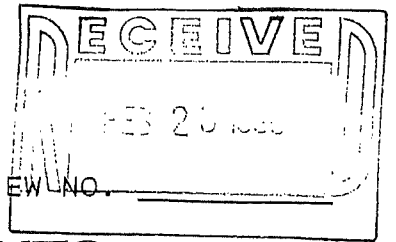


March 28 7:00



REVIEW NO. \_\_\_\_\_

APPLICATION FORM

# ZONING MAP AMENDMENTS

BOONE COUNTY PLANNING COMMISSION  
(See Boone County Zoning Regulations)

## SECTION A (To be completed by applicant)

1. Name of Development FREEDOM LANE
2. Location of Development 12300 Dixie Highway, Walton, Ky.
3. Total Acreage of Site 2.96 acres
4. Current Zoning RS & A2
5. Proposed Zoning (classification being requested) UR-1
6. Proposed Uses (please specify each use) Duplexes - 1 immediately  
Possibly 7 to 10, 4 Family Buildings - Possibly 3 eventually
7. Name of Applicant(s) James K. Sterling (Attorney, Dennis C. Helmer)  
Phone Number(s) 485-6275 (Attorney: 371-0730)
8. Address of Applicant(s) 102 Brookwood Drive  
Walton, Kentucky 41094  
City State Zip
9. Name of Property Owner(s) Walton Church of Christ  
Phone Number(s) \*Applicant has binding contract to
10. Address of Property Owner(s) purchase  
City State Zip
11. Proposed Building Intensities (please specify) 10 Duplexes or 7 Duplexes and 3 Four Families providing 20 to 26  
living units
12. Are there any existing buildings on the site? No  
How many? \_\_\_\_\_
13. Deed Book 370 Page No. 107 Group No. 2078/210
14. Have you had a pre-application meeting with BCPC staff? No
15. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:

- \_\_\_\_\_ Boone County Water and Sewer District
- \_\_\_\_\_ Florence Water and Sewer Commission
- \_\_\_\_\_ Union Light Heat and Power
- \_\_\_\_\_ Cincinnati Bell
- \_\_\_\_\_ Owen County Rural Electric
- \_\_\_\_\_ Boone County Road Department
- \_\_\_\_\_ Kentucky Transportation Cabinet
- \_\_\_\_\_ City of Florence Public Works Department
- \_\_\_\_\_ City of Walton Public Works Department
- \_\_\_\_\_ Northern Kentucky Health District
- \_\_\_\_\_ U.S. Soil Conservation Service
- \_\_\_\_\_ Local School District
- \_\_\_\_\_ Local Fire District
- \_\_\_\_\_ Other: \_\_\_\_\_

George Gardner

(COMPLETE OTHER SIDE OF APPLICATION)

EXHIBIT "A"

**REQUEST OF JAMES K. STERLING (APPLICANT) FOR  
WALTON CHURCH OF CHRIST (OWNER) FOR A  
ZONING MAP AMENDMENT FOR A 2.96 ACRE SITE LOCATED  
AT 12300 DIXIE HIGHWAY, WALTON, KENTUCKY**

March 28, 1990

This is a request of James K. Sterling for a Zone Change from (A-2) Agricultural Estate and (RS) Rural Suburban to (UR-1) Urban Residential One. The Site is located within the KY 16 loop at U.S. 25 in Walton, Kentucky. The request is to rezone to UR-1 in order to allow duplexes and four families.

**HISTORY OF THE SITE**

This site was subject of an Annexation request by the City of Walton on August 16, 1989. The Planning Commission recommended that the existing zoning of A-2 and RS remain upon annexation. The City of Walton annexed three parcels, one of which was the 2.96 acre site owned by the Walton Church of Christ, on January 8, 1990.

**SURROUNDING LAND USES AND ZONING**

- North: A series of single-family residential uses exist along U.S. 25. This frontage is zoned Rural Suburban (RS).
- South: Several single-family residences exist along U.S. 25, and Chris-Chad Subdivision lies approximately 1,200 feet to the south. A group home owned by the Kentucky Department of Human Resources borders the property on this edge. Adjacent zoning consists of Rural Suburban (RS) and Agricultural Estate (A-2).
- East: Across U.S. 25 are two railroad lines and vacant property, zoned Rural Suburban (RS).
- West: The western edge of the property is bordered by the right-of-way of KY 16. West from this is woodland or agricultural land zoned Agricultural Estate (A-2).

**RELATIONSHIP TO THE COMPREHENSIVE PLAN**

**LAND USE:**

The Future Land Use Map of the 1986 Boone County Comprehensive Plan indicates the site to develop as Low Density Residential (1-3 dwelling units per acre). The text of the Land Use Element indicates that even though significant industrial development is foreseen in the U.S. 25 corridor, the residences along U.S. 25 in this immediate area should remain and that land between U.S. 25 and I-75 in this area should remain in low density usage. The extension of I-71 toward Kenton

=====  
County will likely pass just north of this site.

**HOUSING ELEMENT:**

Walton-Verona Area

This area is not projected to gain much population in the next 15 years. This area lies fairly far from any urbanized sections of the county, and has a strong agricultural character. Walton, however, contains a fairly high percentage of multi-family units, and the more moderate income levels of the area would encourage additional multi-family construction.

**1989 - 1990 GOALS AND OBJECTIVES**

**HOUSING**

1. A broad range of housing opportunities shall be provided at locations which meet the needs and desires for household types.
5. In order to offer the citizens of Boone County maximum choice in living environment, residential development plans shall be judged primarily on the basis of gross density (average number dwelling units per acre) and development design, with only secondary consideration given to type of dwelling unit.
6. Residential development shall be regulated as to basic health and safety considerations, including: a) proper connections to appropriate public water and sanitary sewer service, sewage disposal units, and telephone and electric lines, and, b) properly designed and constructed storm drainage systems according to location and use.
10. Progression of intensities shall be encouraged. Where traditional progressions of high net density to low net density development cannot be followed, attention to visual impact and adequate buffering must accompany high net density usage.

**EXISTING CONDITIONS AND PROPOSED USE:**

The site currently vacant with patches of shrub growth, is served with adequate utilities. A 6" water main extends along U.S. 25 and an 8" sewer line extends just beyond the adjoining group home. The proposed "concept drawing" indicates an access point that is located at the existing curb cut of the frontage road. In terms of the lot lay out, the applicant is unsure at this time as to the exact configuration. However, the applicant has determined the use of the property to be duplexes and/or four family units.

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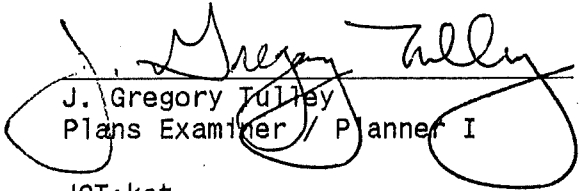
**STAFF CONCERNS**

1. Staff feels that a clustering of the units may prove to be more favorable as opposed to the applicant's submitted plan. This will allow for greater flexibility in terms of providing open space given the property's configuration, as well as the amount of area available.

**CONCLUSION**

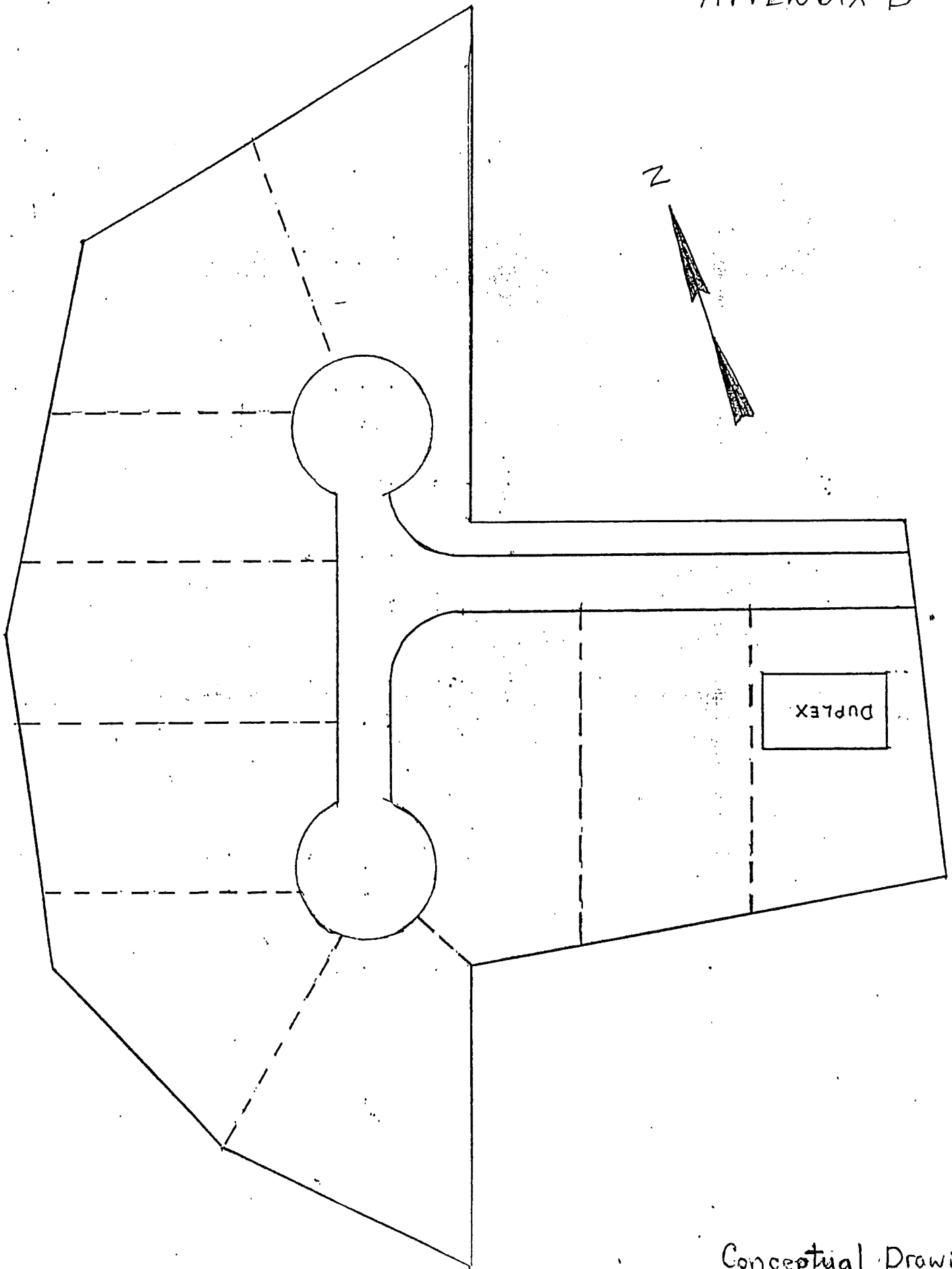
This is a request to rezone a 2.96 site from (A-2) and (RS) to (UR-1). If granted, the 1986 Boone County Comprehensive Plan Future Land Use map will need to be amended.

Respectfully submitted,

  
J. Gregory Tully  
Plans Examiner / Planner I

JGT:kat

APPENDIX "D"

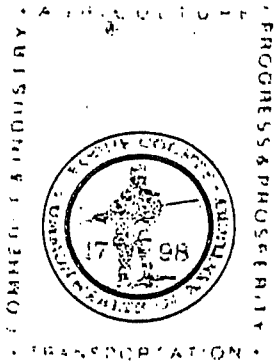


Conceptual Drawing Only  
Not a proposal







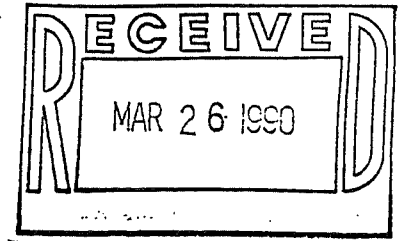


CAROLYN S. EILERS, Director  
Assisted Housing Department

TELEPHONE: (606) 334-2105

# COUNTY OF BOONE

P.O. BOX 536 • BURLINGTON, KENTUCKY 41005



February 1, 1990

Jim Sterling  
102 Brookwood Drive  
Walton, Kentucky 41094

Dear Mr. Sterling:

This letter is in response to our recent conversation concerning the possibility of additional rental units in Boone County.

In my opinion, three bedroom units as rental property are needed in Boone County. There are larger families, both with and without rental assistance needs, seeking this unit size.

Respectfully,

*Carolyn S. Eilers*

Carolyn S. Eilers  
Assisted Housing Director

CSE:lah

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #4  
March 28, 1990

Page 1

Mr. Burch introduced the fourth item on the Agenda:

4. Applicant: James K. Sterling for  
Walton Church of Christ (owner)  
Request: Zoning Map Amendment

This was a Public Hearing on the request of James K. Sterling (applicant) for Walton Church of Christ (owner) for a Zoning Map Amendment on a 2.96-acre site located at 12300 Dixie Highway, Walton, Kentucky. The request is to rezone the site from Rural Suburban (RS) and Agricultural Estate (A-2) to Urban Residential One (UR-1).

Staff Member, Greg Tulley, presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Burch asked if the applicant was present.

Mr. George Gardner, attorney, stated that he was present in behalf of the applicant James Sterling. He noted that Mr. Sterling was also present.

Mr. Gardner stated that Mr. Sterling has purchased the property and it is his intention to develop rental units. He will retain ownership of the property and manage the units. He stated that Mr. Sterling is involved in construction and property management by vocation. Mr. Gardner stated that there have been three physical changes in the area to justify this zone change -- the first being the zone change, followed by water and sewer being brought in last year. Mr. Sterling has discussed the water and sewer with the city of Walton and he can tie into it with no problem. He added that the development will be 30 units. Mr. Gardner stated that there are not a lot of rental units available for those with modest means. It is intended that the units be rented for a modest amount. Mr. Gardner noted that there is a letter attached to the Staff Report from the County Assisted Housing Director in support of the request. He added that Appendix D shows how the applicant intends to develop the property. The project will be developed a unit or two at a time and the eventual configuration will be influenced by the lenders and the market. He noted that Staff has suggested that a cluster development might be more appropriate. The applicant will need a clear idea of where he is headed in order to plan the size and type of utilities, size of the roads, etc.. He stated that the applicant is clear in his mind in regard to the number of units and type of people he will serve.

Mr. Burch asked if there was anyone else present who wished to speak in behalf of the request. There being no response, he asked if there was anyone present in opposition to the request or having questions.

Mr. Willie Shadler questioned if the power lines will be underground and Mr. Sterling advised that he would like them to be.

Mr. Shadler asked if there would be natural gas or propane and Mr. Sterling advised that it will be all electric.

Mr. Shadler asked if Mr. Sterling would put the street in and how close it would be to the property line.

Mr. Sterling stated that he will put in the street and may have to bring it in on the left due to the slope. It was planned about 15 feet from the property line, but the Staff suggested that he might move it closer to the property line in case the adjoining property owner would also want to come onto the street.

Mr. Shadler noted that the street loops around and stated that he might want to develop his side looking toward the same street. He indicated the location of his property in response to a question from Mr. Burch. Mr. Shadler questioned if the development can be limited to four-family dwellings.

Mr. Burch advised that limits can be imposed as part of the zone change, and it is up to the owner if he wants to accept them. By not accepting them, he may not get the zone change.

Mr. Shadler questioned if the access onto the highway has been considered and if there would be adequate spacing for the slow down lane if they should both develop their properties.

Mr. Tulley stated that this was reviewed by the Transportation Planner and he did not have a problem with it. He noted that Staff wanted the driveway to align with the existing curb cut. He stated that the development of Mr. Shadler's property is another issue.

Mr. Sterling stated that he would be allowed 35 units, but will have a maximum of 26 -- which would allow more units for Mr. Shadler to develop. He stated that he does not want an apartment complex, but duplexes to allow people who need to rent to have their own front and back yards. There will be four-family units across the back for young families.

There being no further comments from the audience, Mr. Burch asked if there were any comments from the Commission.

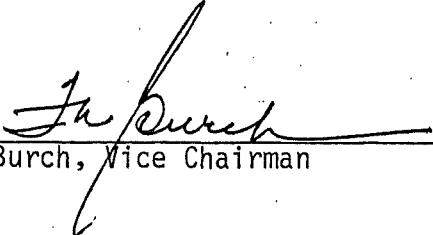
Mr. McMillian noted the proximity of the site to the highway. He stated that the children cannot play on the highway and questioned if there were recreational areas planned.

Mr. Sterling stated that the property is completely fenced and about 50 feet off the highway all the way around. He stated that the people will have their own back yards for recreation. He added that he is not planning any other recreation.

Mr. DeLong commented that using gas would be cheaper. He added that the three-bedroom units are needed in the county.

There being no further comments, Mr. Burch stated that this item will be on the Agenda for the Business Meeting on April 4, 1990 at 8 P.M. and closed this Public Hearing.

APPROVED:

  
Fred Burch, Vice Chairman

Attest:

  
Jan Hancock, Recording Secretary



BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

April 18, 1990

8:00 P.M.

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Mr. William Viox, Chairman, called the meeting to order at 8:10 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Fred Burch, Vice Chairman  
Mr. Phil Damstrom  
Mr. Melvin DeLong  
Mr. R. N. Greene  
Mr. Robert Kirby, Jr.  
Mr. Don McMillian  
Mr. Barry Neltner  
Mr. Thurman Owens  
Mr. Ralph Rush  
Mr. Floyd Sharp  
Mrs. Carol Smith  
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Larry Barnett  
Mr. Lawrence Collins  
Mr. Rector Jones

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Chairman Viox noted that each member had received a copy of the Minutes of the Public Hearings and Business Meeting of April 4, 1990 and asked if there were any comments or corrections.

Mr. Neltner noted that on Page 5 of the Minutes of the Business Meeting, his reply to Mr. Kirby's question was intended to indicate that the wall and the fence on top should be constructed in such a way that the line of sight would be consistent across the back of the property. Mr. Kirby stated that this was his understanding.

Mr. McMillian moved that the Minutes of the Business Meeting be approved as amended and the Minutes of the Public Hearings be approved as written. Mrs. Smith seconded the motion and it carried unanimously.

EXHIBIT "B"

COMMITTEE REPORT

#3

TO: Boone County Planning Commission

FROM: Fred Burch, Chairman

DATE: April 18, 1990

RE: Request of James K. Sterling (applicant) for Walton Church of Christ (owner) for a Zoning Map Amendment on a 2.96 acre site located at 12300 Dixie Highway, Walton, Kentucky. The request is to rezone the site from Rural Suburban (RS) and Agricultural Estate (A-2) to Urban Residential One (UR-1).

REMARKS:

We, the Committee, recommend approval of the request based upon the following findings of fact.

FINDINGS OF FACT

1. The 1986 Boone County Comprehensive Plan makes the following reference to the proposed site.

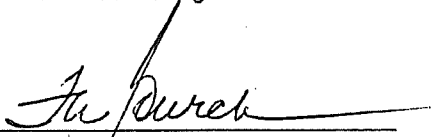
Housing Element: Walton contains a fairly high percentage of multi-family units, and the more moderate income levels of the area would encourage additional multi-family construction.

The 1989 - 1990 Goals and Objectives for Housing states:

1. A broad range of housing opportunities shall be provided at locations which meet the needs and desires for household types.

COMMITTEE CONDITIONS

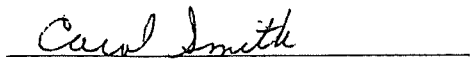
1. This development is to use the existing curb cut onto Dixie Highway from the frontage road.


  
 \_\_\_\_\_  
 Fred Burch, Chairman

\_\_\_\_\_  
 Larry Barnett

\_\_\_\_\_  
 Rector Jones

  
 \_\_\_\_\_  
 Barry Neltner

  
 \_\_\_\_\_  
 Carol Smith

  
 \_\_\_\_\_  
 Floyd Sharp

CS:kat

CITY OF WALTON, KENTUCKY  
ORDINANCE NUMBER 1990--6..

AN ORDINANCE ADOPTING A MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY, ZONING MAP, SAIE MAP AMENDMENT BEING A ZONE CHANGE FROM RURAL SUBURBAN (RS) AND AGRICULTURE ESTATE (A-2) TO URBAN RESIDENTIAL ONE (UR-1), PERTAINING TO LAND WITHIN THE CITY OF WALTON, KENTUCKY

WHEREAS, The Boone County Planning Commission having recommended to this legislative body that a map amendment for a zone change from Rural Suburban (RS) and Agriculture Estate (A-2) to Urban Residential One (UR-1) Zone for certain real estate which is more particularly described below, and

WHEREAS, The Boone County Planning Commission having conducted a public hearing serving as the due process trial-type hearing and made findings recommending approval of the zone change requests, and

WHEREAS, The Common Council of the City of Walton, Kentucky, has determined that this Map Amendment is appropriate and would promote the general welfare of the citizens of Walton, Kentucky;

NOW, BE IT ORDAINED BY THE CITY OF WALTON, KENTUCKY  
AS FOLLOWS:

SECTION ONE

That the zone change for the real estate which is more particularly described below which was adopted by the Boone County Planning Commission and recommended for adoption and approval to this legislative body shall be and the same is hereby adopted and approved, this Map Amendment being a zone change from Rural Suburban (RS) and Agriculture Estate (A-2) to Urban Residential One (UR-1) Zone, the real estate which is the subject of the zone change is more particularly described as follows:

Boone County  
FSP 008 0016 002-003 2R  
RS 5224(1)  
Walton-Nicholson Road(US 25)  
Parcels No. IX & 24X

Located generally in Boone County Groups  
numbers 2078 and 210, on the West side of U.S.

of the land conveyed to the Commonwealth of Kentucky by Roger Augenstein, et al, in Highway D.B. 10 at Page 293, Group #2078. All references herein are to the records of the Boone County Clerk at Burlington, Kentucky. This description was prepared by Noel Walton, KY. Reg. P.E. & L. S. July 9, 1987 from surveys made by David G. Walton, KY. Reg. P.E. & L. S.

#### SECTION. TWO

That the zoning map of Boone County, Kentucky, as it applies to the City of Walton, Kentucky, shall be amended or changed to reflect the rezoning of the real estate set forth in Section One of this Ordinance.

#### SECTION. THREE

That the recommendation of the Boone County Planning Commission regarding the zone-change matter shall be and is hereby adopted and approved by the City Council of the City of Walton, Kentucky, which accepts the findings of the Boone County Planning Commission for the zone change.

#### SECTION. FOUR

That this rezoning is subject to the conditions and provisions of the zone change request.

#### SECTION. FIVE

That in the event the rezoning of this property would be held invalid by any court of proper jurisdiction, such invalidity shall not affect the validity of any of the other zoning regulations, including other portions of the zoning map, or comprehensive plan, as the continued validity of these other regulations, the zoning map and comprehensive plan provisions are severed from this matter and are intended to continue in effect regardless of the rezoning on this particular piece of property.

PASSED AND APPROVED ON FIRST READING BY 5 MEMBERS OF CITY COUNCIL ON THE 11<sup>th</sup> DAY OF JUNE, 1990.

PASSED AND APPROVED ON SECOND READING BY 4 MEMBERS OF CITY COUNCIL ON THE 9<sup>th</sup> DAY OF ~~JUNE~~, 1990 AND ORDERED PUBLISHED AS REQUIRED BY LAW. July

Highway #25 as revised, between it and relocated Kentucky Highway #16, and about 0.25 mile south of Chambers Road and described thus; Beginning at a point on a concrete right-of-way monument which is the intersection of the common line of lots 28 and 29 of the Chambers Heights Subdivision and the revised right-of-way line of U.S. Highway #25, said point being 217.94 feet southeast along said common line from the southwest corner of lot #28 of said subdivision; thence with said line on U.S. Highway #25, N 14-4 E 164.54 feet to the north line of lot #26 of said subdivision and a point on a concrete right-of-way monument; thence with the north line of said lot #26 N 69-22-50 W 195.55 feet to a found pipe a corner of said lot; thence with west lines of said Chambers Heights Subdivision, N 20-43 E 201.0 feet to a point, N 31-30 E 30.80 feet to a rebar; thence running 0.75 foot distant at right angles from the existing right-of-way fence on relocated Highway #16, N 73-56-20 W, 6.73 feet to a rebar, S 81-13-15 W 205.91 feet to a rebar, S 32-15-15 W 181.74 feet to a rebar, S 12-40-50 W 151.0 feet to a rebar, S 24-24-10 E 115.80 feet to a rebar, S 40-39-55 E 126.49 feet to a rebar, S 75-28-15 E 2.33 feet to a rebar; thence with the west line of said Chambers Heights Subdivision, N 20-43 E 139.26 feet to a rebar on the Southwest corner of lot #28 of said Chambers Heights Subdivision; thence with the common line of lots numbers 28 & 29, S 79-18-35 E 217.94 feet to the place of beginning containing 2.96 acres and subject to legal easements of record and in existence.

The above described boundary comprises and encloses part of the same land conveyed to the Commonwealth of Kentucky by Norma Singleton in Hwy. D.B. 10 at Page 230, Group #210 and part

APPROVED:

*William M King*

.....  
MAYOR WILLIAM KING

ATTEST:

*Ruth Glenn*  
.....  
RUTH GLENN, CITY CLERK

THIS INSTRUMENT PREPARED BY:

*Terry R. Edwards*  
.....  
HON. TERRY R. EDWARDS  
City Attorney for City of Walton  
7992 Dixie Highway  
P.O. Box 6205  
Kentucky National Bank Building  
Florence, KY 41042  
Telephone: (606) 525-6161