

REQUEST OF FLYING J, INC.  
FOR REVISION OF A CONCEPT DEVELOPMENT PLAN AND  
CONDITIONAL USE PERMIT TO DEVELOP A TRAVEL PLAZA AND  
TRUCK STOP FACILITY IN WALTON, KENTUCKY

The applicant is requesting revision of a Concept Development Plan and Conditional Use Permit which was originally approved May 4, 1988 by the Boone County Planning Commission and May 25, 1988 by the Walton City Council. In addition, on June 9, 1988, the Walton Board of Zoning Adjustment and Appeals approved a Conditional Use Permit for an adjacent 3.01 acres as part of the facility. Copies of the Staff and Committee Reports of the Planning Commission's April 27, 1988 Public Hearing and the June 9, 1988 Board of Adjustment meeting are attached. The site is located near the southwest corner of Stephenson Mill Road and KY 14/16 and is zoned Commercial Services (C-3).

REVISED CONCEPT DEVELOPMENT PLAN

The revisions to the Concept Development Plan result from the applicant's acquisition of an additional 4.3 acre parcel (zoned C-3) adjacent to the southeast corner of the 10.386 acre tract for which the previous Concept Plan and Conditional Use Permit were granted (Figure I). Their utilization of a portion of the additional 4.3 acre parcel and the previous 2 acre out-parcel (see Figure II). The applicant has revised the Concept Development Plan to provide access to the truck fueling islands and parking area from KY 14/16. The previous plan proposed access to the truck area from Stephenson Mill Road. In addition to the change in access, the revised plan increases the amount of truck parking from 151 spaces to 227 spaces (an increase of over 50 percent).

Other changes to the project, but not to the 10.38 acres under review, include addition of a fast food restaurant with a drive up window, a dumping station for recreational vehicles, additional turning lanes on KY 14/16, and an area marked for a future motel.

STAFF CONCERNS

1. TRAFFIC VOLUME

The traffic that will be generated by this development is hard to estimate. The Institute of Traffic Engineers (ITE) have two land use classifications that could be used; Highway Oasis and Truck Stop. A truck stop caters to the needs of truck drivers and includes overnight accommodations and mechanical services; a highway oasis, although it does serve truck drivers, does not have these two services. Automobile traffic is relatively more important to a highway oasis. This development will not only serve interstate travelers, but will generate local traffic because of the convenience store items and restaurant.

Estimated traffic generated based on the ITE Trip Generation Manual is:

	Weekday 24 hr	AM Peak	PM Peak
Highway Oasis		80	61
Truck Stop		64	82

These rates were determined from observing only one or two sites, and should be interpreted with caution.

The study indicated that although the sample was small, a 16 hour, two-way volume for a highway oasis was 1,894. Of this number, 45.5 per cent was heavy truck traffic. A 1984 count by the State on KY 14/16 showed an average daily trip rate (ADT) of 2,200 south of Stephenson Mill Road. The development of a highway oasis will increase the traffic on the road tremendously. Great care should be taken to upgrade the roadway and intersections to handle the additional traffic.

## 2. ACCESS

The revised concept development plan calls for the truck traffic to use KY 14/16 instead of Stephenson Mill Road. This change brings Access Management requirements into consideration, as the roadway is classified as a Access Class II Arterial. The regulations call for 115' between driveways and intersections, and 230' between two drives. The design meets the distance requirement from the intersection, but there is only 180' between the driveways. This is especially critical because the second driveway is to be used exclusively for heavy trucks, that need greater sight distance.

The truck access onto KY 14/16 will cause all of the truck traffic from the interstate to make a left turn at the intersection of Stephenson Mill and KY 14/16. Staff concern is that this movement will cause congestion at the intersection.

Placing the truck entrance on KY 14/16 does not separate the auto and truck traffic to any great extent. The mixing of traffic will become more of a concern when the future motel is constructed.

## 3. INTERNAL CIRCULATION

There are two concerns over the circulation within the site. The most important is the stacking distance the trucks will

have waiting to refuel. The distance from the fuel island to KY 14/16 is only 230 feet, allowing for little distance for trucks to wait safely off the roadway.

The second concern is with the drive-through window and its affect on the circulation of auto traffic. The location of the window might pose problems dependant upon the number of cars that expected to use it.

#### 4. TRAFFIC IMPACT ANALYSIS

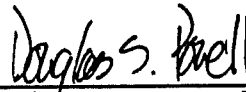
If the Commission should decide to approve this request; staff recommends that the applicant be required to submit a detailed traffic analysis for the proposed development. The study should include the roadway through the ramps onto I-75.

#### CONCLUSION

The major issues regarding to this request for a change in a previously approved Concept Development Plan and Conditional Use Permit are primarily related to additional traffic generation, turning movements, mixing of traffic types, access management and internal traffic circulation. In addition, further review by the Walton Board of Adjustment will be necessary for the remaining 9.4 acres fronting KY 14/16. In addition, the relationship of the request to the Boone County Comprehensive Plan (see April 27, 1988 Staff Report) and the general standards applicable to conditional uses should also be considered. If the Planning Commission and City of Walton should approve this request, the 1986 Boone County Comprehensive Plan need not be amended.



Jim Sturdevant  
Plans Examiner/Planner



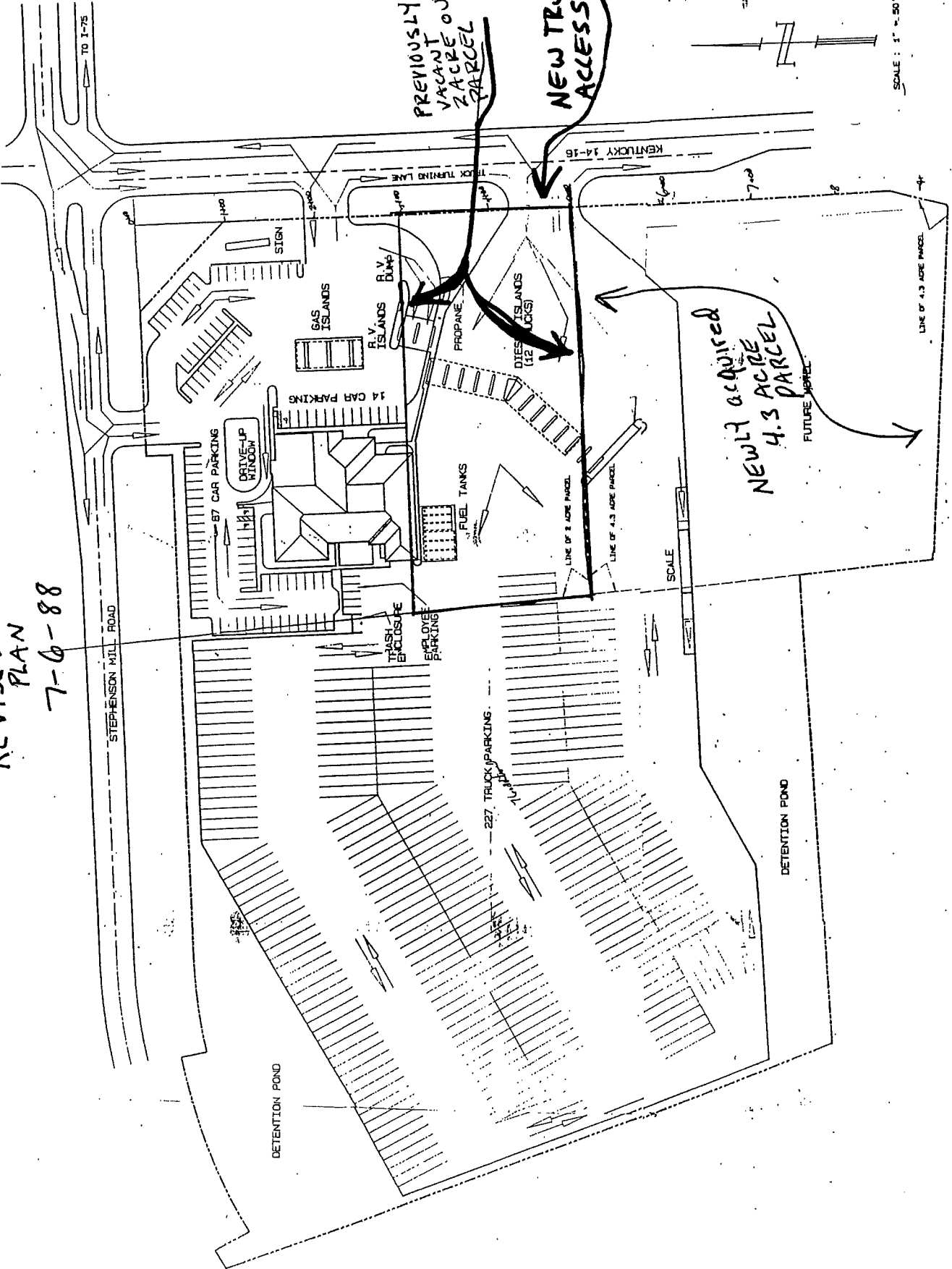
Douglas S. Powell  
Transportation Planner

JS/DSP:jdh

FIGURE I

FLYING J  
REVISED CONCEPT  
PLAN

7-6-88



PREVIOUSLY  
VACANT  
2 ACRE  
PARCEL

NEW TRUCK  
ACCESS

NEWLY ACQUIRED  
4.3 ACRE  
PARCEL  
FUTURE WORK

ARCHITECTS CONTRACTORS  
P.J. ARCHITECTS CONTRACTORS  
1000 W. 10th St. - Suite 100 - St. Louis, MO 63103

REVISED  
SITE CONCEPT

FLYING J  
TRAVEL PLAZA  
MALTON, KENTUCKY

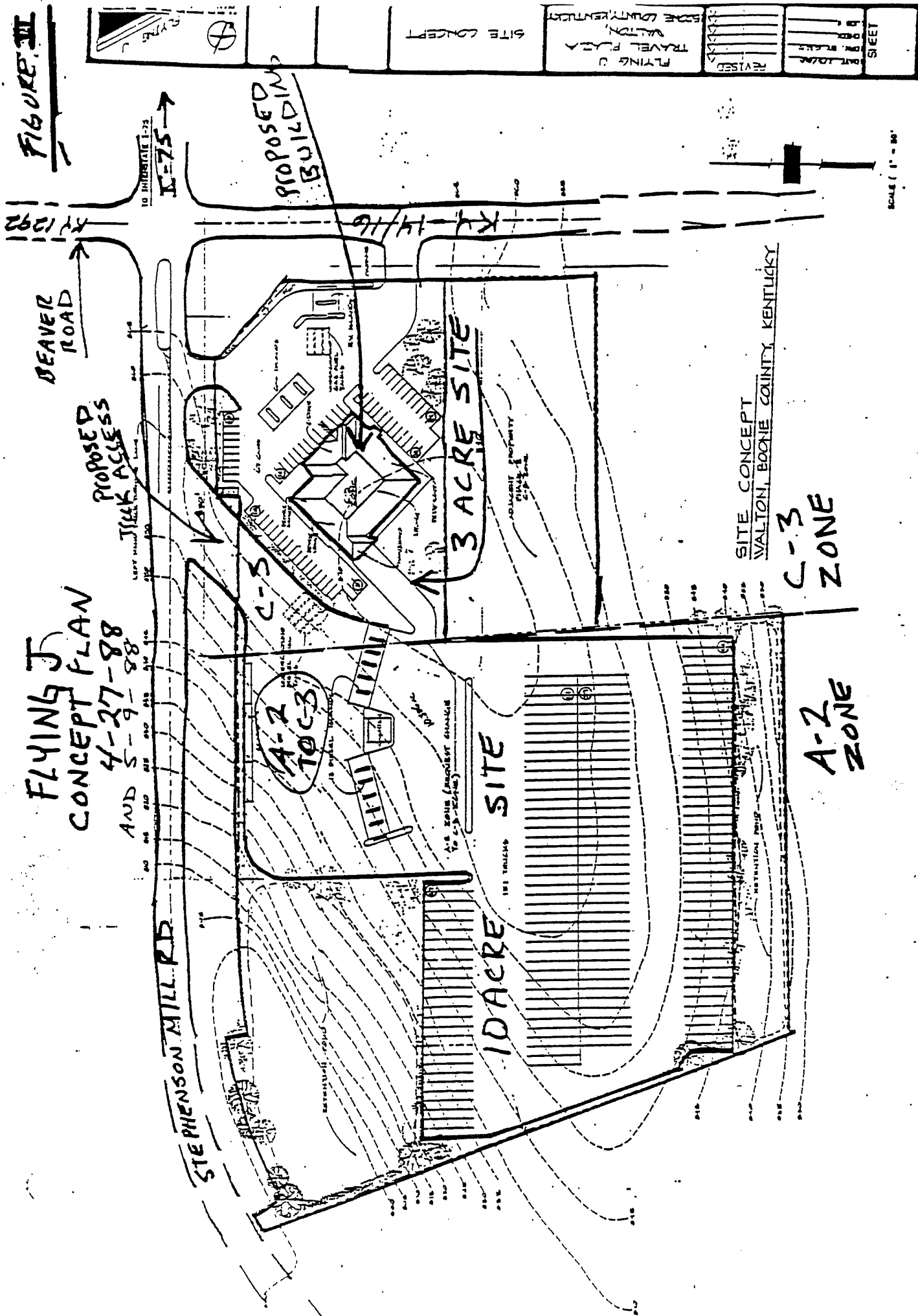
REVISION  
DATE  
BY

DATE  
BY  
SCALE

SHEET

**FIGURE III**

**FLYING J  
CONCEPT PLAN  
4-27-88  
AND 5-9-88**



TO INDUSTRIAL LOTS  
K-75

PROPOSED BUILDING

3 ACRE SITE

10 ACRE SITE

SITE CONCEPT  
WALTON, BOONE COUNTY, KENTUCKY

C-3  
ZONE

A-2  
ZONE

SCALE 1" = 80'

REVISED	FLYING J TRAVEL PLAZA	SITE CONCEPT
DATE	WALTON, BOONE COUNTY, KENTUCKY	
DRAWN BY		
CHECKED BY		
DATE		
SHEET		

STAFF REPORT

*file*  
6-9-88  
BOARD OF  
ADJUSTMENT  
REPORT

DEVELOPMENT: Flying J Travel Plaza  
APPLICANT: Flying J Inc.  
LOCATION: KY 14/16 at Stephenson Mill Road, Walton, Kentucky  
ZONING: Commercial Services (C-3)  
DATE: June 9, 1988

REMARKS:

Applicant is requesting review of a Conditional Use Permit to develop a travel plaza and truckstop facility on a 3.01 acre site located near the southwest quadrant of the I-75/Walton interchange. The site is adjacent to a 10.386 acre tract for which a Zone Change and Conditional Use Permit were approved, for the truck stop facility, May 4, 1988 by the Boone County Planning Commission. The Walton City Council approved the Zone Change request at a special council meeting on May 25, 1988. A Concept Development Plan for the 3.01 acre site and the adjacent 10.386 acre tract is shown in FIGURE 1.

Surrounding Land Uses and Zoning

The attached zoning map (Figure II) 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 - an existing service station (Gulf) zoned C-3, and agricultural land zoned Agricultural Estate (A-2) and Industrial One (I-1)
- East - Boone Inn Restaurant and truckstop (zoned C-3)
- South - A mobile home dealership and vacant property in the C-3 zone and a trucking company in the I-1 zone
- West - Directly west of the subject site is the 10 acre site which was recently rezoned, west of the 10 acre site is a concrete plant in the A-2 zone and 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), and several service stations in the C-3 zone.

### Public Facilities

Existing utilities to the site include a City of Walton sanitary sewer line (8") located within the right-of-way of Stephenson Mill Road, and a city water line (6") 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 III).

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 10.386 acre site and the subject 3.01 acre site which is in the C-3 zone (See Figure I). 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 property. The primary use of the 10.386 acre parcel is for truck fueling islands and parking for 151 trucks.

Conditional Use Permit

Article Two, Section 263 of the Zoning Regulations outlines sever 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. Staff believes it would be appropriate of the Board to require landscaping on the site above the minimum required by the Zoning Regulations.
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. The proposed access drive out of the restaurant and automobile fueling area should be moved the greatest possible distance from the intersection while maintaining a safe separation from the entrance to the truck fueling area. In addition, a turning lane on KY 14/16 should be provided pending a review of traffic generation and in cooperation with the Kentucky Transportation Cabinet. In addition, the conditions imposed by the Planning Commission regarding access should also be considered by the Board.

Staff Concerns

1. Access - access points to the site should be carefully designed to keep turning movements the greatest possible distance from the intersection and also be in conformance with the Boone County Zoning Regulations.
2. Interchange Capacity - additional turning lanes 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.
3. Landscaping - if approved, this development will set a trend for future developments in the vicinity. The Board should consider setting an aesthetic standard for this development and future developments in the area. A detailed landscaping plan should be submitted with the Site Plan for this development.

Conclusion

The major issues regarding this development are the criteria for a Conditional Use Permit, access and roadway improvements, landscaping, and previous conditions imposed by the Planning Commission and City Council for the adjacent 10 acre site. A copy of the Planning Commission Staff and Committee reports is also attached for your review.

Respectfully Submitted,



Jim Sturdevant  
Plans Examiner/Planner

JS:jdh

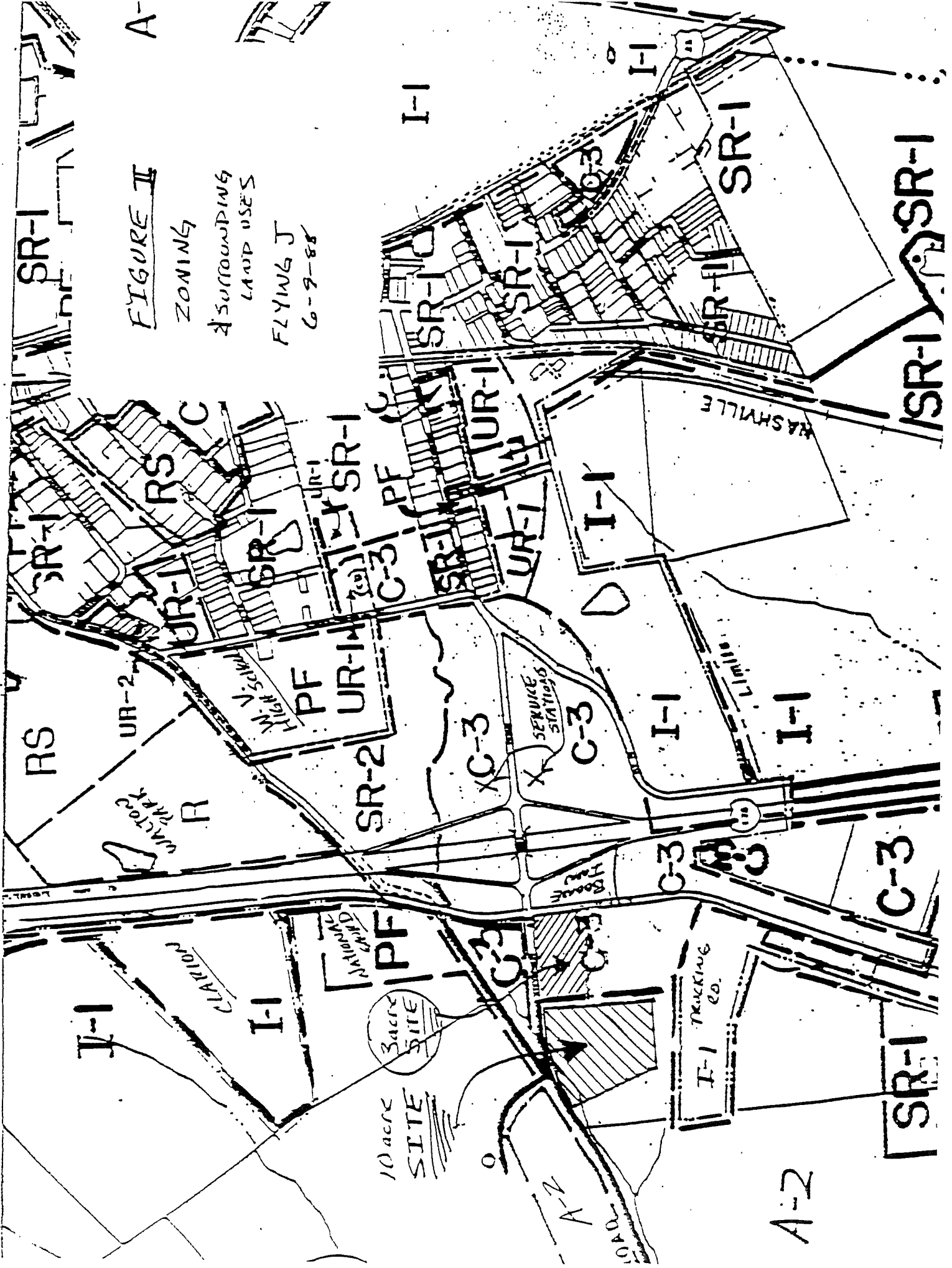


FIGURE II

ZONING

4 SURROUNDING  
LAND USES

FLYING J  
6-9-88



A-

I-1

H

SR-1

SR-1

RS C

SR-1

SR-1

SR-1

I-1

WASHVILLE

SR-1

RS

UR-2

PF

UR-1

SR-2

XC-3

SERVICE STATION

C-3

I-1

I-1

WINTROP TRAIL

R

SR-1

UR-1

C-3

C-3

I-1

I-1

3 acre SITE

10 acre SITE

C-3

C-3

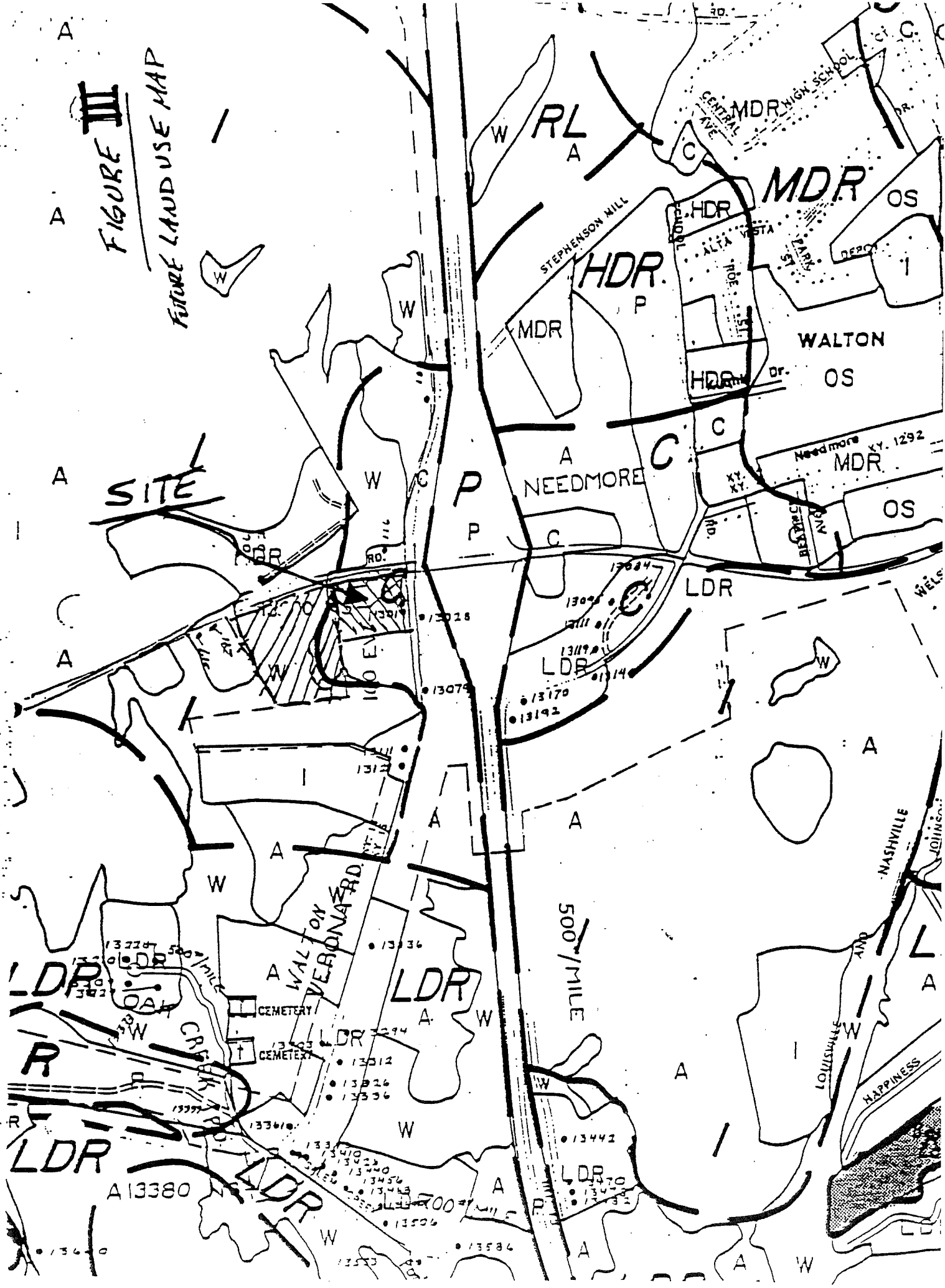
TRUCKING CO.

SR-1

A-2

A-2

**FIGURE III**  
**FUTURE LAND USE MAP**



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.

1  
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.

4-27-88  
PUBLIC HEARING  
STAFF REPORT

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 property. 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

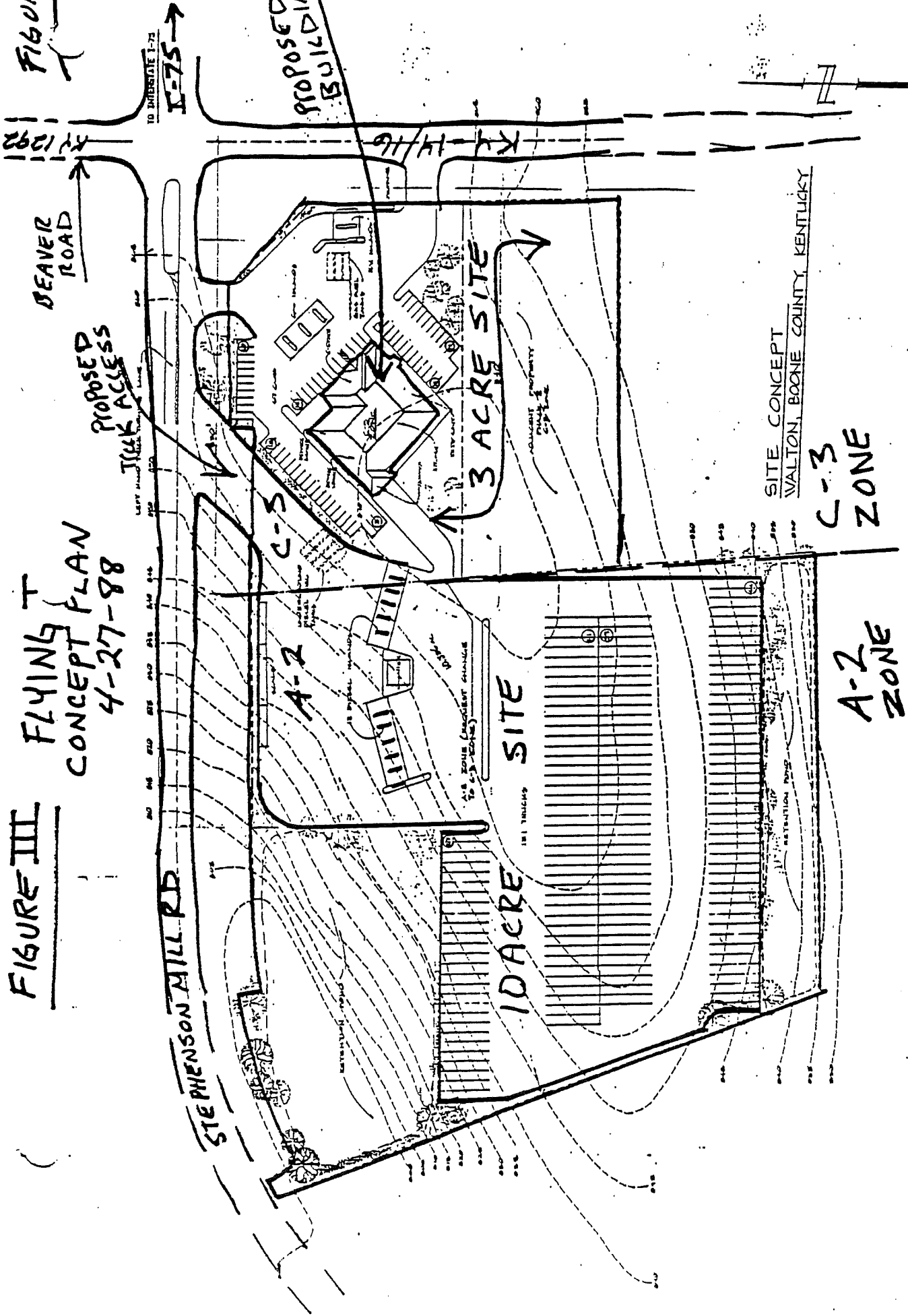
JS:mcb





**FIGURE III**

**FLYING T  
CONCEPT PLAN  
4-27-88**

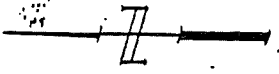


NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10
DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE
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REVISED	REVISED	REVISED	REVISED	REVISED	REVISED	REVISED	REVISED	REVISED	REVISED
FLYING T	FLYING T	FLYING T	FLYING T	FLYING T	FLYING T	FLYING T	FLYING T	FLYING T	FLYING T
TRAVEL PLAZA	TRAVEL PLAZA	TRAVEL PLAZA	TRAVEL PLAZA	TRAVEL PLAZA	TRAVEL PLAZA	TRAVEL PLAZA	TRAVEL PLAZA	TRAVEL PLAZA	TRAVEL PLAZA
WALTON	WALTON	WALTON	WALTON	WALTON	WALTON	WALTON	WALTON	WALTON	WALTON
SITE CONCEPT	SITE CONCEPT	SITE CONCEPT	SITE CONCEPT	SITE CONCEPT	SITE CONCEPT	SITE CONCEPT	SITE CONCEPT	SITE CONCEPT	SITE CONCEPT

**FIGURE III**

TO INTERSTATE I-75  
**I-75** →

**PROPOSED BUILDING**



SCALE: 1" = 80'

**SITE CONCEPT  
WALTON, BOONE COUNTY, KENTUCKY**

**C-3  
ZONE**

**A-2  
ZONE**

7 2002

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.

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.

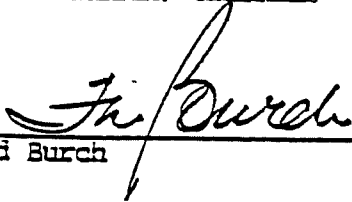
Conditions

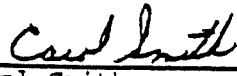
The applicant is being asked to agree to include these items as part of the Concept Development Plan and as conditions of approval of the Conditional Use Permit in order to clarify the plan as presented at the April 27, 1988 Public Hearing. Further, these conditions are intended to clarify the suitable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

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

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

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

DM:kam

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. *Lafe Feller*  Owner  
*DAN KOHLER*  Agent

Address: 50 West 990 South, P.O. Box 678  
Brigham City, UT 84302 Telephone: (801) 734-9416 *485-4578 TOWNCLERK*

Location: SOUTHWEST QUADRANT of I-75 WALTON INTERCHANGE *Stephenson*

Name of Property Owner: ELLIOTT - JENEVIEVE Kirby

Address of Property Owner: 4150 BURLINGTON PIKE BURLINGTON KY

Zoning District: C-3 Area in Acres: 10,386 acres.

Deed Book: \_\_\_\_\_ Page Number: \_\_\_\_\_ Group Number: \_\_\_\_\_

Description of Request: REVISION of previous APPROVED Concept Plan  
Development and Conditional Use Permit. Special Master  
Request for 7-6-88 Public Hearing.

Applicant's Signature: \_\_\_\_\_

Property Owner's Signature: \_\_\_\_\_

Application Fee: 1084.00 **PCB PLANNING COMMISSION USE ONLY** Date Received: 6-15-88 By: *[Signature]*

Referred To: Air Meeting Date: 7-6-88 7:30 PM Public Hearing

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

EXHIBIT "A"

EXCEPTION TO KIRBY W HOLD

CORRECTING

DEED

Know All Men By These Presents:

CLERK'S OFFICE  
SHORT FORM  
DEED

BOOK 345 PAGE 177

PROPERTY TRANSFER TAX PAID \$ 1.50  
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

~~XXXX~~ 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 READ  
PARTICULARLY BY ELLIOTT KIRBY & JENEVIEVE KIRBY, ATTORNEYS  
108 EAST THIRD STREET, COVINGTON, KENTUCKY 41013  
ELLIOTT KIRBY & JENEVIEVE KIRBY

~~XXXX~~ and assigns, forever, the Grantor s, their heirs, executors and administrators, HEREBY  
COVENANTING with the grantee, its successors ~~XXXX~~ 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 DEED 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.

DEPOT BY ELIETTE, ELIETTE & MORLAND, ATTORNEYS  
106 EAST THIRD STREET, COVINGTON, KENTUCKY 40111  
*Eliette & Morland*  
ELIETTE, ELIETTE & MORLAND

EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

July 6, 1988

PUBLIC HEARING

Mr. Larry Barnett, Vice Chairman, called the meeting to order at 7:30 P.M. and introduced the item on the Agenda:

1. Applicant: Flying J, Inc.  
Request: Revision of a Previously Approved Concept Development Plan and Conditional Use Permit

This was a Public Hearing on the request of Flying J, Inc. for a revision of a previously approved Concept Development Plan and Conditional Use Permit for a truckstop and travel plaza. The 10.386-acre site is located at the southwest quadrant of the I-75/Walton Interchange, Walton, Kentucky and is zoned Commercial Services (C-3).

Staff Member, Jim Sturdevant, presented the Staff Report (see Staff Report).

Mr. Barnett asked for comments from a representative of the applicant.

Mr. Dan Kohler of PDG Architects stated that Mr. Terry Weiser, an architect with PDG, was also present in behalf of Flying J, Inc.. Mr. Kohler stated that Flying J, Inc. has been able to acquire additional acreage. Due to the additional acreage, problems with the grade, and ingress and egress from Stephenson Mill Road, they are proposing revisions to their Site Plan. They propose to increase the size of their facility and add a fast food restaurant, in addition to the 24-hour restaurant. They will also reserve a parcel of land for a future motel adjacent to the site. Access to the site for large vehicles would be primarily off KY 14/16, where they propose a decel/turning lane. They will provide a left turn lane in addition to the left turn lane off of the access to I-75. The currently proposed plan will allow for additional stacking room for the large vehicles and they will not have to negotiate the steep grade. He presented a drawing of the interior and exterior of the proposed fast food restaurant.

At this time, Mr. Sturdevant, asked Mr. Doug Powell, the Transportation Planner, to discuss Staff's concerns in regard to traffic.

Mr. Doug Powell discussed the Staff's concerns in regard to traffic in relation to the Revised Concept Development Plan. He stated that it is difficult to estimate the volume of traffic at this location, noting that the plan involves a truck stop and highway oasis. The estimated count of cars per day at the site would be between 1,000 and 2,000. He stated that Staff was also concerned about the automobile traffic and the truck traffic not being divided and noted that the turning lane is only about 180 feet. He discussed access management regulations in regard to driveway spacing. There is a concern in consideration of the relocated access that the intersection will become congested with trucks trying to make a left hand turn into the site. Staff feels that the applicant should be required to provide a traffic impact analysis.

At this time, Mr. Sturdevant completed the Staff Report noting the Staff's concerns (see Staff Report).

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

Mr. McMillian questioned what type of restaurant the fast food restaurant would be.

Mr. Kohler stated that he assumes the restaurant will be either a Wendy's, a Hardee's, or a Dairy Queen as they have worked with these restaurants in the past. The fast food restaurant will be in addition to the 24-hour restaurant and would be in the same building. He indicated on a drawing the location of the proposed drive-thru window to be used by the fast food restaurant, which will also have seating.

Mr. Moore questioned the Staff's proposal that a detailed traffic analysis be submitted after approval of the request and stated that due to the nature of the request, the applicant should be required to provide the detailed traffic analysis in conjunction with the submitted request.

Mr. Sharp noted his concerns regarding the access on KY 14/16 in consideration of the left turn lane. He stated that traffic jams will result at the intersection. Mr. Sharp added that he was in favor of the original access on Stephenson Mill Road with exit onto Ky 14/16.

Mr. Neltner asked if the additional acreage acquired by the applicant was zoned for the proposed use.

Mr. Sturdevant advised that the entire site is zoned C-3, including the additional 4.3 acres.

Mr. DeLong questioned the traffic analysis in relation to anticipated future development in the area, such as the motel. He also questioned the 100 additional parking spaces indicated for the trucks and the type of buffer to be provided.

Mr. Burch questioned whether a substantial increase in traffic was predicted based on the Revised Plan as opposed to the originally approved plan, other than what would pertain to the fast food restaurant.

Mr. Damstrom questioned the stacking distance on southbound I-75.

Mr. Doug Powell advised that the stacking on southbound I-75 was one of the original concerns and stated that he believed this revision would slow the turning process even more. He stated that it is easier for trucks to go straight than to turn left, especially when there is automobile traffic involved.

Mr. Damstrom asked if there was sufficient room to make a left hand turn.

Mr. Powell stated that he did not think so and noted that one of the problems is that the intersection is so close to the interstate ramps.

Mr. Weiser stated that they are not creating any additional traffic and believe that they have resolved some of the problems. The difference between making a left hand turn and going down a steep grade is not a great deal to a truck driver. He stated that the present plan allows for more stacking distance and none of their facilities have the situation where trucks stack out onto the highway. He discussed the internal circulation pattern of the site and stated that they have room for about thirty-five trucks. They have a computerized fueling arrangement and there are no handwritten tickets, which moves the trucks through faster. He indicated the two left hand turn lanes to the site and stated that if there is a problem with the cars, then there is an additional access. He stated that cars can maneuver the steep grade on Stephenson Mill Road better than trucks can. He stated that the additional parking has not created additional traffic. Mr. Weiser stated that if a truck came in and found the lot full, it would exit again right away creating more traffic. He stated that the additional parking spaces simplify the traffic circulation problems. He indicated on a drawing the circulation pattern of the trucks and stated that most of the locations along KY 14/16 do not have turning lanes. He stated that cars will be able to turn into the hotel. He stated that they are above the minimum requirements for the spacing of the driveway from the intersection, noting that the requirement is 115 feet and they have approximately 300 feet.

Mr. Barnett noted that there had been many questions about the traffic and access to the site. He asked if Mr. Weiser could comment on the traffic volumes indicated by their marketing studies.

Mr. Weiser stated that he was not aware of these figures. He stated that they believe the facility would be right for the volume of traffic. He stated that they have not created additional traffic beyond the original request.

Mr. Dale McElroy stated that this concept is much better in consideration of the roads.

Mr. Ron Tackett stated that the applicant has incurred a lot of expense to widen KY 16 that they did not have to incur on the other plan. They consider this to be the best way to control the traffic and are not making the changes for monetary gain. He stated that this development can alleviate traffic in other places, such as the Florency KY 18 exit and Richwood as some of the trucks from those truckstops may come to this facility. He stated that some of the truckstops at Richwood might close up.

Mr. Powell advised that the Highway Department is reviewing this plan and felt that it was substantially different from the original plan.

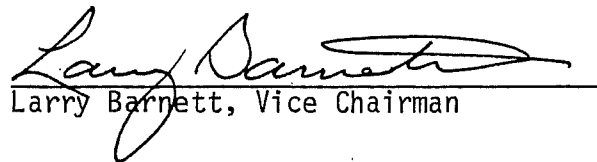
Counselor Wilson asked that the report from the Highway Department be made a part of the record when it is received. Mr. Weiser agreed with his comment.

Mr. Barnett asked if there were any further comments or questions. There being none, he advised that this item has been assigned to a committee, with Mr. McMillian as Chairman. He stated that any traffic analyses should be submitted to the committee.

Counselor Wilson advised that anyone interested in the Committee Meeting or the traffic figures may contact the Staff Office.

There being no further discussion, Mr. Barnett advised that this item will be on the Agenda for the Business Meeting on July 20, 1988 at 8 P.M. and closed this Public Hearing.

APPROVED:

  
Larry Barnett, Vice Chairman

ATTEST:

  
Jan Hancock, Recording Secretary

COMMITTEE REPORT

1

TO: Boone County Planning Commission

FROM: Donald McMillian, Chairman

DATE: August 3, 1988

RE: Request of Flying J, Inc. for revision of a previously approved Concept Development Plan and Conditional Use Permit for a truck stop and travel plaza. The 10.286 acre site is located at the southwest quadrant of the I-75 / Walton Interchange, Walton, Kentucky, and is zoned Commercial Services (C-3).

REMARKS:

We, the Committee, recommend approval of the proposed Concept Development Plan presented at the July 6, 1988, Public Hearing, 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 July 6, 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.
3. The Committee believes that this development will have a substantial impact upon the existing roadway network. Future development in the surrounding area will greatly increase the traffic on this section of roadway. The development of this site is important to the safe and efficient operation of the Walton interchange, both now and in the future.

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 July 6, 1988 Public Hearing. Further, these

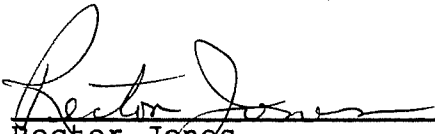
conditions are intended to clarify the suitable uses and arrangement of facilities for development of the presented plan:


1. The applicant agree to cooperate with the Kentucky Transportation Cabinet, the Boone County Planning Commission and the City of Walton to provide any necessary improvements to the existing roadway network. This may include the improvements to the intersections of the I-75 ramps and Mary Grubbs Highway, as well as the intersection of Stephenson Mill Road and KY 14 / 16.
2. The location and design of the drive-through window will be reviewed at the time the Site Plan is reviewed for the development. This is to insure safety in the internal circulation of the development.

  
\_\_\_\_\_  
Donald McMillian, Chairman

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

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

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

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

DM:jdj

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

August 3, 1988                      8:00 P.M.

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Mr. William Viox, Chairman, called the meeting to order at 8:40 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Larry Barnett, Vice Chairman  
Mr. Fred Burch  
Mrs. Rita Bushelman  
Mr. Lawrence Collins  
Mr. Phil Damstrom  
Mr. Melvin DeLong  
Mr. R. N. Greene  
Mr. Rector Jones  
Mr. Don McMillian  
Mr. Charles Moore  
Mr. Barry Neltner  
Mr. Ralph Rush  
Mr. Floyd Sharp  
Mrs. Carol Smith  
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

None.

LEGAL COUNSEL PRESENT:

Mr. Charles Moore

Mr. Viox noted that each member had received a copy of the Minutes of the Business Meeting of July 20, 1988 and the Public Hearings of July 27, 1988 and asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. McMillian moved that they be approved as mailed. Mr. Damstrom seconded the motion and it carried unanimously.

Mr. Jones moved that the salaries, benefits, and bills due be approved and paid as presented; and indicated approval of the bills which have been paid. Mrs. Smith seconded the motion and it carried unanimously.

REPORTS:

Mr. Viox noted that the Zoning Enforcement Officer's Report, the Building Inspector's Report, and the Record of Convenience Plats had been distributed for the Commission members to review.

There being no discussion of the reports, the Chairman proceeded to the items on the Agenda.

BUSINESS MEETING AGENDA

UNFINISHED BUSINESS:

1. Concept Development Plan and Conditional Use Permit

The request of Flying J, Inc. for revision of a previously approved Concept Development Plan and Conditional Use Permit for a truck stop and travel plaza. The 10.286-acre site is located at the southwest quadrant of the I-75/Walton Interchange, Walton, Kentucky, and is zoned Commercial Services (C-3).

Mr. Gerald Newton, Director, read the Committee Report which recommended approval of the request subject to conditions, based on the findings of fact (see Committee Report). He noted that Mr. Larry Barnett, a member of the Committee, had elected not to sign the Committee Report.

The Chairman asked if the applicant was in agreement with the conditions.

Mr. Dan Kohler of PDG Architects, representing Flying J, Inc., asked that Condition #1 of the Committee Report be reworded. He stated that they will provide the deceleration lane along KY 14/16 and widen the Stephenson Mill Road access. He asked for clarification of the term "necessary improvements".

Mr. Doug Powell advised that The Kentucky Department of Transportation had not completed its review of the proposed development and its impact on the existing roadways. They felt that the developer may have to participate in improving the intersections, but this is not yet known. They ask that the applicant work with the Transportation Cabinet.

Chairman Viox stated that the applicant is not being asked for a "blank check", but to cooperate with The Kentucky Department of Transportation.

Mr. Kohler stated that the developer is prepared to add the additional lane on KY 14/16 and widen for the left turn lane on Stephenson Mill Road. They will work with The Transportation Cabinet in regard to the ramps, but do not want to commit to funding work on the ramps.

Mr. McMillian stated that it was not the Committee's intent that the applicant fund the exit ramp, but to work with the state and the county in regard to the turn lanes. Mrs. Smith agreed. Mr. Burch noted that the applicant has indicated he will cooperate and has made a commitment as to what they will do in regard to the roads.

Mr. Moore noted that the condition does not speak to funding, but to cooperation.

Mr. Moore stated that if it was the Committee's intent to require funding from the applicant, it would be necessary to include that in the condition. However, the condition does not necessarily rule out funding.

Mr. McMillian stated that it was the Committee's intent that the applicant participate in the funding if he sees fit.

Mr. Kohler stated that, with the clarifications, they are in agreement with the conditions.

Chairman Viox noted that a letter had been received from the Mayor of Walton indicating that they are very much in favor of this project.

Mr. McMillian moved by resolution to the City of Walton that the request be approved based on the Committee Report, including the conditions. Mr. Burch seconded the motion.

Mr. Barnett stated that he had not signed the Committee Report as the plan violates the access management plans. He stated that he does not believe the vehicular traffic and semi-tractor trailers should be mixed on KY 14/16. He stated that following this development there will be pressure to develop the adjacent properties and the intersection will get busier.

Mr. Damstrom stated that he would abstain from voting in regard to this request based on his previous abstention.

The Chairman asked for a roll call vote on the motion made by Mr. McMillian which found Mr. Burch, Mr. Collins, Mr. Greene, Mr. Jones, Mr. McMillian, Mr. Moore, Mr. Neltner, Mr. Sharp, Mrs. Smith, Mr. Rush, Mrs. Bushelman, and Chairman Viox in favor. Mr. Barnett and Mr. DeLong were opposed. Mr. Damstrom abstained. The motion carried.

CITY OF WALTON, KENTUCKY  
ORDINANCE NUMBER 1988--18

AN ORDINANCE OF THE CITY OF WALTON, KENTUCKY APPROVING A REVISION OF A PREVIOUSLY APPROVED CONCEPT DEVELOPMENT PLAN AND A COMMERCIAL SERVICES ZONE ON A 10.286 ACRE SITE GENERALLY LOCATED AT THE SOUTH QUADRANT OF THE I-75/WALTON INTERCHANGE, WALTON, KENTUCKY, AND ALSO APPROVING A CONDITIONAL-USE PERMIT TO ALLOW A TRUCK STOP AND TRAVEL PLAZA.

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

SECTION ONE

The revision of a previously approved concept development plan for real estate which is more particularly described below shall be and is hereby approved in a commercial services (C-3) zone on a 10.286 acre site generally located at southwest quadrant of the I-75 Walton Interchange, Walton, Kentucky. The real estate which is the subject of this approval is more particularly described in attached Exhibit "A." A conditional-use permit to allow a truck stop and travel plaza is also approved herein.

SECTION TWO

That the findings of fact of the Boone County 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 revision of a previously approved concept development plan in a commercial services (C-3) zone on

the aforescribed 10.286 acre tract.

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 which 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 in effect as they are severable.

PASSED AND APPROVED ON FIRST READING BY 5

MEMBERS OF CITY COUNCIL ON THE 8 DAY OF

September, 1988.

PASSED AND APPROVED ON SECOND READING BY 6

MEMBERS OF CITY COUNCIL ON THE 12<sup>th</sup> DAY OF:

September, 1988 AND ORDERED PUBLISHED AS  
REQUIRED BY LAW.

APPROVED:

William M. King  
MAYOR WILLIAM KING

ATTEST:

Ruth Glenn  
RUTH GLENN, CITY CLERK