances. Mr. Morgan stated that the applicant would need to waive the sixty-day time limitation. The application was submitted on April 10, 2003. He stated that the applicant could indicate their agreement this evening and then submit their written agreement to him at a later date. Counselor Wilson asked the applicant to respond.

Mr. Doepker stated that there are other issues to be addressed. He stated that there are other conditions that the Board will likely impose in regard to the application, but there are two Board members who are not present and did not hear the information. Counselor Wilson advised that they will have copies of the minutes and if they are present at a subsequent meeting, the Chair will likely allow their comments. He stated that the Board is approaching a comfort level with the other conditions that have been discussed, but safety and sight distance are of concern. Mr. Doepker indicated his agreement to tabling the request and reconvening the meeting on June 26, 2003.

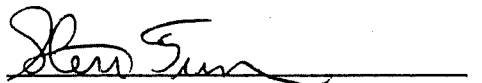
Mr. Bonar moved to table the request until the Board visits the site and the applicant makes further recommendations regarding entrance and exit at the site. The Board will reconvene on June 26, 2003 at 6:30 PM. Mr. Turner seconded the motion and it carried unanimously. Mr. Morgan advised that there will be no additional public notice.

Other:

Counselor Wilson advised the Board that there is an amendment to the By-Laws and a new state law regarding training. He noted that when traveling out of town for training, certain expenses are allowed. Following discussion, **Mr. Turner moved to approve the amendment to the By-Laws. Mr. Hogan seconded the motion and it carried unanimously.**

There being no further business to come before the Board, Mr. Turner moved to adjourn. Mr. Hogan seconded the motion. The meeting was adjourned by unanimous consent at 7:45 PM.

APPROVED:


Steve Turner, Secretary/Treasurer

Attest:


Jan Hancock, Recording Secretary

Exhibit 1 – Letter from Ed Roberts of the Kentucky Transportation Cabinet to Matt Page, dated May 12, 2003.

WALTON BOARD OF ADJUSTMENT
BUSINESS MEETING
WALTON COMMUNITY CENTER
June 26, 2003
7:30 P.M.

BOARD MEMBERS PRESENT:

Mr. Jim Bridges, Chairman
Mr. Steve Turner, Secretary/Treasurer
Mr. James Bonar

BOARD MEMBERS NOT PRESENT:

Mr. Bill Hogan
Mrs. Rebecca Huth

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Mr. Jim Bridges, Chairman, called the meeting to order at 7:35 PM.

Approval of the Minutes: The Chairman stated that the Board members received copies of the Minutes of the May 22, 2003 Walton Board of Adjustment Meeting. He asked if there were any comments or corrections. Staff Member Todd Morgan stated that on Page 2, line 3, the sentence should read "The building is 21,000 (~~2,100~~) square feet, but the footprint is 10,000". **Mr. Turner moved to approve the Minutes as amended. Mr. Bonar seconded the motion and it carried unanimously.**

Agenda Items:

1. The request of Our Lady of Good Counsel Church for a Conditional Use Permit to allow a church to be constructed on a 13.54 acre parcel located between 438 and 498 Beaver Road, Walton, Kentucky. The property is currently zoned Suburban Residential One (SR-1).

The Chairman stated that this request was tabled at the last meeting. Mr. Turner moved to bring this item back before the Board. Mr. Bonar seconded the motion and it carried unanimously.

Mr. Turner stated that he visited the site and observed stakes that were placed away from the original driveway and questioned if that is the proposed entrance. Mr. Mark Brueggemann, with CDS Associates, representing Our Lady of Good Counsel Church, responded "yes" and stated that in order to maximize the sight distance in both directions, they have located the proposed access drive on the high point of the road and on the outside of the curve.

The Chairman stated that he visited the site and observed numerous cables on the electrical poles and many of them are low.

Mr. Morgan stated that he visited the site on different occasions. He stated that since the last meeting, they have trimmed the grass and removed a tree on the east property line along Beaver Road, which has significantly increased the sight distance – but he still has the same concerns about the power pole. He believes they are planning to grade that area and relocate the power pole.

The Chairman asked if there was any other discussion.

Attorney Joseph Baker with the law firm of Ziegler & Schneider, representing Our Lady of Good Counsel Church, stated that he has read the Minutes of the previous meeting. He stated that there were issues regarding sight distance and the power pole/hump. He stated that the church understands the concerns and that area will be graded out. The church has done everything they can to improve the sight distance by removing the tree and cutting the grass. The stake referred to by Mr. Turner represents the centerline of the driveway. He stated that the site is on a state road and the state requirement for sight distance is 430 feet, and they exceed that in both directions. They have 925 feet to the right and 620 feet to the left. He stated that if they do not get the Encroachment Permit, they cannot have a driveway out to the road. He stated that Ed Thompson of the Transportation Cabinet visited the site and told them he would give them a permit.

Mr. Brueggemann stated that they have mowed the hay, removed some trees, and staked the property lines and the driveway location. Sight distance looking left is 620 feet and looking right it is 925 feet. They spoke with Ed Thompson of the Transportation Cabinet and have submitted a Preliminary Encroachment Permit. The Transportation Cabinet's requirement for intersection sight distance is 430 feet. The Transportation Cabinet has been out to the site and has confirmed that they will issue a permit because the sight distance exceeds their requirement of 435 feet, based on the 55 MPH speed limit and the existing road condition. He stated that the industry standard for building a new road (ASHTO) at 55 MPH is a required intersection sight distance of 610 feet. They exceed the ASHTO requirement. He stated that they are providing safe ingress and egress for the people attending the

church. He reviewed an exhibit in regard to the existing roadway profile and the line of sight.

Mr. Baker stated that there was testimony at the last meeting that there had been numerous accidents on that stretch of road. He submitted a report showing all of the accidents on Beaver Road from January 1, 2001 through May, 2003 (see Exhibit 1) and stated that there were only two on this stretch of the road – one of which involved speed and alcohol and the other was due to snow. He submitted the police reports on those two accidents (see Exhibit 2). Mr. Brueggemann reviewed a photograph of the site and noted the location where the tree was removed to improve sight distance.

Mr. Baker stated that the church has only one service a week and it is at 5:30 AM on Sunday, which is not a peak traffic time. The service is over between 6:30 and 7 AM. There is no evidence to indicate that will change in the foreseeable future. He stated that the existing SR-1 zoning would permit four units per acre and there could be quite a number of homes on the thirteen acres that would generate traffic at all times of the day and night. The proposed use is less intense than if the property were developed according to the existing zoning. The Chairman questioned weddings or day care. Mr. Kunkel responded that weddings would traditionally be on Saturday morning, but they have not had any weddings in the last couple of years. Mr. Baker stated that the preacher comes from Evansville and weddings would be few and far between. Mr. Brueggemann stated that Christmas mass is the only other planned event. This completed the applicant's presentation.

Counselor Wilson reviewed a federal law enacted in 2000 ("RLUIPA") that limits the extent to which local governments can disapprove religious land uses. The Board does not have the same discretion as with other types of land uses and can only impose a substantial burden on a religious land use when there is an extremely compelling reason and then only if it is the least restrictive action that can be taken to advance that compelling reason.

The Chairman asked if there was anyone else present who wished to speak either for or against the request.

Mr. Matt Page, who lives directly across from the property, asked that the request be denied for safety reasons. He stated that the Boone County sight distance requirements are stricter. He feels that the new location of the driveway is more dangerous than the previous location. He asked for turning lanes on the east and west sides of the property. He stated that a turn-off and right-turn in only would make it safer. It is a dangerous road. He stated that the mailbox has been hit two or three times and they just had a semi go off the road. He has had vehicles in his yard in the past year. He read from the permit requirements for locating entrances and exits and providing turning lanes (see Exhibit 3). He stated that he obtained this information from Ed Thompson. He asked that the city's stricter requirements on landscaping and buffering be imposed. He does not want to look at seventy or

eighty cars out of his window. He stated that there needs to be buffering on the sides also. He questioned where the pump station will be located and what type of noise it will make. He stated that this is a commercial project and he requests a turn-in lane. He stated that there is a dangerous curve and a lot of semi traffic. The adjacent industrial park is about half full now and when that traffic doubles there will be a lot more truck traffic. The road is 22 feet wide and 60% of the trucks coming around the curve cross the yellow line. In the future, Beaver Road will be a major thoroughfare to the museum that will be built and there will be school buses going there. Beaver Road is used as a bypass to I-75 and gets busier every year. He has seen seven or eight accidents there this year. It is a dangerous curve even when it is dry. He wants the applicant to widen the road and make it safer.

Mr. Baker asked Mr. Page if when he met with Mr. Thompson of the Highway Department, did Mr. Thompson indicate that a turn lane was warranted in this location? Mr. Page responded "no", but stated that after Mr. Brueggemann and Mr. Kunkel met with Mr. Thompson, they approached him about buying 50 feet of his property -- so they knew something was wrong. Mr. Baker stated that when Mr. Page was approached about buying his property, he offered to sell it for more than double what he paid for it. Mr. Page responded that he bought it for \$150,000 and feels that \$400,000 is fair and reasonable for it. Mr. Baker stated that if the church is required to meet the Boone County standards, then Mr. Page could demand a high price because the church would have to buy his property to get the sight distance and that is the source of his opposition. He stated that Mr. Page does not have a traffic study or an engineer or highway official who says that the state sight distance requirement of 430 feet is dangerous or that a turning lane is needed. Mr. Page agreed, but stated that common sense tells him that.

The Chairman questioned the location of the lift station. Mr. Brueggemann reviewed the Site Plan. He stated that the lift station will be behind the church at the low point of the site or in the basement of the church. It will not be a big pump station since it will only handle the church use and noise should not be a problem.

Mr. Morgan stated that he spoke with Bill Madden from the Transportation Cabinet today and he indicated that they have not granted an Encroachment Permit, but that their preliminary review indicates that it would be approved. Mr. Morgan stated that if the Board feels that the state distance requirements are sufficient, the Board can waive the Boone County requirements. The Zoning Regulations allow the Board to waive or modify the sight distance requirements.

Mr. Brueggemann stated that an additional turn lane is only added if it is justified by the volume of traffic. The church traffic will be off peak and does not come close to justifying a turn lane into the site. He stated that a car exiting the site will be level with the road, which maximizes sight distance. Being on the outside of the curve also maximizes sight distance.

Mr. Rob Zwich, adjacent property owner to the west, stated that a car goes off the road there at least once a month, whether it is reported or not. It is an unsafe situation. He would like to see road widening or a method to keep the traffic on the road. Signage does not work. A left turn storage lane and widening would be a good way to improve safety.

Mr. Turner questioned what percentage of the church members come from the west (from the interstate). Mr. Kunkel responded "about half".

The Chairman stated that it was agreed at the last meeting that the second curb cut would be right-in only. Mr. Brueggemann agreed. The Chairman stated that Staff would approve the geometrics of the intersection and emphasized that the Board does not want people exiting the site at that location. He questioned softening the southeast grade. Mr. Brueggemann responded that their intention is to grade so that a car will be level with the pavement as it approaches the intersection. If there is a hump there, it would be minimal cost to remove it and maximize sight distance. He stated that there is nothing obstructing the line of sight. The Chairman questioned the overhead wires. Mr. Brueggemann responded that they will have to raise the conductors and will address that in the detailed Improvement Plans. The Chairman stated that the applicant will submit engineered sight distance calculations at Site Plan Review. Mr. Brueggemann agreed. In response to a comment from the Chairman, Mr. Brueggemann stated that at the Improvement Plan stage they will submit a Lighting Plan showing foot candles and they agree to limit the light intensity so that there is no spillage onto adjacent properties. Mr. Morgan stated that the lighting specifications are in Staff Comment #5. Mr. Brueggemann stated that there are methods other than cutoff shields to control spillage onto adjacent properties and asked for some flexibility. Mr. Bonar questioned water runoff. Mr. Brueggemann responded that the Subdivision Regulations require that they provide detention and it will be addressed at the Improvement Plan stage. He stated that they will meet or exceed the county requirements. The Chairman questioned the buffering. Mr. Brueggemann responded that at the last meeting they agreed to provide landscaping along the frontage of the property, but would like the flexibility to have lower level plants so as not to affect sight distance. He stated that they are required to submit a Landscaping Plan with the Improvement Plans. Mr. Morgan stated that landscaping is not required in a residential zone and if the Board does not create a standard, he has nothing to go by in regard to the landscaping on the sides and the front. Mayor Trzop stated that there should be Type A buffer in the front. Mr. Morgan reviewed the Type A Buffer requirements and stated that they will be given credit for existing vegetation (see Staff Comment #7). Mr. Brueggemann and Mr. Kunkel stated that they are agreeable to the Staff requirements (Staff Comment #7) regarding landscaping. The Chairman asked if there are concerns regarding the number of parking spaces. Mr. Baker stated that they spoke with Kevin Wall and he indicated that the intent is to give them what they need, but the concern was that they had too much parking. He stated that the requirement is 99 spaces and their plan shows 176 spaces, and Mr. Wall suggested to them that they do a survey after the church is in operation. Mr. Wall stated that his understanding was that the

church is already in the community. He suggested that they take a car and head count on a couple of Sunday mornings and apply that ratio to the new facility which will be larger. He is not opposed to granting a Waiver for additional parking spaces if they show that to be reasonable. There is room to work with them in regard to parking. The Chairman stated that the Board could set the limit at 99 spaces with the stipulation that there would be further study. Mr. Morgan stated that 99 spaces is the maximum without a Waiver, but the proposal is for 176 spaces. Mr. Brueggemann stated that at a future date, they can approach the Zoning Administrator with a parking study and request a Waiver based on actual usage. Mr. Wall stated that the Code allows them up to 99 spaces – or they can do a study and it can be addressed at a later date. He does not know that the Board needs to get into the parking issue.

Mr. Morgan asked if the bell will ring. Mr. Baker responded that a decision has not been made whether it will be a real bell or a speaker. The bell will be rung early in the morning before mass, but averaged out over a day/night basis (like airport noise), it would not even register so the noise is a moot point. Mr. Bonar stated that it will not be any worse than a truck braking. In response to a comment by Mr. Morgan, Mr. Costello stated that a condition limiting the bell to ring only at certain times would be difficult to enforce.

Mayor Trzop stated that if the applicant puts in a streetlight to illuminate the intersection, the City of Walton will take over the maintenance costs. Following discussion, Chairman Bridges stated that streetlights can be addressed outside of this Board.

There being no further discussion, **Chairman Bridges moved to approve the request for a Conditional Use Permit subject to the following conditions:** 1) **The main driveway will be moved to provide maximum sight distance and the additional curb cut will be right-in only;** 2) **there will be potential grade work on the southeast portion of the property to ensure adequate sight distance;** 3) **the applicant will work with the overhead electrical and communication utilities to increase clearance of the conductors over the property and relocate a pole on the east portion of the property;** 4) **the applicant will submit engineered sight distance calculations during Site Plan Review;** 5) **the applicant will obtain an Encroachment Permit from the Kentucky Transportation Cabinet;** 6) **the maximum height of any light standard shall not exceed twelve feet, cut off shields or other means must be provided, and a photometric plan will be required during Site Plan Review. Average foot candles measurements permitted for the parking lot will be 3.6 and along the property lines 1.0 or less;** 7) **street frontage landscaping with Type A buffer shall be installed along the front property line. The Landscaping Plan needs to show that the plantings are not in the right-of-way or any utility easements and not affecting sight distance. On the east and west side property lines, twenty-foot wide buffers shall exist or be planted on those portions which adjoin building or parking areas and must contain at least ten small trees (1 ½”**

caliper) and five evergreen trees (6 feet tall) per one hundred linear feet. The applicant will need to submit a tree survey to receive credit for the existing trees in the buffer yards; 8) a total of 99 parking spaces will be permitted for the facility. A parking study may take place and additional parking spaces may be approved by the Zoning Administrator. Mr. Bonar seconded the motion.

Mr. Page questioned enforcing the Boone County sight distance requirements. Mr. Morgan responded that Condition #5 is to obtain an Encroachment Permit from the Kentucky Department of Transportation (KDOT). Counselor Wilson advised that the Board is enforcing the state requirements.

The Chairman asked for a vote on the motion and it carried unanimously.

2. **The request of Jim Litmer for a Conditional Use Permit to allow an electronically changeable message board to be constructed as part of a proposed free-standing sign on property located near Mary Grubbs Highway/Service Road intersection, where Walton Pharmacy is currently under construction. The property is currently zoned Commercial Two (C-2).**

Staff Member Todd Morgan presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

Mr. Jim Litmer requested approval of the sign.

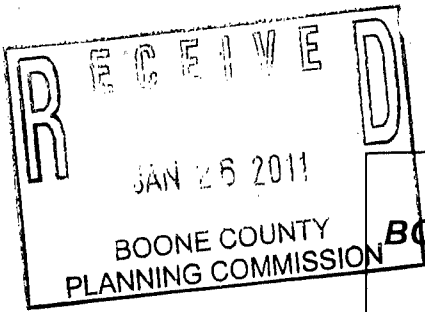
Mayor Trzop stated that he is in favor of the sign and stated that this will be a nice entrance into Walton.

The Chairman asked if there will be an impact on sight distance or any obstruction. Mr. Morgan responded that when they come in for a Sign Permit, the reviewer will make sure the sign does not impact sight distance.

Mr. Turner questioned the sign affecting the character of the neighborhood. Mayor Trzop responded that there is an 80-foot high church across the street with a 100-foot tall bell tower. He stated that the sign will stand out and will help when they start doing the rest of the landscaping on Mary Grubbs Highway.

Mr. Litmer stated that the sign will say Walton Pharmacy. Mr. Morgan provided the Board members with a picture of the proposed sign (see Exhibit #4).

There being no further discussion, **Chairman Bridges moved to approve the Conditional Use Permit with the conditions that 1) they meet the applicable regulations; 2) fifty percent of the sign area can be an electronically**



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 Our Lady of Good Counsel Church
2. Location of Project 472 Beaver Rd. Walton KY 41094
3. Total Acreage of Site 13.7961
4. Current Zoning of Site SR-1
5. Proposed Zoning (Classification being requested) PF
6. Proposed Uses (please specify each use) Church (Existing) K-12 School
See attached letter for more detail
7. Names of Applicant(s) Mark Kolb
8. Phone Number 937.603.5144 Fax No. 937.331.9778
8. Address of Applicant(s) 472 Beaver Rd.
Walton KY 41094
City State Zip
9. Name of Property Owner(s) Our Lady of Good Counsel Church
10. Phone Number 859.485.3800 Fax No. 859.485.3801
10. Address of Property Owner(s) 12665 McCoy Fork Rd.
Walton Kentucky 41094
City State Zip
11. Proposed Building Intensities (please specify) Existing Structure
12. Are there any existing buildings on the site? 1
How many?
13. Deed Book 851 Page No. 61 Group No. 2078
14. Are you also applying for:
No Conditional Use Permit
No Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

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

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARING
MARCH 2, 2011
7:30 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Ben Brandstetter
Mr. Greg Breetz
Mr. Mike Ford, Vice Chairman
Mrs. Janet Kegley
Mr. Jim Longano
Mr. Don McMillian
Mrs. Susan Poston, Temporary Presiding Officer
Ms. Lisa Reeves
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Chairman
Ms. Susan Schultz
Mr. Bob Schwenke
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
Mr. Mark Hicks

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Todd K. Morgan, AICP, Senior Planner

Mr. Rolfsen, Chairman, called the Public Hearing to order at 7:30 P.M. and introduced the first item on the Agenda:

ZONING MAP AMENDMENT - Todd Morgan, Staff

- 1. Request of Mark Kolb (applicant) for Our Lady of Good Counsel Church (owner) for a Zoning Map Amendment from Suburban Residential One (SR-1) to Public Facilities (PF) for a 13.7961 acre site located at 472 Beaver Road, Walton, Kentucky. The request is for a zone change to allow a K-12 school within the existing building in addition to the existing church function.**

Staff Member, Todd Morgan, presented the Staff Report, which included a Power Point presentation (see Staff Report). The Our Lady of Good Counsel Church site is 13.8 acres in area and is located at 472 Beaver Road. The applicant is requesting a zone change from Suburban Residential One (SR-1) to Public Facilities (PF) to allow the existing church function and a K-12 school. Mr. Morgan described the surrounding land uses. The applicant was unaware of the need for the zone change. They have begun to operate the school with 40 students now and eventually want to expand to a maximum of 100 students. The school currently operates from 8:30 A.M. to 3:30 P.M. Monday thru Friday. All students arrive by private transportation. There is no busing. The existing building is 23,000 square feet and the site has 129 parking spaces. Originally, a Conditional Use Permit was approved by the Walton Board of Adjustment in June 2003 for a church based upon the current Rural Suburban (RS) Zoning. When the project was approved, there were 8 conditions dealing with site distance, appearance of the building, lighting and landscaping. Mr. Morgan proceeded with showing photographs of the site, which included the site plan, Zoning Map, Future Land Use map, aerial photographs and neighboring properties. Mr. Morgan referred to the Staff Report and references to the Comprehensive Plan. "Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems." Mr. Morgan reviewed the list of Staff comments in the Staff Report. The first comment is that the zone change is needed because the applicant is operating the K-12 school. In addition, the Staff asked the applicant to address the following questions: 1) How many classrooms will be occupied once enrollment reaches 100 students? 2) Could the church and school functions overlap? 3) Is any playground equipment or lighting being proposed in the outside area? Further, when the school expands to 100 students, will it require any road improvements - a deceleration or center turn lane? A letter from Mr. Matt Bogen, Kentucky Transportation Cabinet, indicates that no further road improvements are needed to Beaver Road based on the 100 student occupancy. According to Mike Bezold, Kentucky Transportation Cabinet, there are no scheduled road improvements on Beaver Road between Mary Grubbs Highway and the I-71 overpass in the foreseeable future. Mr. Morgan stated copies of the May 22, 2003 and June 26, 2003 Walton Board of Adjustment meeting minutes are attached to the Staff Report for review. Because of the request for Public Facility zoning and the residential zoning of the adjacent properties, a Buffer Yard C (60 foot buffer) is normally required. The Zoning Administrator is willing to grant a waiver to reduce the required landscaping on the eastern and western property lines given what has already been planted. The Staff also recommends the following conditions if the request is approved: uses other than a school or church will be required to go through the Change in Concept

Development Public Hearing process and the maximum school enrollment shall not exceed 100 students.

Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation. Mr. Mark Kolb, parishioner for Our Lady of Good Counsel, addressed the Staff Comments. Mr. Kolb stated that the church is trying to operate the school correctly. Currently, they have five classrooms and a large common area in the church to accommodate more students. The church and school functions do not overlap. There is a Sunday mass and the school operates week days until 3:00 P.M. There is no playground or lighting proposed at this time.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor of the request? Seeing none, he asked if there was anyone who wanted to speak against the request?

Mr. Matt Page who lives across from the church expressed a concern about the safety of Beaver Road and requiring a turning lane. At the Board of Adjustment meeting, it was argued that the church was not operating at peak time and now the school operates at peak time. There is an increase in traffic in the area. The school could grow and there may be sports facilities and festivals. The speed of Beaver Road is 55 mph and there is a curve. There is only one way into the site. The Planning Commission should consider turning lanes and possibly a second entrance. It is in an area of Walton that is growing. Safety should be considered.

At this time, Chairman Rolfsen asked if any of the Board members had any questions or comments.

Mr. Ford asked if the school was operating now? Mr. Morgan said the school was operating with 40 students. Mr. Ford asked what grades the students were in? Mr. Kolb replied Kindergarten through 9th grade. Mr. Ford asked if the school was associated with the Diocese? Mr. Kolb said it was not.

Mrs. Kegley asked if some more information could be brought to the Zone Change Committee Meeting in regards to the number of classrooms? Mr. Kolb replied that the plan is to accommodate up to 100 students in the future. They are using five classrooms right now and that is more than adequate. Mrs. Kegley asked if they will need more than five classrooms when they have 100 students. Mr. Kolb said they will probably need to setup more classroom space but they also have the ability to use their common area because it's so large.

Mr. Rolfsen asked if the recreational/play area in the back of the property is part of the request? Mr. Morgan replied that it was and the Planning Commission could analyze lighting and sport league conditions.

Mr. Rolfsen asked Mr. Morgan to talk about Mr. Page's comments and the need for road improvements. Mr. Morgan said the Kentucky Transportation Cabinet is on record stating that they don't see the need for road improvements if the enrollment doesn't

exceed 100 students. Mr. Costello said it might be good for the applicant to supply some traffic information, such as how many students are coming from each direction on Beaver Road in the morning? Mr. Morgan stated the applicant did submit some traffic information to the Kentucky Transportation Cabinet. The letter is attached to the Staff Report and provides trip generation estimates for 100 students.

Mr. Rolfsen asked if there was a cafeteria? Mr. Kolb replied that the students have boxed lunches.

Mr. Ford stated that 5 classrooms are currently used for 40 students and the plan is to add 60 more students in the future. He asked if the current facility has classroom space which is adequate to house 60 more students and Staff? Mr. Kolb said it would depend on the age of the students which are enrolled. Mr. Ford asked if there were plans to add onto the building? Mr. Kolb replied there were not.

Mr. McMillian said he is concerned that there is only one access point and there are no turning lanes. He asked how the students are transported? Mr. Kolb replied they are brought by private transportation. Mr. McMillian asked how many cars transport the children? He also asked what ages the students were because they are only using 5 classrooms? Mr. Kolb replied that their letter to the Kentucky Transportation Cabinet outlines how many students are in a vehicle. There are typically 2, 3, or 4 students in a vehicle because a lot of students are family members. Mr. McMillian said there are a lot of curves in the road, its high speed, and there will be a lot of kids in cars trying to get in and out of there. It will be a mess when the enrollment reaches 100 students. He asked if there were any plans for road improvements?

Mr. McMillian asked how many grades are in the 5 classrooms? Mr. Kolb said he thinks they have 1st through 9th grade students right now. Mr. McMillian asked how many students were in a room? Mr. Kolb said he didn't have that information with him. Mr. McMillian said one entrance was not enough, especially if sports or sports leagues would be held there.

Mr. Reynolds asked if the church owned the adjoining house to the east? Mr. Kolb replied they did. Mr. Reynolds asked if the driveway could connect to the church lot. Mr. Kolb said it may be possible. Mr. Reynolds asked how wide the driveway was? Mr. Kolb estimated 15 to 20 feet. Mr. Morgan said any church driveway would have to meet Boone County and State requirements. A one-way driveway would have to be a minimum of 14 feet wide and a two-way driveway would have to be a minimum of 20 feet wide. Mr. Reynolds said he would like to see the line of sight from the residence at the Committee Meeting. He would also like the applicant to approach the State and inquire what would be allowed.

Mr. Morgan said when the Conditional Use Permit was submitted to the Walton Board of Adjustment in 2003 a second curb cut was proposed. It was a right-in only curb cut that was proposed in the same location as the construction entrance. The Walton Board of Adjustment approved this curb cut but the Kentucky Transportation Cabinet denied the Encroachment Permit. Mr. Turner said the second driveway was approved as a one-

way in because the Board was concerned about sight distance. They felt a right turn-in would help traffic coming into the facility but would prohibit dangerous turning movements across Beaver Road.

Mrs. Poston said International Industrial Park is located right down the road. She questioned if it was a high traffic park? Mr. Morgan replied there are a lot of tractor trailers that come in and out. Mrs. Poston said when the State approved the entrance it was only a church with Sunday services and maybe they will look at it differently now that it was a school. Mr. Morgan said he had the applicant approach the State after he learned of the school use. This meeting resulted in the letter from Mr. Bogen that is found in the Staff Report. The letter states that no road improvements are needed if the school enrollment stays at 100 children or less.

Mr. Longano asked Mr. Kolb if it would be feasible to stagger the class times so maybe Kindergarten through 5th grade would start and stop a half hour apart from 6th through 12th grade. Mr. Kolb said this might be a possibility but he would like to reinforce that there isn't a traffic problem now. He met with the State on the property and they didn't see the need for road improvements with 100 students or less.

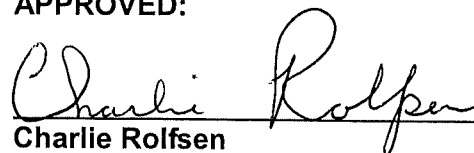
Mr. Reynolds said the speed limit is 55 mph on this section of road. He asked if there would be any signs or flashing lights indicating it was a school zone? Mr. Morgan said he would check with the Kentucky Transportation Cabinet to see what was required or what would be permitted in the right-of-way.

Mr. Ford asked if the Planning Commission could impose a condition which would prohibit students from driving? Student drivers would increase traffic. Mr. Wilson said the Zone Change Committee can analyze the traffic movements and the need for such a condition. The Planning Commission can impose reasonable conditions but the property owner must agree to them. Mr. Wilson said if the applicant doesn't agree to such conditions it could be a reason for denial.

Mr. McMillian said there is a landfill not far from the school and there are a lot of garbage trucks that use the road all day. He believes road improvements need to be made to this section of Beaver Road because it is dangerous.

There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on March 16, 2011 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on April 6, 2011 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:02 P.M.

APPROVED:


Charlie Rolfsen
Chairman

Attest:


Kevin P. Costello, AICP
Executive Director

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
APRIL 6, 2011
7:05 P.M.**

Mr. Charlie Rolfsen, Chairman, called the meeting to order at 7:05 P.M.

COMMISSION MEMBERS PRESENT:

Mr. Ben Brandstetter
Mr. Greg Breetz
Mr. Kim Bungler, Secretary/Treasurer
Mr. Mike Ford, Vice Chairman
Mrs. Susan Poston, Temporary Presiding Officer
Ms. Lisa Reeves
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Chairman
Ms. Susan Schultz
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Jim Longano
Mr. Don McMillian
Mr. Bob Schwenke

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Mitch Light, Assistant Zoning Administrator/ZEO
Mr. Todd K. Morgan, AICP, Senior Planner

Approval of the Minutes:

Mr. Rolfsen stated that the Commissioners received copies of the Minutes of the March 2, 2011 Business Meeting and Public Hearing. He asked if there were any comments or corrections. There being no changes to the minutes, Mr. Reynolds moved that the minutes be approved as written. Ms. Reeves seconded the motion and it carried unanimously.

ACTION ON PLAN REVIEWS:

ZONING MAP AMENDMENT - Todd Morgan, Staff; Ben Brandstetter, Chairman

1. Request of **Mark Kolb (applicant)** for **Our Lady of Good Counsel Church (owner)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Public Facilities (PF) for a 13.7961 acre site located at 472 Beaver Road, Walton, Kentucky. The request is for a zone change to allow a K-12 school within the existing building in addition to the existing church function.

Staff Member, Todd Morgan, read the Committee Report, which recommended approval subject to conditions (see Committee Report). Mr. Morgan noted that the Committee voted unanimously for the project with Mr. Brandstetter, Mr. Bunger, Mrs. Kegley, and Mrs. Poston voting in favor of the request.

At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request for a 5 minute time limit.

Mr. Mark Kolb (applicant) stated that all of the items were addressed satisfactorily at the Committee Meeting. There was no one in the audience against the request.

Chairman Rolfsen asked if there was a motion to act on the Committee's recommendation. Mr. Brandstetter moved that the request be approved by Resolution to the City of Walton with conditions based on the Committee Report. Mrs. Poston seconded the motion. Chairman Rolfsen asked if there were any questions or comments?

Mr. Reynolds asked who makes the decision on when the flashing school sign is installed on Beaver Road? Mr. Morgan responded that he wasn't sure what mechanism would trigger the installation of the sign. He stated that the school would contact the State when the enrollment exceeds 100 students. The Planning Commission could review the project again if the enrollment exceeded 100 students. Mr. Kolb (applicant) stated that this was his understanding and the school would approach the State.

Chairman Rolfsen then asked for a vote on the motion made by Mr. Brandstetter and seconded by Mrs. Poston. The motion passed unanimously.

TECHNICAL/DESIGN REVIEW - Mitchell A. Light, Staff; Charlie Reynolds, Chairman

2. Huntington Bank - 6985 Houston Road

Staff Member, Mitch Light, presented the request (see powerpoint presentation). The applicant is requesting signage and exterior building improvements. The applicant is changing a color on the building from a lighter green color to a darker green. The awning over the existing entrance will be illuminated. The existing building mounted sign will be moved above the entrance. The entrance will be painted gray instead of the tan color. Mr. Light showed the actual colors that will be used - Matthews Greymoor and ARLON CX 4-301. 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.

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Ben Brandstetter, Chairman

DATE: April 6, 2011

RE: Request of **Mark Kolb (applicant)** for **Our Lady of Good Counsel Church (owner)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Public Facilities (PF) for a 13.7961 acre site located at 472 Beaver Road, Walton, Kentucky. The request is for a zone change to allow a K-12 school within the existing building in addition to the existing church function.

REMARKS:

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

FINDINGS OF FACT

1. The Committee has concluded that the request is in agreement with the 2005 Boone County Comprehensive Plan for the following reasons:
 - A. The proposal is in agreement with the following passages from the Public Facilities Element:
 - "Private schools ease part of the pressure placed on the public schools as new residents come into the county. As the county continues to grow, new private schools can be expected to emerge". "This plan encourages these schools as long as they meet or surpass the standards of public schools. These schools can be expected to be built in conjunction with religious institutions" (Education, Private Schools, pg. 119).

The Committee found that private schools were anticipated by the Comprehensive Plan. Schools and other public facility uses can be appropriate in residential areas provided all applicable parts of the Comprehensive Plan are evaluated.
 - B. The proposal is in agreement with the following passages from the Land Use Element:
 - Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments. Developments proposed adjacent to planned or established greenbelts should provide pedestrian access where appropriate (Future Land Use Development Guidelines - Buffering, pg. 141).

The school will be located in an existing church and no building additions are proposed. The building and parking lot are screened with deciduous and evergreen plantings. The proposed play/recreational area is located to the rear of the property, adjoins an Interstate, and is buffered by existing vegetation.

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

The Staff Report contains a letter from Matt Bogen, with the Kentucky Transportation Cabinet. The letter states that "the Department will require no further improvements to the permitted entrance on Beaver Road" based on the applicant's letter of intent. The letter of intent stated that the school operates Monday through Friday from 8:30 AM to 3:00 PM, students will arrive from private transportation, school enrollment is currently 40 students but could grow to 100 students over time, and approximately 40 vehicles would transport children to and from school once the enrollment reached 100 students.

On March 8, 2011, Staff met with the Kentucky Transportation Cabinet to discuss the road improvement issues that were raised at the March 2, 2011 Public Hearing. A copy of the Staff questions and responses from the Kentucky Transportation Cabinet are attached to the Committee Report.

B. The project is in agreement with the following 2005 Goals and Objectives:

- Existing vegetation shall be considered as both an important site characteristic and a community resource (Environment, Social Objective).

See Committee determination in 1B. above.

- The incremental effects of developments on the transportation system shall be evaluated and provided for (Transportation, Objective).

See Committee determination in 1B. above.

2. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2005 Boone County Comprehensive Plan. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The approval is based on the submitted application. Proposed uses other than a church or school shall be required to go through the Change in Approved Concept Development Plan public hearing process.
2. The maximum school enrollment shall not exceed 100 students.
3. The applicant shall contact the Kentucky Transportation Cabinet and Boone County Planning Commission about installing school zone signs in the Beaver Road right-of-way within 30 days of Zoning Map Amendment approval by the legislative body. The applicant shall install the school zone signs that will be permitted in the Beaver Road right-of-way by the Kentucky Transportation Cabinet.

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.

Todd Morgan

From: Bogen, Matthew (KYTC-D06) [Matthew.Bogen@ky.gov]
Sent: Tuesday, March 15, 2011 8:33 AM
To: Todd Morgan
Cc: Our Lady of Good Counsel Church
Subject: RE: Our Lady of Good Counsel Church

Todd,

Please see below. I have addressed each of your items from our meeting last week. Please contact me if you have any further questions/concerns.

Thanks,

Matt Bogen, EIT
KYTC District 6
Traffic & Permits Section
Phone: (859) 341-2700 x303
Cell: (859) 462-8718
Fax: (859) 341-0253

From: Todd Morgan [mailto:TMorgan@boonecountky.org]
Sent: Wednesday, March 09, 2011 10:26 AM
To: Bogen, Matthew (KYTC-D06)
Cc: OLOGCC
Subject: Our Lady of Good Counsel Church

Matt:

Thanks for meeting with us yesterday to discuss the proposed school at Our Lady of Good Counsel Church. I thought it would be best if I wrote up the questions that were discussed.

1. Could the former construction entrance be permitted as a permanent right turn-in only access point?

At this point, we would not allow a second entrance at this location. This entrance was evaluated once earlier in the review process as a full access point, and was denied on the basis of sight distance. Based on past experience, there are worries on our end that even if marked as a right-in-only, there would still be some vehicles that would attempt to use it as a left-in or an exit.

2. The church owns the adjoining house to the east and one of our Planning Commissioners asked if the church parking lot could connect to the residential driveway. Can the curb cut be expanded to allow church traffic? If so, what type of access point would be permitted (right-in only, right-in/right-out, or full access)?

We are not opposed to evaluating this option, but a new permit application would be necessary, and the same concerns of sight distance and proper usage would still apply.

3. Would any road improvements be permitted at the church's main access point (right hand deceleration lane and/or left hand turn lane)?

The current entrance is an acceptable access to the property per state specs. We require no further improvements to KY 1292 for the facility under its current conditions. Based on the plans the church has provided us, the R/W line appears to be directly behind the sidewalk for the church, meaning that the potential working zone is tight and any improvements

would probably require removal/replacement of the sidewalks by the church. The state would not be responsible for the cost of constructing the turn lanes. This work, if approved, would have to be reviewed and approved through the permitting process.

4. My understanding from the meeting yesterday is that flashing school zone markers are only permitted when school enrollment is 100 students or more. Would non-flashing school zone signs be permitted in the right-of-way?

Per our policy, for a school to qualify for a speed reduction on a state maintained highway, enrollment from Kindergarten through 12th grade must be 100 students or more. Other school zone signing can be reviewed as needed and approved if standards and needs are met.

Thanks for your help.

Todd K. Morgan, AICP
Senior Planner, Zoning Services
Boone County Planning Commission
(859) 334-2196

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARING
MARCH 2, 2011
7:30 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Ben Brandstetter
Mr. Greg Breetz
Mr. Mike Ford, Vice Chairman
Mrs. Janet Kegley
Mr. Jim Longano
Mr. Don McMillian
Mrs. Susan Poston, Temporary Presiding Officer
Ms. Lisa Reeves
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Chairman
Ms. Susan Schultz
Mr. Bob Schwenke
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
Mr. Mark Hicks

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Todd K. Morgan, AICP, Senior Planner

Mr. Rolfsen, Chairman, called the Public Hearing to order at 7:30 P.M. and introduced the first item on the Agenda:

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At this time, Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor of the request? Seeing none, he asked if there was anyone who wanted to speak against the request?

Mr. Matt Page who lives across from the church expressed a concern about the safety of Beaver Road and requiring a turning lane. At the Board of Adjustment meeting, it was argued that the church was not operating at peak time and now the school operates at peak time. There is an increase in traffic in the area. The school could grow and there may be sports facilities and festivals. The speed of Beaver Road is 55 mph and there is a curve. There is only one way into the site. The Planning Commission should consider turning lanes and possibly a second entrance. It is in an area of Walton that is growing. Safety should be considered.

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Mr. Rolfsen asked if there was a cafeteria? Mr. Kolb replied that the students have boxed lunches.

Mr. Ford stated that 5 classrooms are currently used for 40 students and the plan is to add 60 more students in the future. He asked if the current facility has classroom space which is adequate to house 60 more students and Staff? Mr. Kolb said it would depend on the age of the students which are enrolled. Mr. Ford asked if there were plans to add onto the building? Mr. Kolb replied there were not.

Mr. McMillian said he is concerned that there is only one access point and there are no turning lanes. He asked how the students are transported? Mr. Kolb replied they are brought by private transportation. Mr. McMillian asked how many cars transport the children? He also asked what ages the students were because they are only using 5 classrooms? Mr. Kolb replied that their letter to the Kentucky Transportation Cabinet outlines how many students are in a vehicle. There are typically 2, 3, or 4 students in a vehicle because a lot of students are family members. Mr. McMillian said there are a lot of curves in the road, its high speed, and there will be a lot of kids in cars trying to get in and out of there. It will be a mess when the enrollment reaches 100 students. He asked if there were any plans for road improvements?

Mr. McMillian asked how many grades are in the 5 classrooms? Mr. Kolb said he thinks they have 1st through 9th grade students right now. Mr. McMillian asked how many students were in a room? Mr. Kolb said he didn't have that information with him. Mr. McMillian said one entrance was not enough, especially if sports or sports leagues would be held there.

Mr. Reynolds asked if the church owned the adjoining house to the east? Mr. Kolb replied they did. Mr. Reynolds asked if the driveway could connect to the church lot. Mr. Kolb said it may be possible. Mr. Reynolds asked how wide the driveway was? Mr. Kolb estimated 15 to 20 feet. Mr. Morgan said any church driveway would have to meet Boone County and State requirements. A one-way driveway would have to be a minimum of 14 feet wide and a two-way driveway would have to be a minimum of 20 feet wide. Mr. Reynolds said he would like to see the line of sight from the residence at the Committee Meeting. He would also like the applicant to approach the State and inquire what would be allowed.

Mr. Morgan said when the Conditional Use Permit was submitted to the Walton Board of Adjustment in 2003 a second curb cut was proposed. It was a right-in only curb cut that was proposed in the same location as the construction entrance. The Walton Board of Adjustment approved this curb cut but the Kentucky Transportation Cabinet denied the Encroachment Permit. Mr. Turner said the second driveway was approved as a one-

way in because the Board was concerned about sight distance. They felt a right turn-in would help traffic coming into the facility but would prohibit dangerous turning movements across Beaver Road.

Mrs. Poston said International Industrial Park is located right down the road. She questioned if it was a high traffic park? Mr. Morgan replied there are a lot of tractor trailers that come in and out. Mrs. Poston said when the State approved the entrance it was only a church with Sunday services and maybe they will look at it differently now that it was a school. Mr. Morgan said he had the applicant approach the State after he learned of the school use. This meeting resulted in the letter from Mr. Bogen that is found in the Staff Report. The letter states that no road improvements are needed if the school enrollment stays at 100 children or less.

Mr. Longano asked Mr. Kolb if it would be feasible to stagger the class times so maybe Kindergarten through 5th grade would start and stop a half hour apart from 6th through 12th grade. Mr. Kolb said this might be a possibility but he would like to reinforce that there isn't a traffic problem now. He met with the State on the property and they didn't see the need for road improvements with 100 students or less.

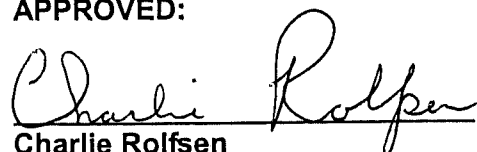
Mr. Reynolds said the speed limit is 55 mph on this section of road. He asked if there would be any signs or flashing lights indicating it was a school zone? Mr. Morgan said he would check with the Kentucky Transportation Cabinet to see what was required or what would be permitted in the right-of-way.

Mr. Ford asked if the Planning Commission could impose a condition which would prohibit students from driving? Student drivers would increase traffic. Mr. Wilson said the Zone Change Committee can analyze the traffic movements and the need for such a condition. The Planning Commission can impose reasonable conditions but the property owner must agree to them. Mr. Wilson said if the applicant doesn't agree to such conditions it could be a reason for denial.

Mr. McMillian said there is a landfill not far from the school and there are a lot of garbage trucks that use the road all day. He believes road improvements need to be made to this section of Beaver Road because it is dangerous.

There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on March 16, 2011 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on April 6, 2011 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:02 P.M.

APPROVED:


Charlie Rolfsen
Chairman

Attest:



Kevin P. Costello, AICP
Executive Director

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Ben Brandstetter, Chairman

DATE: March 16, 2011

RE: Request of Mark Kolb (applicant) for Our Lady of Good Counsel Church (owner) for a Zoning Map Amendment from Suburban Residential One (S-R-1) to Public Facilities (PF) for a 13.7961 acre site located at 472 Beaver Road, Walton, Kentucky. The request is for a zone change to allow a K-12 school within the existing building in addition to the existing church function.

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.

Mark Kolb/Our Lady of Good Counsel Church

March 16, 2011

Ben Brandstetter
Ben Brandstetter, Chairman
 For Project Absent
 Against Project
 Abstain Deferred

Janet Kegley
Janet Kegley
 For Project Absent
 Against Project
 Abstain Deferred

Greg Breetz
 For Project Absent
 Against Project
 Abstain Deferred

Susan Poston
Susan Poston
 For Project Absent
 Against Project
 Abstain Deferred

Kim Bunger
Kim Bunger
 For Project Absent
 Against Project
 Abstain Deferred

Mark Hicks (Alternate)
 For Project Absent
 Against Project
 Abstain Deferred

Jim Longano (Alternate)
 For Project Absent
 Against Project
 Abstain Deferred

Charlie Reynolds (Alternate)
 For Project Absent
 Against Project
 Abstain Deferred

TOTAL: 0 DEFERRED 4 FOR PROJECT 1 ABSENT
0 AGAINST PROJECT 0 ABSTAIN

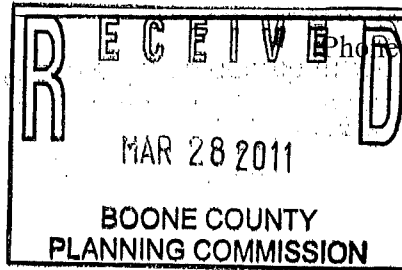
SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

www.boonecountyky.org/pc
www.boonecountygis.com

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



Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org

March 18, 2011

Mr. Mark Kolb
Our Lady of Good Counsel Church
472 Beaver Road
Walton, KY 41094

RE: Request of **Mark Kolb (applicant)** for **Our Lady of Good Counsel Church (owner)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Public Facilities (PF) for a 13.7961 acre site located at 472 Beaver Road, Walton, Kentucky. The request is for a zone change to allow a K-12 school within the existing building in addition to the existing church function.

Dear Mr. Kolb:

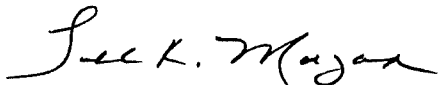
The following represents the conditions of approval for the above referenced Zoning Map Amendment application as agreed to by the Boone County Planning Commission's Zone Change/Concept Development Plan Committee. Please have the appointed church Trustee sign the appropriate space on the last page of this letter if you are in agreement with the conditions. Please return this letter to the Boone County Planning Commission office by April 5, 2011.

CONDITIONS

1. The approval is based on the submitted application. Proposed uses other than a church or school shall be required to go through the Change in Approved Concept Development Plan public hearing process.
2. The maximum school enrollment shall not exceed 100 students.
3. The applicant shall contact the Kentucky Transportation Cabinet and Boone County Planning Commission about installing school zone signs in the Beaver Road right-of-way within 30 days of Zoning Map Amendment approval by the legislative body. The applicant shall install the school zone signs that will be permitted in the Beaver Road right-of-way by the Kentucky Transportation Cabinet.

Mr. Mark Kolb
March 18, 2011
Page 2

Sincerely,

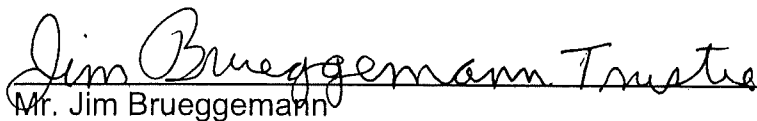


Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM\dw

AGREEMENT

I, Jim Brueggemann, agree to the listed conditions of approval for the Zoning Map Amendment application for the 13.7961 acre lot which is described on the first page of this letter.



Mr. Jim Brueggemann
Trustee, Our Lady of Good Counsel Church

3-22-2011
Date

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SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made and entered into as of the 27th day of December, 2002, by and between: (i) BERNARD BRUEGGEMANN, JIM BRUEGGEMANN, JOHN BRUEGGEMANN AND BERNIE KUNKEL, CO-TRUSTEES OF THE BAVARIAN FOUNDATION (T) UNDER AGREEMENT DATED OCTOBER 30, 1997, AS AMENDED, a charitable trust organized under the laws of the Commonwealth of Kentucky, having an address of 12764 McCoy Fork Road, Walton, Boone County, Kentucky 41094-9554 ("Grantor"), and (ii) JIM BRUEGGEMANN, MARIA BRUEGGEMANN, JOHN BRUEGGEMANN AND BERNIE KUNKEL, CO-TRUSTEES OF OUR LADY OF GOOD COUNSEL CHURCH, CREATED UNDER DECLARATION OF TRUST DATED OCTOBER 31, 1997, AS AMENDED, a church organized under the laws of the Commonwealth of Kentucky, having an address of 12665 McCoy Fork Road, Walton, Boone County, Kentucky 41094-9554 ("Grantee").

WITNESSETH:

That for and in consideration of the full sum of \$1.00, the receipt and sufficiency of which is hereby acknowledged, and for no other cash consideration, Grantor does hereby convey unto Grantee, in fee simple, with covenant of SPECIAL WARRANTY, certain real property, together with all improvements located thereon and all appurtenances thereunto belonging, situated in Boone County, Kentucky (the "Property"), more fully described as follows:

Group No.: 2077A

Situate in Walton, Boone County, Commonwealth of Kentucky and more particularly described as follows:

Box 473 Beaver Road, Walton, Boone County, Kentucky 41094. Group 2077 A, lying and being in the State of Kentucky and County of Boone, located on the northeast side of Beaver Grade Road near the City of Walton, and is described thus: BEGINNING at a PK Nail in the center of Beaver Grade Road, a corner with the extended line of Lot #5, Sturgeon-Wood Subdivision; thence with the center of said road for nine calls: N 68-13-55 W 72.31 feet to a PK Nail; thence, N 64-42-25 W 90.0 feet to a PK Nail; thence, N 57-43-55 W 75.0 feet to a PK Nail; thence, N 46-44-25 W 75.0 feet to a PK nail; thence, N 42-11-25 W 123.0 feet to a PK Nail; thence N 53-39-25 W 50.0 feet to a PK Nail; thence, N 66-58-25 W 50.0 feet to a PK Nail; thence, N 73-23-25 W 75.0 feet to a PK Nail; thence N 81-31-55 W 105.1 feet to a PK Nail; thence, with the west line N 36-30 E 1336.96 feet to a stake in the right-of-way of the I-71 off ramp to I-75 south; thence with said ramp for two calls: S 40-33-26 E 326.81 feet; thence, S 39-38-56 E 29.74 feet to a stake in the line of Lot #8, Sturgeon-Wood Subdivision; thence, with said lot S 26-16-49 W 504.03 feet; thence, with Lots #8, #7, #6 and #5 S 15-41-33 W 705.47 feet to the beginning and containing 13.7961 acres more or less. Less and Except: That portion of the real estate which was conveyed in Highway Deed Book 16 page 295 of the Boone County clerk's records at Burlington, Kentucky.

Being the same property conveyed to Grantor by Deed dated June 13, 2002, recorded contemporaneously herewith in Deed Book 851, Page 57-60 in the Boone County Court Clerk's Office.

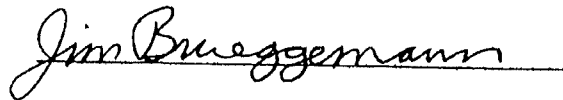
RETURN TO: Grantee

TO HAVE AND TO HOLD, in fee simple, all of the Property, together with all the rights, privileges, appurtenances and improvements thereunto belonging, unto Grantee, its successors and assigns, forever.

Grantor covenants, warrants and represents that Grantor is lawfully seized of the Property, has full right, power and authority to convey the Property, and that the Property is free and clear of all taxes, liens and encumbrances, except (a) governmental laws, rules, regulations and restrictions affecting the Property, (b) the lien of current ad valorem taxes not yet due and payable and (c) all restrictions, covenants, easements, stipulations and other matters of record affecting the Property.

As required by KRS 382.135, Grantor hereby certifies, and Grantee appears herein solely for the purpose of certifying, that the consideration reflected in the foregoing Deed is the full consideration paid for the Property. For purposes of KRS 142.050, Grantor and Grantee further certify that the estimated fair cash value of the Property is \$345,000.00.

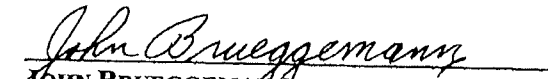
IN TESTIMONY WHEREOF, witness the signatures of Grantor and Grantee on the day, month and year first above written.



**JIM BRUEGGEMANN, CO-TRUSTEE OF
THE BAVARIAN FOUNDATION (T),
UNDER AGREEMENT DATED
OCTOBER 30, 1997, AS AMENDED**



**BERNARD BRUEGGEMANN,
CO-TRUSTEE OF THE BAVARIAN
FOUNDATION (T), UNDER AGREEMENT
DATED OCTOBER 30, 1997, AS AMENDED**



**JOHN BRUEGGEMANN,
CO-TRUSTEE OF THE BAVARIAN
FOUNDATION (T), UNDER AGREEMENT
DATED OCTOBER 30, 1997, AS AMENDED**

Bernie Kunkel

**BERNIE KUNKEL, CO-TRUSTEE OF THE
BAVARIAN FOUNDATION (T), UNDER
AGREEMENT DATED OCTOBER 30, 1997,
AS AMENDED**

("Grantor")

Jim Brueggemann

**JIM BRUEGGEMANN, CO-TRUSTEE OF
OUR LADY OF GOOD COUNSEL CHURCH,
CREATED UNDER DECLARATION OF TRUST
DATED OCTOBER 31, 1997, AS AMENDED**

Maria Brueggemann

**MARIA BRUEGGEMANN, CO-TRUSTEE OF OUR
LADY OF GOOD COUNSEL CHURCH, CREATED
UNDER DECLARATION OF TRUST DATED OCTOBER
31, 1997, AS AMENDED**

John Brueggemann

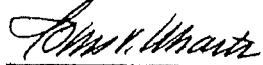
**JOHN BRUEGGEMANN, CO-TRUSTEE OF OUR LADY
OF GOOD COUNSEL CHURCH, CREATED UNDER
DECLARATION OF TRUST DATED OCTOBER 31,
1997, AS AMENDED**

Bernie Kunkel

**BERNIE KUNKEL, CO-TRUSTEE OF OUR LADY OF
GOOD COUNSEL CHURCH, CREATED UNDER
DECLARATION OF TRUST DATED OCTOBER 31,
1997, AS AMENDED**

("Grantee")

The foregoing instrument was prepared
by and should be returned to:



John V. Wharton, Esq.
Greenebaum Doll & McDonald PLLC
50 East RiverCenter Boulevard, Suite 1800
Covington, Kentucky 41011
(859) 655-4207

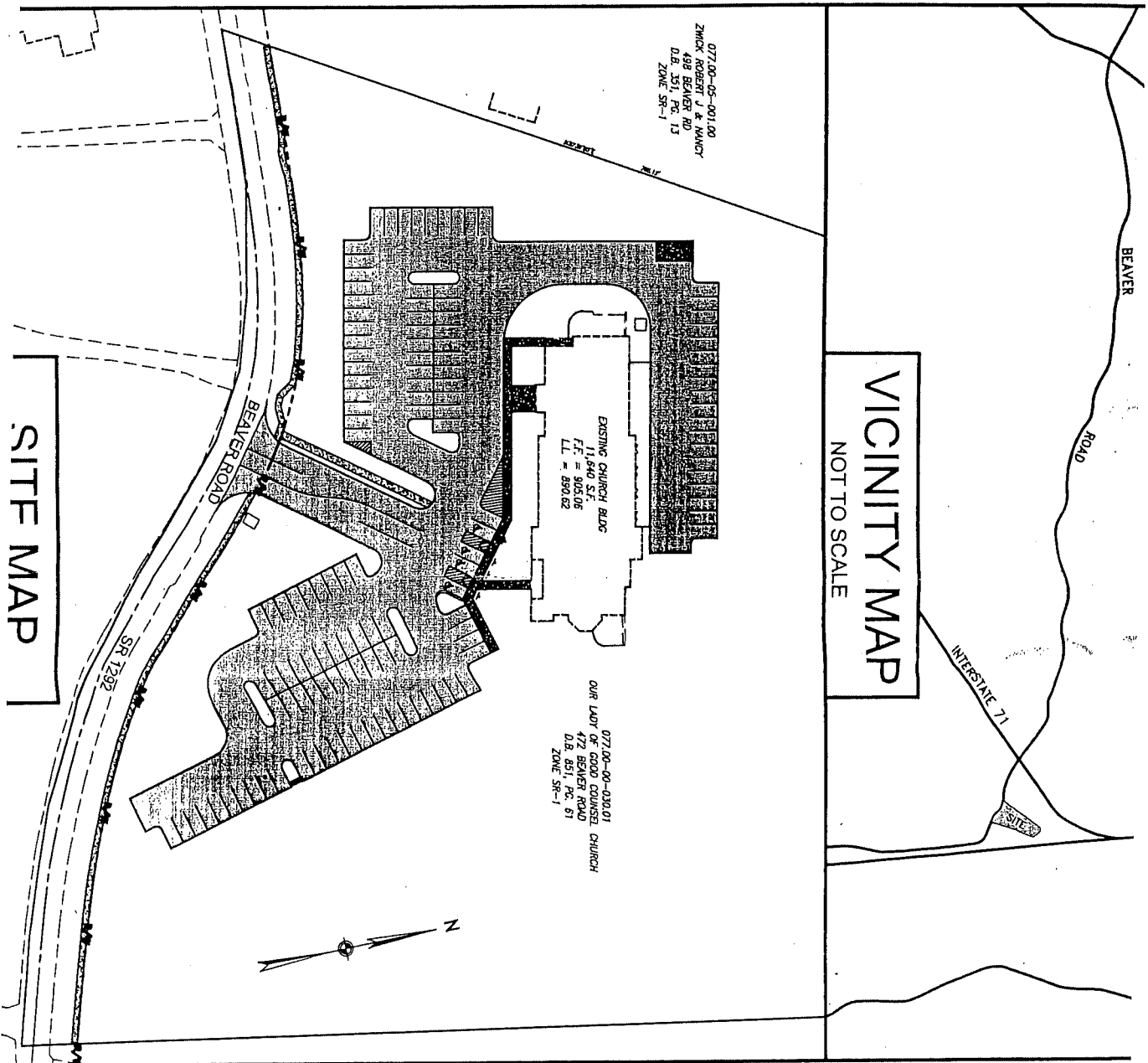
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BOONE COUNTY
D851 PG 65

DOCUMENT NO: 160497
RECORDED ON: APRIL 02, 2003 09:27:09AM
TOTAL FEES: \$16.00
TRANSFER TAX: \$345.00
GROUP : 2077A
COUNTY CLERK: MARILYN K ROUSE
COUNTY: BOONE COUNTY CLERK
DEPUTY CLERK: STACY

BOOK D851 PAGES 61 - 65

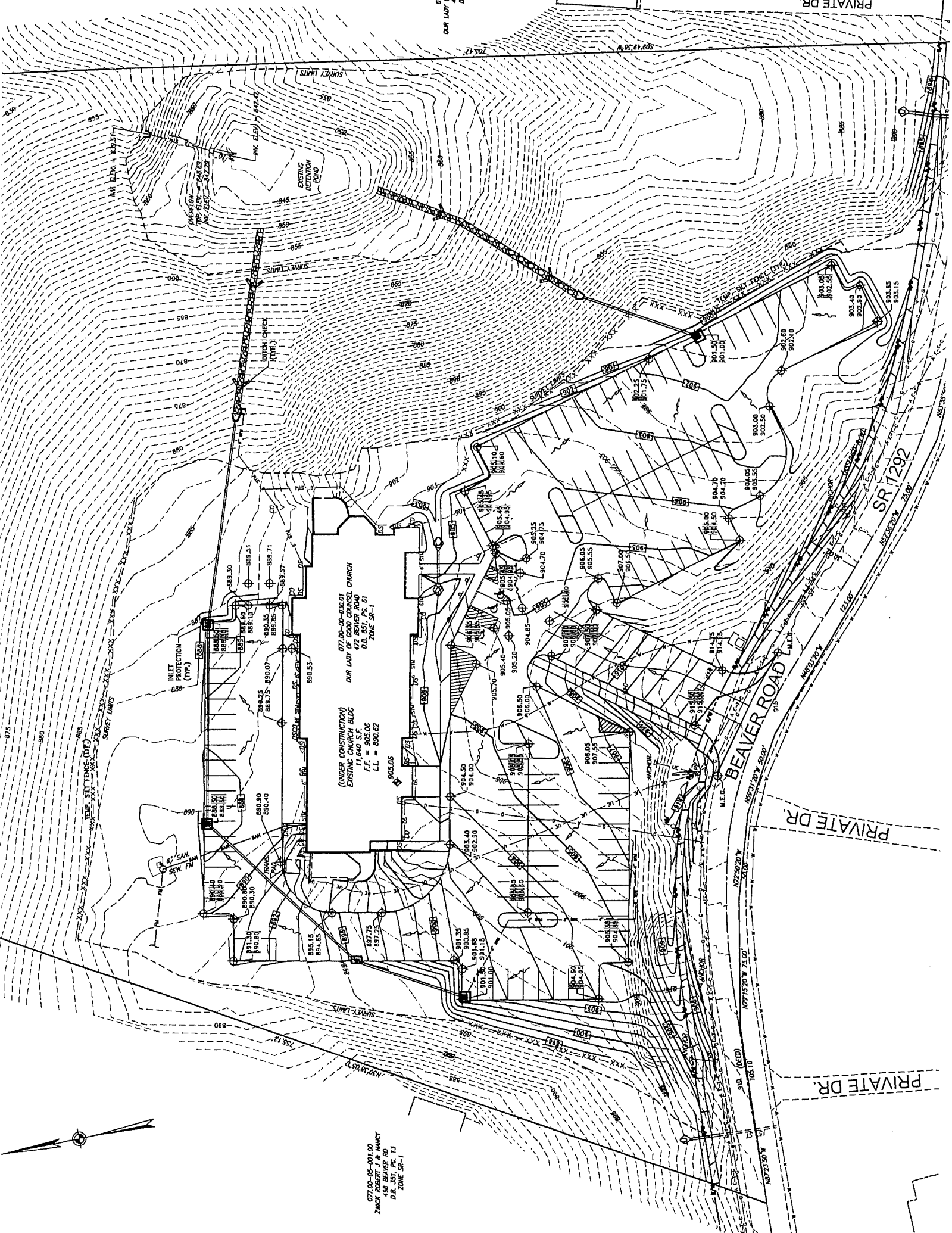


UTILITY CONT.

GAS AND ELECTRIC:
 Duke Energy
 7200 Industrial Road
 Florence, KY 41042
 Attn: Tom Patton
 Tel: 513-287-1487

TELEPHONE:
 Cincinnati Bell
 201 East 4th Street
 RM 346-300
 Cincinnati, OH 45202
 Attn: Don Friedoff
 Tel: 513-397-5661

DATE	SHEET NUMBER
04/29/10	C000
04/29/10	C100
04/29/10	C200
04/29/10	C300
04/29/10	C400
04/29/10	L100



077-00-05-021.01
 OUR LADY OF GOOD COUNSEL CHURCH
 472 BEAVER ROAD
 D.E. 351, P.C. 13
 ZONE SR-1

(UNDER CONSTRUCTION)
 EXISTING CHURCH BLDG
 11,640 S.F.
 F.F. = 905.06
 L.L. = 890.82

077-00-05-021.00
 ZWICK, ROBERT J & WANCY
 498 BEAVER RD
 D.E. 351, P.C. 13
 ZONE SR-1

OUR LADY OF
 077

PRIVATE DR.

PRIVATE DR.

SR 1292

BEAVER ROAD

PRIVATE DR.

PRIVATE DR.

PRIVATE DR.

PRIVATE DR.

PRIVATE DR.

PRIVATE DR.

PRIVATE DR.

PRIVATE DR.

PRIVATE DR.

PRIVATE DR.

PRIVATE DR.

**CITY OF WALTON, KENTUCKY
ORDINANCE NO. 2011-08**

AN ORDINANCE APPROVING AND ADOPTING A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL FOR A REQUEST FOR A ZONING MAP AMENDMENT FOR OUR LADY OF GOOD COUNSEL CHURCH.

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

WHEREAS, the Boone County Planning Commission received a request from Mark Kolb, (Applicant) on behalf of Our Lady of Good Counsel Church (Owner) for a Zoning Map Amendment to the Boone County Zoning Map, and such Zoning Map Amendment being a zone change from Suburban Residential One (SR-1) to Public Facilities (PF) for a 13.7961 acre site located at 472 Beaver Road, Walton, Kentucky, in order to allow a K-12 school within the existing building in addition to the existing church functions; and,

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

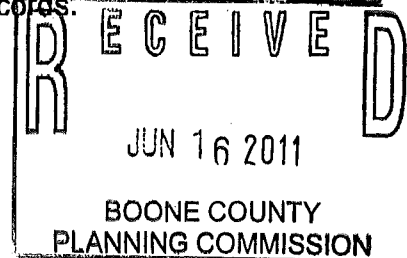
WHEREAS, the City of Walton, has received Resolution R-11-006-A of the Boone County Planning Commission recommending approval for the request; and,

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 approved. The Zoning Map Amendment is a zone change from Suburban Residential One (SR-1) to Public Facilities (PF) for a 13.7961 acre site located at 472 Beaver Road, Walton, Kentucky, in order to allow a K-12 school within the existing building in addition to the existing church functions. The real property which is the subject of this request for a Zoning Map Amendment is more particularly described in Deed Book 851, Page 61 (as supplied by the Applicant) as recorded in the Boone County Clerk's records.



SECTION TWO

Resolution R-11-006-A of the Boone County Planning Commission, recommending approval of the Zoning Map Amendment with conditions is hereby approved and adopted. The Resolution, along with the minutes and official records for the request, is attached hereto collectively as Exhibit "A" and incorporated herein by reference.

SECTION THREE

This Ordinance and the Boone County Zoning Regulations, including the zoning map, adopted and approved, and their parts, sections, subsections, clauses, and provisions are hereby declared to be severable. If a Court having jurisdiction invalidates any part, section, subsection, clause, or provision of this Ordinance or the Boone County Zoning Regulations, including the Boone County Zoning Map, all other parts, sections, subsections, clauses, or provisions shall remain valid and effective, as they are severable.

SECTION FOUR

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

PASSED AND APPROVED on first reading by 5 Members of City Council on the 9TH day of JUNE, 2011.


PASSED AND APPROVED on second reading by 5 Members of City Council on the 13TH day of JUNE, 2011.

DATE OF PUBLICATION: JUNE 23, 2011.

APPROVED:


Wayne M. Carlisle, Mayor

ATTEST:


Peggy Gray, City Clerk