

REQUEST OF ALBERT MOFFETT (APPLICANT)
 FOR ALBERT H., JR. AND BETTIE R. HACKMAN (OWNERS)
 FOR A CHANGE IN A PREVIOUSLY APPROVED CONCEPT DEVELOPMENT PLAN
 FOR A THREE (3) ACRE SITE IN WALTON, KENTUCKY
 January 27, 1988

This request is for a change in a previously approved Concept Development Plan for a 3.0 acre site located east of the Walton Townhomes and Kuchle Drive and south of Roe Street, Walton, Kentucky. The site is presently zoned Urban Residential One (UR-1) and is presently subject to a Zoning Map Amendment and Concept Development Plan approved March 6, 1985 and April 15, 1985 by the Planning Commission and Walton City Council, respectively. The previous zoning of the site was Commercial Services (C-3) and Suburban Residential One (SR-1). The site is presently undeveloped. Copies of the 1985 Staff Report, Public Hearing, and Business Meeting minutes are attached.

Surrounding Land Use and Zoning

Directly west of the site is the Walton Townhomes development which is zoned UR-1. North of the site is the south end of Roe Street and several single family residences in the SR-1 zone. Property to the east and south is vacant and zoned SR-1. Southwest of the site is a farm implement dealer in the C-3 zone.

Existing Features of the Site

Soils on the site are of the Faywood Series, 6 to 20 percent slopes, common to Boone County. These soils are highly susceptible to erosion (if not carefully managed) especially on steep slopes.

The site generally slopes from the north to south and drains into a branch of Mud Lick Creek adjacent to the south side of the site. The site is bisected by a drainage swale which contains some trees. Vegetation on the remainder of the site is grass.

Relationship to the 1986 Boone County Comprehensive Plan

Future Land Use Map:

Borderline Medium Density Residential (3 to 8 dwelling units per acre) and High Density Residential (greater than 8 dwelling units per acre).

Land Use Element (D-7 Walton Area)

"Residential development will occur both within and around the City. Medium to high density residential development will occur between Main Street and I-75. Residential infilling between streets will occur." (p. L-27)

In addition, the Land Use Element identifies the need for adequate recreation facilities to serve residential growth expected in the Walton Area. (p. L-22)

Housing Element

"This area is not projected to gain much population in the next 15 years. This area lies fairly far from any urbanized sections of the county, and has a strong agricultural character. Walton, however, contains a fairly high percentage of multi-family units, and the more moderate income levels of the area would encourage additional multi-family construction." (p. H-19)

In addition, the plan's Goals and Objectives element emphasizes the need to provide a variety of housing unit types to meet the needs of a varied population, to encourage location of high density housing in appropriate areas, and to provide adequate buffering between sharp transitions in residential land use intensity.

Concept Development Plan

The Concept Development Plan approved in 1985 indicates five apartment buildings containing a total of 24 units: eight one-bedroom units and 16 two-bedroom units. A sixth building, designated for community functions was proposed. Other features proposed for the site included passive and active recreation areas, a tot lot, and 45 parking spaces. Access to the site was proposed through an extension of Kuchle Drive approximately 170 feet east of its present eastern most end.

The proposed Concept Development Plan indicates three buildings containing a total of 24 units: 14 two-bedroom units and 10 one-bedroom units. The plan does not provide any detail for the proposed passive and active recreation facilities. The revised Concept Plan includes a proposed storm water retention area and 36 parking spaces. The current zoning regulations require a minimum of 43 parking spaces for the proposed type and number of apartment units.

In addition, the proposed plan indicates a considerable amount of cut and fill to develop a terrace for placement of the buildings and parking areas. A copy of the applicant's "Project Description" is attached for review. Information supplied by the applicant indicates that the proposed development will be a Farmer's Home Administration assisted housing project.

Staff Concerns

1. Recreation Facilities: Staff is concerned about the proposed reduction in recreation facilities on the site. Staff believes that a housing project of this nature would attract a significant number of families with small children. Thus, the development should provide adequate opportunity for safe recreation activities by small children. The proposed plan does not provide any information as to the nature of the recreation facilities.

2. Storm water management: The applicant should clearly define whether the proposed storm water management system will permanently retain, or temporarily detain, storm water runoff. If retention is proposed, the system should be designed and planned to provide for the safety of small children and ease of maintenance. In addition, adequate erosion control should be provided for the site as its soils are highly susceptible to erosion.
3. Buffering: With the adoption of the 1986 Boone County Zoning Regulations, a landscaped buffer yard, minimum 15 feet in width, is required whenever a multi-family residential development abuts a single-family residential development. This was not a requirement when the zone change and Concept Development Plan were first approved in 1985.

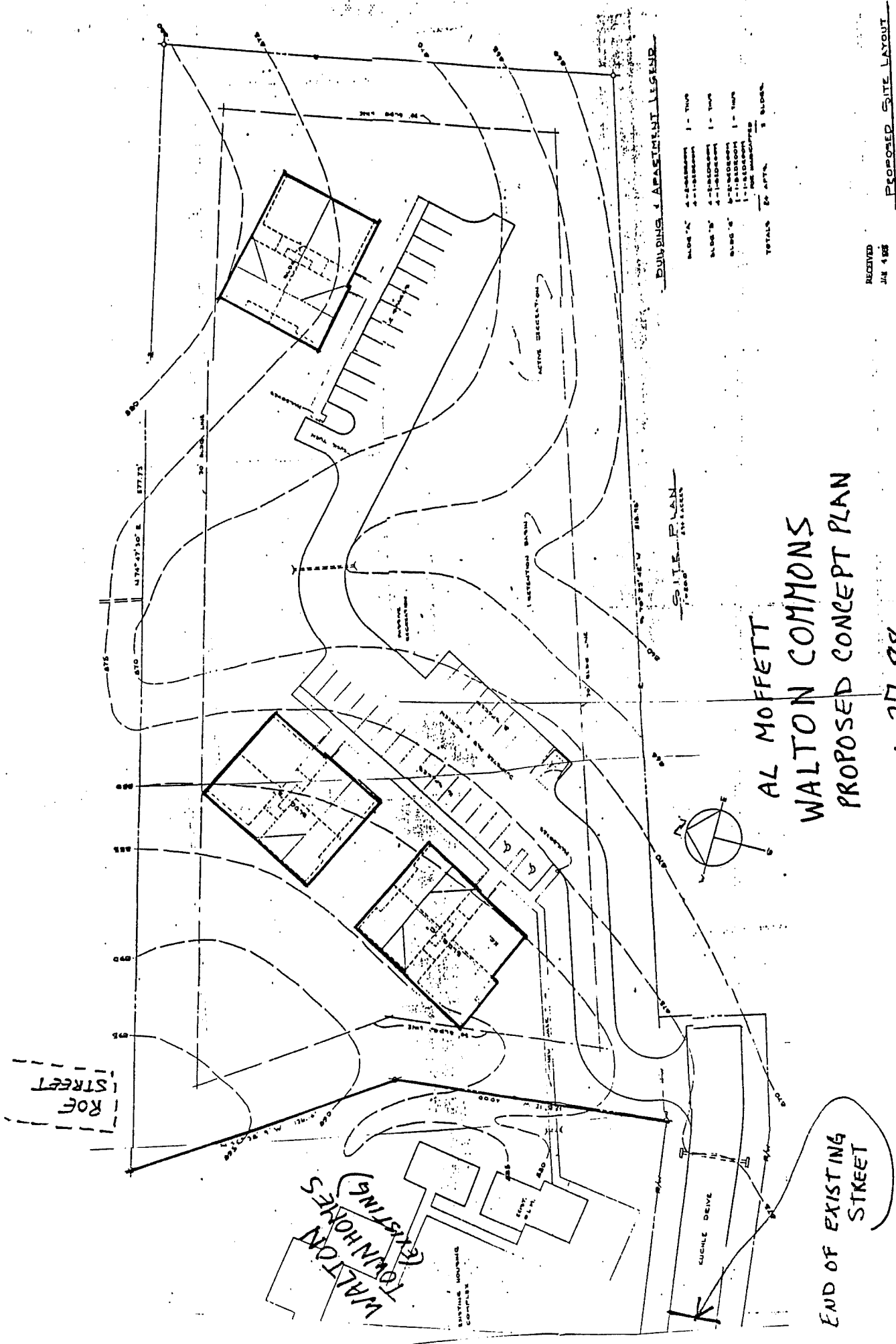
Conclusion

This request should be reviewed on the basis of its relationship to the 1986 Boone County Comprehensive Plan. If the Planning Commission and Walton City Council should approve this request, the Comprehensive Plan need not be amended.



Jim Sturdevant
Plans Examiner/Planner

JS/jdh



BUILDING / APARTMENT LIST

BLDG 'A'	2-BEDROOM	1	TYP
BLDG 'B'	2-BEDROOM	1	TYP
BLDG 'C'	2-BEDROOM	1	TYP
BLDG 'D'	2-BEDROOM	1	TYP
BLDG 'E'	2-BEDROOM	1	TYP
BLDG 'F'	2-BEDROOM	1	TYP
BLDG 'G'	2-BEDROOM	1	TYP
BLDG 'H'	2-BEDROOM	1	TYP
BLDG 'I'	2-BEDROOM	1	TYP
BLDG 'J'	2-BEDROOM	1	TYP
BLDG 'K'	2-BEDROOM	1	TYP
BLDG 'L'	2-BEDROOM	1	TYP
BLDG 'M'	2-BEDROOM	1	TYP
BLDG 'N'	2-BEDROOM	1	TYP
BLDG 'O'	2-BEDROOM	1	TYP
BLDG 'P'	2-BEDROOM	1	TYP
BLDG 'Q'	2-BEDROOM	1	TYP
BLDG 'R'	2-BEDROOM	1	TYP
BLDG 'S'	2-BEDROOM	1	TYP
BLDG 'T'	2-BEDROOM	1	TYP
BLDG 'U'	2-BEDROOM	1	TYP
BLDG 'V'	2-BEDROOM	1	TYP
BLDG 'W'	2-BEDROOM	1	TYP
BLDG 'X'	2-BEDROOM	1	TYP
BLDG 'Y'	2-BEDROOM	1	TYP
BLDG 'Z'	2-BEDROOM	1	TYP
TOTALS	24 APTS.	24	BLK

SITE PLAN

**AL MOFFETT
WALTON COMMONS
PROPOSED CONCEPT PLAN**

1-27-88

END OF EXISTING STREET

RECEIVED
JUN 4 1988

PROPOSED SITE LAYOUT



WALTON COMMONS
WALTON, NY
WALTON COMMONS - LTD.
WALTON, NY
JOHN S. MORSEAN / ARCHT. INC. - ARCHITECT
JANUARY 20, 1988
MAY 24, 1988
SITE PLAN

ZONING MAP AMENDMENT REQUEST BY ALBERT MOFFETT FOR PROPERTY ON KUCHLE DRIVE, WALTON, KENTUCKY.

This is a Zoning Map Amendment request by Albert Moffett, agent of Walton Commons Ltd. for a three (3) acre more or less tract currently owned by Kuchle Brinker, Inc., and located on Kuchle Drive off of School Road. This request is for a change from the current zoning of Commercial Services, C-3 and Suburban Residential One, SR-1 to Urban Residential One, UR-1 for the subject tract.

Adjoining property to the north and east is currently zoned Suburban Residential One, SR-1. To the south adjoining land is zoned Suburban Residential One, SR-1 and Commercial Services, C-3. While to the west the land is currently zoned Urban Residential One, UR-1.

The current land use of the subject property is undeveloped. To the east and south adjoining property is undeveloped. To the north is Single Family Residential. And to the west adjoining land is multi-family residential.

The Boone County Comprehensive Plan Land Use map indicates a planned future land use of Medium Density Residential for this tract adjoining tracts to the north, south, and east are planned Medium Density Residential use. To the west, adjoining land has now been planned for High Density Residential. The text of the Comprehensive Plan makes the following statements concerning Medium Density Residential:

Medium Density - Densities range from two to eight (2-8) dwelling units per acre and a wide variety of housing types are anticipated, including single-family detached and attached, multi-family, including townhouse and garden apartments, and mobile homes in designed planned areas. (page 3.4 and 3.5)

Medium density development is planned in Walton east of I-75, west of US 25, and south of Chambers Road. Service area expansion would accommodate new development west of I-75, beyond the high density development planned. (page 3.5)

Concerning the planned High Density Residential use the text states:

High Density - More than nine dwelling units per acre are planned in multi-family developments as townhouses, garden apartments, or high-rise apartments. (page 3.5)

New high density residential development is planned in several locations throughout the County where a high level of urban services exist or are planned to serve such development.

Expansion of the Walton urban service area will accommodate new high density residential development at the north-west interchange of I-75 and KY 14-16. (page 3.5)

The continuance of existing uses and planned uses within the City of Walton have been identified in the following text statement:

The City of Walton is established as a full urban service community with substantial growth potential. This plan accommodates that growth in the Walton area with planned development east and west of I-75.

Major residential development is planned east of I-75 in the northwest part of the existing City, and northwest of the I-75/Ky 14-16 interchange. The latter development includes high density residential use on KY, 1292 with access to I-75.

Industrial development is planned southeast of the central area, adjacent the Southern Railway, in the southwest adjacent the Louisville and Nashville Railroad, and southwest of the I-75/Ky 14-16 interchange.

The existing central business district on U.S. 25 is planned to continue as the community commercial center of the community, while intensified and expanded highway commercial development is planned adjacent to I-75.

Expanded recreational areas and public facilities are also planned to complement development of the community. (pages 3.12 and 3.13)

A Concept Development Plan was submitted with this request. As stated in the applicant's written submittal the proposed development involves six (6) buildings with a total of twenty-four (24) units. A total of eight (8) one bedroom units and sixteen (16) two bedroom units. (See the attached written narrative and reduced copy of the Concept Development Plan for more details).

Both public water and sanitary sewage disposal could be made available to this proposed development, subject to the approval for service connections, from existing mains of the City of Walton.

Access is planned to be provided to the site by further extension of Kuchle Drive off of School Road. No other vehicular access is planned for this development.

In summary, the applicant is requesting rezoning to UR-1 zoning on this more or less than three (3) acre tract. By maximum intensity of the requested district, a total of 36 dwelling units could be permitted on this site. The applicant, though, by his request is limiting the development to twenty-four units. The purpose of the UR-1 district is as follows:

The purpose of the urban residential one district is to provide an urban scale, residential environment for smaller family types who do not require or desire the low density attributes or character typical of suburban districts. Housing will consist of the more compact dwelling types. Such districts will be located on suitable lands within established or proposed urban entities with adequate infrastructure (available or proposed) and accessibility to major urban activity centers.

Should the Planning Commission decide to recommend approval of or the City Council of Walton would eventually approve this request, there would be no necessary changes to the text or map of the Comprehensive Plan due to the intensity of not more than eight (8) dwelling units per acre being consistent with the planned Medium Density Residential category.

Alvin "Chip" Block 2-27-85
Alvin "Chip" Block
Planner

SUBJECT: NARRATIVE DESCRIPTION

PROJECT: WALTON COMMONS, MULTI-FAMILY HOUSING
Walton - Verona School Road, Walton, Kentucky, Boone County

DEVELOPER: WALTON COMMONS, LTD.
12 East Main Street, Shelbyville, Kentucky

AGENCY: FARMERS HOME ADMINISTRATION, District Office
Shelbyville, Kentucky

SITE: The project site is located on a new street off School Road in Boone County in Walton, Kentucky directly behind the new Walton Townhomes multi-family project. The site contains three (3) acres of gently rolling land.

PROJECT: The project will consist of six (6) buildings housing a total of Twenty-four (24) apartments as follows:

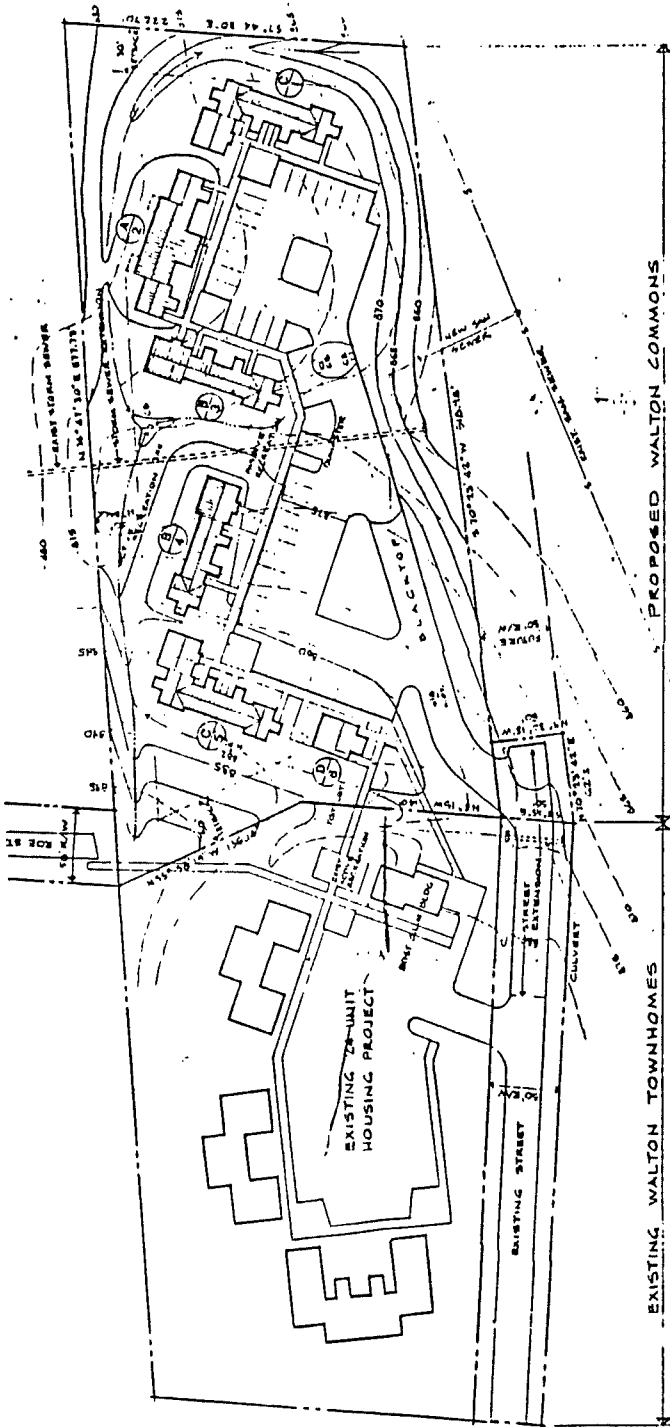
- Type 'A': One (1) building containing four (4) 1-BR units (2 on first floor and 2 on second floor) and two (2) 2-BR, 2-story units.
- Type 'B': Two (2) buildings containing four (4) units, three (3) 2-BR (2 stories) and one 1-BR (1 story) units.
- Type 'C': Two (2) buildings containing four (4) 2-BR units, (2 stories each) and one 1-BR (1 story) unit.
- Type 'D': Community building with handicapped restrooms.

STRUCTURE: The structural components of the units shall consist of reinforced concrete footings, concrete block foundations, concrete floor slabs on grade, 2 x 6 exterior wall wood studs, wood joist for upper floor construction with Fink and Mono-pitch wood trusses for roof construction. Interior partitions will be of 2 x 4 wood studs.

FINISHES: Exterior walls for all units shall be faced with face brick veneer; windows shall be thermal -break anodized aluminum; insulated metal doors and asphalt shingle roofs.

Interior walls shall be finished with drywall, painted; ceramic tile wainscots at tubs; painted drywall ceilings; floors shall be carpeted, ceramic tile in baths and sheet vinyl in kitchens.

INSULATION: Roofs insulated with 12", R-38 fiberglass batts, exterior walls with 6", R-19 fiberglass batts and slabs on grade with 1½" rigid bead board around perimeter of slab. All exterior walls wrapped with "housewrap" insulation.



SITE PLAN
 SCALE 1"=40'
 3.00 ACRE
 48 PARKING SPACES

PROPOSED WALTON COMMONS
MULTI-FAMILY HOUSING
 WALTON, KENTUCKY
 FOR
MOFFETT REALTY
 SHELBYVILLE, KENTUCKY

EDWARD J. BEITING JR. P.E.
 ARCHITECTS & ASSOC. ENGINEERS



SCHEDULE OF BUILDINGS

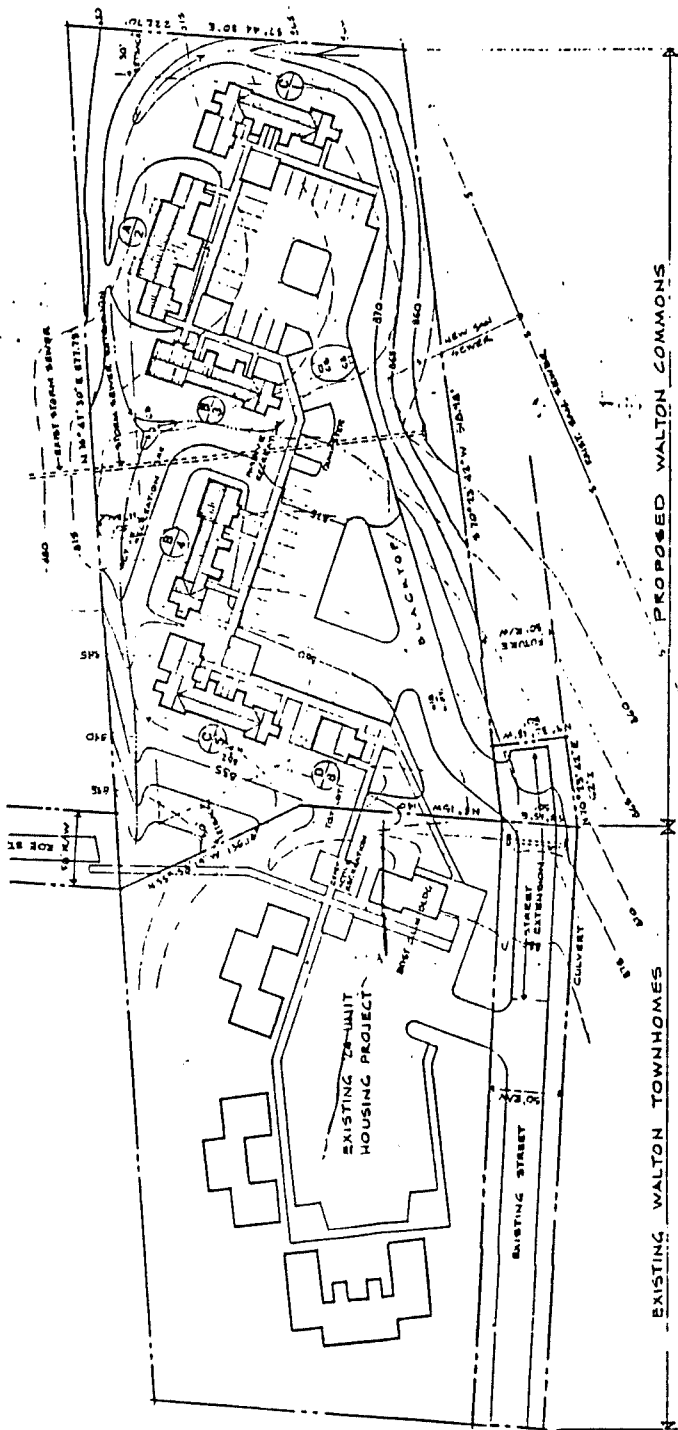
NO.	TYPE	REMARKS
C/1	1	1BR 1ST FLR
A/2	4	2-1BR 1ST FLR, 2-1BR 2ND FLR
D/3	1	1BR 1ST FLR
B/4	1	1BR 1ST FLR
C/5	1	1BR 1ST FLR
D/6	-	COMMUNITY BUILDING
TOTAL	8	18

ALL 600 UNITS ARE 2 STORY

LAND USE INTENSITY CRITERIA

UNIT REQUIRE	LD	ICR	ESR	IOCR	TCR
LD	1.0	.77	.88	.032	1.4
ICR	1.0	1.0	1.0	1.0	1.0
ESR	1.0	1.0	1.0	1.0	1.0
IOCR	1.0	1.0	1.0	1.0	1.0
TCR	1.0	1.0	1.0	1.0	1.0

LAND AREA (L) 11,500 SF
 PLOT AREA (PA) 30,150 SF
 OCCUPANCY UNIT SPACE (OUS) 48 UNITS
 OPEN SPACE (OS) 11,500 SF
 TOTAL CAR SPACES (TCS) 48 SPACES



SITE PLAN
 SCALE 1" = 20'
 3.00 ACRES
 48 PARKING SPACES

PROPOSED WALTON COMMONS
MULTI-FAMILY HOUSING
 WALTON, KENTUCKY
 FOR

MOFFETT REALTY
 SHELBYVILLE, KENTUCKY

EDWARD J. BEITING JR. P.E.
 ARCHITECTS & ASSOC. ENGINEERS



SCHEDULE OF BUILDINGS

NO.	IBR	IBR	REMARKS
C/1	1	4	1BR 1ST FLR
A/2	4	2	2-1BR 1ST FLR, 2-1BR 2ND FLR
B/3	1	3	1BR 1ST FLR
B/4	1	3	1BR 1ST FLR
C/5	1	4	1BR 1ST FLR
D/6	-	-	COMMUNITY BUILDING
TOTAL	8	16	

ALL FOR UNITS ARE 2 STORY

LAND USE INTENSITY CRITERIA

UNIT	REQUIRE	ACTUAL	PERCENT	RESIDUE	ICR
UNIT	20	16	80%	4	1.5
SPACE	50	48	96%	2	1.5
ACTUAL	51	48	94%	3	1.5

LAND AREA (LAND) OF UNITS SPACE (LS) 84,320 SF
 FLOOR AREA (FA) 10,180 SF RECREATION SPACE (RS) 1,180 SF
 FLOOR AREA (FA) 20,180 SF OCCUPANT CAR SPACE (OCS) 48 SPACES
 OPEN SPACE (OS) 17,550 SF TOTAL CAR SPACES (TCS) 48 SPACES

BOONE COUNTY PLANNING & ZONING

PUBLIC HEARING

FEBRUARY 27, 1985

8:00 P.M.

Chairman Kroger opened the Public Hearing on a request of Albert Moffett (agent) Walton Commons, Ltrd. for a Zoning Map Amendment from Commercial Services, C-3 and Suburban Residential One, SR-1 to Urban Residential One, UR-1 for a more or less than three (3) acre tract owned by Kuchle Brinker, Inc. located on Kuchle Drive off of School Road, Walton, Kentucky.

Staff member Chip Block presented a slide presentation on the subject and surrounding areas. Mr. Block related the current zoning of adjoining properties to the north and east as currently being Suburban Residential One (SR-1), to the south as Suburban Residential One (SR-1) and Commercial Services (C-3) while to the west the land is currently zoned Urban Residential One (UR-1). Mr. Block noted the current land use of the subject property is undeveloped. Following his slide presentation, Mr. Block asked if the Commission wished for him to present the staff report at this time or following the presentation of the applicant.

Chairman Kroger suggested Mr. Block make a summary of the staff report following the applicant's presentation.

Mr. Albert Moffett (agent) stated his reasons for requesting the zone change from SR-1 and C-3 to UR-1. Mr. Moffett stated the Boone County Comprehensive Plan indicates a planned future land use of a density of 8 dwelling units per acre. Mr. Moffett related the development of the adjacent property, Walton Town Homes, Inc. Mr. Moffett noted the feeling that economic and social conditions throughout the country has encouraged and necessitated the development and availability of multi-family housing for moderate income families. Mr. Moffett stated that with the development of the Walton Town Homes they have tried to be a good neighbor, and would, in the future, continue to be a good neighbor with the proposed development.

Mr. Lane Cheeseman, property owner along the boundary line of the proposed development, expressed concern of his house being approximately 200 ft from the proposed development. Mr. Cheeseman stated his wife has a child care center on their property which would, in all probability, necessitate fencing along the proposed development property line for future issuance of child care center licenses, etc. Mr. Cheeseman then requested the applicant to provide a solid basket weave type fence. Mr. Cheeseman expressed concern of decreased property values. Mr. Cheeseman stated an additional need for the fence is to prevent shortcutting through his property to the nearby business district.

Chairman Kroger inquired if Mr. Cheeseman was opposed to the proposed development.

Mr. Cheeseman responded that Mr. Moffett is a fine businessman, and a good person to deal with, but to be honest he is opposed to the proposed development.

Chairman Kroger clarified Mr. Cheeseman was willing to compromise and settle for screening in the suggested form of fencing.

Mr. Wally Wireman, 13 Park Avenue, adjoining property owner to the back part of Mr. Cheeseman's property, noted the main sewer line runs through his property and Mr. Cheeseman's property also. Mr. Wireman expressed concern of the sewer lines being adequate to accommodate additional apartment development. Mr. Wireman also expressed concern of short-cutting through the adjoining properties. Mr. Moffett stated they have investigated the sewer line capabilities through the Walton Sewer Commission and have letters on file that state that the treatment plant and connection lines are adequate. Mr. Moffett stated that it is not his intention to depreciate any adjoining property values and stated that because of the proper maintenance and management of his complexes, property values are not depreciated. Mr. Moffett suggested a three-rail, split rail type fence with a hedge row of honey suckle bushes. Mr. Moffett stated he would satisfy Mr. Cheeseman with regard to fencing.

Mr. Cheeseman stated his preference is a solid or basket weave fence. Mr. Cheeseman stated his hope is that the fence be installed and maintained by the person or entity that has the fence installed with provision for the continuance of the maintenance in the event of resale of property.

Chairman Kroger stated the Committee will later make recommendation to the Commission.

Mr. Moffett expressed the hope that the fence be located on the proposed development property and subsequently maintained also.

Staff member, Chip Block, summarized the staff report. Mr. Block stated the current land use of the subject property is undeveloped. Mr. Block stated the Boone County Comprehensive Plan land use map indicates a planned future land use of Medium Density Residential for the subject and adjoining tracts to the north, south, and east with property to the west having a planned future land use for High Density Residential. Mr. Block stated a Concept Development Plan was submitted with the zoning map amendment request. Mr. Block related that in the applicant's written submittal, the proposed development involves six (6) buildings with a total of twenty-four (24) units containing a total of eight (8) one bedroom units and sixteen (16) two

bedroom units. Mr. Block noted that both public water and sanitary sewage disposal could be made available to the proposed development subject to the approval for service connections from existing mains of the City of Walton. Mr. Block stated access is planned to be provided to the site by further extension of Kuchle Drive off of School Road and no other vehicular access is planned for this development. Mr. Block noted that by maximum intensity of the requested district, a total of thirty-six (36) dwelling units could be permitted on the site but the applicant, by his request, is limiting the development to twenty-four (24) units. Mr. Block closed by stating there would be no necessary changes to the Boone County Comprehensive Plan text or map due to the intensity of eight (8) dwelling units per acre being consistent with the planned Medium Density Residential category.

Mr. McMillian inquired why the proposed development did not contain any handicap units. Mr. Moffett responded that the first phase of multi-family development contained two (2) handicap units which the complex was never able to rent.

Mr. Barnett inquired why part of the subject tract is zoned C-3. Mr. Block responded that part of the area is zoned C-3 because of the depth of the C-3 zone when the zone was originally established.

Chairman Kroger closed the Public Hearing.

APPLICATION for ZONING ACTION

- 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
- Improvement Plan Approval
- 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
- Preliminary Plat Approval
- Final or Deed Plat Approval
- Site Plan Review
- Historic District Overlay
- Appeal or Variance
- Sign or Zoning Permit

Applicant: Albert Moffett, agent Walton Commons LTD. Owner Agent

Address: 12 Main St. Shelbyville, Ky.

Telephone: 502 633 3742

Location: off School Rd on Kuchle Drive

Name of Property Owner: ~~Kuchle Brinker Inc.~~ Albert H. Jr. & Bettie R. Hackman

Address of Property Owner: Erlanger, Ky. 13 Miami Ave Ft. Mitchell, Ky 41017

Zoning District: - Area in Acres: 3

Deed Book: Page Number: Group Number:

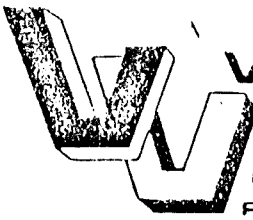
Description of the Request: 3 acres East of Walton Townhomes on Kuchle Drive
Walton, Ky.

Property Owner's Signature: Albert H. Hackman & Bettie R. Hackman
Joseph A. Kuchle, Pres Kuchle Brinker

Applicant's Signature: Albert Moffett, Agent

Rec'd. 1/4/88 712 CR and pd \$411.00 Approved/conditioned See 2/3/88 Committee Report

EXHIBIT "A"



VIOX & VIOX, P.S.C.

CONSULTING ENGINEERS & SURVEYORS

488 ERLANGER ROAD

ERLANGER, KENTUCKY 41018

PHONE: (606) 727 - 3283

RECEIVED

JAN 7 1988

JAMES H. VIOX, III, P.E.
KY. REG. NO. 6880
KY. LAND SURVEYOR NO. 797

WILLIAM R. VIOX, P.E.
KY. REG. NO. 9209
KY. LAND SURVEYOR NO. 1781

D E S C R I P T I O N

A Parcel to be Conveyed by Kuchle-Brinker Inc.

A parcel of land lying at the southerly end of Roe Street in Walton, Boone County, Kentucky and being more particularly described as follows:

BEGINNING at a point in the westerly right-of-way line of Roe Street at its present southerly end, said point also being a common corner to Virgil and Bessie Jordan and Albert M. Moffett, and running thence:

N 74°47'30"E, a distance of 577.73 feet, to a point, thence

S 7°44'30"E, a distance of 228.70 feet, to a point, thence

S 70°23'42"W, a distance of 518.98 feet, to a point, said point being the most southeasterly corner of Moffett, thence

N 8°15'W, a distance of 140 feet, to a point, thence

N 35°38'19"W, a distance of 136.14 feet, to the place of beginning, and containing 3.00 acres more or less.

The above described parcel being subject to a 50 foot wide access easement running along the westerly side of the above described parcel for the purpose of the future extension of Roe Street.

The above described being subject also to any and all easements and/or rights-of-ways of record.

EXHIBIT "B"

BOONE COUNTY PLANNING COMMISSION

Public Hearing Item #6
January 27, 1988

Page 1

Chairman Viox opened the Public Hearing for the last item on the Agenda:

6. Applicant: Albert Moffett, agent for Walton Commons, Ltd.
Request: Revision of a Previously Approved Concept Development Plan

This was a Public Hearing on the request of Albert Moffett, agent for Walton Commons, Ltd., for revision of a previously approved Concept Development Plan for a three-acre (approx.) site located on Kuchle Drive, Walton, Boone County, Kentucky. The site is zoned Urban Residential One (UR-1) and the proposed development is multi-family housing.

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

Mr. Viox asked the applicant for his comments.

Mr. Moffett stating that this request is being made as his architect retired and he has a new architect with his own ideas. The lender has also changed hands and has new policies. He stated that they have planned a fence along the northern property line. He commented on the retention basin and stated that it is intended to slow the flow of the water onto the existing drainage areas so as not to add to the water buildup. If required, they will fence the retention basin. He stated that the proposed cuts are not as severe as the previous ones. The request involves the same number of apartments and the same area of ground.

Chairman Viox asked if there was anyone else present who wished to speak in behalf of the request.

Estelle Morgan of Row Street stated that she wants a fence along her property that is more substantial than the fencing currently around the apartments. She stated that she has put up "No Trespassing" signs and discussed the vandalism that has occurred on her property. She would like a chainlink fence and asked that the trees on the site be preserved.

Chairman Viox asked if there was anyone present in opposition to the request.

Mr. Lane Cheeseman indicated the northeast portion of the site on the Site Plan and stated that his house is approximately 200 feet from the boundary line. He discussed problems in regard to people cutting through his property to get to the main business area of Walton. He is opposed to apartment development in the northeast section of the site as it will devalue his property and encourage trespassing on his property. He stated that his property is higher than this site and he will not be responsible for any erosion that may occur due to the water shed.

Mr. Wally Wireman stated that he and his wife live on Park Avenue and have the same concerns as Mr. Cheeseman. He noted that they have not been able to rent the existing apartments. He stated that they are opposed to the request.

Chairman Viox asked if there was anyone else who wished to speak. There being no one, he asked Mr. Moffett for his comments regarding the buffering, fencing, and trespassing.

Mr. Moffett stated that he would think the buffering included trees and shrubs that are fairly heavy. He stated that the proposed basketball goal is an attractive nuisance and they prefer to build a "tot lot". He noted that there is a school across the street from the site which may be contributing to the trespassing problem. He added that the fencing proposed for the entire northern side would discourage trespassing onto the adjacent properties.

Mr. Viox asked Mr. Moffett to describe the proposed fencing.

Mr. Moffett stated that it would be about 5' high, chainlink, with pine trees and other trees and shrubs planted along it.

Chairman Viox noted the Minutes of the February, 1985 meeting which stated that Mr. Moffett had agreed to satisfy Mr. Cheeseman in regard to fencing.

Mr. Moffett stated that this had not yet been done but agreed to do the same at this time.

Ms. Morgan stated that the trespassers are not coming from the school as she has seen footprints in the snow to the apartments. She stated that the fence should be higher than five feet. She has called the police because of parties on the site and has installed flood lights on her property to discourage the residents from partying at the back of the site.

Mr. Cheeseman stated that his wife operates a child care center and he believes that as a result of this development, the Department of Human Resources will require them to have a fence. This will be an expense to the Cheesemans. He commented on the noise and lights from the apartments.

Mr. McMillian commented on the proposed "tot lot" and stated that Mr. Moffett should also try to keep the older children on the site with activities such as basketball.

Mr. Barnett asked that a copy of the previous Committee Report regarding this request be provided prior to the Committee Meeting.

Mr. Wireman asked that the fence be put up prior to construction. He stated that a 5' fence was not adequate.

Mr. Cheeseman asked that the Commission visit the site prior to making a recommendation. He noted that he is opposed to one of the buildings and that other people are opposed to the other buildings.

Chairman Viox advised that it is normal practice for the Committee to visit the site.

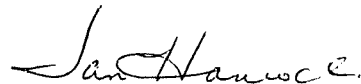
Chairman Viox asked if there were any further comments or questions. There being none, he stated that this item will be on the agenda for the Business Meeting on February 3, 1988 at 8 P.M. and closed this Public Hearing.

APPROVED:



William Viox, Chairman

ATTEST:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

February 3, 1988 8:00 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:15 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. 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:

Mr. Rector Jones

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

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

There being no changes to the Minutes, Mr. McMillian moved that the Minutes of the Business Meeting of January 20, 1988 and the Public Hearings of January 27, 1988 be approved as mailed. Mrs. Smith seconded the motion and it carried unanimously.

Chairman Viox asked the applicant if he was in agreement with the conditions contained in the Committee Report.

Mr. Kissel stated that he was in agreement with the conditions.

In response to questions from Mr. Greene, Mr. Geohegan stated that the Zoning Administrator had examined this request and had determined that the existing business was not able to expand in the I-1 Zone as it is a pre-existing, non-conforming use. He added that the proposed addition is primarily for the retail sale of supplies.

Counselor Wilson advised that the Principally Permitted Uses in the I-1 Zone are wholesale oriented as opposed to retail oriented.

There being no further discussion, Mr. McMillian moved that the request be approved based on the findings of fact and subject to the conditions indicated in the Committee Report. Mr. Neltner seconded the motion and it carried unanimously.

6. Revision of a Previously Approved Concept Development Plan

A request of Albert Moffett, agent for Walton Commons, Ltd. for revision of a previously approved Concept Development Plan for a 3-acre (approx.) site located on Kuchle Drive, Walton, Kentucky. The site is zoned Urban Residential One (UR-1) and the proposed development is multi-family housing.

Staff Member, Kevin Costello, read the Committee Report which recommended approval of the revision based on the findings of fact, but subject to conditions (see Committee Report).

Chairman Viox asked Mr. Moffett if he was in agreement with the conditions.

Mr. Moffett stated the he is in agreement with all the conditions, except for the east fence. He stated that he would be agreeable to providing additional shrubs along the east property line but does not see the need to bulldoze the trees and erect a chainlink fence.

Mr. Barnett stated that the purpose of the proposed fence is to keep people from going across that boundary and onto private property. He added that the applicant has not been asked to remove existing trees and shrubs.

Mr. Moffett stated that there is currently an old farm fence on the property line. Chairman Viox asked Mr. Moffett if he could erect a fence inside the east property line. Mr. Moffett stated that people will just go around the end of the fence.

Chairman Viox noted that the applicant is not agreeable to one of the conditions. Counselor Wilson advised that conditions are not enforceable unless agreed to by the property owner and suggested that the Committee Report may need to be changed.

Mr. Moffett stated that he would agree to the condition, but objects to the Commission's interpretation of the fence regulations. Mr. Moffett stated that he withdraws his objection to the condition regarding the east fence.

Mr. Moore noted that the Minutes of the meeting held in February, 1985 regarding this site indicated that Mr. Moffett had agreed to provide a fence satisfactory to Mr. Cheeseman. He asked for Mr. Cheeseman's comments.

Mr. Lane Cheeseman stated that he does not feel that a 5' high fence is adequate. Mr. Cheeseman read a prayer.

Mr. Moore stated that Mr. Cheeseman is not satisfied with the fence per the agreement made in 1985.

Chairman Viox noted that Mr. Cheeseman's property is to the north. Mr. Moffett stated that he will provide a basketweave fence for Mr. Cheeseman.

Mr. DeLong moved that the request be approved based on the Staff and Committee Reports and subject to the conditions noted. Mr. Collins seconded the motion.

Chairman Viox asked if there were any further comments or questions.

Mr. Wally Wireman stated that their property is to the east of the site. He stated that Mr. Moffett is misleading the Commission. He added that a 5-foot high fence is not adequate and that people will cut through his property. He stated that the concrete plant is 500 feet away and has a buffer zone near it. He added that Mr. Moffett is ruining the property in the area and that the site should be fenced all around.

In response to questions from Mrs. Morgan, Mr. Costello advised that it will be determined during Site Plan Review whether the trees along the fence line can be preserved and if additional trees are required. He added that the applicant would need to maintain the fence.

Mr. Sharp stated that he had visited the site and agreed that a 5-foot high fence would not be adequate. Mr. McMillian suggested that a recreational area be provided for the older children.

There being no further discussion, Chairman Viox asked for a roll call vote on the motion made by Mr. DeLong which found Mr. Barnett, Mr. Burch, Mrs. Bushelman, Mr. Collins, Mr. DeLong, Mr. Greene, Mr. McMillian, Mr. Neltner, Mr. Rush, Mrs. Smith and Chairman Viox in favor. Mr. Moore and Mr. Sharp were opposed. And Mr. Damstrom, a new Commissioner, not voting. The motion carried.

7. Site Plan Review

A request of Zollars, Inc. (owner) for Site Plan Review to construct a commercial parking lot located at KY 20 and Hunter Road, Boone County, Kentucky. The 1.8-acre site is zoned Commercial Services (C-3).

EXHIBIT "C"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Larry Barnett, Chairman

DATE: February 3, 1988

RE: Request of Albert Moffett, agent for Walton Commons, LTD. for revision of a previously approved Concept Development Plan for an approximately three (3) acre site located on Kuchle Drive, Walton, Boone County, Kentucky. The site is zoned Urban Residential One (UR-1) and the proposed development is multi-family housing.

REMARKS:

We, the Committee, agree in principle with the proposed Concept Development Plan and recommend approval of the revision based upon the following findings of fact and with the following conditions:

Findings of Fact

1. The proposed Concept Development Plan and 24 dwelling units on the 3 acre site is in conformance with the 1986 Boone County Comprehensive Plan "Future Land Use Map" which indicates future use of medium density residential (maximum 8 dwelling units per acre) for the subject site.
2. The proposed Concept Development Plan, if developed in accordance with the conditions listed below, is in conformance with the Land Use and Housing Elements of the Comprehensive Plan. Further reference to the Comprehensive Plan can be found in the Staff Report.

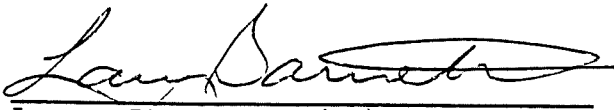
Conditions

The applicant is being asked to agree to include these items as part of the Concept Development Plan presented at the January 27, 1988 Public Hearing. Further, these conditions are intended to clarify the suitable uses and development for the presented plan.

1. The applicant shall provide a chain link fence, minimum five feet in height, adjacent to the north and east property lines of the site for the purpose of discouraging pedestrians from trespassing onto private property to the north.
2. The applicant shall provide the required 15 foot wide landscaped buffer area adjacent to the north property line of the site. The specific details for this landscaped buffer area shall be presented with the Site Plan for development. The landscaped buffer area (e.g., trees and bushes) shall be designed to adequately screen the site from adjacent single family residences and, combined with the fence noted above, to discourage pedestrian access through to the adjacent property.

Conditions - Continued

3. The applicant shall provide details for the proposed recreation facilities with the Site Plan. The purpose of these facilities shall be clearly identified on the Site Plan as to the age groups of persons they are designed to serve. An adequate amount of safely designed recreation space for young children shall be required.
4. The proposed storm water "detention" area shall be safely designed and not be a hazard to young children. Generally, the Committee believes that the maximum water level in such a facility should not exceed two feet. If the maximum water depth could exceed this amount, the detention facility should be adequately secured by a fence or some other appropriate safety measure. In addition, the detention area shall be designed for ease of maintenance and shall be maintained as if it were a part of the lawn (adequate mowing, etc.).
5. Any other changes to the proposed Concept Development Plan as presented at the Public Hearing must be reviewed by the Commission's Technical Committee to determine if any proposed changes constitute a major or minor change to the approved Plan. If the Committee determines any changes to be major, a revised Concept Development Plan and new Public Hearing will be required.

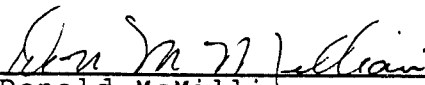


Larry Barnett, Chairman




Fred Burch

Rector Jones



Donald McMillian

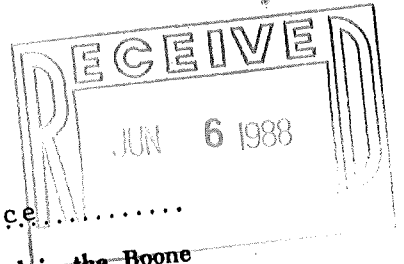


Carol Smith

LB:mcb

R-9-88

CITY OF WALTON
KENTUCKY
ORDINANCE NUMBER
1988-2



DAVIT

AN ORDINANCE OF THE CITY OF WALTON, KENTUCKY, APPROVING A REVISION OF A PREVIOUSLY APPROVED CONCEPT DEVELOPMENT PLAN IN AN URBAN RESIDENTIAL ONE (UR-1) ZONE ON A ±3.0-ACRE TRACT GENERALLY LOCATED ON KUCHLE DRIVE, WALTON, KENTUCKY

(THIS REQUEST IS MADE BY ALBERT MOFFETT (AGENT) FOR WALTON COMMONS, LTD.)

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 the real estate which is more particularly described below shall be and is hereby approved in an urban residential one (UR-1) zone on a ±3.0-acre tract with the following exception. The exception is that, as a condition to approval to said concept development plan, the five-foot high (5') chainlink boundary fence shall be replaced with an eight-foot (8') wooden stockade-type boundary fence with the developer responsible for perpetual maintenance of same. These conditions were agreed to by developer at an open meeting of City Council, and said condition shall be noted on the developer's plat when recorded with the Boone County Clerk. The real estate which is the subject of this approval is more particularly described in attached Exhibit "A".

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 revision of a previously approved concept development plan in urban residential one (UR-1) zone on the aforescribed ±3.0-acre tract, with the exception set forth in Section One above.

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 this, the 14th day of March, 1988, by 4 members of City Council.

Passed and approved upon second reading this, the 9th day of May, 1988, by 4 members of City Council and ordered published according to law.

Approved:
/s/William M. King
Mayor William King

ATTEST:
/s/Ruth Glenn
Ruth Glenn, City Clerk

...hed ..Legal Notice.....
..... was duly published in the Boone
.....5/18....., 19..88.

ounty, Kentucky, this18.th... day
....., 19...88

r Newspapers in Northern Kentucky, Inc.

[Signature]
Title
General Manager

ie, a Notary Public in and for said County,
....., personally known to me,
ve is true to the best of his knowledge and

Edna M. Brooks
Notary Public

.....3/27/90.....