

REQUEST OF FLYING J, INC. (APPLICANT) FOR ELLIOT & JENEVIEVE KIRBY (OWNERS)  
FOR A ZONE CHANGE AND CONDITIONAL USE PERMIT TO DEVELOP A TRAVEL PLAZA  
AND TRUCK STOP FACILITY IN WALTON, KENTUCKY

APRIL 27, 1988  
8:00 P.M.

Applicant is requesting a Zoning Map Amendment and Conditional Use Permit to develop a travel plaza and truck stop facility. The 10.386 acre site is presently zoned Agricultural Estate (A-2). The applicant is requesting the property to be rezoned Commercial Services (C-3) with a Conditional Use Permit to allow the truck stop facility. The site is located on the south side of Stephenson Mill Road approximately 550 feet west of KY Hwy. 14/16, at the southwest quadrant of the I-75/Walton Interchange. The site adjoins a 3.01 acre tract in the C-3 zone which is planned to be utilized as part of this development. This contiguous site is directly on the corner of KY 14/16 and Stephenson Mill Road.

Surrounding Land Uses and Zoning

The attached zoning map indicates a wide variety of land uses adjacent to the subject site in addition to significant uses in the vicinity of the I-75/Walton Interchange.

Adjacent uses include:

North - Agricultural land north of Stephenson Mill Road in the Agricultural Estate (A-2), Industrial One (I-1), and C-3 zones.

East - A three acre site which contains an abandoned restaurant and gas station (zoned C-3) and which is also planned to be a part of the development under review. In addition, directly south of the above 3 acre tract is an existing mobile home dealership and some undeveloped property in the C-3 zone.

South - Directly south of the subject site is an undeveloped parcel in the A-2 zone. South of the undeveloped parcel is a trucking business in an I-1 zone.

West - Directly west of the subject site is a concrete plant in the A-2 zone. West of the concrete plant is the City of Walton's sanitary sewage treatment facility.

Other land uses in the vicinity of the interchange that may be affected by this request include the Kentucky National Guard (zoned Public Facilities, PF), Clarion Manufacturing (I-1), Walton-Verona High School (PF), the Boone Inn Restaurant and truck stop (C-3) and several service stations in the C-3 zone (Figure I).

Public Facilities and Features of the Site

The 10.386 acre site is presently undeveloped. The site slopes down to Stephenson Mill Road to the north and towards a natural drainage swale to the south.

The most important feature of this site is its frontage on Stephenson Mill Road. Stephenson Mill Road drops approximately 30 feet in elevation from the Stephenson Mill - KY 14/16 intersection to the subject property. Stephenson Mill Road continues to drop in elevation to the west. The highest elevation on the site is approximately 60 feet above the average elevation of Stephenson Mill Road. Existing utilities to the site include a City of Walton sanitary sewer line (8 inch) located within the right-of-way of Stephenson Mill Road, and a city water line (6 inch) at the Stephenson Mill-KY 14/16 intersection. Police and fire protection for the site would be provided by the City of Walton and the Walton Fire Protection District. Stephenson Mill Road is presently classified by Article 17a (Access Management) of the Zoning Regulations as an Access Class III roadway. However, KY 14/16 is classified as Access Class II.

#### Relationship to the Comprehensive Plan

This request should be reviewed on the basis of its relationship to the 1986 Boone County Comprehensive Plan. The Plan's "Future Land Use Map" indicates future land uses of commercial and industrial for the vicinity of the site (see Figure II).

The Plan's Goals and Objectives state that the county (and the cities within it): shall seek a balance between land uses that generate revenue and those that create public cost (Economy, page G-2); that commercial uses, and especially highway services, shall be developed at locations with convenient access to their designated markets, however, these developments should not be located so close to interchanges that undue traffic congestion results (Business Activity, page G-3); that public services and facilities must be adequate for all developments (Public Services and Facilities, page G-4, and Land Use, page G-6); and that access management principles shall be utilized to help prevent traffic congestion (Transportation, page G-6).

The Plan's Business Activity Element states: "the I-75 interchange at Walton is capable of additional commercial growth as appropriate levels of infrastructure become available. This development shall occur in such a manner as to not overload the interchange with access points" (page B-15); and "the Richwood and Walton interchanges will serve an increasing amount of industrial traffic along the U.S. 25 and I-75 corridor. Most of the industrial activity should locate near the interchange to minimize travel on non-interstate roads" (page B-16). The Plan's Land Use Element (Section D-7) states that the more intense commercial development in the Walton area should occur around the I-75 interchange (page L-22).

#### Concept Development Plan

The applicant's proposed Concept Development Plan indicates the travel plaza and truck stop facility on both the subject 10.386 acre site and a portion of the adjacent 3.01 acre site which is in the C-3 zone (See Figure III). The plan indicates that the "travel plaza" will include a restaurant, convenience store, and a drivers lounge and shower facilities. Access to the facility is

proposed to be through the commercially zoned proeprty. The primary use of the 10.386 acre parcel is for truck fueling islands and parking for 151 trucks. The plan includes a truck scale facility and areas for storm water retention.

#### Conditional Use Permit

In addition to the Zoning Map Amendment from Agricultural Estate to Commercial Services, the applicant is requesting that the Commission review its request for a Conditional Use Permit required to develop a truck stop in the C-3 zone. Article Two, Section 263, of the Zoning Regulations outlines seven general standards applicable to all conditional uses (Figure IV). The applicant should be prepared to address these items at the Public Hearing. Staff's review of these criteria are as follows:

1. This report has previously outlined the relationship of the Comprehensive Plan to this request.
2. In the staff's opinion, the greatest possible hazard that could be created by the proposed development is traffic congestion in terms of mixing automobile traffic with truck traffic at the I-75 interchange.
3. The area is intended to be commercial in character.
4. Staff has contacted the Kentucky Transportation Cabinet and the City of Walton regarding public services necessary to support the development. Staff believes that water, sewer, police and fire protection are adequate to support the development. However, transportation facilities leading to the site may be inadequate to serve future demand without traffic congestion occurring at the interchange.
5. Costs for transportation improvements will either be paid by the applicant or the Kentucky Transportation Cabinet, as the site is accessed from state maintained roadways.
6. Traffic is again staff's primary concern. In addition, trucks transporting radioactive and hazardous materials may present the possibility of an accident and, therefore, may affect the general welfare of the public.
7. The design of access approaches to the site should be reviewed very critically during review of the Site Plan for the project. In addition, the site's internal design should be carefully reviewed to avoid traffic stacking up on the public roadway.

#### Special Concerns

1. Access - access to the site should be designed to provide adequate stacking room for large trucks entering the site. This may require certain improvements to the grade and width of Stephenson Mill Road and a turning lane on KY 14/16.

2. Interchange Capacity - additional turning lane may be necessary at the freeway entrance and exit ramps to help prevent future traffic congestion at the interchange. While the I-75/Walton interchange currently serves an area with a rural, small-town character, the Comprehensive Plan calls for significant growth in this areas over the next 20 years. Staff believes it is imperative to assume future traffic volumes at this interchange will someday approach current traffic volumes at the KY 18 and U.S. 42 interchanges in Florence.

### Conclusion

This request should be reviewed on the basis of its relationship to the Comprehensive Plan and the general criteria applicable to Conditional Uses. The major issue about this request is the impact of the development on traffic at the interchange and possible measures to abate potential traffic problems. Should the Planning Commission and Walton City Council approve the zone change and Conditional Use Permit, the Comprehensive Plan's Future Land Use Map need not be amended. In addition, the applicant will need to apply to the Walton Board of Adjustment and Zoning Appeals for a Conditional Use Permit for the contiguous 3.01 acre parcel.

Respectfully submitted,



Jim Sturdevant,  
Plans Examiner/Planner

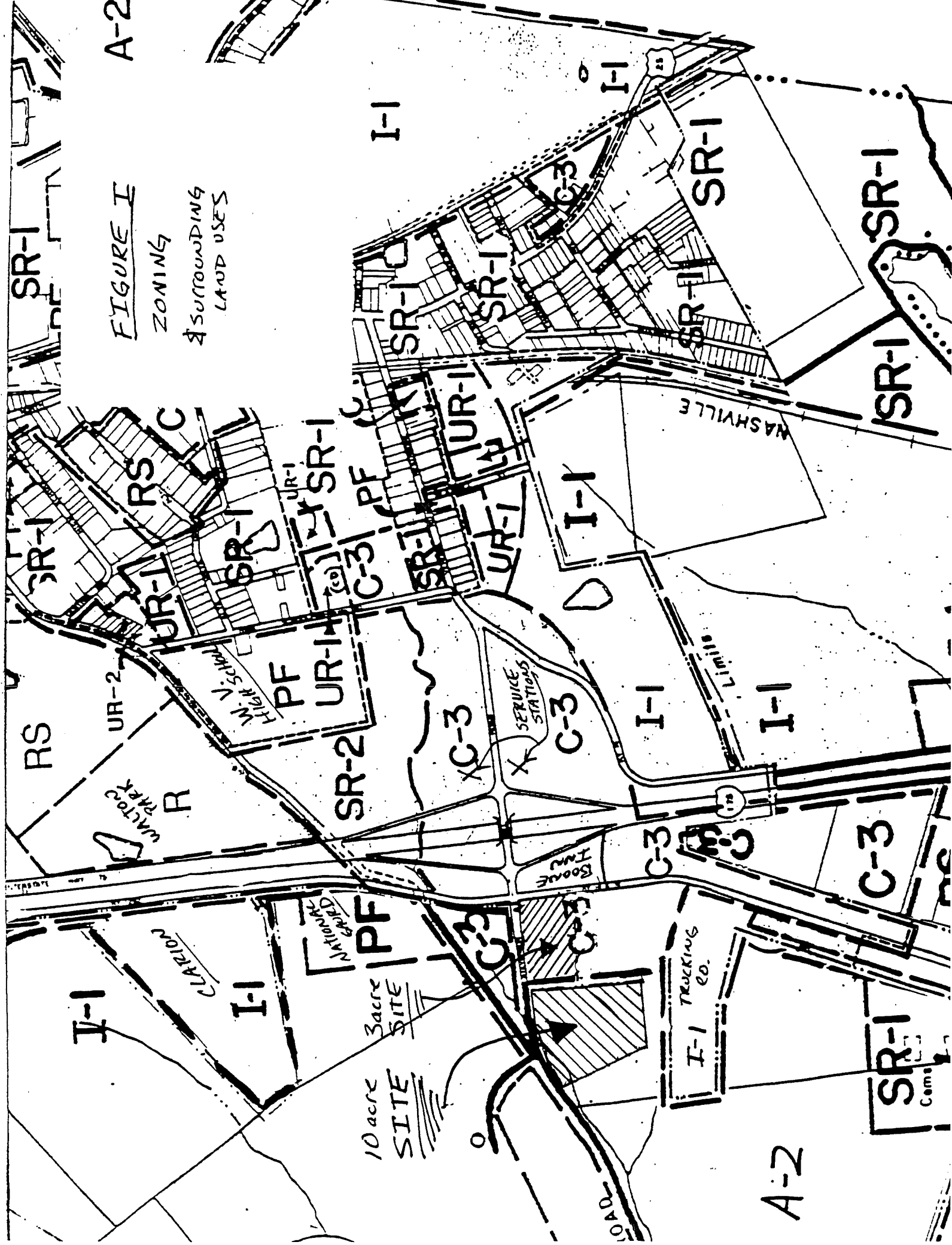
JS:mcb

A-2

FIGURE I

ZONING

§ SURROUNDING LAND USES



A-2



FIGURE III

FLYING T  
CONCEPT PLAN  
4-27-88

STEPHENSON MILL RD

BEAVER ROAD

PROPOSED  
TRUCK ACCESS

TO INTERSTATE I-75  
I-75

PROPOSED  
BUILDING

KY 14/16

3 ACRE SITE

A-2  
C-3

10 ACRE SITE

SITE CONCEPT  
WALTON, BOONE COUNTY, KENTUCKY

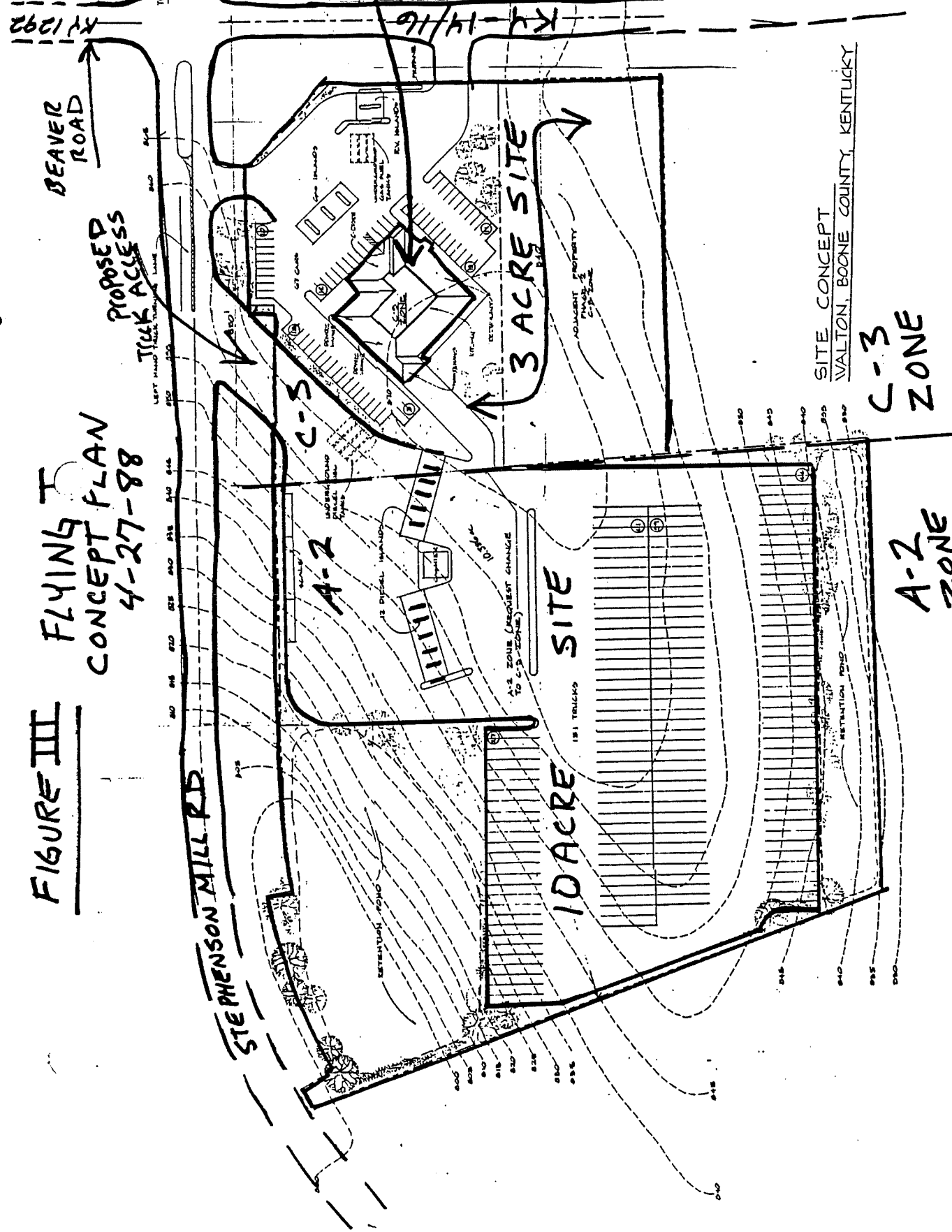
C-3  
ZONE

A-2  
ZONE

DATE: 12/18/88	BY: J.R.S.	REVISIONS	FLYING T TRAVEL PLAZA WALTON, BOONE COUNTY, KENTUCKY	SITE CONCEPT	DESIGN & DEVELOPMENT (PLANNING)
----------------	------------	-----------	---	--------------	---------------------------------

SCALE: 1" = 50'

FIGURE II



at least one owner or owner by contract (option) or lessee with permission of the owner of property for which such conditional use is proposed. The Board may require the applicant to submit a site plan as detailed in Article 14, Section 1402 of these regulations.

Section 263

General Standards Applicable to All Conditional Uses

In addition to any specific requirements for conditionally permitted uses deemed appropriate by the Board of Adjustment and Zoning Appeals, the Board shall review the particular facts and circumstances of each proposed use and determine that the use is in fact a conditional use as established under the provisions of Articles 6-12 or 16. The Board may consider whether such use at the proposed location:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the County's comprehensive plan and/or the zoning order;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and shall not change the essential character of the same area;
3. Will be hazardous to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
5. Will create excessive additional requirements at public cost for public facilities and services and will be detrimental to the economic welfare of the community;
6. Will involve uses, activities, process, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;

Section 264

Specific Standards Applicable to Conditional Uses

The Board shall consider the criteria for conditional uses as set forth in each zoning district.

APPLICATION FOR ZONING ACTION

TO:

- Boone County Planning Commission
- City of Florence Board of Adjustment
- Boone County Board of Adjustment
- City of Union Board of Adjustment
- City of Walton Board of Adjustment
- Zoning Enforcement Officer

FOR:

- Zoning Text Amendment
- Comprehensive Plan Change
- Preliminary Plat Review
- Conditional Use Permit
- Concept Development Plan Change
- Preliminary Development Plan
- Change of Non-Conforming Use
- Design Review Board and Certificate of Appropriateness
- Zoning Map Amendment
- Planned Development Overlay Change
- Improvement Plat Review
- Final or Deed Plat Review
- Site Plan Review
- Historic District Overlay
- Appeal or Variance
- Sign or Zoning Permit

Applicant: Flying J Inc.  Owner  Agent  
 Address: 50 West 990 South, P.O. Box 678  
Brigham City, UT 84302 Telephone: (801) 734-9416 *RON TACKETT 485-4528*

Location: Southwest QUADRANT of I-75 WALTON INTERCHANGE - STEPHENSON MILL Rd.

Name of Property Owner: ELLIOTT - JENEVIEVE KIRBY

Address of Property Owner: 4150 BURLINGTON PIKE BURLINGTON Ky 41005

Zoning District: A-2 comp PLAN C-3 Area in Acres: 10,386 ACRES.

Deed Book: 345 Page Number: 177 Group Number: 2077-B.

Description of Request: ZONE change from A-2 to C-3 with CONDITIONAL USE PERMIT.

Applicant's Signature: *[Signature]*

Property Owner's Signature: *[Signature]*

FOR PLANNING COMMISSION USE ONLY  
 Application Fee: 58454 Date Received: 3/15/18 By: *[Signature]*

Referred To: \_\_\_\_\_ Meeting Date: \_\_\_\_\_

Action Taken: \_\_\_\_\_ Date of Action: \_\_\_\_\_

*ELLIOTT KIRBY*

EXHIBIT "A"

EXCEPTION TO KIRBY WHOLE

CORRECTING

DEED

Know All Men By These Presents:

CLERK'S OFFICE  
SHORT FORM  
DEED

BOOK 345 PAGE 177

PROPERTY TRANSFER TAX PAID \$ 20  
JERRY W. ROUSE, CLERK

That JENEVIEVE KIRBY and ELLIOTT KIRBY, her husband

for and in consideration of \$100.00 and exchange of land to them paid by the grantees herein, the receipt of which is acknowledged, do bargain, sell, and convey to:

SUPERIOR CONCRETE PRODUCTS, INC., a Kentucky Corporation, its successors

Knows and assigns forever, the following described Real Estate, in the City of Walton;   
BOONE  
County of ~~Walton~~ and Commonwealth of Kentucky, to-wit: Group No. 2077-B  
Present Street Address Stephenson Mill Road Plat No.         
Mailing Address 291 Stephenson Mill Road, Walton, Kentucky 41094

Located on the south side of Stevenson Mill Road, and being more particularly described as follows:

BEGINNING at a point in the centerline of Stevenson Mill Road; thence with the said centerline South 56° 02' 45" West, 309.45 feet to a part, said point being the common corner with the City of Walton Treatment Plant site; thence with the common line with said City of Walton, South 24° 13' 25" East, 599.74 feet to an iron pin, said iron pin being the common corner with McElory & Sturgeon; thence with the common line with said McElory & Sturgeon, North 83° 47' 10" West, 320.71 feet to an iron pin; thence leaving said common line North 24° 13' 25" West, 751.20 feet to the point of beginning, CONTAINING 4.73 acres, as surveyed by Raymond Erpenbeck, Ky. Reg. L. S. No. 249 on April 1, 1985, approved by Boone County Planning Commission, a copy of which is attached hereto.

Subject to easements and road rights of way of record.

Being a part of the same property conveyed to Jenevieve Kirby by deed from Superior Concrete Products, Inc., a Kentucky Corporation, dated the 15th day of May, 1986 and recorded in Deed Book 345, Page 175 of the Boone County Clerk's Records at Burlington, Kentucky.

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging.  
TO HAVE AND TO HOLD the same to the said

SUPERIOR CONCRETE PRODUCTS, INC., a Kentucky Corporation, its successors

I HEREBY CERTIFY THAT THE ABOVE INSTRUMENT WAS SENT TO THE CLERK OF BOONE COUNTY, KENTUCKY, FOR RECORDE  
JERRY W. ROUSE, CLERK

Knows and assigns, forever, the Grantor s, their heirs, executors and administrators, HEREBY COVENANTING with the grantee, its successors and assigns, that the TITLE so conveyed is CLEAR, FREE AND UNINCUMBERED, and that they will WARRANT AND DEFEND the same against all legal claims whatsoever.

CORRECTING BOOK 345 PAGE 175  
WARRANTY DEED

PROPERTY TRANSFER TAX PAID \$ .50  
JERRY W. ROUSE, CLERK *JWR*

KNOW ALL MEN BY THESE PRESENTS

That SUPERIOR CONCRETE PRODUCTS, INC., a Kentucky Corporation pursuant to resolution duly adopted by its Board of Directors

for and in consideration of the sum of \$100.00 and exchange of property to them paid by the Grantee(s) herein, the receipt of which is hereby acknowledged, do bargain, sell and convey to

JENEVIEVE KIRBY, her

heirs and assigns, forever, the following described real estate in the City of \_\_\_\_\_, County of BOONE and the Commonwealth of Kentucky, to-wit:

GROUP # 2077-B

Present Street Address Stephenson Mill Road

Mailing Address 4150 Burlington Pike, Burlington, Ky. 41005

Located generally on the southeast side of Stephenson Mill Road and Stephenson Mill Road relocated, approximately 1000 feet west of the centerline of Interstate Highway No. 75, and described thus:

BEGINNING at a spike in the centerline of the existing (June, 1978) surface on Stephenson Mill Road, which is on the intersection of the northeast line of the 4.6482 acres parcel of land conveyed by Tomlin to the City of Walton in D.B. 210, Pg. 670; thence along the centerline of Stephenson Mill Road, North 56° 2' 45" East, 331.79 feet to the P.C. of a curve; thence in an easterly direction with a curve to the right, or south of 716.2 feet radius, an arc distance of 364.01 feet to the P.T. of said curve; thence continuing with the centerline of Stephenson Mill Road, North 85° 10' East, 360.15 feet to a spike; thence leaving said Road, South 8° 49' 31" East, 799.05 feet to a tack in a post; thence with the south line of the original Tomlin property, South 83° 47' 10" West, 855.30 feet to a point on a six (6) inch square concrete monument with a brass tablet, a corner of said City of Walton parcel; thence with the northeast line of said parcel, North 24° 13' 25" West, 599.74 feet to the place of beginning.

The above described property is subject to a right of way hitherto conveyed to the Commonwealth of Kentucky for purposes of constructing approaches to Interstate Hwy. #75, containing within the boundaries of that land conveyed to the Commonwealth of Kentucky is 1.36 acres, leaving the net amount to be conveyed herein is 15.116 acres.

Being the same property conveyed to Superior Concrete Products, Inc. by deed from Jenevieve Kirby and Elliott Kirby, her husband, dated April 2, 1985 and recorded in Deed Book 328, Page 249, Boone County Clerk's Records at Burlington, Kentucky.

PREPARED BY ELLIOTT, KLETTE & WORLAND, ATTORNEYS AT LAW  
106 EAST THIRD STREET, COVINGTON, KENTUCKY 40311  
*Elliott Klette & Worland*  
ELLIOTT, KLETTE & WORLAND

EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

April 27, 1988

PUBLIC HEARINGS

Mr. Fred Burch called the meeting to order at 8:00 P.M.. Following an explanation of the Public Hearing process by Counselor Wilson, Mr. Burch introduced the first item on the Agenda:

1. Applicant: Flying J, Inc.  
Request: Zoning Map Amendment and Conditional Use Permit

This was a Public Hearing on the request of Flying J, Inc. for a Zoning Map Amendment and Conditional Use Permit for construction of a Truck Stop and Travel Plaza. The 10.386-acre site is located near the southwest quadrant of the I-75/Walton Interchange, Walton, Kentucky. The Zoning Map Amendment request involves rezoning the site from Agricultural Estate (A-2) to Commercial Services (C-3).

Mr. Terry Weeser stated that he and Mr. Dan Kohler, who is in charge of the architectural design department, were present in behalf of this request. He gave background information regarding Flying J, Inc.. He stated that they expect to have 250 locations across the United States in five years. He indicated the location of the site on a map and noted the adjoining roadways. Their development will consist of a convenience store, restaurant, truck drivers' lounge, and showers. There will be diesel islands and truck parking in the rear. They will have a family-type restaurant. They refer to their facilities as travel plazas. The restaurants become community restaurants. He displayed a drawing of the typical interior of one of their restaurants. He presented a drawing of the layout of the facility. There will be a coffee shop in the front of the restaurant. He stated that they have control of their sites from the cashier area and noted the traffic circulation pattern of the site.

At this time, Mr. Burch asked for the Staff's Report.

Staff Member, Jim Sturdevant, presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Burch asked if there was anyone else present who wished to speak in behalf of this request.

BOONE COUNTY PLANNING COMMISSION

April 27, 1988

PUBLIC HEARINGS

Mr. Fred Burch called the meeting to order at 8:00 P.M.. Following an explanation of the Public Hearing process by Counselor Wilson, Mr. Burch introduced the first item on the Agenda:

1. Applicant: Flying J, Inc.  
Request: Zoning Map Amendment and Conditional Use Permit

This was a Public Hearing on the request of Flying J, Inc. for a Zoning Map Amendment and Conditional Use Permit for construction of a Truck Stop and Travel Plaza. The 10.386-acre site is located near the southwest quadrant of the I-75/Walton Interchange, Walton, Kentucky. The Zoning Map Amendment request involves rezoning the site from Agricultural Estate (A-2) to Commercial Services (C-3).

Mr. Terry Weeser stated that he and Mr. Dan Kohler, who is in charge of the architectural design department, were present in behalf of this request. He gave background information regarding Flying J, Inc.. He stated that they expect to have 250 locations across the United States in five years. He indicated the location of the site on a map and noted the adjoining roadways. Their development will consist of a convenience store, restaurant, truck drivers' lounge, and showers. There will be diesel islands and truck parking in the rear. They will have a family-type restaurant. They refer to their facilities as travel plazas. The restaurants become community restaurants. He displayed a drawing of the typical interior of one of their restaurants. He presented a drawing of the layout of the facility. There will be a coffee shop in the front of the restaurant. He stated that they have control of their sites from the cashier area and noted the traffic circulation pattern of the site.

At this time, Mr. Burch asked for the Staff's Report.

Staff Member, Jim Sturdevant, presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Burch asked if there was anyone else present who wished to speak in behalf of this request.

Mr. Gayle Mackerel stated that Walton has been waiting a long time for development.

The Mayor of Walton stated that the city is in favor of the request. He stated that development on the corner is essential and their proposal seems to be a suitable way to get things started. They recommend that the Commission approve the request.

Mr. Burch asked if there was anyone present in opposition to the request. There being no one, he asked if there were any comments or questions.

Mr. DeLong questioned the stacking room and the bridge capacity for traffic going north. He asked if any traffic studies had been made.

Mr. Weeser stated that they are willing to work with the Staff in regard to the traffic flow. They are proposing that the trucks go down Stephenson Mill Road to stack and go into the site. They are not forcing the trucks to make any turns other than into the site. They have angled their approach to allow for the grade problems. He stated that there is a turning lane on the bridge for the northbound traffic. There has not yet been a traffic study.

Mr. Kohler stated that they will limit the trucks going in and out of the site to one corridor.

Mr. DeLong asked if the facility will have sleeping rooms.

Mr. Weeser stated that it would not. He stated that in the future they will propose a motel location in the vicinity. He stated that they generally have a motel in their travel plazas. He stated that there will be no sleeping rooms within this facility.

In response to a question from Mr. DeLong, Mr. Weeser indicated the proposed traffic circulation patterns in the site.

Mr. Sharp stated that his concerns had been addressed by Mr. DeLong. He stated that he is familiar with the Flying J out west and they run a fine plaza that is nice looking and has good food.

Mr. Neltner questioned if it was likely that the trucks using this plaza will not be using Florence or Richwood truckstops or points south.

Mr. Weeser advised that their travel plazas become a destination point for truck drivers. He stated that some of the other truckstops' business will come to them, as will some automobile traffic.

Mr. Neltner questioned if the truck drivers would be permitted to sleep in their trucks. He noted that trucks with their engines running create fumes.

Mr. Gayle Mackerel stated that Walton has been waiting a long time for development.

The Mayor of Walton stated that the city is in favor of the request. He stated that development on the corner is essential and their proposal seems to be a suitable way to get things started. They recommend that the Commission approve the request.

Mr. Burch asked if there was anyone present in opposition to the request. There being no one, he asked if there were any comments or questions.

Mr. DeLong questioned the stacking room and the bridge capacity for traffic going north. He asked if any traffic studies had been made.

Mr. Weeser stated that they are willing to work with the Staff in regard to the traffic flow. They are proposing that the trucks go down Stephenson Mill Road to stack and go into the site. They are not forcing the trucks to make any turns other than into the site. They have angled their approach to allow for the grade problems. He stated that there is a turning lane on the bridge for the northbound traffic. There has not yet been a traffic study.

Mr. Kohler stated that they will limit the trucks going in and out of the site to one corridor.

Mr. DeLong asked if the facility will have sleeping rooms.

Mr. Weeser stated that it would not. He stated that in the future they will propose a motel location in the vicinity. He stated that they generally have a motel in their travel plazas. He stated that there will be no sleeping rooms within this facility.

In response to a question from Mr. DeLong, Mr. Weeser indicated the proposed traffic circulation patterns in the site.

Mr. Sharp stated that his concerns had been addressed by Mr. DeLong. He stated that he is familiar with the Flying J out west and they run a fine plaza that is nice looking and has good food.

Mr. Neltner questioned if it was likely that the trucks using this plaza will not be using Florence or Richwood truckstops or points south.

Mr. Weeser advised that their travel plazas become a destination point for truck drivers. He stated that some of the other truckstops' business will come to them, as will some automobile traffic.

Mr. Neltner questioned if the truck drivers would be permitted to sleep in their trucks. He noted that trucks with their engines running create fumes.

Mr. Weeser stated that they allow truck drivers to sleep in their trucks, but like them to leave within 24 hours. He noted that he did not know what the local requirements were in this regard. He noted that some trucks now have heaters that run off the truck's electrical system.

There being no further discussion, Mr. Burch advised that this item will be on the Agenda for the Business Meeting on May 4, 1988 at 8 P.M. and closed this Public Hearing.

APPROVED:

  
Fred Burch

ATTEST:

  
Jan Hancock, Recording Secretary

Mr. Weeser stated that they allow truck drivers to sleep in their trucks, but like them to leave within 24 hours. He noted that he did not know what the local requirements were in this regard. He noted that some trucks now have heaters that run off the truck's electrical system.

There being no further discussion, Mr. Burch advised that this item will be on the Agenda for the Business Meeting on May 4, 1988 at 8 P.M. and closed this Public Hearing.

APPROVED:

  
\_\_\_\_\_  
Fred Burch

ATTEST:

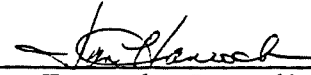
  
\_\_\_\_\_  
Jan Hancock, Recording Secretary

EXHIBIT "C"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Don McMillian, Committee Chairman

DATE: May 4, 1988

RE: Request of Flying J, Inc. for a Zoning Map Amendment and Conditional Use Permit for construction of a Truck Stop and Travel Plaza. The 10.386 acre site is located near the southwest quadrant of the I-75/Walton Interchange, Walton, Kentucky. The Zoning Map Amendment request involves rezoning the site from Agricultural Estate (A-2) to Commercial Services (C-3).

## REMARKS:

We, the Committee, recommend approval of the Zoning Map Amendment and Conditional Use Permit request based upon the following findings of fact and with the following conditions:

Findings of Fact

1. The request is in agreement with the 1986 Boone County Comprehensive Plan. The Future Land Use Map shows future development of this area as commercial and industrial, and the requested use (a truck stop facility) is principally permitted in the industrial zones as well as conditionally permitted in the Commercial Services zone. In addition, specific references to the text of the Comprehensive Plan, as they relate to this request, are in the April 27, 1988 Staff Report.
2. With completion of the below recommended roadway improvements, the Committee believes that the public facilities necessary to support the proposed development will be adequately provided.

Conditions

The applicant is being asked to agree to include these items as part of the Concept Development Plan and as conditions of approval of the Conditional Use Permit in order to clarify the plan as presented at the April 27, 1988 Public Hearing. Further, these conditions are intended to clarify the suitable uses and arrangement of facilities for development of the presented plan:

1. Access to the proposed truck fueling area shall be limited to Stephenson Mill Road as far west as practical to provide the greatest amount of stacking room for trucks on Stephenson Mill Road.
2. The applicant shall construct, in cooperation with the Kentucky Transportation Cabinet, an extra westbound lane on Stephenson Mill Road to carry through traffic past the truck stop's entrance and vehicles waiting to turn left into the truck stop facility.

3. The location, design, and configuration of the access to the site will be reviewed at the time the Site Plan is reviewed for the development. This is to assure that the interior circulation of traffic will not create traffic stacking up and blocking the public roadway. This may involve terracing of the truck area relative to the restaurant and automobile area or other adjustments as necessary to assure safe and expeditious flow of traffic into and out of the site.

\_\_\_\_\_  
Don McMillian, Chairman

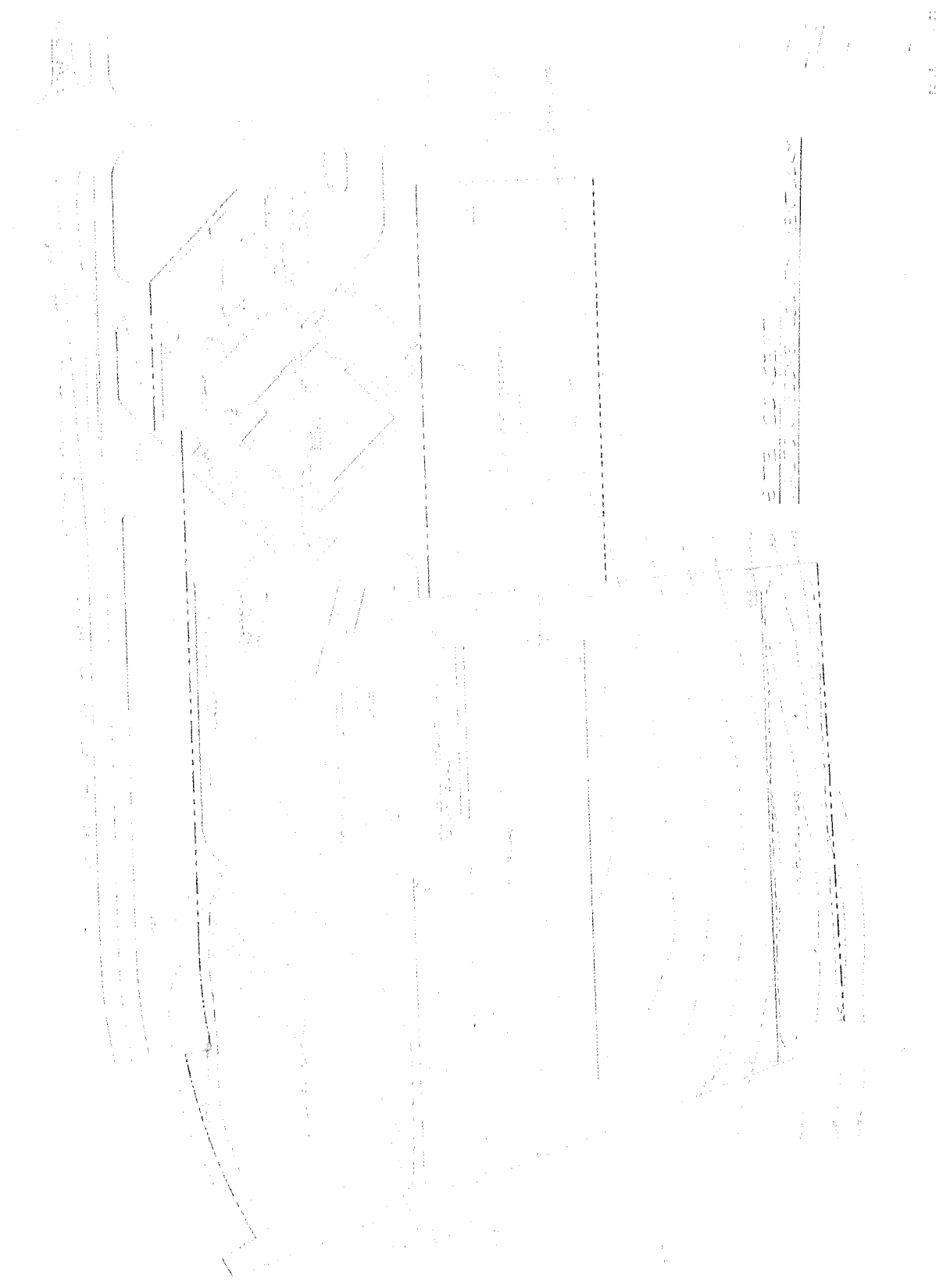
*Fred Burch*  
\_\_\_\_\_  
Fred Burch

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

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

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

DM:kam

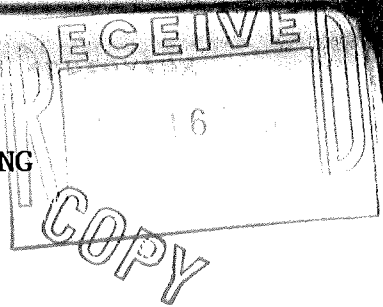


100-100000-0000-001

2

BCPC R-25-88

CITY OF WALTON, KENTUCKY  
ORDINANCE NUMBER 1988- 7



AN ORDINANCE OF THE CITY OF WALTON, KENTUCKY APPROVING WITH CONDITIONS, A ZONING MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY ZONING MAP, SUCH AMENDMENT HAVING BEEN REQUESTED BY FLYING J, INCORPORATED AND SUCH MAP AMENDEMENT BEING A ZONE CHANGE FROM AGRICULTURAL ESTATE (A-2) TO COMMERCIAL SERVICES (C-3) FOR A 10.386 ACRE SITE GENERALLY LOCATED NEAR THE SOUTHWEST QUADRANT OF THE I-75/WALTON INTERCHANGE, WALTON, KENTUCKY AND ALSO REQUIRING A CONDITIONAL USE PERMIT WITH CERTAIN CONDITIONS ATTACHED.

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

SECTION ONE

That a zoning map amendment for the real estate which is described below, be and is hereby approved, with conditions, this zoning map amendment being a zone change from agricultural estate (A-2) to commerical services (C-3) for a 10.386 acre site generally located near the southwest quadrant of the I-75/Walton Interchange, Walton, Kentucky. The real estate which is the subject of this zoning map amendment is more particularly described in the attached "Exhibit A". This map amendment was requested by Flying J, Incorporated and the intended use is a truck stop and travel plaza.

SECTION TWO

That the findings of fact of the Boone County Planning Commission as set forth in its minutes and official records for the zone change request be and they are hereby incorporated by reference as though fully set out herein and serve as a basis for approval and adoption of this approval for the zoning map amendment on the aforescribed 10.386 acre site. The Boone County Planning Commission recommended approval with condition as set forth in

Exhibit "B" are also adopted as a part of this Ordinance approving said zoning map amendment.

COPY

SECTION THREE

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

PASSED AND APPROVED UPON FIRST READING BY 6 MEMBERS OF THE CITY COUNCIL ON THE 23<sup>rd</sup> DAY OF May, 1988.

PASSED AND APPROVED UPON SECOND READING BY 5 MEMBERS OF CITY COUNCIL ON THE 25<sup>th</sup> DAY OF May, 1988 AND ORDERED PUBLISHED AS REQUIRED BY LAW.

APPROVED:

William M King  
MAYOR WILLIAM KING

ATTEST:

Ruth Glenn  
RUTH GLENN, CITY CLERK