

APPLICATION FORM

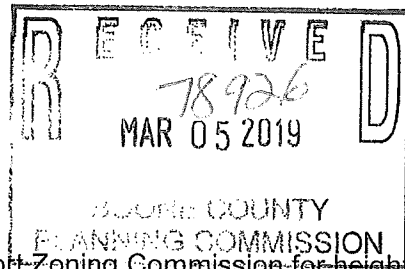
ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project TOC, LLC
2. Location of Project 13299 Walton Verona Road
3. Total Acreage of Site 15.38 AC
4. Current Zoning of Site I-1, SR-1, and RS
5. Proposed Zoning (Classification being requested) I-1
6. Proposed Uses (please specify each use) I-1 uses
7. Names of Applicant(s) James W. Berling
8. Address of Applicant(s) 1671 Park Road - Suite One
9. Name of Property Owner(s) TOC, LLC
10. Address of Property Owner(s) 2708 Amsterdam Road
11. Proposed Building Intensities (please specify) N/A
12. Are there any existing buildings on the site? YES
13. Deed Book 1122 Page No. 50 Group No. 2077B
14. Are you also applying for:
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 **James W. Berling (applicant)** for **TOC, LLC (owner)** for a Zoning Map Amendment from Rural Suburban (RS) and Suburban Residential One (SR-1) to Industrial One (I-1) for approximately 7.7 acres of an approximate 15.38 acre tract located at 13299 Walton-Verona Road, Walton, Kentucky. The request is for a zone change to allow uses permitted in the I-1 zone.

April 3, 2019

### REQUEST

The applicant has submitted an application to rezone approximately 7.7 acres of the approximate 15.38 acre tract referenced above from Rural Suburban (RS) and Suburban Residential One (SR-1) to Industrial One (I-1). If the application is approved, the entire property would be zoned I-1.

Boone County G.I.S. shows the property is currently zoned as follows:

- Approximately 2.7 acres of the site is zoned Rural Suburban (RS).
- Approximately 5 acres is zoned Suburban Residential One (SR-1).
- Approximately 7.35 acres is zoned Industrial One (I-1).

Note - The overall acreage noted in the legal description and zoning boundary breakdowns don't match because the property boundary references the centerline of Walton-Verona Road.

A Concept Development Plan was submitted with the request that shows three speculative lots. The plan is not clear if the three lots would share an access point or if individual access points are proposed. Staff called the applicant and he informed Staff that the preliminary plan is for lot 1 to have it's own access point and lots 2 and 3 to share an access point.

### PERTINENT SITE HISTORY

The 1980 Zoning Map shows the property being split zoned Rural Suburban (RS), Suburban Residential One (SR-1), and Industrial One (I-1)

### SITE CHARACTERISTICS

The overall 15.38 acre site has approximately 1,112 feet of frontage on the west side of Walton Verona Road. The eastern part of the property contains a house, barn, and small metal building, which are accessed from a gravel driveway that connects to Walton Verona Road. This part of the site is largely free of trees because it was more recently farmed. More significant tree cover exists in the western part of the site. A natural drainage swale exists in the north central and southwestern portions of the site and drains to McCoys Fork Creek. Boone County G.I.S. shows the topography of the parcel falls from approximately 844' above sea level at the northeast property line and 830' above sea level at the northwest property line to 768' above sea level along the southwest property line. A public water main exists in the Walton Verona Road right-of-way and a sanitary sewer main exists on site.

### ADJACENT LAND USES AND ZONING

North: Undeveloped 13.57 Acre Tract Fronting on Walton Verona Road (I-1)

South: Single-Family Residential Dwelling Fronting on Walton Verona Road (RS)

East: Walton Verona Road, Single-Family Residential Dwellings (RS), Howell Construction (I-1), About Space Storage (I-1), Undeveloped 12.97 Acre Tract (C-2).

West: Salem Creek Church (SR-1) and Single-Family Residential Dwelling Fronting on Oak Creek Road (A-2 and SR-1)

### RELATIONSHIP TO COMPREHENSIVE PLAN

An Existing Land Use Map, accurate to September of 2009, and a Future Land Use Map have been produced with the use of the Boone County Geographic Information System (GIS) program. The maps are intended to be used in tandem with the accompanying text below; the future land use boundaries are approximate and subject to refinement and interpretation by the Planning Commission and county legislative bodies. The text and map should be used as a tool to aid in managing growth in Boone County. It is important to consult the Land Use Element text to learn of timing or phasing issues that may be present in a particular corridor. The Future Land Use Map may indicate future land uses for a particular area, however, the area may not be ready for development until certain infrastructure is in place or another area develops first. It is critical to note that the Future Land Use Map is a 25 year projection, and is not intended to commit all areas to development immediately... (Land Use Maps, pg. 164).

The 2010 Boone County Comprehensive Plan's "2035 Land Use Plan" designates the site for Industrial and Urban Density Residential uses. These future land use designations are defined as follows:

Industrial (I) - Manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses.

Urban Density Residential (UD) - Attached housing, generally condominiums or apartments, of over 8 dwelling units per acre.

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

A. The Walton area should experience gradual commercial, residential, and industrial growth. This growth should result primarily from the Walton Interchange, and its location near the intersection of I-71 and I-75. Walton lies along this regional interstate corridor, between Cincinnati to the north and Louisville, Lexington, and Frankfort to the south that is generally experiencing demand for industrial development. The extension of Mary Grubbs and development of the Walton Towne Center area will contribute to the growth potential of Walton not only in Boone County, but also into Kenton County to the east. The potential for a mix of uses including high density residential, commercial, office, institutional, and recreational in the Towne Center should occur. Light industrial is most appropriate in the south portion of the property and along the rail line (Walton Area, pp. 172-173).

- B. 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. Suburban Residential will be appropriate to the west of Stephenson Mill Road if the utilities are extended into this area. Commercial development of the northwest quadrant of the interchange should be of a type to serve the adjoining industrial area, while the southwest quadrant of the interchange will continue to be dominated by the Flying J development; however, traffic circulation improvements are needed at this specific location. As described in the Business Activity Element, there should be no further development of commercial uses oriented to truck traffic. The remaining area in this section should be Rural Density Residential or agricultural in nature (Walton Area, pp. 172-173).

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

- A. Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined (Utilization of Existing Vegetation and Topography, pp. 161-162).
- B. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as open space within developments and between developments. Developments proposed adjacent to planned or established open spaces should provide pedestrian access where appropriate. Natural green space benefits the community as well as encourages developers to create innovative development designs through clustering of buildings and impermeable area. Typically, buffering is required and provided between unlike land uses; however, as the development of Boone County fills in previously rural areas, different lot sizes and designs of residential development sometimes impact each other. Where an appropriate gradation of lot size and setbacks cannot be designed into a proposed residential subdivision development of a significantly higher density than existing adjacent residential uses, deliberate vegetation buffering may need to be incorporated into the design to help protect low density residential areas. Buffer areas should use and supplement existing site features where possible (Buffering, pp. 162-163).
- C. Developments in Boone County must include landscaping to accompany the proposed project. Retention of existing healthy vegetation is considered a component of landscaping

and is encouraged. 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. The amount of heat absorbed by impervious cover from sun radiation is decreased by landscaping, which reduces energy costs. Landscaping helps purify the air of harmful pollutants, thus reducing health impacts. It also helps reduce the quantity and improve the quality of storm water runoff, including temperature. The use of bioretention islands (water filtering basins) and grass swales should be used where possible in place of raised islands. Native species are often heartier than nursery stock and should be used wherever possible to minimize pesticides and other high impact forms of maintenance. 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. 163).

- D. Developments in Boone County must recognize the potential impacts of stormwater runoff. Developments must design and incorporate adequate provisions for the channelization and control of the rate of stormwater flow on and from the site. One goal of local storm water programs should be to minimize the amount of storm water generated by decreasing the amount of pavement and encouraging green rooftops. Creating less runoff by increasing on-site infiltration is a method of managing runoff.

Control and mitigation practices for erosion associated with developments must be provided. At a minimum, developments must seed and mulch all graded areas and provide siltation controls. Stormwater management and erosion control measures must be concurrent with site work in order to be effective. Stormwater management officials must also consider the cumulative effects of increased development runoff in watersheds (Stormwater Management and Erosion Control, pg. 163).

- E. 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, pg. 163).

- F. Developments in Boone County must be designed, where appropriate, to improve the County's transportation network system of roadways, and functional classifications must be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets. The traditional grid system can provide an alternative to typical suburban design. Parallel and frontage roads should be used to minimize impacts of individual sites on collector and arterial roadways. Appropriate pedestrian networks should be incorporated into the design of developments

which will generate or experience significant pedestrian use. These networks should not only provide internal paths, but should provide connections to adjoining uses where appropriate. Public open space and recreation sites should be connected to each other by bicycle and pedestrian paths where appropriate. Transit Oriented Development (TOD) is discussed in detail in the Transportation Element, and should be examined as a future direction in Boone County development patterns (Transportation and Pedestrian Network, pg. 163).

- G. Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor. Overhead utility lines should be placed underground wherever possible, and junction boxes screened from public view. Neo-traditional residential and commercial development should be encouraged to provide quality development that blends with the natural or historic character of parts of Boone County. This Comprehensive Plan encourages the restoration, renovation and/or adaptive re-use of historically significant structures in Boone County (Design, Signs, and Historic Preservation, pg. 164).

The Business Activity Element contains the following passages that relate to the request and the general area:

- A. A critical need in Boone County is to protect future industrial land, because the access, infrastructure, and level land that make it favorable for industrial development are finite. Beyond 2035, Boone County may have difficulty in developing more industrial uses outside the airport, U.S. 25, and Walton areas. In general, areas planned for non-extractive industrial uses should not be changed to allow other land uses to develop. The Northern Kentucky Tri-County Economic Development Corporation has identified a need for industrial building sites that have the necessary infrastructure and zoning and are ready to develop (Recommended Areas of Industrial and Office Activity, pp. 70-71).
- B. The Richwood and Walton interchanges will serve an increasing amount of industrial traffic along the U.S. 25 and I-75 corridors. Most of the industrial activity should locate near the interchanges to minimize travel on noninterstate roads. The area between U.S. 25 and the Boone/Kenton County line contains industrial potential due to interstate and rail access. Development of this area should utilize Old Lexington Pike as a frontage road to limit the number of access points onto Dixie Highway. The realignment of Old Lexington Pike with Richwood Road has made this area more accessible to the interstate. Business development to the east of Walton should be facilitated by major roadway improvements extending east from Mary Grubbs Highway and ultimately connecting with major thoroughfares in Kenton County - including KY 16 and KY 17 (Recommended Areas of Industrial and Office Activity, pp. 70-71).

The following 2017 Goals and Objectives pertain to the request:

- A. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall, Objective).

- B. Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics, Objective).
- C. Development design shall consider natural and ecological systems, such as wildlife habitats, air, soils, and water (Environment, Objective).
- D. Development shall attempt to utilize existing topography and vegetation (including mature trees where possible) and preserve the existing character of the land where practical (Environment, Objective).
- E. Boone County businesses are developed in appropriate locations and are compatible with surrounding land uses (Economy, Goal).
- F. Compact, efficient development patterns shall be encouraged for industrial, commercial, and office uses with appropriately sized and well maintained buffer spaces between the business use and other land uses (Economy, Objective).
- G. Industrial development shall be encouraged to locate near railroad lines, highways, the Ohio River, the Airport, and where infrastructure exists or is planned (Economy, Objective).
- H. Future industrial districts should be identified in advance of residential development so that potential impacts are known and can be addressed (Economy, Objective).
- I. Effective site placement, architectural design, and landscape design for industrial uses shall enable a favorable relationship with adjoining uses. Smoke, dust, noise, and odor impacts shall be kept at a minimum and site development and enforcement shall be carefully coordinated with regulatory agencies (Economy, Objective).
- J. Provisions shall be made for proper control of industrial uses that involve processes or products that could be hazardous to human life and property (Economy, Objective).
- K. Safe, efficient, and environmentally responsible public services and facilities shall exist for all residents and businesses in Boone County (Public Facilities, Goal).
- L. Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system across jurisdictions (Transportation, Objective).
- M. The local transportation system in Boone County shall be maintained and improved to enhance the overall safety and level of service (Transportation, Goal).
- N. Traffic impact analysis should be used as a tool to address impacts to the existing transportation system (Transportation, Objective).

TRANSPORTATION PROJECTS AND RELATIONSHIP TO THE BOONE COUNTY  
TRANSPORTATION PLAN

The Boone County road/sidewalk construction status report indicates that design for the I-75/Walton interchange will begin in 2021.

### FINDINGS NECESSARY FOR MAP AMENDMENT

The Planning Commission and legislative body use the following criteria in granting or denying a zoning map amendment application:

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

### STAFF COMMENTS

1. The request would allow the following:
  - A. The property to develop with all the principally permitted uses of the I-1 zone. A list of these uses has been attached to the Staff Report for review. The Planning Commission and City of Walton should determine which of these uses are appropriate if the application is approved.
  - B. The Conditional Uses of the I-1 zone could be sought in the future through a separate Conditional Use Permit application if the application is approved. The Planning Commission and City of Walton should determine which of these uses, if any, should be eligible to go through this process if the application is approved.
2. Staff sent out an agency memo regarding the application and received comments from Walton Fire Department and Kentucky Transportation Cabinet. These comments are attached to the Staff Report
3. Staff would like the applicant to address the following questions:
  - A. The Concept Development Plan shows the approximate 7.7 acre lot will be subdivided into three (3) lots of record. Is it possible there could there be more or less lots?
  - B. Is the plan still to have two access points (one on lot 1 and shared access for lots 2 and 3)?
  - C. Kentucky Transportation Cabinet indicated that a Traffic Impact Study will be required. Has it been started?
  - D. Have the project grading limits been defined?
  - E. Have any of the proposed uses on the lots been determined? If so, can they be revealed?
  - F. Could businesses operate 24 hours a day?
  - G. Has exterior lighting been considered (heights of light poles, wall packs, etc.)?

- H. Will the future buildings be constructed entirely of metal or will any masonry be used?
4. Staff would like to note that the Concept Development Plan shows the required landscaping buffers will be installed or retained around the perimeter of the property. Buffer Yard D is required when a developing I-1 property adjoins a residentially zoned property. Buffer Yard D contains the following plantings per 100 linear feet of buffer area:

80' width option

- 20 Evergreens - Plant List D Planted in a double row spaced 10 feet on center in an equal lateral triangle configuration, and
- 11 Large Trees - Plant List A, and
- 40 shrubs - Plant List C

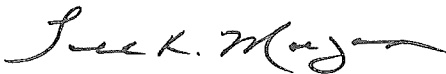
40' width option

- The same number of trees are required as for the 80' width buffer yard, but the width may be reduced to 40 feet if a 6 foot high berm, fence or masonry wall is used and the number of shrubs may be reduced to 20 from Plant List C. The maximum slope for the berm is 2.5 to 1.

CONCLUSION

The Zoning Map Amendment request needs to be evaluated by Boone County Planning Commission and City of Walton in terms of Article 3 of the Boone County Zoning Regulations and the potential impacts on existing and planned uses in the area.

Respectfully Submitted,

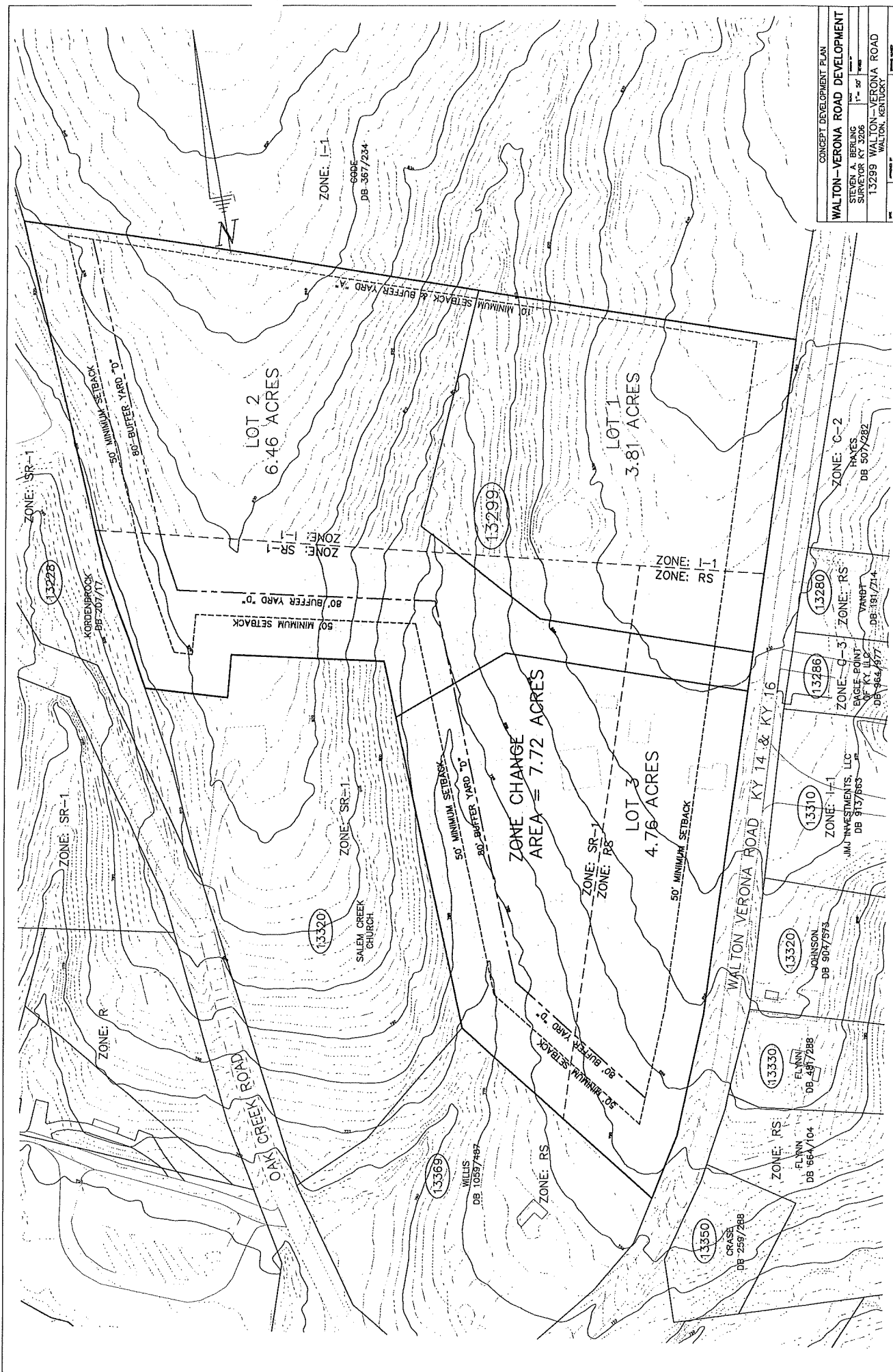


Todd K. Morgan, AICP  
Senior Planner, Zoning Services

TKM/ss

**Attachments:**

- \*Site Vicinity Map
- \*Concept Development Plan
- \*Zoning Map
- \*2035 Future Land Use Map
- \*Topographical Map
- \*2016 Aerial Map
- \*Agency Memo
- \*3/8/19 Email From Assistant Chief Ollier, Walton Fire Protection District
- \*3/22/19 Email From Mark Brannon, Kentucky Transportation Cabinet
- \*Principally Permitted and Conditional Uses of the I-1 Zone
- \*Application



CONCEPT DEVELOPMENT PLAN	
WALTON-VERONA ROAD DEVELOPMENT	
STEPHEN A. BEESING SURVEYOR, P.C. 1996	DATE: 11-20-2018
13299 WALTON-VERONA ROAD WALTON, KENTUCKY	
DATE: 3/26/19	SCALE: AS SHOWN

LOT 2  
6.46 ACRES

LOT 1  
3.81 ACRES

ZONE CHANGE  
AREA = 7.72 ACRES

LOT 3  
4.76 ACRES

13228  
KORDYSROCK  
DB: 201/171

13320  
SALEM CREEK  
CHURCH

13369  
WILLIS  
DB: 10587487

13350  
CRASH  
DB: 2597288

13330  
FLANN  
DB: 497288

13320  
JOHNSON  
DB: 807873

13310  
JMJ INVESTMENTS, LLC  
DB: 9137853

13486  
EAGLE POINT  
OF KY, LLC  
DB: 1817214

13280  
THAMES  
DB: 507282

ZONE: SR-1  
ZONE: R-1

ZONE: SR-1

ZONE: SR-1

ZONE: R

ZONE: SR-1

ZONE: SR-1

ZONE: SR-1  
ZONE: RS

ZONE: RS

ZONE: 1-1

ZONE: RS

ZONE: C-2

50' MINIMUM SETBACK  
80' BUFFER YARD "D"

50' MINIMUM SETBACK  
80' BUFFER YARD "D"

50' MINIMUM SETBACK  
80' BUFFER YARD "D"

50' MINIMUM SETBACK  
80' BUFFER YARD "D"

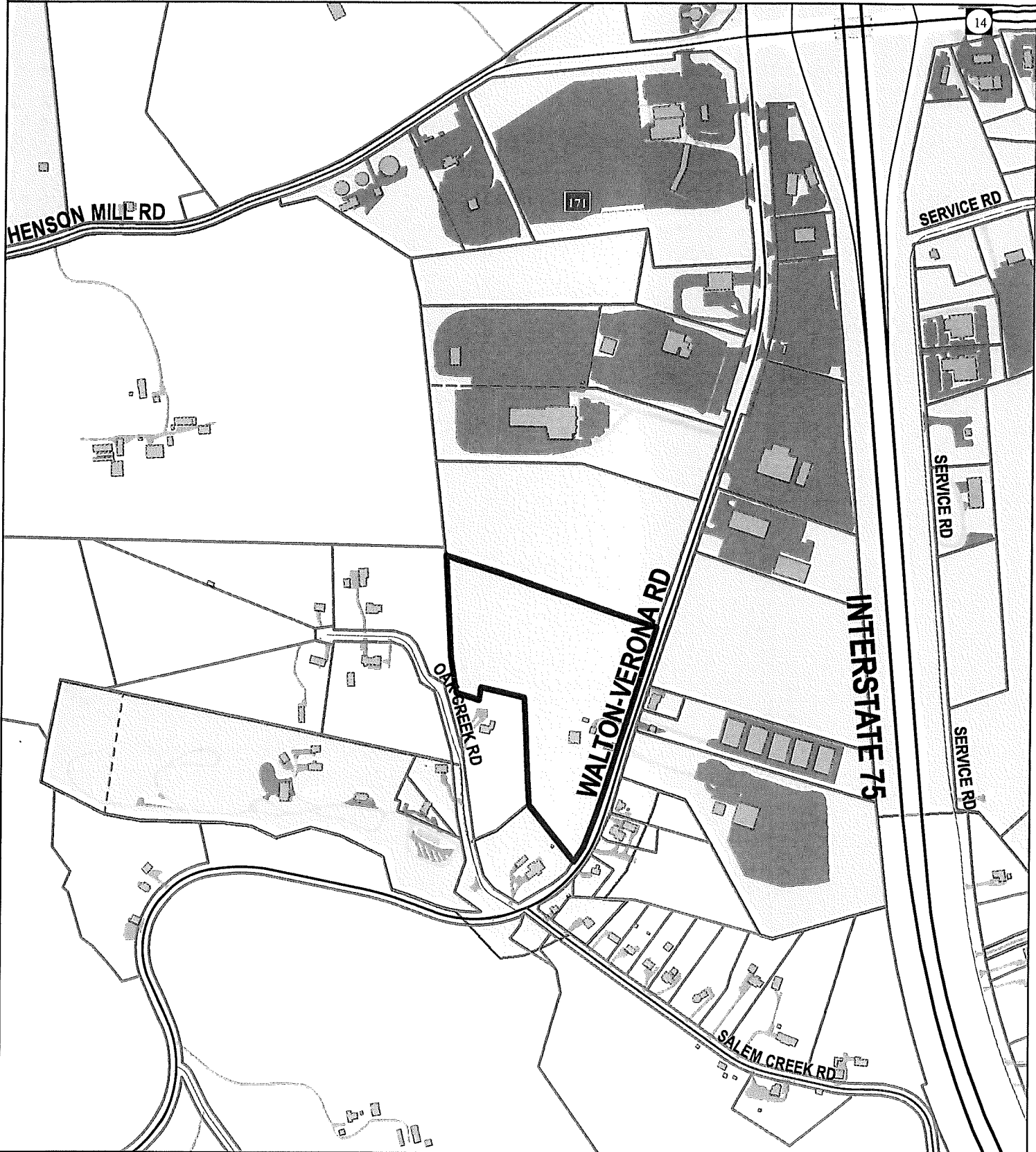
50' MINIMUM SETBACK

10' MINIMUM SETBACK & BUFFER YARD "A"



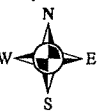
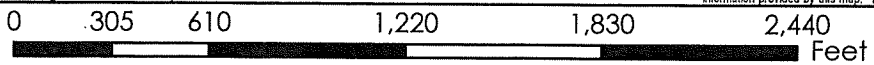
# SITE VICINITY MAP

www.boonecountygis.com



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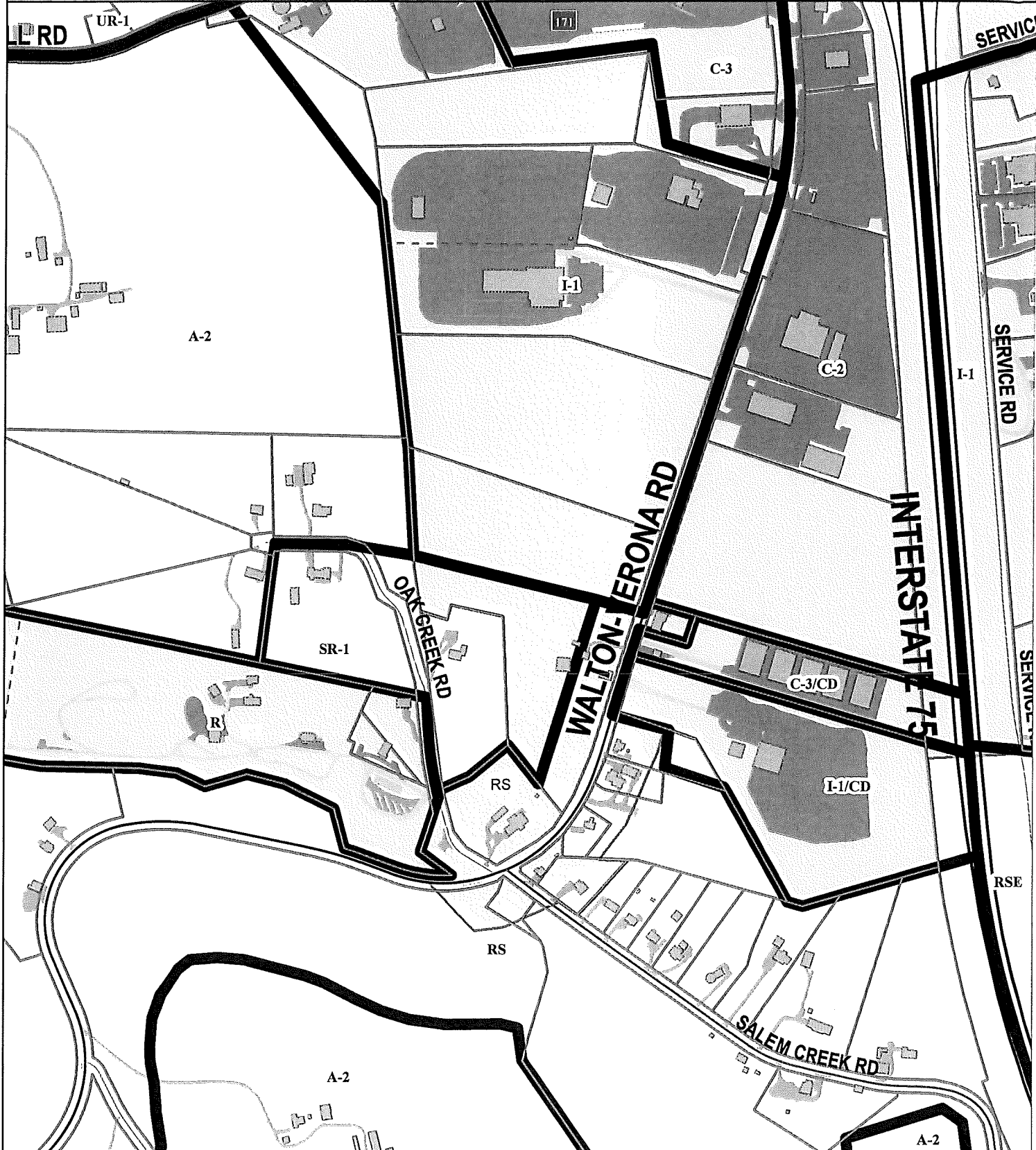
**Boone County GIS - Putting Northern Kentucky on the Map**

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ArcMap Document: BooneMap (file).mxd

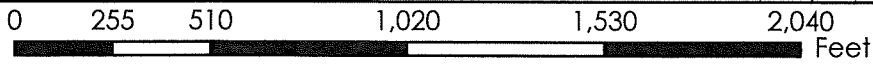
# ZONING MAP

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1 inch = 500 feet

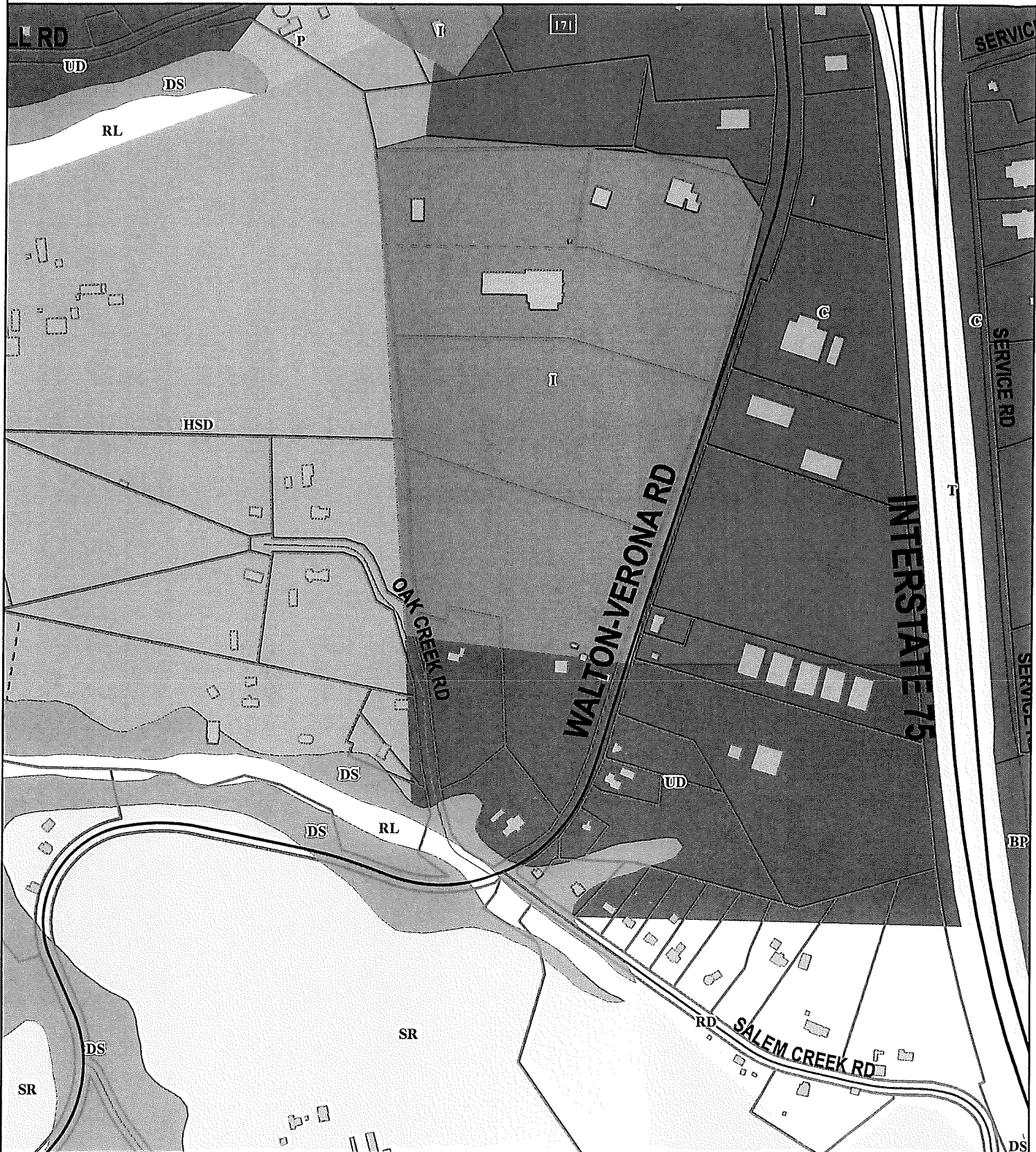


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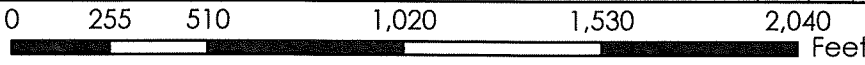
# 2030 FUTURE LAND USE MAP

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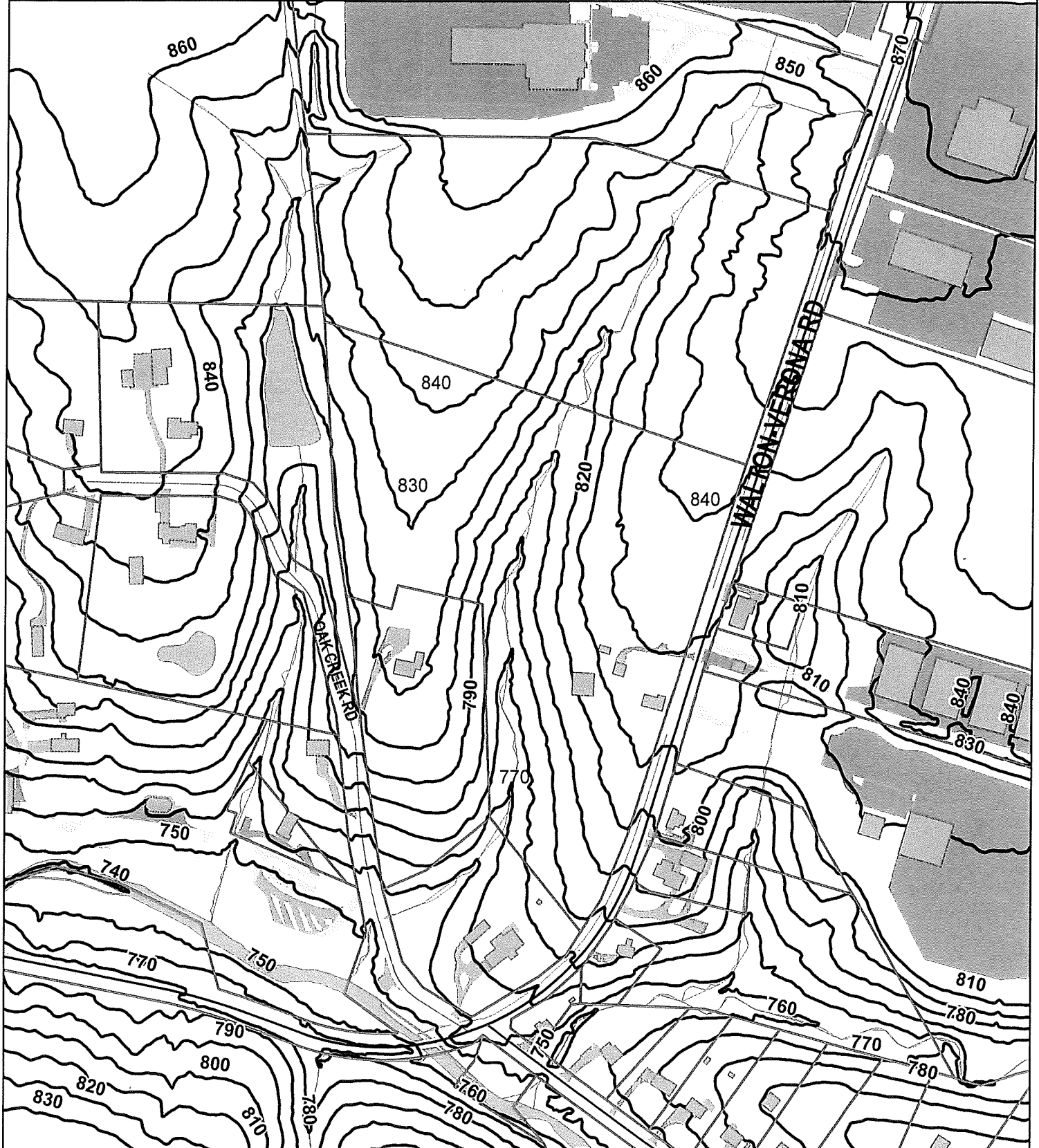
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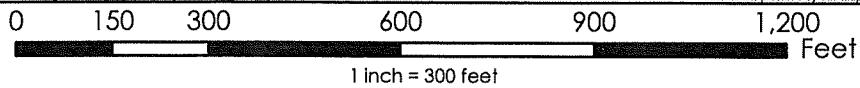
# TOPOGRAPHICAL MAP

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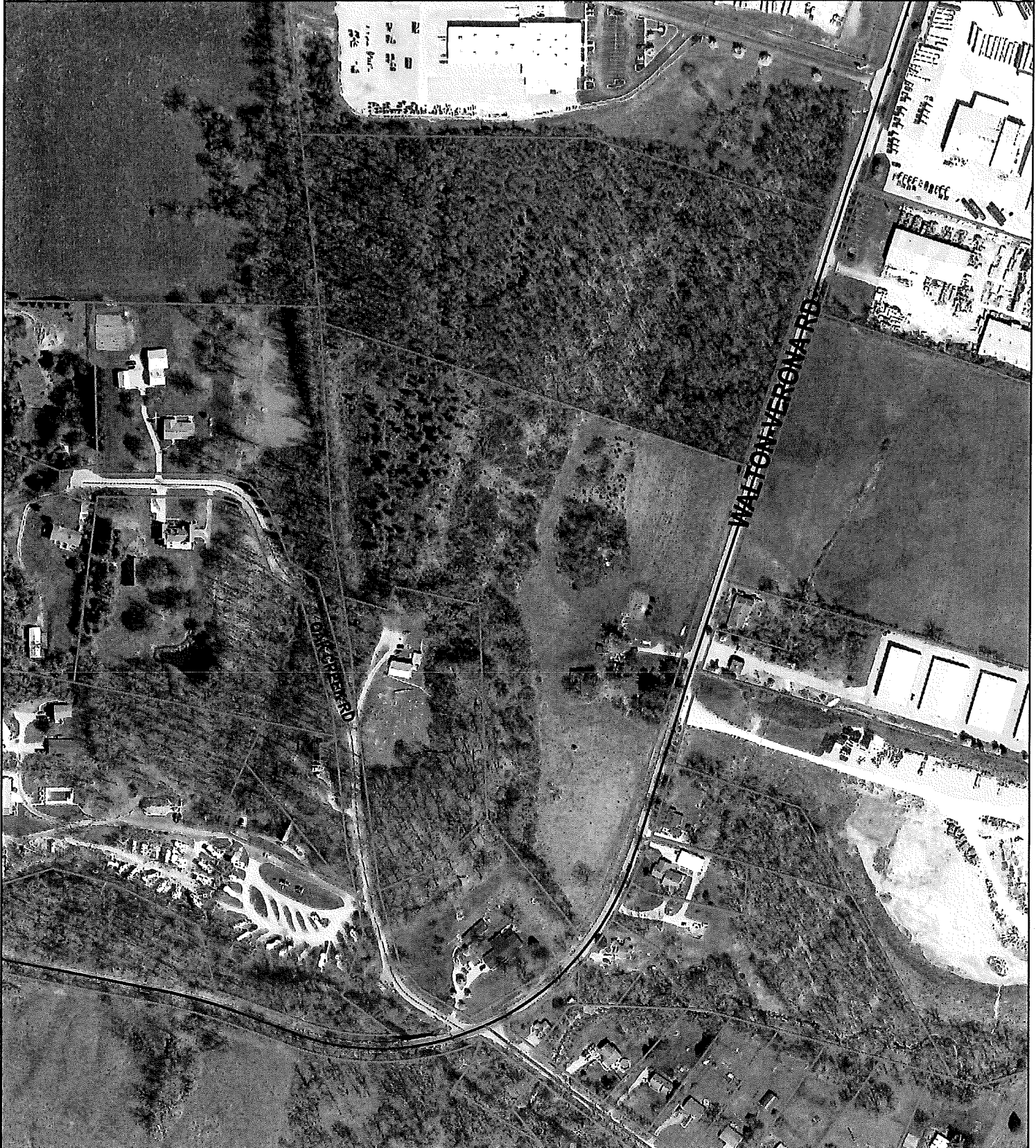
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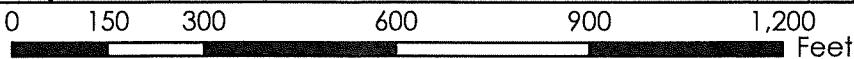
# 2016 AERIAL MAP

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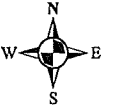


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1 inch = 300 feet



**Boone County GIS - Putting Northern Kentucky on the Map**

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## **BOONE COUNTY PLANNING COMMISSION**

[www.boonecountyky.org/pc](http://www.boonecountyky.org/pc)  
[www.boonecountygis.com](http://www.boonecountygis.com)

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[plancom@boonecountyky.org](mailto:plancom@boonecountyky.org)

**TO:** Asst. Chief Ollier, Walton Fire District  
Mark Brannon, Kentucky Transportation Cabinet  
Linzy Brefeld, Kentucky Transportation Cabinet  
Roger Williams, Walton Public Works

**FROM:** Todd K. Morgan, AICP, Senior Planner, Zoning Services *TKM*

**DATE:** March 8, 2019

**RE:** Request of **James W. Berling (applicant)** for **TOC, LLC (owner)** for a Zoning Map Amendment from Rural Suburban (RS) and Suburban Residential One (SR-1) to Industrial One (I-1) for approximately 7.7 acres of an approximate 15.38 acre tract located at 13299 Walton-Verona Road, Walton, Kentucky. The request is for a zone change to allow uses permitted in the I-1 zone.

I have attached the site vicinity map, Concept Development Plan, and application for the above referenced request. The plan shows the parcel would be subdivided into three lots of record for speculative Industrial One (I-1) uses. The grey shading shows the portion of the parent tract that is proposed to be rezoned. The public hearing for this request has been scheduled for April 3, 2019, at 7:00 P.M.

Please review the request relative to your agency's policies and service abilities and provide any comments in writing to me by March 22, 2019. Please provide a written response, even if your agency has no comments on the proposal. Comments can be e-mailed to [tmorgan@boonecountyky.org](mailto:tmorgan@boonecountyky.org). Your feedback is greatly appreciated.

## Todd Morgan

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**From:** Rob Ollier <Rob.Ollier@waltonfireky.com>  
**Sent:** Friday, March 08, 2019 10:11 AM  
**To:** Todd Morgan  
**Subject:** RE: Agency Memo for Zoning Map Amendment Application at 13299 Walton-Verona Road, Walton, KY

Mr. Morgan,

We have reviewed the proposed zoning change and have no issues with what has been presented.

Rob Ollier  
Assistant Chief

Firefighter/EMT  
Walton Fire Protection District  
12600 Towne Center Drive  
Walton, KY. 41094

Station: 859-485-7439  
Desk: 859-485-0663  
Cell: 859-991-2528  
Fax: 859-485-4161

"When a man becomes a fireman, his greatest act of bravery has been accomplished. What he does after that is all in the line of work. ~Edward F. Croker"

"I'm not here for Me, I'm here for We and we are here for Them. ~Author Unknown"

---

From: Todd Morgan [TMorgan@boonecountyky.org]  
Sent: Thursday, March 07, 2019 4:23 PM  
To: Rob Ollier; 'Brannon, Mark K (KYTC-D06)'; [Linzy.Brefeld@ky.gov](mailto:Linzy.Brefeld@ky.gov); 'rwilliams@cityofwalton.org'  
Subject: Agency Memo for Zoning Map Amendment Application at 13299 Walton-Verona Road, Walton, KY

All,

Please review the attached memo and provide any comments to me in writing by 3/22/19.

Call or email me if you have any questions.

Sincerely,

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

## Todd Morgan

---

**From:** Todd Morgan  
**Sent:** Monday, March 25, 2019 10:15 AM  
**To:** 'Brannon, Mark K (KYTC-D06)'  
**Subject:** RE: Agency Memo for Zoning Map Amendment Application at 13299 Walton-Verona Road, Walton, KY

Mark,

Steve Berling indicated the preliminary plan is for lot 1 to have its own access point and for lots 2 and 3 to share an access point. At this time, no businesses have been defined.

Todd

---

**From:** Brannon, Mark K (KYTC-D06) [<mailto:Mark.Brannon@ky.gov>]  
**Sent:** Friday, March 22, 2019 8:06 AM  
**To:** Todd Morgan  
**Subject:** RE: Agency Memo for Zoning Map Amendment Application at 13299 Walton-Verona Road, Walton, KY

Todd,

Is there a site plan? Do we know what type of business is going in at that location? Where the entrance is going to be located? Department need more information before we can determine the scope of our requirements. The Department will require a TIS study before we can give our comments.

**From:** Todd Morgan <[TMorgan@boonecountyky.org](mailto:TMorgan@boonecountyky.org)>  
**Sent:** Thursday, March 7, 2019 4:24 PM  
**To:** 'Rob Ollier' <[Rob.Ollier@waltonfireky.com](mailto:Rob.Ollier@waltonfireky.com)>; Brannon, Mark K (KYTC-D06) <[Mark.Brannon@ky.gov](mailto:Mark.Brannon@ky.gov)>; Brefeld, Linzy M (KYTC-D06) <[Linzy.Brefeld@ky.gov](mailto:Linzy.Brefeld@ky.gov)>; 'rwilliams@cityofwalton.org' <[rwilliams@cityofwalton.org](mailto:rwilliams@cityofwalton.org)>  
**Subject:** Agency Memo for Zoning Map Amendment Application at 13299 Walton-Verona Road, Walton, KY

**\*\*CAUTION\*\* PDF attachments may contain links to malicious sites. To verify the destination of the hyperlink in an attachment, hover your mouse over the link and verify the link address. If you are unfamiliar with the address or the address looks suspicious, do not click on the link and delete the email immediately. Please contact the COT Service Desk [ServiceCorrespondence@ky.gov](mailto:ServiceCorrespondence@ky.gov) for any assistance.**

---

All,

Please review the attached memo and provide any comments to me in writing by 3/22/19.

Call or email me if you have any questions.

Sincerely,

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

## **SECTION 1125**

### **Minimum Size**

The minimum size or extent required of an Office Two district is three (3) acres.

## **SECTION 1126**

### **Minimum Standards**

See Article 31 for dimensional standards. (Site Plan Review required for all permitted uses) (See Article 30)

## **SECTION 1130**

### **INDUSTRIAL ONE (I-1)**

The purpose of the Industrial One district is to allow different types of small to large scale light manufacturing, warehouse, distribution and related service uses, which require direct accessibility to a regional transportation system. Manufacturing operations in this district will generally not utilize unrefined raw materials, whose processing may potentially create undesirable noise, odors, dust, smoke, hazardous materials or waste or be delivered in large bulk transportation forms. Such districts are located in areas which provide employment opportunities for community and regional labor markets. Districts will be located on suitable lands accessible from expressways and/or arterials. In addition, this zoning district allows for integrated office campus and/or industrial/warehouse developments with a business park setting, characterized by landscaped entrances, boulevard streets, large amounts of green space and low building coverage ratio, multi-level buildings, constant architectural and signage theme, parking structures, and integrated pedestrian and recreation facilities. This district is also to provide for appropriate public facilities and/or services to the permitted uses identified in the district.

This zoning classification can range from a compact multi-level office development on several acres to an extensive mixed office/warehouse/distribution development that is located on many acres. This zoning classification often includes some limited commercial wholesale and retail uses intended to serve the district and constructed to blend in visually with the character of the area.

## **SECTION 1131**

### **Principally Permitted Uses**

Permitted are the wholesale distribution, storage, manufacturing and assembly of industrial products:

1. All principally permitted uses in an Office Two (O-2) zone;
2. Food and kindred products, including the manufacture or processing of grain, sugar, oil, fat, glues, grease, tallow, lard, gelatin, vinegar, yeast, starch, dextrin, glucose and sauerkraut but excluding refining or processing of biodiesel, the primary manufacture of meat and fish, which includes the stocking and storing of live animals or garbage, offal or dead animal reduction or dumping or any tanning, curing or storage of rawhides or skins;
3. Textile mill products except primary manufacture of dyes, fibers, felt, rubber goods;
4. Apparel and other finished products made from fabrics, leather and similar materials except primary manufacture of rubber;
5. Fabricated wood products including containers, building components, structural members, but excluding the primary manufacture of wood or wood products;
6. Furniture and fixtures;
7. Paper products including envelopes, bags, boxes and containers, but excluding the primary manufacture of pulp, paper, paperboard or paper products;
8. Printing industries;

9. Pharmaceutical preparations, perfumes, cosmetics and other toiletry preparations;
10. Soaps and other detergents;
11. Fabrication of metal products except firearms and accessories, large scale machinery, and transportation vehicles;
12. Professional, scientific and controlling instruments, photographic and optical goods, watches and clocks;
13. Electric and electronic equipment;
14. Jewelry and precious metals, musical instruments and parts, toys, amusement, sporting and athletic goods, pens, pencils and other office and artists materials, brooms and brushes, lamp shades, signs and advertising displays, umbrellas, parasols and canes and other miscellaneous fabrication activities.
15. Research and development facilities;
16. Educational and governmental institutions;
17. Wholesale trade of automobile accessories and parts;
18. Wholesale trade of drugs, drug proprietaries and sundries;
19. Wholesale trade of dry goods and apparel;
20. Wholesale trade of groceries and related products in enclosed facilities except animals or raw farm materials or products;
21. Wholesale trade of electrical and electronic parts;
22. Wholesale trade of hardware, plumbing, heating, equipment and supplies;
23. Wholesale trade of small machinery, equipment (light) and supplies except transportation or farm vehicles;
24. Other wholesale trade except non-containerized or bulk raw metals and minerals, petroleum products, scrap and waste materials;
25. Laundering, dry cleaning and dyeing services including rugs, linen supply and industrial laundry services;
26. Window cleaning, disinfecting, exterminating, grounds keeping, and other dwelling and building services;
27. Refrigerated, household goods (mini-warehouses) and other general refrigerated warehousing and storage;
28. Detective and protective services;
29. Photo finishing and other photographic laboratories;
30. Electrical repair and armature rewinding services;
31. Reupholstery and furniture repairing and refinishing services;
32. Building construction, general contractor, plumbing, heating, air conditioning, painting, paper handling, decorating, electrical, masonry, stonework, tile setting, plastering, carpentry, wood flooring, roofing and sheetmetal, water-well drilling, septic and other special construction trade offices, supply, storage and related activities;

33. Postal services and related storage, distribution and transfer activities;
34. Agricultural contract sorting, grading and packaging services of fruits and vegetables;
35. Motor freight terminals, public warehousing, freight garaging and equipment maintenance;
36. Freight forwarding, packing and crating services;
37. Blueprinting and photocopying services, stenographic services and other duplicating, mailing and delivering services;
38. Equipment (light) rental and leasing services including automobiles and trucks, and sales of tractor-trailers and other commercial trucks and trailers;
39. Wholesale trade of containerized paints, varnishes, chemicals and allied products;
40. Manufacture of plastic products but not the primary manufacture of plastics;
41. Welding shops for the repair of industrial machinery and heavy equipment;
42. Truck stops;
43. Recycling centers;
44. Fire stations or fire related or protective services including rescue services;
45. Auto repair facilities, repair for tractor-trailers and other trucks, and towing and vehicle impound services excluding junkyards and wrecking;
46. Commercial parking facilities and commercial recreational vehicle parking facilities;
47. Landscape contracting, grounds keeping, and wholesale nurseries;
48. Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31.
49. Crematoriums.

## **SECTION 1132**

### **Accessory Uses**

Accessory uses, buildings and structures customarily incidental and subordinate to the purpose of the district including:

1. Recreational uses or spaces of integral relation to the purposes of the district defined to be:
  - a. Nature preserves, wildlife sanctuaries, open spaces and other natural areas;
  - b. Historic sites, structures, monuments and other exhibits available public viewing;
  - c. Auditoriums, exhibition halls and other public or miscellaneous assembly;
  - d. Golf course and tennis courts;
  - e. Swimming beaches and swimming pools;
  - f. Picnicking, hiking areas, exercise trails and other recreational uses;
  - g. General, leisure, ornamental and other parks, spaces, trails, bikeway systems and similar uses;

- h. Recreation/Health centers.
- 2. The administration management, stenographic reproductions, research, sales (including industrial retail sales, exhibit or display) and any related or integral office use or activity of the permitted use;
- 3. Railroad right-of-way including switching and marshaling trackage and freight terminals;
- 4. Marine freight terminals;
- 5. Employment services;
- 6. Signage (See Article 34);
- 7. Parking (See Article 33);
- 8. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use, and which are conducted in accordance with Section 3154;
- 9. Food service for office, manufacturing or distribution uses;
- 10. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155;
- 11. Recycling collection containers.

#### **SECTION 1133**

##### **Conditional Uses and Criteria**

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is provided primarily in support of and obtains its trade from the employees of the district; or b) the activity is of integral relation to the purpose of the district; c) the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district; and d) provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district:

- 1. Uses in which the primary business activity involves the following:
  - a. the storage of explosives or fireworks according to State law, gas, biodiesel, or petroleum;
  - b. bag cleaning;
  - c. blast furnaces, cupolas, rolling mills, coke ovens, forging, foundering, refining or smelting;
  - d. creosote treatment;
  - e. distillation of bones, coal or wood;
  - f. enameling, japanning or lacquering;
  - g. radium or radioactive elements;
  - h. crushing or other reduction or waterproofing;
  - i. the storage of chemicals;

The permission of such uses will be decided on an individual basis;

- 2. Poultry and small game dressing and packing;

3. Wholesale trade of non-containerized paints, varnishes, chemicals and allied products;
4. Telephone, telegraph, radio, television or other communication relay, transmitting and receiving uses, centers and equipment of a permitted use provided the structure does not physically or visually overpower, detract from or conflict with the building design, scale or character proposed in the district;
5. Gasoline filling stations and wash services;
6. Labor unions and similar labor associations;
7. Day care centers;
8. Hotels and motels;
9. Commercial recreation such as bowling centers, roller skating rinks, miniature golf courses, golf driving ranges, soccer fields and baseball fields;
10. Retail sales or leasing of new and used motor vehicles;
11. Wholesale vehicle sales or auctions;
12. Churches, synagogues, temples and other places of religious assembly for worship;
13. Kennels for household pets; City of Florence only - kennels for household pets only when not adjoining a residential zoned property;
14. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(C);
15. Fireworks retail sales. (Does not apply in the City of Union and City of Walton).

#### **SECTION 1134**

##### **Intensity**

The maximum intensity of all uses in an Industrial One district shall not exceed 25,000 square feet of gross floor area per acre.

#### **SECTION 1135**

##### **Minimum Size**

The minimum size and extent of an Industrial One district, including all the contiguous private property so designated, shall not be less than five (5) acres.

#### **SECTION 1137**

##### **Supplemental Zoning Map Amendment Standards**

Zoning Map Amendment applications which request the I-1 zone, and which involve sites that are located within areas designated as "Business Park" by the Boone County Comprehensive Plan's Future Land Use Map, shall be assessed relative to the standards in Section 1609 "Design Standards" in conjunction with the provisions of Article 3 "Amendment."

#### **SECTION 1140**

##### **INDUSTRIAL TWO (I-2)**

The purpose of the Industrial Two district is to provide for those types of heavy industrial uses, which are of a warehouse and manufacturing type and such uses are significant in size, which cannot be accommodated in an Industrial One district since they involve heavy equipment, machinery, or other products which requires sufficient infrastructure and results in a substantial economic impact. Such districts will be organized to provide employment opportunities for regional and extra regional labor markets. Districts will be located on lands with direct access to expressways and/or arterials.

OFFICE TWO (0-2)

**SECTION 1121**

**Principally Permitted Uses**

The following uses are permitted:

1. All principally permitted uses of an Office One (O-1) District;
2. Retail sales of newspapers and magazines, drugs, and proprietary goods;
3. Banking and credit union services, including drive-through teller services.
4. Convenient stores;
5. Laundering, dry cleaning and dyeing services, including self-service;
6. Shoe repair, shoe shining and hat cleaning services;
7. Florists, excluding greenhouses.
8. Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31.

**SECTION 1122**

**Accessory Uses**

Accessory uses, buildings and structures customarily incidental and subordinate to the purposes of the district including:

1. Recreation uses or spaces of integral relation to the purpose of the district defined to be:
  - a. Museum, art and craft galleries, conservatories and other cultural exhibits;
  - b. Aquariums, botanical gardens and arboretums, nature preserves, wildlife sanctuaries and other natural exhibitions;
  - c. Historic sites, structures, monuments and other exhibits available for public viewing;
  - d. Amphitheaters, motion picture theaters, legitimate theaters, playhouses and other entertainment assemblies;
  - e. Auditoriums, exhibition halls and other public or miscellaneous assembly;
  - f. Golf courses, tennis courts, ice and roller skating, bowling and other sports activities;
  - g. Play lots or tot lots, playfields or athletic fields, recreation centers, gymnasiums, clubs and other athletic uses and structures;
  - h. Swimming beaches and swimming pools;
  - i. Picnicking, hiking areas, exercise trails and other recreational uses;
  - j. General, leisure, ornamental and other parks, spaces, trails, bikeway systems and similar uses;
2. Public transit stations and terminals;
3. Postal, travel and transportation ticket or forwarding services;
4. Detective, protective and other police services;
5. Signage (See Article 34);
6. Parking (See Article 33);

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**ARTICLE**

11

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**EMPLOYMENT DISTRICTS**

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**SECTION 1110**

**OFFICE ONE (O-1)**

The purpose of the Office One district is to create a low density, low rise office environment and to provide professional and personal services and employment opportunities in close proximity to and compatible with residential districts. The Office One district shall accommodate smaller scale and independent office uses, which are not located within a larger Office Two district or which do not need or desire to be located in a commercial district. Office One districts are located on suitable lands within established or planned urban entities where adequate infrastructure and services are available or proposed.

**SECTION 1111**

**Principally Permitted Uses**

The following uses are permitted:

1. Bank related services or credit unions;
2. Business and personal credit services and title services;
3. Security brokers, investment services and finance companies;
4. Insurance agents, brokers and services;
5. Real estate agents, brokers and management services;
6. Real estate management services and builders offices excluding any outside storage equipment and the like;
7. Photographic services;
8. Eating and drinking establishments including alcoholic beverages;
9. Direct mail and advertising services;
10. Stenographic services and other duplicating and mailing services;
11. News agencies and employment services;
12. Business and management consulting services and associations;
13. Motion picture, audio-visual and similar media production and distribution services;
14. Medical, dental, or optical clinics;

15. Legal, engineering, architectural, education and scientific research services;
16. Accounting, auditing and bookkeeping services;
17. Charitable and social services administration offices;
18. Professional membership organizations and labor organizations and civic associations;
19. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;
20. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, as determined by the Zoning Administrator;
21. Veterinary services not including the boarding of animals;
22. Business colleges and trade schools;
23. Recreation centers, gymnasiums and other related recreational facilities;
24. The retail sale of office supplies and equipment;
25. Funeral homes and crematoriums excluding cemeteries or mausoleums;
26. Beauty and barber services and tanning salons.
27. Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31;

## **SECTION 1112**

### **Accessory Uses**

Accessory uses, buildings, and structures customarily incidental and subordinate to the purposes of the district including:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
  - a. Temporary exhibit spaces;
  - b. Aquariums, botanical gardens and other natural exhibitions;
  - c. Stages and similar assembly areas;
2. Accessory uses for an office facility:
  - a. Garages and parking;
  - b. Structures such as fences and walls;
  - c. Buildings such as storage sheds;
3. Signage (See Article 34);
4. Parking (See Article 33);

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project TOC, LLC
2. Location of Project 13299 Walton Verona Road
3. Total Acreage of Site 15.38 AC
4. Current Zoning of Site I-1, SR-1, and RS
5. Proposed Zoning (Classification being requested) I-1
6. Proposed Uses (please specify each use) I-1 uses

- 7. Names of Applicant(s) James W. Berling
Phone No. 859-331-9191 Fax No. 859-344-7422 E-Mail jwberling@fuse.net

- 8. Address of Applicant(s) 1671 Park Road - Suite One
Fort Wright Kentucky 41011
City State Zip

- 9. Name of Property Owner(s) TOC, LLC
Phone No. 859-282-6900 Fax No. 859-282-6901 E-Mail jwenstrup@fuse.net

- 10. Address of Property Owner(s) 2708 Amsterdam Road
Villa Hills Kentucky 41017
City State Zip

- 11. Proposed Building Intensities (please specify) N/A

- 12. Are there any existing buildings on the site? YES
How many? 2 (House and Barn to be demolished)

- 13. Deed Book 1122 Page No. 50 Group No. 2077B

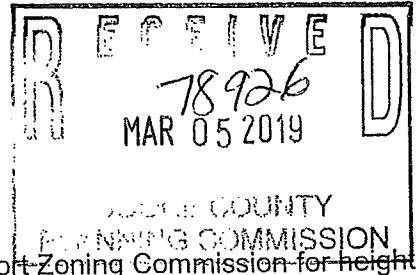
- 14. Are you also applying for:
N/A Conditional Use Permit
N/A Dimensional Variance

- 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**

[www.boonecountyky.org/pc](http://www.boonecountyky.org/pc)  
[www.boonecountygis.com](http://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](mailto:plancom@boonecountyky.org)

June 5, 2019

The Honorable Gabe Brown  
Mayor, City of Walton  
40 North Main Street  
Walton, KY 41094

Dear Mayor Brown:

This letter is written to advise you of the action by the Boone County Planning Commission in regard to the request of **James W. Berling (applicant)** for **TOC, LLC (owner)** for a Zoning Map Amendment from Rural Suburban (RS) and Suburban Residential One (SR-1) to Industrial One (I-1) for approximately 7.7 acres of an approximate 15.38 acre tract located at 13299 Walton-Verona Road, Walton, Kentucky. The request is for a zone change to allow uses permitted in the I-1 zone.

At their meeting of May 1, 2019, the Boone County Planning Commission voted unanimously to recommend approval, with conditions, by **Resolution R-19-011-A**. This action was taken upon hearing the recommendations of the Committee and based on the findings of fact and conditions attached to the enclosed Resolution. The deadline for action to be taken by the City of Walton is **Tuesday, July 30, 2019**.

The approved minutes of the April 3, 2019 Public Hearing, along with the pertinent information regarding this request are enclosed. If you need any further information, please do not hesitate to call the Planning Commission office.

With Kindest Regards,

Charlie Rolfsen  
Chairman

CR/tlb

Enclosures

**EXHIBIT**

**“B”**

**ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT**

**TO:** Boone County Planning Commission

**FROM:** Janet Kegley, Chairwoman

**DATE:** May 1, 2019

**RE:** Request of **James W. Berling (applicant)** for **TOC, LLC (owner)** for a Zoning Map Amendment from Rural Suburban (RS) and Suburban Residential One (SR-1) to Industrial One (I-1) for approximately 7.7 acres of an approximate 15.38 acre tract located at 13299 Walton-Verona Road, Walton, Kentucky. The request is for a zone change to allow uses permitted in the I-1 zone.

**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 concluded the request is in agreement with the Boone County Comprehensive Plan for the following reasons:
  - A. The 2035 Future Land Use Map forecasts the majority of the site for Industrial (I) uses and a smaller area for Urban Density Residential (UD) uses.

The Boone County Comprehensive Plan also states the Future Land Use Map is intended to be used in tandem with the Land Use Element text and that the future land use boundaries are approximate and subject to refinement and interpretation by the Planning Commission and county legislative bodies (Land Use Maps, pg. 164).
  - B. The proposal is in agreement with the following passages from the Land Use Element:
    - The Walton area should experience gradual commercial, residential, and industrial growth. This growth should result primarily from the Walton Interchange, and its location near the intersection of I-71 and I-75. Walton lies along this regional interstate corridor, between Cincinnati to the north and Louisville, Lexington, and Frankfort to the south that is generally experiencing demand for industrial development (Walton Area, pp. 172-173).
    - 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 (Future Land Use Development Guidelines, Buffering, pp 162-163).
  - C. The proposal is in agreement with the following passages from the Business Activity Element:

- A critical need in Boone County is to protect future industrial land, because the access, infrastructure, and level land that make it favorable for industrial development are finite. Beyond 2035, Boone County may have difficulty in developing more industrial uses outside the airport, U.S. 25, and Walton areas (Recommended Areas of Industrial and Office Activity, pp. 70-71).
- 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, pp. 70-71).

D. The proposal is in agreement with the following 2017 Goals and Objectives:

- Development shall attempt to utilize existing topography and vegetation (including mature trees where possible) and preserve the existing character of the land where practical (Environment, Objective).
- Compact, efficient development patterns shall be encouraged for industrial, commercial, and office uses with appropriately sized and well maintained buffer spaces between the business use and other land uses (Economy, Objective).
- Industrial development shall be encouraged to locate near railroad lines, highways, the Ohio River, the Airport, and where infrastructure exists or is planned (Economy, Objective).
- Traffic impact analysis should be used as a tool to address impacts to the existing transportation system (Transportation, Objective).

2. The Committee has concluded the attached conditions are necessary to achieve consistency with the 2010 Boone County Comprehensive Plan and adopted 2017 Goals and Objectives. 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 the conditions.

### CONDITIONS

1. An attachment lists the principally permitted and accessory uses from the Industrial One (I-1) zone that are permitted in the development and the conditional uses that can be sought through a public process before the Walton Board of Adjustment. Prohibited uses have been stricken out.

All the principally permitted uses from the Office One (O-1) and Office Two (O-2) zones shall be prohibited in the development.

2. The development shall be limited to two (2) or three (3) industrial lots.

3. The development shall be permitted no more than two access points on Walton Verona Road. The final placement shall be determined by Kentucky Transportation Cabinet after they review a Traffic Impact Study.

4. Buffer Yard (D) is required when a developing Industrial One (I-1) zoned property adjoins property that is residentially or agriculturally zoned. Any required Buffer Yard D in the development shall use the 80' width option that is listed in Buffer Yard Table #2 of the Boone County Zoning Regulations.

5. The following lighting conditions shall apply to the development:
  - A. All light poles and associated fixtures shall be limited to 15 feet in height. All fixtures shall be downcast oriented.
  - B. Wallpacks shall not be oriented towards Walton-Verona Road or adjoining residentially zoned properties. Low wattage wall scones can be permitted on these facades.
6. Outside storage shall be prohibited in the front yard of all lots.
7. The front facade of all buildings shall be constructed with a minimum of 35% brick, stone, or textured concrete block.
8. Each lot will be permitted a monument sign per Section 3413 (4.) of the Boone County Zoning Regulations. However, any such sign shall not be internally illuminated.
9. With the exception of the buffer yard area along the Kordenbrock property line, all storm water from lot 2 will shall be diverted to a detention basin that's located on the eastern side of lot 2.

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 Development Plan Committee Vote.

## INDUSTRIAL ONE (I-1)

### SECTION 1131

#### Principally Permitted Uses

Permitted are the wholesale distribution, storage, manufacturing and assembly of industrial products:

1. All principally permitted uses in an Office Two (O-2) zone;
2. Food and kindred products, including the manufacture or processing of grain, sugar, oil, fat, glues, grease, tallow, lard, gelatin, vinegar, yeast, starch, dextrin, glucose and sauerkraut but excluding refining or processing of biodiesel, the primary manufacture of meat and fish, which includes the stocking and storing of live animals or garbage, offal or dead animal reduction or dumping or any tanning, curing or storage of rawhides or skins;
3. Textile mill products except primary manufacture of dyes, fibers, felt, rubber goods;
4. Apparel and other finished products made from fabrics, leather and similar materials except primary manufacture of rubber;
5. Fabricated wood products including containers, building components, structural members, but excluding the primary manufacture of wood or wood products;
6. Furniture and fixtures;
7. Paper products including envelopes, bags, boxes and containers, but excluding the primary manufacture of pulp, paper, paperboard or paper products;
8. Printing industries;
9. Pharmaceutical preparations, perfumes, cosmetics and other toiletry preparations;
10. Soaps and other detergents;
11. Fabrication of metal products except firearms and accessories, large scale machinery, and transportation vehicles;
12. Professional, scientific and controlling instruments, photographic and optical goods, watches and clocks;
13. Electric and electronic equipment;
14. Jewelry and precious metals, musical instruments and parts, toys, amusement, sporting and athletic goods, pens, pencils and other office and artists materials, brooms and brushes, lamp shades, signs and advertising displays, umbrellas, parasols and canes and other miscellaneous fabrication activities.
15. Research and development facilities;
16. Educational and governmental institutions;
17. Wholesale trade of automobile accessories and parts;
18. Wholesale trade of drugs, drug proprietaries and sundries;
19. Wholesale trade of dry goods and apparel;

20. Wholesale trade of groceries and related products in enclosed facilities except animals or raw farm materials or products;
21. Wholesale trade of electrical and electronic parts;
22. Wholesale trade of hardware, plumbing, heating, equipment and supplies;
23. Wholesale trade of small machinery, equipment (light) and supplies except transportation or farm vehicles;
24. Other wholesale trade except non-containerized or bulk raw metals and minerals, petroleum products, scrap and waste materials;
25. Laundering, dry cleaning and dyeing services including rugs, linen supply and industrial laundry services;
26. Window cleaning, disinfecting, exterminating, grounds keeping, and other dwelling and building services;
27. Refrigerated, household goods (mini-warehouses) and other general refrigerated warehousing and storage;
28. Detective and protective services;
29. Photo finishing and other photographic laboratories;
30. Electrical repair and armature rewinding services;
31. Reupholstery and furniture repairing and refinishing services;
32. Building construction, general contractor, plumbing, heating, air conditioning, painting, paper handling, decorating, electrical, masonry, stonework, tile setting, plastering, carpentry, wood flooring, roofing and sheetmetal, water-well drilling, septic and other special construction trade offices, supply, storage and related activities;
33. Postal services and related storage, distribution and transfer activities;
34. Agricultural contract sorting, grading and packaging services of fruits and vegetables;
35. Motor freight terminals, public warehousing, freight garaging and equipment maintenance;
36. Freight forwarding, packing and crating services;
37. Blueprinting and photocopying services, stenographic services and other duplicating, mailing and delivering services;
38. Equipment (light) rental and leasing services including automobiles and trucks, and sales of tractor-trailers and other commercial trucks and trailers;
39. Wholesale trade of containerized paints, varnishes, chemicals and allied products;
40. Manufacture of plastic products but not the primary manufacture of plastics;
41. Welding shops for the repair of industrial machinery and heavy equipment;
42. Truck stops;

43. Recycling centers;
44. Fire stations or fire related or protective services including rescue services;
45. Auto repair facilities, repair for tractor-trailers and other trucks, and towing and vehicle impound services excluding junkyards and wrecking;
46. Commercial parking facilities and commercial recreational vehicle parking facilities;
47. Landscape contracting, grounds keeping, and wholesale nurseries;
48. ~~Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31.~~
49. Crematoriums:

**SECTION 1132**  
**Accessory Uses**

Accessory uses, buildings and structures customarily incidental and subordinate to the purpose of the district including:

1. ~~Recreational uses or spaces of integral relation to the purposes of the district defined to be:~~
  - a. ~~Nature preserves, wildlife sanctuaries, open spaces and other natural areas;~~
  - b. ~~Historic sites, structures, monuments and other exhibits available public viewing;~~
  - c. ~~Auditoriums, exhibition halls and other public or miscellaneous assembly;~~
  - d. ~~Golf course and tennis courts;~~
  - e. ~~Swimming beaches and swimming pools;~~
  - f. ~~Picnicking, hiking areas, exercise trails and other recreational uses;~~
  - g. ~~General, leisure, ornamental and other parks, spaces, trails, bikeway systems and similar uses;~~
  - h. ~~Recreation/Health centers.~~
2. The administration management, stenographic reproductions, research, sales (including industrial retail sales, exhibit or display) and any related or integral office use or activity of the permitted use;
3. ~~Railroad right-of-way including switching and marshaling trackage and freight terminals;~~
4. ~~Marine freight terminals;~~
5. ~~Employment services;~~
6. Signage (See Article 34);
7. Parking (See Article 33);
8. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use, and which are conducted in accordance with Section 3154;

9. ~~Food service for office, manufacturing or distribution uses;~~
10. ~~Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155;~~
11. ~~Recycling collection containers.~~

## **SECTION 1133**

### **Conditional Uses and Criteria**

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is provided primarily in support of and obtains its trade from the employees of the district; or b) the activity is of integral relation to the purpose of the district; c) the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district; and d) provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district:

1. Uses in which the primary business activity involves the following:
  - a. ~~the storage of explosives or fireworks according to State law, gas, biodiesel, or petroleum;~~
  - b. ~~bag cleaning;~~
  - c. ~~blast furnaces, cupolas, rolling mills, coke ovens, forging, foundering, refining or smelting;~~
  - d. ~~creosote treatment;~~
  - e. ~~distillation of bones, coal or wood;~~
  - f. ~~enameling, japanning or lacquering;~~
  - g. ~~radium or radioactive elements;~~
  - h. ~~crushing or other reduction or waterproofing;~~
  - i. the storage of chemicals;

The permission of such uses will be decided on an individual basis;

2. ~~Poultry and small game dressing and packing;~~
3. ~~Wholesale trade of non-containerized paints, varnishes, chemicals and allied products;~~
4. Telephone, telegraph, radio, television or other communication relay, transmitting and receiving uses, centers and equipment of a permitted use provided the structure does not physically or visually overpower, detract from or conflict with the building design, scale or character proposed in the district;
5. Gasoline filling stations and wash services;
6. ~~Labor unions and similar labor associations;~~

7. Day care centers;
8. Hotels and motels - Lot 1 only
9. ~~Commercial recreation such as bowling centers, roller skating rinks, miniature golf courses, golf driving ranges, soccer fields and baseball fields;~~
10. Retail sales or leasing of new and used motor vehicles - Lot 1 only
11. ~~Wholesale vehicle sales or auctions;~~
12. ~~Churches, synagogues, temples and other places of religious assembly for worship;~~
13. ~~Kennels for household pets; City of Florence only - kennels for household pets only when not adjoining a residential zoned property;~~
14. ~~Horse related uses, including riding and boarding stables, as defined by KRS 100.111(2)(G);~~
15. ~~Fireworks retail sales. (Does not apply in the City of Union and City of Walton).~~

## **ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE**

TO: Boone County Planning Commission

FROM: Janet Kegley, Chairman

DATE: April 17, 2019

### **ZONING MAP AMENDMENT - Brad Shipe, Chairman, Todd Morgan, Staff**

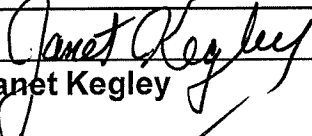
1. Request of **James W. Berling (applicant)** for **TOC, LLC (owner)** for a Zoning Map Amendment from Rural Suburban (RS) and Suburban Residential One (SR-1) to Industrial One (I-1) for approximately 7.75 acres of an approximate 15.03 acre tract located at 13299 Walton-Verona Road, Walton, Kentucky. The request is for a zone change to allow uses permitted in the I-1 zone.

#### **REMARKS:**

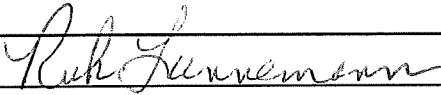
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

\_\_\_\_\_  
**Kim Bunger**  
For Project \_\_\_ Absent \_\_\_  
Against Project \_\_\_  
Abstain \_\_\_ Deferred \_\_\_

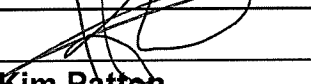
\_\_\_\_\_  
**Mark Hicks (Alternate)**  
For Project \_\_\_ Absent \_\_\_  
Against Project \_\_\_  
Abstain \_\_\_ Deferred \_\_\_

  
\_\_\_\_\_  
**Janet Kegley**  
For Project  Absent \_\_\_  
Against Project \_\_\_  
Abstain \_\_\_ Deferred \_\_\_

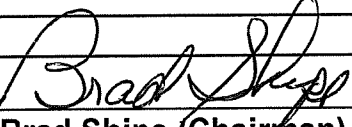
\_\_\_\_\_  
**Lisa Heilman (Alternate)**  
For Project \_\_\_ Absent \_\_\_  
Against Project \_\_\_

  
\_\_\_\_\_  
**Rick Lunnemann**  
For Project  Absent \_\_\_  
Against Project \_\_\_  
Abstain \_\_\_ Deferred \_\_\_

\_\_\_\_\_  
**Steve Turner (Alternate)**  
For Project \_\_\_ Absent \_\_\_  
Against Project \_\_\_  
Abstain \_\_\_ Deferred \_\_\_

  
\_\_\_\_\_  
**Kim Patton**  
For Project  Absent \_\_\_  
Against Project \_\_\_  
Abstain \_\_\_ Deferred \_\_\_

\_\_\_\_\_  
For Project \_\_\_ Absent \_\_\_  
Against Project \_\_\_  
Abstain \_\_\_ Deferred \_\_\_

  
\_\_\_\_\_  
**Brad Shipe (Chairman)**  
For Project  Absent \_\_\_  
Against Project \_\_\_  
Abstain \_\_\_ Deferred \_\_\_

**TOTAL:** \_\_\_ DEFERRED 4 FOR PROJECT \_\_\_ ABSENT  
\_\_\_ AGAINST PROJECT \_\_\_ ABSTAIN

**ZONING MAP AMENDMENT - Rick Lunnemann, Chairman, Todd Morgan, Staff**

5. Request of **James W. Berling (applicant)** for **TOC, LLC (owner)** for a Zoning Map Amendment from Rural Suburban (RS) and Suburban Residential One (SR-1) to Industrial One (I-1) for approximately 7.7 acres of an approximate 15.38 acre tract located at 13299 Walton-Verona Road, Walton, Kentucky. The request is for a zone change to allow uses permitted in the I-1 zone.

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation. The site is located off Walton-Verona Road near Oak Creek Campground. The request is for a Zoning Map Amendment from Rural Suburban (RS) and Suburban Residential One (SR-1) to Industrial One (I-1) for 7.7 acres of an approximate 15.38 tract that's located in the City of Walton. A portion of the site is already zoned I-1 and the goal is to make the entire site I-1. The Concept Development Plan shows a shaded area which is to be rezoned. The applicant is showing 3 speculative lots and any use in an I-1 zone would be allowed. Lot 1 will have its own access point and Lots 2 & 3 will share an access point in the panhandle. There is a drainage swale located in the center of the site. Mr. Morgan showed photos of the site and adjoining properties. All existing buildings on the site will be demolished. There is a church located west of the site. The Comprehensive Plan's Future Land Use Map designates the site as Industrial (I) and Urban Density Residential (UD). Urban Density Residential allows multi-family dwelling units over 8 units per acre. Other references to the Comprehensive Plan are noted on pages 2-6 of the Staff Report as well as the criteria for approving or denying a Zoning Map Amendment request.

In terms of Staff Comments, Mr. Morgan stated that the request would allow the property to develop with all the principally permitted uses of the I-1 zone. A list of these uses is attached to the Staff Report for review. The Planning Commission and City of Walton should determine which of these uses are appropriate if the application is approved. Further, Conditional Uses of the I-1 zone could be sought in the future through a separate Conditional Use Permit application if the zoning map amendment is approved. The Planning Commission and City of Walton should determine which of these uses, if any, should be eligible to go through this process if the application is approved, especially when considering that there are adjoining residential uses in the area along Oak Creek Road.

Staff sent out an agency memo regarding the application and received comments from Walton Fire Department and the Kentucky Transportation Cabinet. These comments are attached to the Staff Report. Staff would like the applicant to address the following questions: The Concept Development Plan shows the approximate 15.38 acre lot will be subdivided into three (3) lots of record. Is it possible there could be more or less lots? Is the plan still to have two access points (one on lot 1 and shared access for lots 2 and 3)? The Kentucky Transportation Cabinet indicated that a Traffic Impact Study will be required. Has it been started? Have the project grading limits been defined? Have any of the proposed uses on the lots been determined? If so, can they be revealed? Could businesses operate 24 hours a day? Has exterior lighting been considered (heights of light poles, wall packs, etc.)? Will the future buildings be constructed entirely of metal or will any masonry be used?

Staff would like to note that the Concept Development Plan shows the required landscaping buffers will be installed or retained around the perimeter of the property. Mr. Morgan reviewed the 80' and 40' wide Buffer Yard D options in the Staff Report.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation? Mr. Steve Berling, applicant for TOC, LLC, explained that his client purchased the property even though it was located in 3 different zones. The SR-1 zone wraps around the cemetery and church. The RS zone runs along the frontage of Walton-Verona Road. The best use of the property is I-1. The 80 foot buffer requirement would impact the use of the I-1 property. He performed a quick analysis of the property. Lot 1 has about 2 usable acres. Lot 2 has about 2.5 usable acres and lot 3 has about 2 usable acres. Out of the 15 acres, there are only about 7 usable acres. It is limited because of the swale. He doesn't expect to get into the 80 foot buffer. They might be able to combine lots but they can't create more lots. They will have a traffic study done to determine the final location of the curb cuts when a site plan for each lot is submitted. He didn't think they needed a traffic study at this level. They need the zone change in order to market the property. They don't know the type of uses or type of buildings proposed on the site.

Mr. Ron Mullen, TOC, LLC, stated that they are the same group that developed North Walton Industrial Park off Walton-Nicholson Road. It will be a similar type of development - maybe a 25,000 - 50,000 square foot building. He felt that his application met the first 2 criteria necessary for granting a zone change.

At this time Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

Mr. Robert Kordenbrock, 13228 Oak Creek Road, stated the he lives on the back side of Lot 2. He expressed a concern about drainage from Lot 2 towards his existing lake and runoff from an industrial business. What are they going to do with their effluent? The other concern is a lack of a traffic study. He asked if there was another meeting to discuss the traffic study? Mr. Wilson responded that Mr. Kordenbrock noted his concern in the official record of the request. The Committee can ask the applicant to conduct one. The applicant has the burden to persuade the Commission as a whole. Mr. Kordenbrock referred to Mr. Brannon's letter and asked if a traffic study would be performed? Mr. Berling stated that it would be performed when a use is known. Mr. Wilson noted that if the applicant produces a traffic study at the Committee meeting, then Mr. Kordenbrock would be able to review it. Mr. Kordenbrock expressed a concern about potential I-1 uses. Chairman Rolfsen responded that the uses would be reviewed at the Committee meeting. It might be possible to let the Committee know which uses are objectionable.

Ms. Terry Willis, 13369 Walton-Verona Road, expressed a concern about traffic, noise and lighting especially with all the existing trucking companies. She asked that these things be considered when the decision was made.

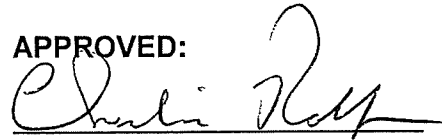
At this time Chairman Rolfsen asked if any of the Board members had any comments or questions?

Mr. Patton asked if the applicant considered a transitional use like housing to the south since there is a swale in the middle of the property? Mr. Berling replied that they looked at housing but it would generate more traffic. They also want to limit traffic south so that is why they are limiting the number of curb cuts to 1 or 2. Mrs. Kegley asked the applicant to closely review the list of I-1 uses.

Ms. Willis asked the Staff to clarify the differences between the 2 types of buffer. Mr. Morgan explained the 2 options to install an 80 foot buffer or a 40 foot buffer. She requested either option.

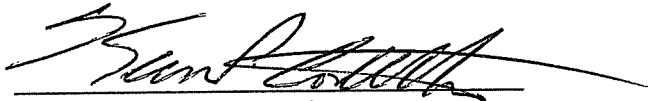
**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on April 17, 2019 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on May 1, 2019 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 9:50 P.M.**

**APPROVED:**



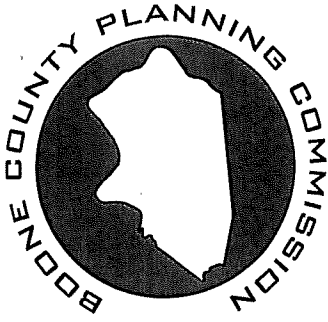
**Charlie Rolfsen**  
**Chairman**

**Attest:**



**Kevin P. Costello, AICP**  
**Executive Director**

# SUPPORTING INFORMATION



# BOONE COUNTY PLANNING COMMISSION

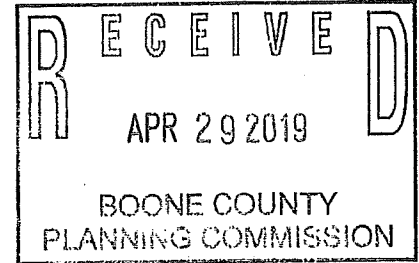
[www.boonecountyky.org/pc](http://www.boonecountyky.org/pc)  
[www.boonecountygis.com](http://www.boonecountygis.com)

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](mailto:plancom@boonecountyky.org)

April 19, 2019

TOC, LLC  
c/o - Mr. Jim Wenstrup  
2708 Amsterdam Road  
Villa Hills, KY 41017



RE: Request of **James W. Berling (applicant)** for **TOC, LLC (owner)** for a Zoning Map Amendment from Rural Suburban (RS) and Suburban Residential One (SR-1) to Industrial One (I-1) for approximately 7.7 acres of an approximate 15.38 acre tract located at 13299 Walton-Verona Road, Walton, Kentucky. The request is for a zone change to allow uses permitted in the I-1 zone.

Dear Mr. Wenstrup,

The following represents the conditions of approval for the above referenced Zoning Map Amendment application as agreed to by you and the Boone County Planning Commission's Zone Change/Concept Development Plan Committee. Please 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 29, 2019.

## CONDITIONS

1. An attachment lists the principally permitted and accessory uses from the Industrial One (I-1) zone that are permitted in the development and the conditional uses that can be sought through a public process before the Walton Board of Adjustment. Prohibited uses have been stricken out.

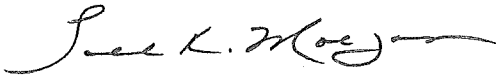
All the principally permitted uses from the Office One (O-1) and Office Two (O-2) zones shall be prohibited in the development.

2. The development shall be limited to two (2) or three (3) industrial lots.
3. The development shall be permitted no more than two access points on Walton Verona Road. The final placement shall be determined by Kentucky Transportation Cabinet after they review a Traffic Impact Study.
4. Buffer Yard (D) is required when a developing Industrial One (I-1) zoned property adjoins property that is residentially or agriculturally zoned. Any required Buffer Yard D in the development shall use the 80' width option that is listed in Buffer Yard Table #2 of the Boone County Zoning Regulations.
5. The following lighting conditions shall apply to the development:

Mr. Jim Wenstrup  
April 19, 2019  
Page 2

- A. All light poles and associated fixtures shall be limited to 15 feet in height. All fixtures shall be downcast oriented.
- B. Wallpacks shall not be oriented towards Walton-Verona Road or adjoining residentially zoned properties. Low wattage wall scones can be permitted on these facades.
- 6. Outside storage shall be prohibited in the front yard of all lots.
- 7. The front facade of all buildings shall be constructed with a minimum of 35% brick, stone, or textured concrete block.
- 8. Each lot will be permitted a monument sign per Section 3413 (4.) of the Boone County Zoning Regulations. However, any such sign shall not be internally illuminated.
- 9. With the exception of the buffer yard area along the Kordenbrock property line, all storm water from lot 2 will shall be diverted to a detention basin that's located on the eastern side of lot 2.

Sincerely,



Todd K. Morgan, AICP  
Senior Planner, Zoning Services

TKM\ss

AGREEMENT

I, Jim Wenstrup, do hereby agree to the listed conditions of approval for the Zoning Map Amendment application which is referenced on the first page of this letter.



---

Mr. Jim Wenstrup  
TOC, LLC

4/29/19  
Date

## INDUSTRIAL ONE (I-1)

### SECTION 1131

#### Principally Permitted Uses

Permitted are the wholesale distribution, storage, manufacturing and assembly of industrial products:

1. ~~All principally permitted uses in an Office Two (O-2) zone;~~
2. ~~Food and kindred products, including the manufacture or processing of grain, sugar, oil, fat, glues, grease, tallow, lard, gelatin, vinegar, yeast, starch, dextrin, glucose and sauerkraut but excluding refining or processing of biodiesel, the primary manufacture of meat and fish, which includes the stocking and storing of live animals or garbage, offal or dead animal reduction or dumping or any tanning, curing or storage of rawhides or skins;~~
3. Textile mill products except primary manufacture of dyes, fibers, felt, rubber goods;
4. Apparel and other finished products made from fabrics, leather and similar materials except primary manufacture of rubber;
5. Fabricated wood products including containers, building components, structural members, but excluding the primary manufacture of wood or wood products;
6. Furniture and fixtures;
7. Paper products including envelopes, bags, boxes and containers, but excluding the primary manufacture of pulp, paper, paperboard or paper products;
8. Printing industries;
9. Pharmaceutical preparations, perfumes, cosmetics and other toiletry preparations;
10. Soaps and other detergents;
11. Fabrication of metal products except firearms and accessories, large scale machinery, and transportation vehicles;
12. Professional, scientific and controlling instruments, photographic and optical goods, watches and clocks;
13. Electric and electronic equipment;
14. Jewelry and precious metals, musical instruments and parts, toys, amusement, sporting and athletic goods, pens, pencils and other office and artists materials, brooms and brushes, lamp shades, signs and advertising displays, umbrellas, parasols and canes and other miscellaneous fabrication activities.
15. Research and development facilities;
16. Educational and governmental institutions;
17. Wholesale trade of automobile accessories and parts;
18. Wholesale trade of drugs, drug proprietaries and sundries;
19. Wholesale trade of dry goods and apparel;

20. Wholesale trade of groceries and related products in enclosed facilities except animals or raw farm materials or products;
21. Wholesale trade of electrical and electronic parts;
22. Wholesale trade of hardware, plumbing, heating, equipment and supplies;
23. Wholesale trade of small machinery, equipment (light) and supplies except transportation or farm vehicles;
24. Other wholesale trade except non-containerized or bulk raw metals and minerals, petroleum products, scrap and waste materials;
25. Laundering, dry cleaning and dyeing services including rugs, linen supply and industrial laundry services;
26. Window cleaning, disinfecting, exterminating, grounds keeping, and other dwelling and building services;
27. Refrigerated, household goods (mini-warehouses) and other general refrigerated warehousing and storage;
28. Detective and protective services;
29. Photo finishing and other photographic laboratories;
30. Electrical repair and armature rewinding services;
31. Reupholstery and furniture repairing and refinishing services;
32. Building construction, general contractor, plumbing, heating, air conditioning, painting, paper handling, decorating, electrical, masonry, stonework, tile setting, plastering, carpentry, wood flooring, roofing and sheetmetal, water-well drilling, septic and other special construction trade offices, supply, storage and related activities;
33. Postal services and related storage, distribution and transfer activities;
34. Agricultural contract sorting, grading and packaging services of fruits and vegetables;
35. Motor freight terminals, public warehousing, freight garaging and equipment maintenance;
36. Freight forwarding, packing and crating services;
37. Blueprinting and photocopying services, stenographic services and other duplicating, mailing and delivering services;
38. Equipment (light) rental and leasing services including automobiles and trucks, and sales of tractor-trailers and other commercial trucks and trailers;
39. Wholesale trade of containerized paints, varnishes, chemicals and allied products;
40. Manufacture of plastic products but not the primary manufacture of plastics;
41. Welding shops for the repair of industrial machinery and heavy equipment;
42. ~~Truck stops;~~

43. Recycling centers;
44. Fire stations or fire related or protective services including rescue services;
45. Auto repair facilities, repair for tractor-trailers and other trucks, and towing and vehicle impound services excluding junkyards and wrecking;
46. Commercial parking facilities and commercial recreational vehicle parking facilities;
47. Landscape contracting, grounds keeping, and wholesale nurseries;
48. ~~Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31;~~
49. Crematoriums;

## **SECTION 1132**

### **Accessory Uses**

Accessory uses, buildings and structures customarily incidental and subordinate to the purpose of the district including:

1. ~~Recreational uses or spaces of integral relation to the purposes of the district defined to be:~~
  - a. ~~Nature preserves, wildlife sanctuaries, open spaces and other natural areas;~~
  - b. ~~Historic sites, structures, monuments and other exhibits available public viewing;~~
  - c. ~~Auditoriums, exhibition halls and other public or miscellaneous assembly;~~
  - d. ~~Golf course and tennis courts;~~
  - e. ~~Swimming beaches and swimming pools;~~
  - f. ~~Picnicking, hiking areas, exercise trails and other recreational uses;~~
  - g. ~~General, leisure, ornamental and other parks, spaces, trails, bikeway systems and similar uses;~~
  - h. ~~Recreation/health centers.~~
2. The administration management, stenographic reproductions, research, sales (including industrial retail sales, exhibit or display) and any related or integral office use or activity of the permitted use;
3. ~~Railroad right-of-way including switching and marshaling trackage and freight terminals;~~
4. ~~Marine freight terminals;~~
5. ~~Employment services;~~
6. Signage (See Article 34);
7. Parking (See Article 33);
8. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use, and which are conducted in accordance with Section 3154;

9. ~~Food service for office, manufacturing or distribution uses;~~
10. ~~Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155;~~
11. ~~Recycling collection containers.~~

## **SECTION 1133**

### **Conditional Uses and Criteria**

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is provided primarily in support of and obtains its trade from the employees of the district; or b) the activity is of integral relation to the purpose of the district; c) the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district; and d) provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district:

1. Uses in which the primary business activity involves the following:
  - a. ~~the storage of explosives or fireworks according to State law, gas, biodiesel, or petroleum;~~
  - b. ~~bag cleaning;~~
  - c. ~~blast furnaces, cupolas, rolling mills, coke ovens, forging, foundering, refining or smelting;~~
  - d. ~~creosote treatment;~~
  - e. ~~distillation of bones, coal or wood;~~
  - f. ~~enameling, japanning or lacquering;~~
  - g. ~~radium or radioactive elements;~~
  - h. ~~crushing or other reduction or waterproofing;~~
  - i. the storage of chemicals;

The permission of such uses will be decided on an individual basis;

2. ~~Poultry and small game dressing and packing;~~
3. ~~Wholesale trade of non-containerized paints, varnishes, chemicals and allied products;~~
4. Telephone, telegraph, radio, television or other communication relay, transmitting and receiving uses, centers and equipment of a permitted use provided the structure does not physically or visually overpower, detract from or conflict with the building design, scale or character proposed in the district;
5. Gasoline filling stations and wash services;
6. ~~Labor unions and similar labor associations;~~

7. ~~Day care centers;~~
8. Hotels and motels - Lot 1 only
9. ~~Commercial recreation such as bowling centers, roller skating rinks, miniature golf courses, golf driving ranges, soccer fields and baseball fields;~~
10. Retail sales or leasing of new and used motor vehicles - Lot 1 only
11. ~~Wholesale vehicle sales or auctions;~~
12. ~~Churches, synagogues, temples and other places of religious assembly for worship;~~
13. ~~Kennels for household pets; City of Florence only - kennels for household pets only when not adjoining a residential zoned property;~~
14. ~~Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(C);~~
15. ~~Fireworks retail sales. (Does not apply in the City of Union and City of Walton).~~

39

RETURN TO:

KENTUCKY LAND TITLE AGENCY  
2362 GRANDVIEW DRIVE  
FT. MITCHELL, KY 41017

DEED

KNOW ALL PERSONS BY THESE PRESENTS:

That Gregory L. Cahill and Cynthia A. Cahill, husband and wife, for and in consideration of Two Hundred Fifty Thousand and 00/100 Dollars (\$250,000.00) paid by the Grantee, herein, the receipt of which is acknowledged, do bargain, sell and convey to TOC, LLC, a Kentucky limited liability company, its successors and assigns, the following described real estate, County of Boone and Commonwealth of Kentucky, to-wit:

Property Address: 13299 Walton Verona Road, Walton, Kentucky 41094  
Grantee Mailing Address: 2807 Amsterdam Road, Villa Hills, Kentucky 41017  
Tax Mailing Address: 2807 Amsterdam Road, Villa Hills, Kentucky 41017  
Grantor Mailing Address: 5512 Taylor Mill Road, Taylor Mill, Kentucky 41015

Group No: 2077B  
PIDN: 078.00-00-009.00

See attached Exhibit "A" for legal description which is incorporated by reference herein. ✓

Being the same property conveyed to the Grantors herein by deed recorded in Deed Book 1117, page 229 of the Boone County Clerk's records at Burlington, Kentucky. The Power of Attorney from Gregory L. Cahill to Cindy Cahill is recorded in Deed Book 997, page 717 of the Boone County Clerk's records. Cindy Cahill is one and the same person as Cynthia A. Cahill.

Together with all the privileges and appurtenances to the same belonging. To have and to hold the same to the said Grantee, TOC, LLC, a Kentucky limited liability company, its successors and assigns, forever, the Grantors, Gregory L. Cahill and Cynthia A. Cahill, husband and wife, their heirs and assigns, hereby covenanting with the Grantee that the title so conveyed is clear, free, and unencumbered and that they will warrant and defend the same against all legal claims whatsoever.

IN WITNESS WHEREOF, the said Grantors, Gregory L. Cahill and Cynthia A. Cahill, husband and wife, hereunto set their hands, this 20<sup>th</sup> day of February, 2019.

GRANTOR:

Gregory L. Cahill *By Cindy Cahill*  
Gregory L. Cahill, acting by and through  
Cindy Cahill, his Attorney in Fact  
Cynthia A. Cahill  
Cynthia A. Cahill

STATE OF KENTUCKY  
COUNTY OF KENTON

The foregoing instrument was acknowledged before me this 20 day of February, 2019, by the Grantors, Gregory L. Cahill, acting by and through Cindy Cahill, his Attorney in Fact, and Cynthia A. Cahill, husband and wife, to be their voluntary act and deed.

LINDA BATCHLER  
Notary Public, Kentucky State at Large  
My commission Expires August 18, 2021  
Notary ID 583426

*[Signature]*  
NOTARY PUBLIC

My commission expires:

EXHIBIT "A"

Group: 2077B  
PIDN: 078.00-00-009.00  
13299 Walton Verona Road, Walton, Kentucky 41094

Lying on the Walton and Verona Highway west of the town of Walton, and bounded as follows:

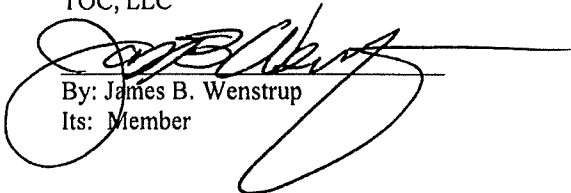
Beginning at a Black Locust tree in a line of the right of way of said highway, a corner with Sallie Boulton; thence with the line of Boulton N. 72  $\frac{1}{4}$  W. 15.54 chains to the center of an old road; thence with the center of same S. 6  $\frac{3}{4}$  E. 9.62 chains to the corner of the Salem Church Lot; thence with the lines of the church Lot S. 79  $\frac{1}{2}$  E. 1.72 chains, N. 9 E. 87 links, S. 78 E. 1.45 chains, S. 3  $\frac{1}{2}$  E. 2.42 chains, S. 80 E. 1.45 chains; thence S. 7 E. 5.45 chains to an Oak tree, a corner of the Church Lot in a line of Stapleton; thence with the line of Stapleton S. 40  $\frac{1}{2}$  E. 4.23 chains to the right of way of said Walton and Verona Highway; thence with same N. 24  $\frac{1}{2}$  E. 2.74 chains, N. 16  $\frac{1}{4}$  E. 14.21 chains to the beginning, containing 15.38 acres more or less.

Subject to easements and restrictions of record and/or in existence.

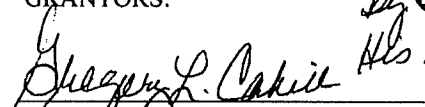
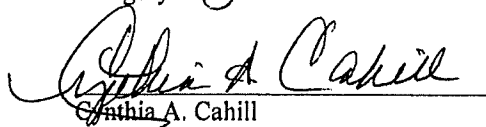
CONSIDERATION CERTIFICATE

We, the undersigned, being the Grantors, Gregory L. Cahill and Cynthia A. Cahill, husband and wife, and the Grantee, TOC, LLC, a Kentucky limited liability company, in a certain deed dated February 20, 2019, to which this Certificate is attached, or the authorized representatives thereof, do hereby certify, pursuant to K.R.S. Chapter 382, that the consideration reflected in this Deed is either the full consideration paid or the estimated value of the property interest conveyed therein for said property.

GRANTEE:  
TOC, LLC

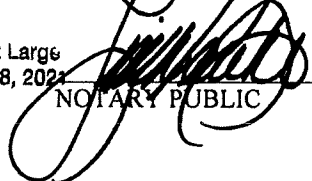
  
By: James B. Wenstrup  
Its: Member

GRANTORS:

  
Gregory L. Cahill  
*by Cindy Cahill  
His Attorney in Fact*  
  
Cynthia A. Cahill

STATE OF KENTUCKY  
COUNTY OF KENTON

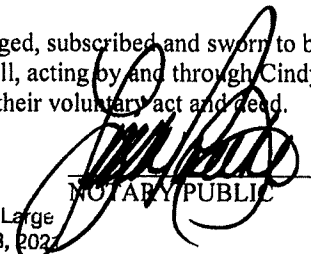
The foregoing Consideration Certificate was acknowledged, subscribed and sworn to before me this 20 day of February, 2019 by the Grantee, TOC, LLC, a Kentucky limited liability company, acting by and through James B. Wenstrup, its Member, duly authorized pursuant to its operating agreement, to be its voluntary act and deed.

LINDA BATCHLER  
Notary Public, Kentucky State at Large  
My commission Expires August 18, 2021  
Notary ID 583426  
  
NOTARY PUBLIC

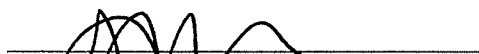
My commission expires:

STATE OF KENTUCKY  
COUNTY OF KENTON

The foregoing Consideration Certificate was acknowledged, subscribed and sworn to before me this 20 day of February, 2019 by the Grantors, Gregory L. Cahill, acting by and through Cindy Cahill, his Attorney in Fact, and Cynthia A. Cahill, husband and wife, to be their voluntary act and deed.

LINDA BATCHLER  
Notary Public, Kentucky State at Large  
My commission expires: My commission Expires August 18, 2021  
Notary ID 583426  
  
NOTARY PUBLIC

NO TITLE EXAMINATION BY PREPARER  
THIS INSTRUMENT PREPARED BY:

  
AMY J. ARNSPERGER, ATTORNEY  
KENTUCKY LAND TITLE AGENCY, INC.  
2362 Grandview Drive  
Fort Mitchell, Kentucky 41017  
(859) 344-1919

Boone County  
D1122 PG 52

DOCUMENT NO: 769058  
RECORDED ON: FEBRUARY 21, 2019 09:06:16AM  
TOTAL FEES: \$17.00  
TRANSFER TAX: \$250.00  
GROUP : 2077B  
COUNTY CLERK: KENNY BROWN  
COUNTY: BOONE COUNTY CLERK  
DEPUTY CLERK: BETHANY SLAGLE  
BOOK 01122 PAGES 50 - 52

# CONCEPT DEVELOPMENT PLAN FOR ZONE CHANGE

## TOC LLC

13299 WALTON VERONA ROAD KY 14 & KY 16

WALTON, KENTUCKY

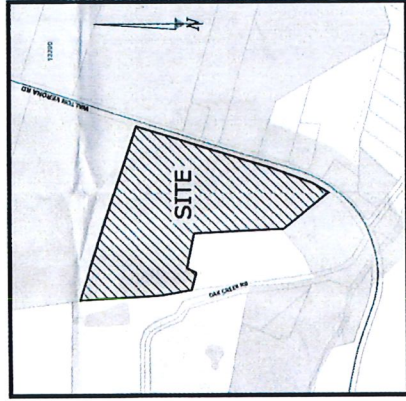
*James W. Berling*  
APPROVED  
Staff: *James W. Berling*  
Date: 5/1/19  
Boone County  
Planning Commission

### ENGINEER

JAMES W. BERLING ENGINEERING, PLLC  
1671 PARK ROAD SUITE ONE  
FORT WRIGHT, KENTUCKY 41011  
859-331-9191

### OWNER/DEVELOPER

TOC LLC  
2708 AMSTERDAM ROAD  
VILLA HILLS, KENTUCKY 41017  
PHONE 859-282-6300



VICINITY MAP

### SITE STATISTICS

CURRENT ZONE  
INDUSTRIAL ONE (I-1)  
MINIMUM FRONT YARD: 50'  
MINIMUM REAR YARD: 30'(50')\*  
MINIMUM SIDE YARD: 10'(50')  
MAXIMUM HEIGHT: 50'  
SUBURBAN RESIDENTIAL ONE (SR-1)  
MINIMUM FRONT YARD: 30'  
MINIMUM REAR YARD: 30'  
MINIMUM SIDE YARD: 5/15'TOTAL  
MAXIMUM HEIGHT: 45'  
RURAL SUBURBAN (RS)  
MINIMUM FRONT YARD: 40'  
MINIMUM REAR YARD: 40'  
MINIMUM SIDE YARD: 10'  
MAXIMUM HEIGHT: 45'

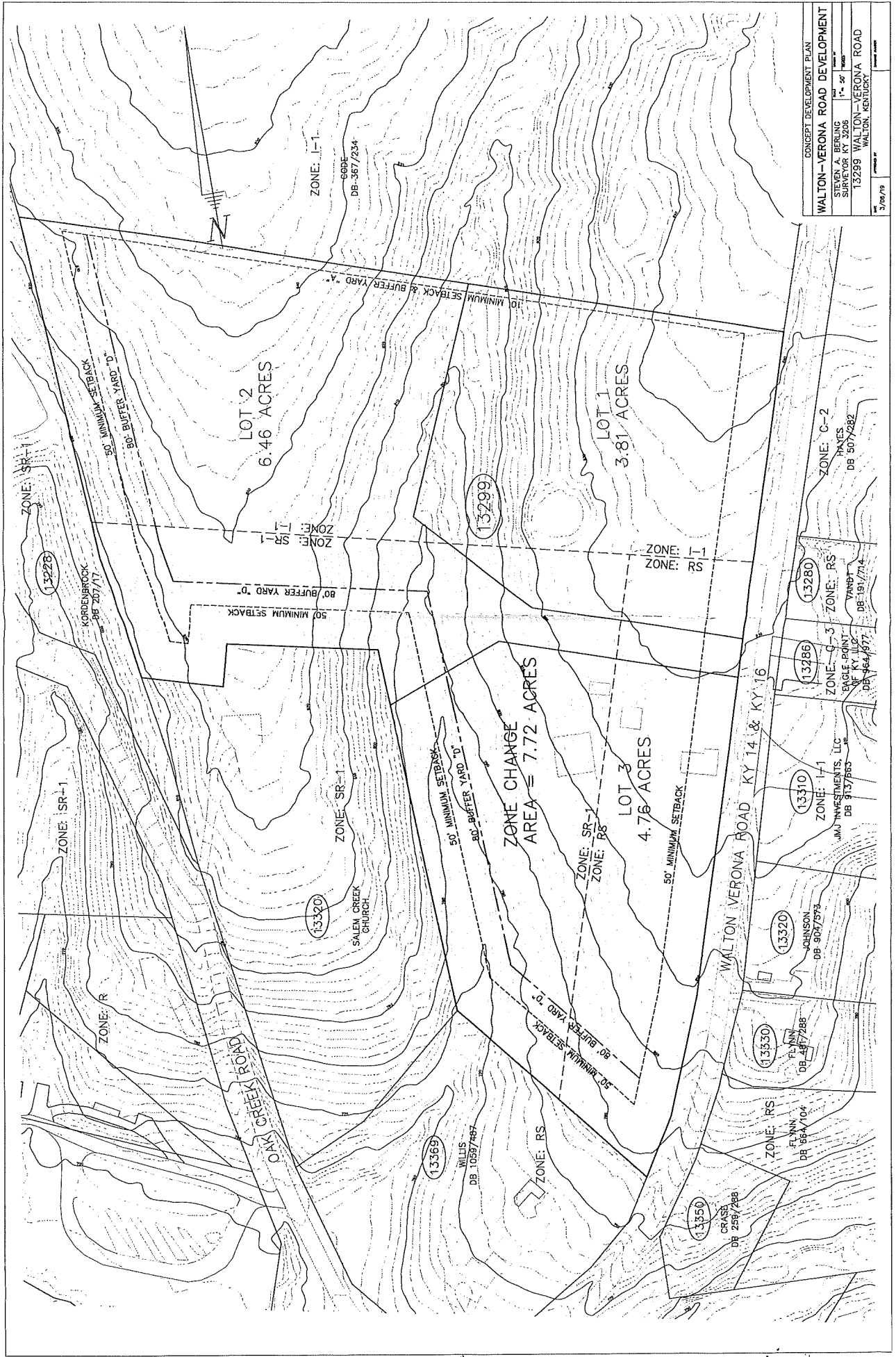
\* - WHEN ADJOINING CERTAIN ZONES  
INCLUDING RESIDENTIAL

PROPOSED ZONE  
INDUSTRIAL ONE (I-1)

AREA: 15.03 ACRES  
DEED BOOK 1122/50 PIDN: 078.00-00-009.00



MARCH, 2019



CONCEPT DEVELOPMENT PLAN	
WALTON-VERONA ROAD DEVELOPMENT	
STEVEN A. BERLING	DATE: 3/06/19
SURVEYOR KY 3208	SCALE: 1" = 50'
13299 WALTON-VERONA ROAD	
WALTON, KENTUCKY	
NO. 2	DATE: 3/06/19

CONCEPT DEVELOPMENT PLAN	
<b>WALTON-VERONA ROAD DEVELOPMENT</b>	
STEVEN A. BERLING SURVEYOR KY 3206	DATE: 3/04/79
13299 WALTON-VERONA ROAD WALTON, KENTUCKY	

