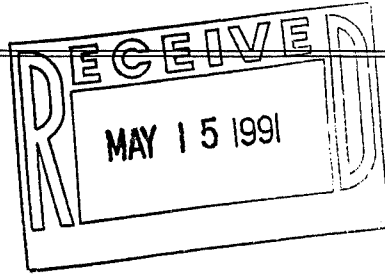
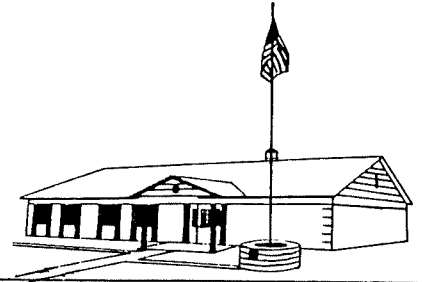


*City of Walton*

*William M. King, Mayor*



May 15, 1991

Mr. Kevin Costello  
Boone County Planning Commission  
P.O.Box 697  
Burlington, KY 41005

Dear Kevin:

I would like to schedule a Public Hearing for May 29, 1991 in regard to the implementation of KRS 100.201. Any further information, please contact me. Thanks for your cooperation.

Yours truly,

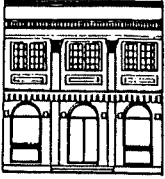
*William King*  
William King  
Mayor



# BOONE COUNTY PLANNING COMMISSION

2995 Washington Street Burlington, KY 41005

606-334-2196 FAX 606-334-2264



June 21, 1991

Honorable William King  
Mayor  
City of Walton  
Corner of Church & N. Main Streets  
Walton, Kentucky 41091

Dear Mayor King:

At the June 19, 1991 Boone County Planning Commission Business Meeting, the Commission voted unanimously to recommend approval for rezoning a portion of the property owned by Ronald R. and Brenda A. Tackett as a result of annexation. This property is generally located south of Boone Lake and between I-75 and U.S. 25. The result was in effect to rezone a portion of the Tackett property to Industrial Two (I-2). In addition, there was no rezoning action taken on a 9 acre site generally located south of Boone Lake and between I-75 and U.S. 25, Boone County, Kentucky owned by CSX Corporation.

The Public Hearing was held on May 29, 1991, and the Boone County Fiscal Court should carefully review minutes of that Public Hearing. A copy of the Committee Report is enclosed. The signed Resolution (R-91-014-A), cover letter, and full packet will be forwarded to you immediately after our next Business Meeting to be held on July 3, 1991. This project is subject to the K.R.S. 100.211(7) 90 day time limitation. According to our attorney, this time limit for final action cannot be waived, as it is statutory law. The deadline for action to be taken by the City of Walton is **September 17, 1991.**

Sincerely,

A handwritten signature in cursive script, appearing to read "William D. Fromm". The signature is written in dark ink and is positioned above the typed name.

William D. Fromm, AICP  
Director

WDF:vlm

**EXHIBIT "A"**

Request Of City of Walton To Determine The Impact  
Of Annexation On The Current Zoning Of  
Property Owned By CSX Corporation  
And Brenda A. and Ronald R. Tackett

May 29, 1991

REQUEST

The City of Walton has requested that the Boone County Planning Commission hold a Public Hearing to consider rezoning two parcels of land as a result of annexation (see exhibit #1). This request is being made in accordance with K.R.S. 81A.420 and 100.209. One parcel is 249.79 acres in size and is owned by Brenda A. and Ronald R. Tackett and is located both in Kenton and Boone Counties. Approximately 117 acres of the 249.79 acre Tackett site is located in Boone County and is being considered for annexation (see exhibit #2). The Tackett property is physically separated by a short distance from the existing City of Walton boundary line by railroad property owned by CSX Corporation. This 9 acre site owned by CSX Corporation is also being considered as part of this request. The 9 acre parcel is located west of the Tackett property and is adjacent to the current City boundary. Generally, both parcels are located south of Boone Lake Subdivision between the CSX (formerly L & N Railroad line) and the Norfolk-Southern Railroad rights-of-way.

The request before the Planning Commission is to consider the impact of annexation on the current zoning of the two parcels. The result may be a recommendation to have the current zoning of both parcels remain the same or it may result in a change in zoning. The current zoning of the 117 acres is Agricultural Estate (A-2) and Suburban Residential (SR-1). The current zoning of the 9 acre tract is Agricultural Estate (A-2) and Industrial One (see exhibits #3 and #4). The 117 acre Tackett property is being used for agricultural purposes and the 9 acre CSX Corporation property is being used for industrial purposes.

EXISTING LAND USES AND ZONING OF SURROUNDING AREA

The existing land uses and zoning surrounding both parcels consist of the following (see exhibit #5):

- North: Low Density Residential, (up to 3 dwelling units per acre) Boone Lake Subdivision and Agriculture; Suburban Residential One (SR-1)
- South: Agricultural; Agricultural Estate (A-2)
- East: Agricultural; Agricultural One (A-1) (Kenton County)
- West: Industrial and Woodland; Industrial One (I-1) and Agricultural Estate (A-2)

### SITE CHARACTERISTICS

The 117 acre Tackett parcel contains 3 large lakes just south of Boone Lake Subdivision. There are several thick tree stands located along the western and center portions of the site. The Tackett property has several barns and storage buildings on the site. The topography of the Tackett property is generally rolling as the flat areas of the site are concentrated in the middle of the site. The Tackett property is mostly covered with thick pasture grass. There is an approximate 80 foot vertical relief from the high point to the low point of this parcel as the Tackett property slopes to the north, south and west. The CSX parcel is heavily wooded with the exception of the railroad line. The CSX property slopes both toward the east and west. Soil types of both parcels include two types of Nicholson Silt Loam (0-12% slope), three types of Faywood Silty Loam (6 to 20% slope), Eden Silty Loam (20 - 35% slope) and Urban Land.

### ACCESS TO BOTH PARCELS

Access to the Tackett parcel consists of constructing a new curb cut off U.S. 25 in Kenton County. A new 28 foot public road will be built to serve the Tackett parcel. This road will cross the Norfolk and Southern Railroad line and will be extended west of Dixie Highway. A signalized crossing over the Norfolk-Southern Railroad will be provided for the site entrance road from U.S. 25. Deceleration and storage lanes along U.S. 25 will probably be required by the Kentucky Department of Transportation and the Kenton County Planning Commission. The CSX property does not have access at the present time.

The Tackett property is also bounded by two railroad lines. The western edge of the property is adjacent to an old railroad spur that served Boone Lake, which originally was a railroad water supply lake. A rail spur from CSX could serve the site. Norfolk and Southern Railroad has already expressed interest in providing rail spur service (see exhibit #6) to the Tackett property. Due to the short distance from U.S. 25 to the Norfolk and Southern line, additional vehicle storage will be necessary for stacking purposes.

### UTILITIES TO BOTH PARCELS

Currently, there is no public sanitary sewer or water to both parcels. It is planned that the Tackett and CSX properties be served by a newly constructed water line located along the I-75 Service Road. This line will connect to an existing 6 inch water line just south of the I-75/Walton Interchange. The City has indicated that ample water volume and flow will be available to serve both parcels (see exhibit #7). Both properties will also be served by a new 8" sanitary sewer line to be constructed along the I-75 Service Road. This new line will connect into a 12 inch trunk line that flows directly into the Walton Sewage Treatment Plant west of I-75. Sewage from the site will be collected through a series of gravity flow and force lines. The City of Walton has stated that it will provide the necessary capacity to handle sanitary sewer loads. Electrical power to both parcels will be facilitated by an existing 69 KV line on the east side of I-75 and a 132 KV line along U.S. 42. Natural gas will be provided to

both parcels via an existing 6 foot intermediate pressure main located along the westerly property line of the Tackett property

#### PROPOSED DEVELOPMENT

The City of Walton is requesting that a portion of the Tackett parcel be rezoned to Industrial Two (I-2). The City has been approached by First Development Investment Corporation (FDIC) in order to build an industrial park. FDIC has submitted a packet of information with this request. Both the City of Walton and the First Development Investment Corporation have suggested that the Tackett property be divided into four tracts.

Tract A	-	120 acres (Kenton County)
Tract B	-	81.9 acres
Tract C	-	34.9 acres
Tract D	-	4.4 acres (Kenton County)

Tracts A & D are physically located in Kenton County. Both the City and FDIC are interested in having the Tract B rezoned to Industrial Two (I-2). Tract C or the approximate 34.9 acre parcel could be rezoned to a different residential zoning classification or the zoning could remain the same in order to adequately buffer the proposed industrial uses from the existing single-family subdivision (Boone Lakes) (see exhibit #8). Tracts A & D are located in Kenton County and the property owner would need to rezone the 124.4 acres if used for industrial purposes. FDIC has submitted a list of uses that would be deleted from use of the Industrial Two (I-2) zoning classification (see exhibit #9).

#### RELATIONSHIP TO BOONE COUNTY COMPREHENSIVE PLAN

In order to assess the impact of annexation and the proposed land use for both parcels, it is necessary to show the relationship of both parcels with the 1990 Boone County Comprehensive Plan. The Future Land Use Map for the Tackett property indicates Rural Density (RD - 1 d.u./1 acre), Suburban Density (SD - up to 4 d.u./1 acre) and Rural Lands (RL - 1 d.u./2 acres) uses. The Future Land Use Map for the CSX Corporation property indicates Industrial and Rural Density (see exhibit #5).

The text of the Land Use Element from the 1990 Boone County Comprehensive Plan suggests that Walton will experience gradual commercial, residential and industrial growth. This growth is expected due to the City's proximity to a regional interstate corridor. In addition, "industrial development is suitable east of Mary Grubbs Highway to the Boone County line access to these uses should be aligned with the highway." Low density residential uses south of the City and east of I-75 are recommended unless adequate sanitary sewer and water services are extended.

The Business Activity Element of the Comprehensive Plan suggests that the Richwood and Walton Interchanges will serve an increasing amount of industrial traffic along the U.S. 25 and I-75 corridor. This Element also recommends that

most of the industrial activity should locate near the interchanges to minimize travel on non-interstate roads. Also, the area between U.S. 25 and the Boone/Kenton line has industrial potential due to interstate and rail access. The Public Services and Facilities Element suggests that the Walton Sewage Treatment Plant may have to be expanded in order to accommodate future industrial development. This Element also suggests the potential of serving future industrial uses given the existing and proposed improvements to the City's water system.

#### STAFF CONCERNS

1. Appropriateness of Industrial Two Zoning - The Planning Commission should consider the list of potential I-2 uses as stated by FDIC and the uses stated in the current zoning code (see exhibit #10). This concern is concentrated on the type of use and its land use impact on the surrounding agricultural and residential uses. The Planning Commission should evaluate the appropriateness of industrial zoning versus the planned residential use as stated in the 1990 Boone County Comprehensive Plan. The Planning Commission should consider the uniqueness of the site, located in two counties and between two railroad lines.
2. Adequate Buffer - The Planning Commission should evaluate whether there is an adequate buffer between Boone Lake Subdivision and the proposed industrial park. FDIC and the property owners indicated that the distance will range from 100 to 800 feet. The Planning Commission should consider leaving the current zoning of this area alone.
3. Adequate Utilities - The Planning Commission should evaluate this annexation request and recommendation for possible rezoning by noting whether adequate sanitary sewer and water can be put in place to serve this development. In addition, stormwater runoff from the site should be examined closely so as to not affect Boone Lake and the surrounding the properties.
4. Transportation Improvements & Shared Access - It is anticipated that 300 vehicles a day (600 trips) will enter the site to serve the employees. With shift differentials, there is a maximum of 200 vehicles anticipated during peak travel time. Improvements to U.S. 25 will have to be made in order to store vehicles. The U.S. 25 bridge, which crosses the CSX Railroad is slated for construction in 1994 and right-of-way is scheduled to be purchased in 1992. It might also be worthwhile to consider shared access to the property located south and west of the Tackett property.
5. Historic Preservation Officer Comments - The County's Historic Preservation officer has submitted comments relative to historical artifacts and the site's rural landscape (see exhibit #11).

CONCLUSION

The Boone County Planning Commission should evaluate the impact of annexation on the current zoning of both the 117 acre Tackett parcel and the 9 acre CSX parcel given the above information. The Boone County Planning Commission has to consider the following information in making a recommendation.

<u>NAME OF PROPERTY OWNERS</u>	<u>ACREAGE</u>	<u>CURRENT ZONING</u>
Ronald R. and Brenda A. Tackett	81.9 acres	A-2 & SR-1
Ronald R. and Brenda A. Tackett	39.4 acres	A-2 & SR-1
CSX Corporation	9 acres	A-2 & I-1

In addition, if the Planning Commission should decide to recommend a change in zoning, it must state its findings in accordance with K.R.S., Chapter 100.

1. The map amendment is in agreement with the adopted comprehensive plan; or
  - a. that the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate
  - b. that there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.

Respectfully submitted,



Kevin P. Costello, AICP  
Assistant Director / Zoning Administrator

11 Exhibits

KPC:kat

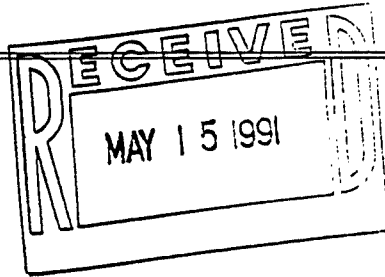
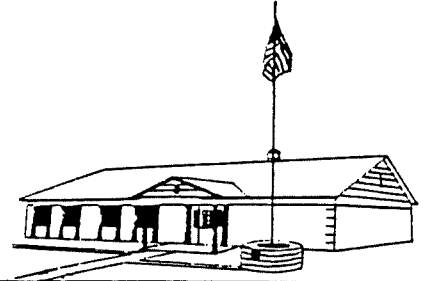
## LIST OF EXHIBITS

- 1 - Letter from Mayor William King dated May 15, 1991
- 2 - Plat of Tackett and CSX Properties
- 3 - Boone County Zoning Map
- 4 - Walton Zoning Map
- 5 - Boone County Land Use Map (D-7)
- 6 - Letter from Norfolk and Southern Railroad
- 7 - Letter from Mayor William King dated May 21, 1991
- 8 - Concept Development Plan of Tackett Property
- 9 - FDIC List of Deleted I-2 Uses
- 10 - List of Possible I-2 Uses as Permitted in the Current Zoning Code
- 11 - Comments made by County's Historic Preservation Officer

EXHIBIT 1

*City of Walton*

*William M. King, Mayor*



May 15, 1991

Mr. Kevin Costello  
Boone County Planning Commission  
P.O.Box 697  
Burlington, KY 41005

Dear Kevin:

I would like to schedule a Public Hearing for May 29, 1991 in regard to the implementation of KRS 100.201. Any further information, please contact me. Thanks for your cooperation.

Yours truly,

*William King*  
William King  
Mayor

DATE: APRIL 18, 1991

City of Walton  
Attention: Mayor William King  
Walton City Council Members  
Main and Church Streets  
Walton, Kentucky 41094

Dear Mayor King and Council Members:

This letter is to advise you that I/We desire for the City of Walton to annex our land which is near to the City of Walton and described in Deed Book \_\_\_\_\_,

Page \_\_\_\_\_ of the Boone County Clerk's Records. Copies of our deed/s are attached hereto.

Book 420 Page 235

Book 335 Page 346

Kenton Co. Book 438 Page 111

Kenton Co. Book 329 Page 067

I/We petition the City to annex the attached property and do further state to the City that we do hereby waive our rights to protest against the annexation and waive the time periods of protest under K.R.S. 81A.420 (2) and (3) and waive the provisions of K.R.S. 81A.460.

Having consented to annexation we hereby request that the annexation proceed immediately.

Respectfully submitted,

*Wanda A. Sackett*

Wanda A Sackett

CITY OF WALTON, KENTUCKY  
ORDINANCE NO. 1991- 10

AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF WALTON, KENTUCKY TO ANNEX CERTAIN TERRITORY TO THE SOUTHEAST OF THE EXISTING CITY BOUNDARY

WHEREAS, Ronald R. Tackett and Brenda A. Tackett, Husband and Wife, being the owners of certain territory near the City of Walton, Kentucky, have made a written request that the City annex such property; and

WHEREAS, there are no resident voters nor any other persons living on such property and the owners have waived the time period for a protest under KRS 81A.420; and

WHEREAS, the said owners have waived provisions of KRS 81A.460 and have consented to immediate annexation of the property; and

WHEREAS, the property owned by Ronald R. Tackett and Brenda A. Tackett, husband and wife, is physically separated from the existing city boundary by property owned by the CSX Corporation:

BE IT ORDAINED BY THE CITY OF WALTON, KENTUCKY

SECTION ONE

The City of Walton, Kentucky, finds that the hereindescribed territory is adjacent or contiguous to the city's boundary, is urban in character or is suitable for development for urban purposes without unreasonable delay, and is not included within the boundaries of any other incorporated city.

SECTION TWO

The City of Walton, Kentucky, declares it desirable to annex the hereindescribed territory.

SECTION THREE

The City of Walton, Kentucky, hereby states its intention to annex the property described in Exhibits A and B attached hereto and incorporated herein by reference.

PASSED AND APPROVED UPON FIRST READING THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 1991, by \_\_\_\_\_ MEMBERS OF CITY COUNCIL.

PASSED AND APPROVED UPON SECOND READING THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 1991, by \_\_\_\_\_ MEMBERS OF CITY COUNCIL AND ORDERED PUBLISHED AS REQUIRED BY LAW.

APPROVED:

MAYOR WILLIAM KING

ATTEST:

RUTH GLENN, CITY CLERK

THIS INSTRUMENT PREPARED BY:

**MATHIS, DALLAS & FROHLICH  
ATTORNEYS AT LAW**

TERRY R. EDWARDS  
Attorney for City of Walton  
Kentucky National Bank Bldg.  
P.O. Box 6205  
7992 Dixie Highway  
Florence, KY 41042  
(606) 525-6161

**EXHIBIT 2**


**MILEPOST 88**  
 STA 484+76.7

**QUALITY FOREST PRODUCTS**  
 119 ACRES



EXISTING WALTON CITY BOUNDARY

STA 4800

BOUNDARY  
 530'±  
 N 76° W  
 590'  
 244.6'

**RONALD R. & BRENDA A. TACKETT**  
 249.79 ACRES  
 (TO BE ANNEXED)

**CSX TRANSPORTATION**  
 9 ACRES±  
 (TO BE ANNEXED)

BOUNDARY  
 432.75'  
 660'  
 227'  
 S 81° W  
 CITY

EXISTING RAIL LINE

STA 4800

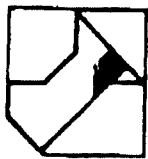
ORIGINAL STA 4800

PT. STA 4796+3.3

360' S 75° E

ORIGINAL RAIL LINE

210'



**CARDINAL**

ARCHITECTURE  
 ENGINEERING  
 LAND SURVEYING

**CITY OF WALTON, KY.**  
**ANNEXATION DRAWING FOR**  
**ORDINANCE NO. 1991 - 10**

ONE MOOCK ROAD  
 WILDER, KENTUCKY  
 41071 (606) 581-9600

STATE OF KENTUCKY  
 D.R.  
 WHITACRE  
 2929  
 REGISTERED  
 LAND SURVEYOR

Drawn By:

DRW

Date:

5-13-91

Scale:

1" = 200'

File No.

BALTIMORE 77173 FORM 8 3/82

ANNEXATION PARCEL DESCRIPTION  
CSX TRANSPORTATION

Being a parcel of land within the CSX railroad, said parcel being located in the Commonwealth of Kentucky, County of Boone, and being adjacent to the property in the City of Walton belonging to Quality Forest Products, and being more particularly described as follows:

BEGINNING at a point in the Westerly right of way of the CSX railroad, said point being located approximately 900 feet south of mile post no. 88, and being in the line common with Quality Forest Products;

THENCE along the existing Walton city line and the line of Quality Forest, and with the Westerly railroad right of way S 30-34-30 E, a distance of 244.8 feet to a point;

THENCE continuing with the Walton city line and the railroad right of way S 9-19 W, a distance of 432.79 feet to the Southeasterly corner of Quality Forest and the Walton City Boundary as it presently exists;

THENCE leaving the existing city boundary and continuing along the railroad right of way S 9-19 W, a distance of 227 feet to a point;

THENCE leaving the Westerly railroad right of way S 76-00 E along a line perpendicular to the railroad centerline, for a distance of 380 feet to a point in the Easterly line of the railroad original rail line;

THENCE along the Easterly line of the original rail line, and with the Tackett property along a curve for a distance of approximately 210 feet to the original Station 4800;

THENCE continuing with the original Easterly line for a distance of approximately 650 feet to a point;

THENCE leaving the Easterly line of the railroad N 76-00 W along a line perpendicular to the railroad centerline, for a distance of 580 feet to the POINT OF BEGINNING.

The above description was prepared from the existing railroad plans, and said above described parcel contains approximately 8 acres.

ANNEXATION DESCRIPTION  
PARCEL A - BOONE COUNTY

Being located in the County of BOONE, Commonwealth of Kentucky, and being located on the Westerly side of U.S. 25, and on the Westerly side of the Southern Railroad, and on the Easterly side of the L & N Railroad, being approximately 0.5 miles Southerly of the City of Walton, and being more particularly described as follows:

Beginning at an iron pin set in the Northerly line of the property described as Exception 1 in Deed Book 420, Page 240, said iron pin lying S 64-38-07 W, 828.53 feet from an iron pin located in the West Right of Way of the Southern Railroad, said point also being located in the Boone and Kenton County line;

THENCE with the Northerly line of the property described as Parcel 2 in Deed Book 420, Pg 238, along a bearing of S 80-00-00 W, a distance of 1,829.33 feet to a point, said point called in the deed as "a point in the railroad lake line";

THENCE along the line S 4-30-00 W, a distance of 109.58 feet to a point being the Northeasterly corner of the property described as Parcel 1 in Deed Book 420, Page 232;

THENCE along the Easterly line of said Parcel 1 S 43-55-00 E, a distance of 548.10 feet;

THENCE along the Parcel 1 S 43-10-00 W, a distance of 209.20 feet to a point;

THENCE along the Parcel 1 S 59-25-00 W, a distance of 72.60 feet to a point in the line common with the property described as Parcel 1 in Deed Book 420, Page 238;

THENCE along the common line N 39-05-00 W, a distance of 100.00 feet to a corner marked by a stone;

THENCE along the line described as Parcel 1 in Deed Book 420, Page 232, N 84-35-00 W, a distance of 85.20 feet to a point;

THENCE along a line of said Parcel 1 S 78-27-00 W, a distance of 357.75 feet to a point;

THENCE along a line S 8-20-00 W, a distance of 20.90 feet to a point, said point being also the common corner with Lot 12 & 13 of the Boone Lake Subdivision;

THENCE leaving said subdivision along a line described in the description of Parcel 2 as described in Deed Book 420, Page 232, a bearing of N 78-12-00 W, a distance of 255.15 feet to a point;

THENCE along said Parcel 2 a bearing of S 87-25-00 W, a distance of 238.90 feet to a point;

THENCE along said Parcel 2 a bearing of S 57-00-00 W, a distance of 175.50 feet to a point;

THENCE along said Parcel 2 a bearing of S 72-40-00 W, a distance of 128.50 feet to a point in the Easterly right of way of the L & N railroad;

THENCE along the railroad S 8-00-00 W, a distance of 118.82 feet to a post;

THENCE along the railroad S 1-30-00 W, a distance of 153.78 feet to a post;

THENCE along the railroad S 5-00-00 W, a distance of 155.78 feet to a point;

THENCE along the railroad S 12-45-00 W, a distance of 182.18 feet to a point;

THENCE along the railroad S 22-30-00 W, a distance of 132.66 feet to a point;

THENCE along the railroad S 30-00-00 W, a distance of 86.48 feet to an anchor post;

THENCE leaving the railroad right of way along the property described as Parcel 1 in Deed Book 420, Page 238, a bearing of S 41-30-00 E, a distance of 1,348.40 feet to an anchor post;

THENCE continuing along said Parcel 1 a bearing of N 50-00-00 E, a distance of 528.00 feet to an anchor post;

THENCE along Parcel 1 S 40-45-00 E, a distance of 347.82 feet to a point;

THENCE along the Southeasterly line of said Parcel 1 N 58-30-00 E, a distance of 717.41 feet to a point in the Boone and Kenton County line;

THENCE along the County Line N 12-21-44 E, a distance of 3,240.89 feet to the POINT OF BEGINNING.

The above description has been prepared using the existing Deeds of Record, and does not represent a field survey of the described property. The apparent acreage of the Boone County Annexation based on the above description is 117 acres.

**EXHIBIT 3**

- O-2
- I-1
- I-2
- I-3
- PF
- A
- /PD
- /SC
- /H

- Industrial One
- Industrial Two
- Industrial Three
- Public Facilities
- Airport
- Planned Develop
- Small Communit
- Historic Landm
- Airport Environ
- Zone District B
- Improved Road
- Unimproved Ro
- Concept Davel

(CD)

Note: See Article 5, Section 930 of  
 Regulations for Interpretation  
 district boundaries.

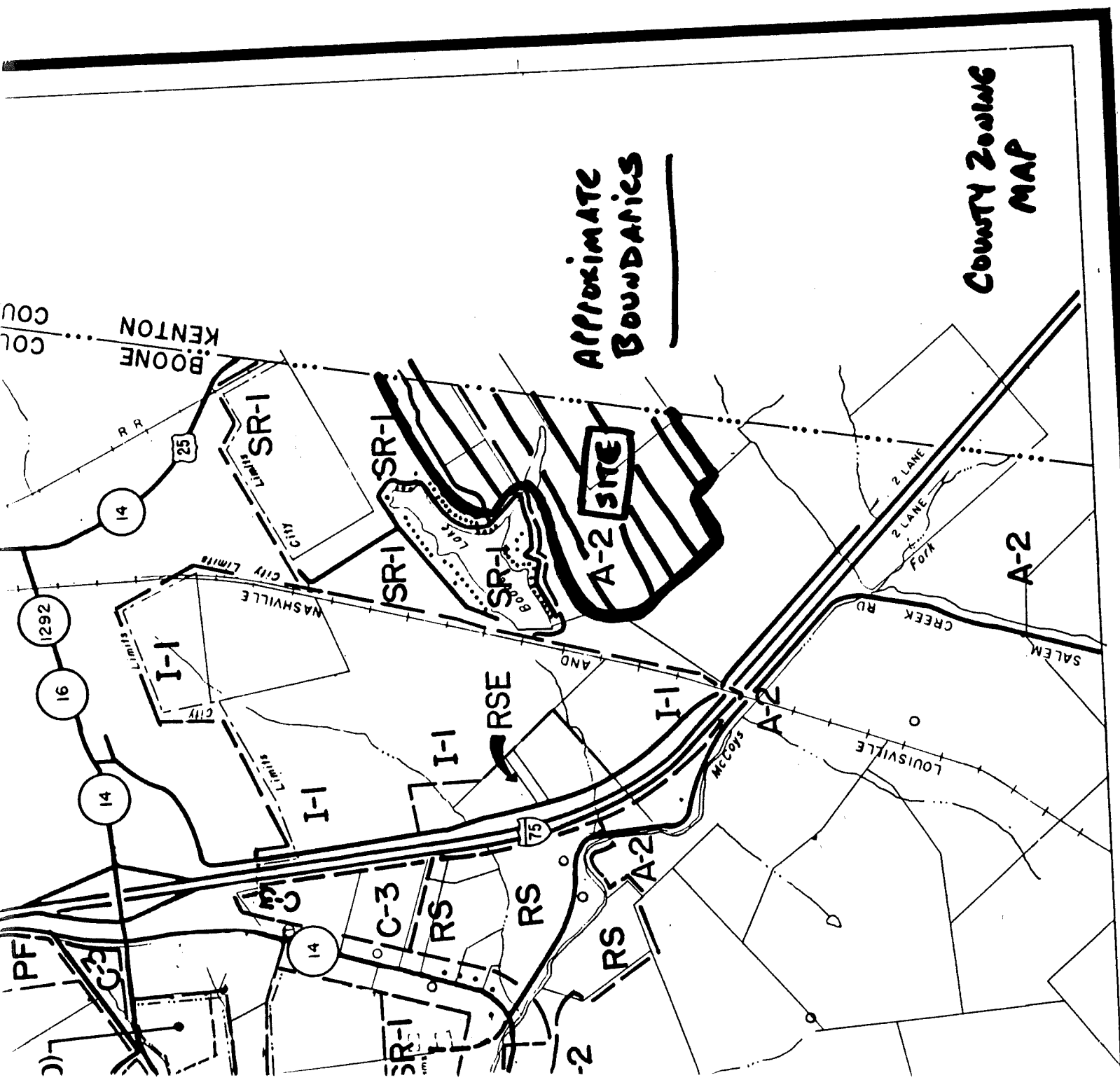
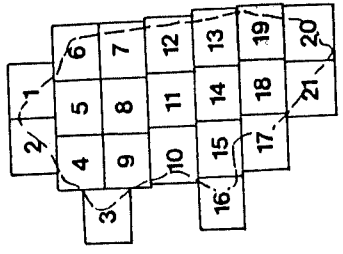
Revised JUNE 1990 /  
 ADOPTED 6/20/90 AS P  
 Prepared  
 BOONE COUNTY PLANNING

Legislative Approval Dates:  
 Boone Co. 12/9/86, P.L. 12/25/86 UNIN  
 WALTON: 1/26/87

BASE MAP SOURCE: U.S. Geol  
 Series Topographic Maps (C  
 Department of Commerce, D  
 Zoning (1963), Boone Coun  
 (1979).

"The preparation of this doc  
 federal, state, and local f  
 Administration Program prep  
 the Southeastern Federal Re

Section Map Index

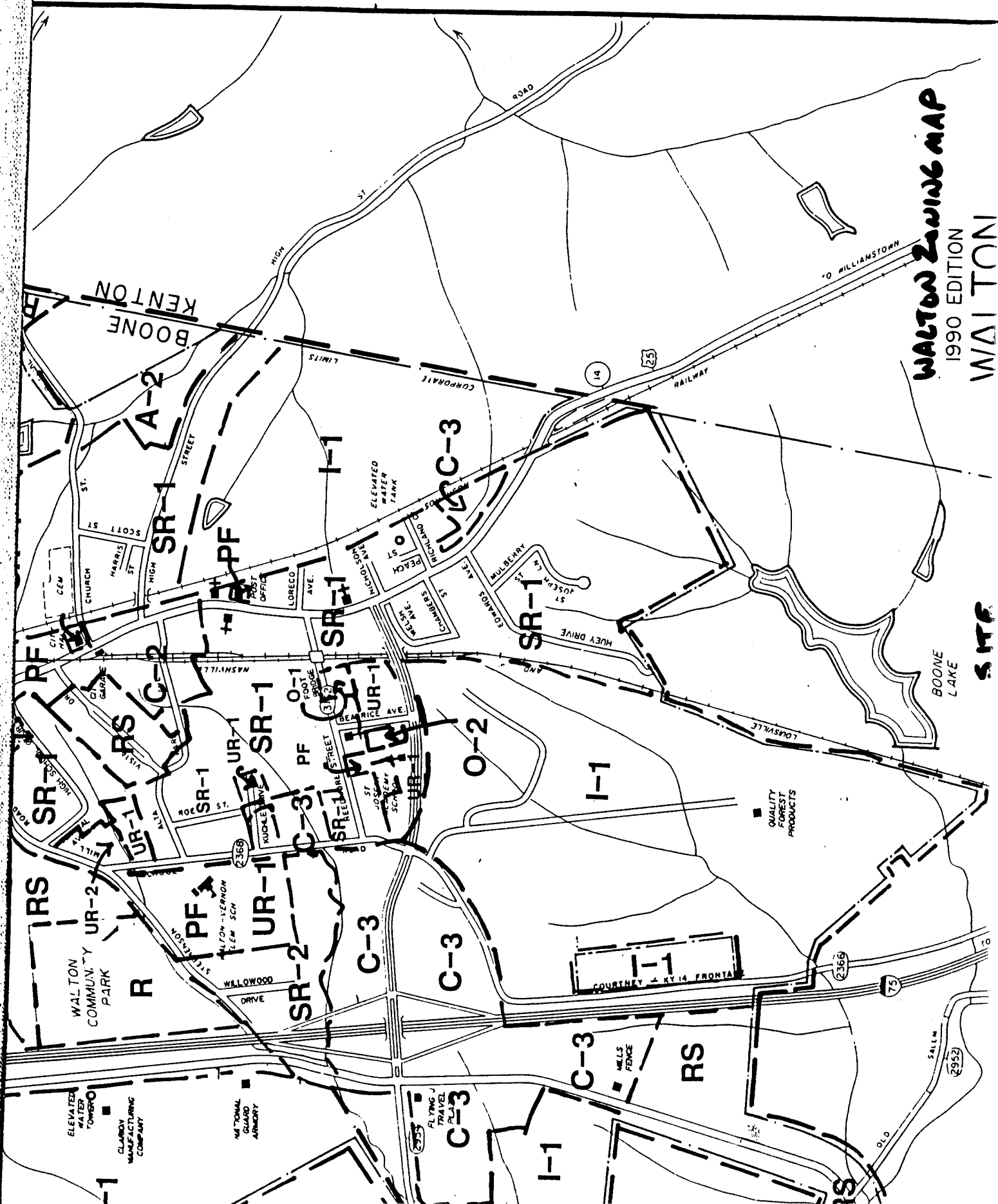


**County Zoning  
 MAP**

**EXHIBIT 4**

**WALTON ZONING MAP**  
1990 EDITION  
**WALTON**

**S.M.C.**



**EXHIBIT 5**



**EXHIBIT 6**



Norfolk Southern Corporation  
Industrial Development Department  
The Tower - Suite 2904  
611 Commerce Street  
Nashville, Tennessee 37203  
615 254-3398  
Fax 615 254-0750

RECEIVED  
MAY 23 1991

Dan R. Clark  
Industrial Development Manager

GRW ENGINEERS, INC.

May 22, 1991

Mr. Tom Breeden  
GRW Engineers, Inc.  
801 Corporate Drive  
Lexington, Ky.

Dear Tom:

Regarding F D I C's proposed development at Walton Ky.

We at Norfolk Southern Industrial Development welcome such developments as the one proposed and stand ready to continue to work with you and FDIC to allow access over our line and to serve the industries that locate there with rail. Our engineers are already at work laying out proposed track to the sites and as soon as available I will send you a copy so we can study how best to accommodate these new industries and the jobs they create for Boone and Kenton Counties.

If we can be of any further help please let me know.

Sincerely;

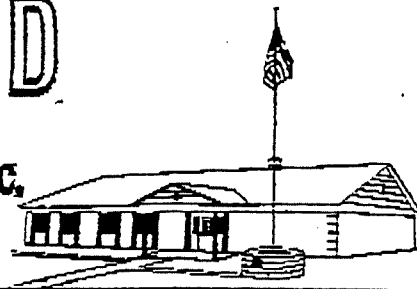
A handwritten signature in cursive script that reads "Dan".

Dan R. Clark

**EXHIBIT 7**

**RECEIVED**  
MAY 24 1991

GRW ENGINEERS, INC.

*City of Walton**William M. King, Mayor*

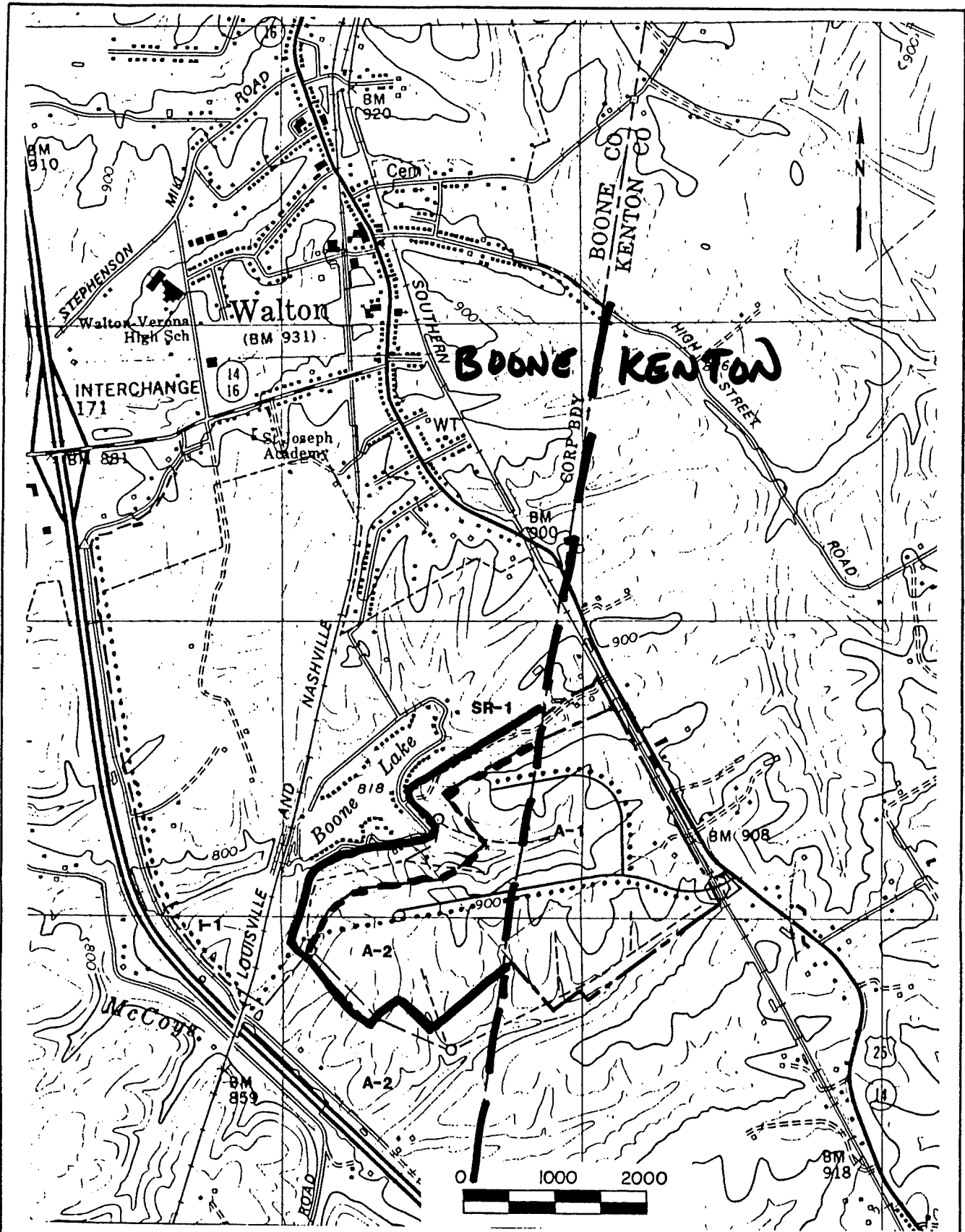
May 21, 1991

TO WHOM IT MAY CONCERN:

The City of Walton will provide water and sewer service to the Walton Industrial Park located southwest of and contiguous to the city limits. Whenever the water and sewer lines are built according to the City's specifications, they will be accepted for maintenance into the City of Walton Water and Sewer System.

*William King*William King  
Mayor

**EXHIBIT 8**



**LEGEND**

- 8" FORCE MAIN
- ..... 12" WATER LINE
- R.R. CROSSING
- ACCESS ROAD
- - - GRAVITY SEWERS
- SEWAGE PUMP STATION
- - - APPROXIMATE BOUNDARY

**CONCEPT DEVELOPMENT PLAN**

**WALTON INDUSTRIAL PARK**

BOONE/KENTON CO. WALTON, KY



**GRW Engineers, Inc.**  
Engineers, Architects, Planners

**EXHIBIT 9**

**WALTON INDUSTRIAL PARK  
PROPOSED ZONING  
BOONE COUNTY, KY**

The following excerpt from the zoning ordinance exhibits the proposed permitted uses for the Walton Industrial Park. Principally permitted uses in I-2 which are not being proposed are shown "deleted" below.

**SECTION 1040**

Industrial Two (I-2)

The purpose of the industrial two district is to provide for those types of transportation uses which are of warehouse and manufacturing or related service too large a scale to be accommodated in an industrial one district or which involve the manufacture of heavy equipment, machinery, or other products having a major, concentrated impact on a community or regional infrastructure, economy, lands and other considerations. Such districts will be organized to provide employment opportunities for regional and extraregional labor markets. Districts will be located on lands with direct access to expressways and/or arterials.

**SECTION 1041**

Principally Permitted Uses

The following uses are permitted:

1. Any principally permitted use of an industrial one (I-1) district.

Also permitted are uses, manufacture, assembly, processing, treatment, or storage of the following:

2. Acids, creosote, or petroleum products,
- Deleted* 3. *Bag cleaning;*
4. Blast furnaces, cupolas, rolling mill, coke oven, forging, foundries, refining, and smelting;
5. Corrosion of aluminum, copper, iron, tin, lead or zinc;
- Deleted* 6. *Distillation of alcohol, coal, or wood;*
7. Electroplating;
8. Enameling, japanning, or lacquering;
9. Grinding, sandproofing, cutting, washing, or other reduction or waterproofing;
- Deleted* 10. *Poultry and small game products;*
11. Sawmills and planing mills, hardwood products and flooring, millwork, veneer and plywood and prefabricated wooden buildings and other lumber and wood products;

*Deleted* 12. *Stone, clay, and glass products including cement, lime, gypsum, plaster of paris, abrasives, and cut stone excluding extraction; and*

13. Heavy machinery and transportation vehicles and equipment;

14. Tobacco products;

15. Chemicals and allied products;

*Deleted* 16. *Petroleum and coal products;*

17. Rubber and plastics products;

18. Leather and leather products.

Also permitted are:

19. Wholesale trade of heavy machinery, equipment, and supplies, including transportation and farm equipment;

20. Wholesale trade of paints, varnishes, chemicals, and allied products;

*Deleted* 21. *Railroad and marine craft rights-of-way including switching and marshalling yards;*

*Deleted* 22. *Electric generating plants and regulating substations and water treatment storage, and distribution plant;*

*Deleted* 23. *Asphalt and concrete plants; and*

*Deleted* 24. *Commercial Stockyards.*

**EXHIBIT 10**

Section 1036

Minimum Standards

All permitted, accessory and conditional uses, buildings and structures in this district are subject to the following:

1. The supplemental, parking and loading, signage regulations of this ordinance.
2. Any resolution or order of Boone County, City ordinance, law of the Commonwealth of Kentucky or law of the United States regulating nuisances and environment.
3. Any conditions which may be governed by Boone County Health Department.
4. Site plan review required for all permitted uses. See Article 14.
5. See Table 1 for dimensional standards.
6. If a parking area is provided in the required front yard of an industrial district, a minimum setback and buffer area shall be required (See Article 17).

Section 1040

INDUSTRIAL TWO (I-2)

The purpose of the industrial two district is to provide for those types of transportation uses which are of warehouse and manufacturing or related service too large a scale to be accommodated in an industrial one district or which involve the manufacture of heavy equipment, machinery, or other products having a major, concentrated impact on a community or regional infrastructure, economy, lands and other considerations. Such districts will be organized to provide employment opportunities for regional and extraregional labor markets. Districts will be located on lands with direct access to expressways and/or arterials.

Section 1041

Principally Permitted Uses

The following uses are permitted:

1. Any principally permitted use of an industrial one (I-1) district.

Also permitted are uses, manufacture, assembly, processing, treatment, or storage of the following:

2. Acids, creosote, or petroleum products,
3. Bag cleaning;
4. Blast furnaces, cupolas, rolling mill, coke oven, forging, foundries, refining, and smelting;
5. Corrosion of aluminum, copper, iron, tin, lead or zinc;
6. Distillation of alcohol, coal, or wood;
7. Electroplating;

8. Enameling, japanning, or lacquering;
9. Grinding, sandproofing, cutting, washing, or other reduction or waterproofing;
10. Poultry and small game products;
11. Sawmills and planing mills, hardwood products and flooring, millwork, veneer and plywood and prefabricated wooden buildings and other lumber and wood products;
12. Stone, clay, and glass products including cement, lime, gypsum, plaster of paris, abrasives, and cut stone excluding extraction; and
13. Heavy machinery and transportation vehicles and equipment;
14. Tobacco products;
15. Chemicals and allied products;
16. Petroleum and coal products;
17. Rubber and plastics products;
18. Leather and leather products.

Also permitted are:

19. Wholesale trade of heavy machinery, equipment, and supplies, including transportation and farm equipment;
20. Wholesale trade of paints, varnishes, chemicals, and allied products;
21. Railroad and marine craft rights-of-way including switching and marshalling yards;
22. Electric generating plants and regulating substations and water treatment storage, and distribution plants;
23. Asphalt and concrete plants; and
24. Commercial Stockyards.

#### Section 1042

##### Accessory Uses

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

1. Recreation uses or spaces of integral relation to the purposes of the district defined to be:
  - a. Nature preserves, wildlife sanctuaries, open spaces and other natural areas;

- b. Auditorium exhibition halls and other public or miscellaneous assembly;
  - c. Golf courses and tennis courts;
  - d. Play lots or tot lots, playfields or athletic fields, recreation centers, gymnasiums, clubs and other athletic uses and structures;
  - e. Swimming beaches and swimming pools;
  - f. Picnicking, hiking areas, exercise trails and other recreational uses;
  - g. General, leisure, ornamental and other parks, spaces, trails, bikeway systems and similar uses;
2. The administration, management, stenographic, reproduction, research, sales (including sales exhibit or display) and any related or integral office use or activity of the permitted use;
  3. Public transit stations and terminals;
  4. Directional and incidental signage (See Article 19);
  5. Parking; (See Article 18)
  6. Temporary buildings incidental to construction only.

Section 1043

Conditional Uses and Criteria

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

1. Uses involving the use, manufacture, assembly, processing, treatment or storage of acetylene gas, ammonia, explosives or fireworks as permitted under State law;
2. Refuse and solid waste disposal when conducted incidental and subordinate to a principally permitted use.
3. Gas production plants, natural or manufacture gas storage and distribution points, gas pressure control stations;
4. Telephone, telegraph, radio, television or other communication relay, transmitting and receiving uses, centers and equipment of a permitted use provided the structures do not physically or visually overpower, detract or conflict with the buffering provisions specified within and between the district uses and other districts;
5. Gasoline service stations;

6. Eating and drinking establishments including alcoholic beverages and entertainment;
7. Banking and credit union services;
8. Labor unions and similar labor associations;
9. Nursery and child care centers;
10. Automobile repair and auto body services including junkyards, wrecking or other storage.

Section 1044

Maximum Intensity

The maximum intensity of uses in an industrial two district shall not exceed 22,000 square feet of gross floor area per acre.

Section 1045

Minimum Size

The minimum size and extent of an industrial two district, including all the contiguous private property so designated, shall not be less than ten (10) acres.

Section 1046

Minimum Standards

All permitted, accessory and conditional uses, buildings and structures in this district are subject to the following:

1. The supplemental, parking and loading, signage regulations of this ordinance.
2. Resolutions or orders of Boone County, City ordinance, law of the Commonwealth of Kentucky or law of the United States regulating nuisances and environment.
3. Any condition which may be governed by Boone County Health Department.
4. Site plan review required for all permitted uses. See Article 14.
5. See Table 1 for dimensional standards.

Section 1050

**INDUSTRIAL THREE (I-3)**

Surface Mining District

The following regulations shall apply in all industrial three (I-3) districts. The intent of this district is to regulate surface mining excavation, extraction, processing, storage, loading, and unloading of sand, gravel, rock, clay, shale, stone, coal, and similar natural resources and for treatment and processing of such products which may be produced from such raw materials.

Section 1051

Principally Permitted Uses

The following uses are permitted:

1. Any customary agricultural use or structure, excluding dwellings;

TABLE I  
DIMENSIONAL STANDARDS

District	Maximum Intensity	Minimum Size of District	Area (Sq. Ft.)	Min. Lot Size		Maximum Height (Ft.)	Min. Yard Dimensions		
				Frontage (Ft.)	Frontage (Ft.)		Front (Ft.)	Rear (Ft.)	Side (Ft.)
A-1	1 d.u. or farmstead per five (.5) acres	30 ac	217,800	150	80	45	25	10	
A-2	1 d.u. per two (2) acres	20 ac	80,000	150	60	45	25	10	
*** R	n.a.	n.a.	n.a.	n.a.	30	45	10	10	
*** RSE	1 d.u. per acre	5 ac	40,000	100	40	45	40	10	
*** RS	2 d.u. per acre	5 ac	20,000	80	40	45	40	10	
*** RIF	4 d.u. per acre	5 ac	10,000	70	30	45	30	7 min-15 total	
*** SR-1	4 d.u. per acre	5 ac	8,000	65	30	45	30	5 min-15 total	
*** SR-2	6 d.u. per acre	5 ac	16,000	75	30	45	30	5 min-15 total	
*** SR-2	6 d.u. per acre	5 ac	6,500	50	30	45	30	5 min-15 total	
*** SR-2	6 d.u. per acre	5 ac	8,000	60	30	45	30	5 min-15 total	
*** UR-1	12 d.u. per acre	n.a.	n.a.	n.a.	See Section 1780	See Section 1780	See Section 1780	See Section 1780	
*** UR-2	20 d.u. per acre	n.a.	6,500	50	30	45	30	5 min-15 total	
*** UR-3	30 d.u. per acre	n.a.	8,000	60	30	45	30	5 min-15 total	
*** UR-3	30 d.u. per acre	n.a.	n.a.	n.a.	See Section 1780	See Section 1780	See Section 1780	See Section 1780	
*** UR-3	30 d.u. per acre	n.a.	n.a.	n.a.	See Section 1780	See Section 1780	See Section 1780	See Section 1780	
MHP	7 d.u. per acre	10 ac	5,000	40	20	20	10	10	
*** C-1	12,000-15,000 sq. ft. GFA/acre (see Sec. 914)	n.a.	5,000	50	30	45	20	5 (20)*	
C-2	15,000-18,000 sq. ft. GFA/acre (see Sec. 924)	2 ac	5,000	50	75	50	20 (50)*	10 (50)*	
C-3	18,000-20,000 sq. ft. GFA/acre	3 ac	20,000	100	50	50	20 (50)*	10 (50)*	
C-4	15,000-18,000 sq. ft. GFA/acre	3 ac	10,000	100	75	50	20 (50)*	10 (50)*	
*** O-1	20,000 sq. ft. GFA/acre	n.a.	6,500	40	30	45	20	5 (20)*	
*** O-2	30,000 sq. ft. GFA/acre	3 ac	12,000	40	30	70	15	10 (20)*	
I-1	25,000 sq. ft. GFA/acre	5 ac	20,000	150	50	50	30 (50)*	10 (50)*	
I-2	22,000 sq. ft. n.a.	10 ac	120,000	250	100	100	30 (100)*	20 (100)*	
I-3	n.a.	50 ac	n.a.	n.a.	50	100	50 (100)*	50 (100)*	
*** PF	n.a.	n.a.	n.a.	n.a.	70	30	10 (50)*	10 (50)*	
*** A	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	

Abbreviations: n.a. not applicable; d.u., dwelling unit; ac, acre; s-f, single-family; GFA, Gross Floor Area; (\*)\*, when adjoining any of the following zone districts: A-1, A-2, R, RSE, RS, SR-1, SR-2, UR-1, UR-2, UR-3, MHP; \*\*, when parking is located in the front yard area, a minimum fifteen (15) foot buffer, suitably planted, shall be maintained between the right-of-way and the parking area.

Table I Dimensional Standards will be adjusted with three asterisks behind frontyard setbacks for zones R, RS, RSE, SR-1, SR-2, UR-1, UR-2, UR-3, RIF, C-1, O-1, O-2, and A. \*\*\* will mean 50 feet if adjacent to collector roads.

EXHIBIT 11

Bruce Ferguson  
County Judge—Executive



Donald E. Clare  
Chairman

Susan M. Cabot  
Historic Preservation Officer

## BOONE COUNTY HISTORIC PRESERVATION REVIEW BOARD

POST OFFICE BOX 900  
BURLINGTON, KENTUCKY 41005  
PHONE (606) 334-2111  
FAX (606) 334-3105

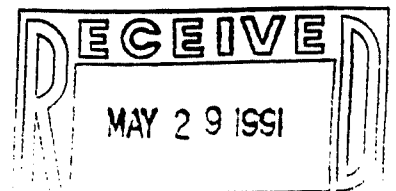
### MEMORANDUM

To: Kevin Costello  
From: Susan Cabot *SMC*  
Date: May 29, 1991  
Re: Walton Industrial Park Zone Change

After reviewing written documentation and maps, and completing a visual survey of the Boone County property proposed for Walton Industrial Park, I find that there are no recorded or readily apparent historic resources. This includes architectural, archaeological, and funerary resources.

I would make two requests. First, if the zone change and subsequent plans are approved, anything unusual recovered during the construction process (i.e. foundations, human remains, or a significant number of artifacts in one location) will necessitate a call to the BCPC and the HPRB. Second, the site has much natural beauty and represents the very essence of the rural Boone County landscape. I would encourage the retention of as much open space and natural vegetation as possible including significant buffers to Boone Lake and Highway 25.

Please contact me if further information is necessary.



BOONE COUNTY PLANNING COMMISSION

May 29, 1991  
7:00 P.M.

PUBLIC HEARING

Mr. William Viox, Chairman, called the meeting to order at 7 P.M.. Following an explanation of the Public Hearing process, the Chairman introduced the item on the Agenda:

1. Applicant: The City of Walton  
Request: Annexation/Zoning Map Amendment

The request of the City of Walton to determine the impact of annexation, if any, on the zoning of property currently owned by Ronald R. and Brenda A. Tackett and CSX Corporation. The Tackett and CSX Corporation properties are generally located south of Boone Lake between I-75 and U.S. 25. The Tackett property is currently zoned Suburban Residential One (SR-1) and Agricultural Estate (A-2). The 9-acre CSX Corporation property is currently zoned Industrial One (I-1) and Agricultural Estate (A-2). The City of Walton would like the Planning Commission to consider rezoning both properties (located in Boone County) Industrial Two (I-2).

Assistant Director, Kevin Costello, advised that the Tackett parcel is approximately 250 acres and located in both Boone County and Kenton County, with 117 acres being located in Boone County. The City of Walton is interested in annexing the portion of the parcel that is in the unincorporated area of Boone county. The nine-acre tract owned by the CSX Corporation is between the Tackett property and the city boundary on the western portion of the site.

Mr. Costello presented the Staff Report which included a slide presentation, eleven Exhibits, a booklet submitted by the potential buyer of the Tackett property, an aerial photograph and drawings (see Staff Report).

Mr. Costello indicated the location of the Tackett property on the aerial photograph in relation to the county line. A green line indicated a potential buffer area to screen Boone Lake Subdivision. A yellow line indicated the current city limits of Walton. He indicated the Norfolk Railroad on the eastern side and the CSX line on the western side of the site. He reviewed the uses surrounding the site which included residential and agricultural to the north, to the east is the Tackett property in Kenton County which is used for agricultural purposes (he noted that the property owner is considering filing an application in Kenton County to rezone that portion of the site to Industrial-Two), there are agricultural uses to the south of the site. There is an existing Industrial One zoning classification northwest of Boone Lake Subdivision.

At this time, Chairman Viox asked for comments from a representative of the City of Walton.

Mr. Phil Trzop, Assistant to the Mayor of Walton, William King, advised that Mr. King would be going into the hospital tomorrow and was not present this evening.

Mr. Trzop stated that their City Council has made an attempt to annex the area, the site has been posted, and it has been in the paper. Since they are crossing the county line, the City of Walton has been in contact with the Kenton County Water District and has received their guarantee that they can go into their district and provide water in Kenton County. They also have an agreement from the Kenton County Sanitation District that the City of Walton has the right to serve this area with water and sewer and they have adequate supplies. He advised that the City of Walton gets its water from Kenton County. He stated that the Mayor also wanted him to express that when the project first started, he (the Mayor) felt it would be a key element in the growth of Walton and would have a great economic impact in Walton and in southern Boone County and southern Kenton County. He noted that they can open up that part of the county with their water and sewer services.

The Chairman asked if there were any other interested parties present who wished to speak.

Mr. Dave Schneider, attorney with Ziegler & Schneider, stated that he was present in behalf of First Development Investment Corporation (FDIC). Mr. Schneider stated that this is a unique planning and zoning process crossing county lines. This has been done before, but probably not involving annexation. He stated that they first got everyone together to discuss what could be done and the best way to do it. They had a meeting with representatives of the Boone County Planning Commission, the City of Walton, the Kenton County judge, and other individuals to discuss this matter. One of the alternatives considered was a joint public hearing before the Boone and Kenton County Planning Commissions, but they could not find a place with a platform large enough. He noted that they are dealing with two Comprehensive Plans and decided to hold the public hearings separately. They are in Boone County first because of the way the meetings fall. They did not have time to get on the Kenton County agenda for June and will meet in Kenton County on July 11. Everything that has been submitted to the Boone County Commission was also submitted to the Kenton County commission to coordinate the activities.

Mr. Schneider referred to the aerial photograph and noted that the red line goes down the middle of the property and the development will occur first on the Kenton County side.

Mr. Schneider stated that there have been applications for annexation involving zoning. The 1990 Session of the General Assembly put this into affect by amending KRS 100 to include a feature in KRS 100.209 which says that the city may start an annexation process and then request, if they pass an Intent to Annex, that the Planning Commission review it at the Public Hearing on what affect, if any, the annexation would have on the zoning. He added that they then need to adopt the zoning before they pass the final annexation ordinance. The statute was drafted to apply to all of Kentucky and in many areas they only have zoning in the city. When a city wants to annex an unincorporated area, many times there is no zoning in that area, so it allows the city to have zoning

in place when the annexation takes place. The City of Walton is not asking for a zone change, but to establish a zone there for the first time. In reality, it is a zone change because there is an existing zone in Boone County, but for the first time the City of Walton is saying that they would like to annex the area and would like to have a zone applicable at the time of annexation. It is important to coordinate this in Kenton County because the process is different and in Kenton county the land owner will be the applicant. The City of Walton is not in a position to make the zone change not having completed the annexation. In Boone County, the annexation and zone change will be completed at the same time. He stated that the City of Walton has worked closely with the developer.

Mr. Ben Pfister of GRW Engineers in Lexington, the project engineers, stated that they have been working with the City of Walton and the FDIC Group on this site. They have provided a technical review of the site. He stated that Mr. Costello had presented a lot of the information.

Mr. Pfister stated that the high ground on the site is to the east at the railroad and U.S. 25. The site slopes gently westward with the low area falling toward Boone Lake and the CSX railroad. The natural flow for storm drainage and sanitary sewer would be the same route. He stated that the City of Walton's sewage treatment facilities are more than double the existing utilization rate and it was recommended in review with the Sanitation District -- which works with the City of Walton in the management of their facilities -- that no separate treatment plant be put on this site and that the sewage be pumped into the existing treatment plant. As demands might exceed the capacity of the plant, it would be more reasonable to expand the Walton Plant than to have several sewage treatment plants in the area. The sewage would follow the natural drainage patterns to the low end of the site. There would be a pump station at the low end of the site pumping up along the existing service road, which is owned and maintained by the county or the state. Water to the site can be adequately served from the Walton water system, which has its source of supply from the Kenton County Water District. They reviewed with the Kenton County Water District and there were two options investigated: (1) To serve from the west side of the site following the service road and tying to the main nearest the 300,000 gallon storage tank on the other side of I-75. There is an existing line crossing I-75 just south of the interchange which could be extended and looped into the city system near the interchange connector road. (2) To tie in at the 100,000 gallon water storage tank on the east side of Walton. He indicated this location on the aerial photograph. A logical path could be along the railroad and the U.S. 25 right-of-way. He noted that storm drainage and siltation control were mentioned in the Staff Report and would be planned.

Mr. Pfister stated that there are existing small lakes upstream of Boone Lake that would serve as buffers and on-site erosion control. Retention easements may be needed and/or additional retention basins would be provided on site. Soil erosion, siltation control, and increased stormwater runoff would be anticipated and controlled on the site.

Mr. Pfister stated that the power company has assured them in writing of adequate power extensions to the site. The power would be on the site side of the railroad. Gas is available in adequate supply for the site. Mr. Pfister stated that the general topography is moderately rolling. The uses would follow the

flatter high ground, which Mr. Pfister indicated on the aerial photograph. He stated that they would come in from the southeast corner of the site, which is the best grade location and the area where Dixie Highway flares from the Norfolk Southern Railroad to give a large access lane onto the railroad crossing. The roads would stay on the high ground and access the parcels on the site.

Mr. Schneider asked to reserve the ability to respond to any questions.

Chairman Viox asked if there was anyone else present in favor of the request.

Susan Cabot, the Historic Preservation Officer for Boone County, reviewed her memorandum of May 29, 1991 which is marked "Exhibit 11". She noted that her comments are neither pro or con, but are in addition to the information given. (See Exhibit 11).

Chairman Viox then asked if there were any questions or comments from those in opposition to the request.

Mrs. Laureen Owens, 6 Boone Lake Road, questioned the service road. Mr. Pfister stated that there would be no service road constructed. There is an existing service road that parallels I-75. The Highway Department built the service road to serve the properties that were cut off by the interstate. They will run an underground pipeline along the right-of-way. There will be nothing visible.

Mrs. Owens stated that they have lived there a long time and love the beauty of the area. They are mostly concerned about pollution. She questioned what type of industry would be allowed. She noted the pollution-related problems in lower Price Hill and stated that they did not want the problems for the children of Walton.

Chairman Viox read from Exhibit 9 regarding the uses which have been deleted (see Exhibit 9).

Mr. Watson stated that he owns the property between the Tackett property and I-75 which adjoins the CSX property. A lot of drainage comes onto his property in several different places. The property line is only 500 or 600 feet from his house. They crossed his property when they surveyed and never said anything to him. He advised that the service road is state maintained. He questioned if they would try to bring the water lines through his property.

Mr. Pfister indicated the Watson property on the aerial photograph. He stated that there are two options: (1) to stay inside the railroad right-of-way, or (2) to negotiate an easement with a private property owner. They have not gotten to this level of detail yet.

Mr. Watson stated that he is concerned that if they run a line the property owner would have to pay for it and he has about 1,500 feet of frontage.

Mr. Pfister stated that there would be no cost to anyone whose property they cross and they will control the drainage from the site so as to not impact property off-site.

Mr. Watson advised that they recently signed up with Bullock Pen Water District. He added that when Boone Lake was deeded by the railroad to the Boone Lake Club,

they gave them a right-of-way beside the railroad and beside his property. A lady in the audience stated that this has been taken off.

Mr. Watson reviewed the wildlife he has seen on his property.

Mr. Pfister apologized to Mr. Watson for the surveyors being on his property.

Mr. Ronnie Elmore stated that he owns Lots #35 and #36 on Boone Lake which abut the Tackett property. His concern is environmental. He stated that most of the 517 acres (he said 517, not 117) drains towards Boone Lake and he has not heard of an Impact Statement from the EPA yet. He also has not heard the name of an industry going on the site and the toxic uses have not been deleted. There could be a barrel industry or liquid waste disposal. After the industry goes in is not the time to ask. Mr. Elmore stated that they have been there since 1922. He would like to know who FDIC is investing for. They do not want toxic runoff and storm drains coming into Boone Lake.

Mr. Dick Southerland, President of FDIC in Lexington, stated that all of the environmental concerns are also concerns that they have. When they went through the I-2 Permitted Uses they had to consider both the Boone County and Kenton County Ordinances. They deleted 9 uses in Boone County and 11 uses in Kenton County because the ordinances are not exactly alike. If there are any other uses that are permitted that the Commission feels need to be deleted, they are amenable to deleting them. They are trying to make the land as marketable as possible by making the number of uses as flexible and great as possible to make the project become profitable for everyone sooner. They also looked at the Permitted Uses in Fayette County and eliminated those that they are aware have caused problems in other places. They are willing to negotiate and are subject to Planning Commission approval. He stated that they do not have a prospective buyer or tenant for the property now and cannot answer questions about the end user. They will be looking for manufacturing uses which will create jobs and a greater tax base. He stated that the site is important because of the extensions of the railroad, and the I-2 zoning broadens the market. The uses were deleted to provide environmental control, but keeping as much of the market as possible. Everything that is built on the site will be subject to the prevailing laws and restrictions. He asked that Mr. Pfister discuss GRW's relationship and experience in Boone County and in Kenton County.

Mr. Pfister stated that they have worked in Northern Kentucky for 20 years. He has personally worked with the Sanitation District, the City of Walton, the City of Florence, and others in the area for 20 years. He went to Villa Madonna College in Covington. His brother lives in Boone County.

Mr. Pfister advised that the EPA now requires for every industry in the U.S. that not a drop of stormwater run-off come off the site without being permitted by the EPA. There are tremendous EPA controls about air pollution. The uses they took out of the I-2 zoning are those that discharge heavy pollutants like poultry, distilling -- anything that creates air pollution or water pollution. He added that he cannot think of any manufacturing operation that does not use some toxic solvents or chemicals for cleaning, but they fall under EPA pollutant discharge control. They cannot pollute the sewage. There are controls on what they can put into the plant and let out of the plant. Mr. Pfister stated that they did the Site Development Plan for Toyota in Scott County. It is quiet and there is no air or stormwater pollution. There are many toxic materials inside

the plant, but it is clean as a whistle because there is control. They want this kind of control on this site. He added that they left "forages" on the list and noted that his dentist has a "forage". He stated that there are forages in businesses and professional offices, but they are not open air furnaces. If they thought something was a dirty industry, they took it out. They do not want barrel cleaning or dirty products and will limit those things. They do not want to wipe out a line item that may wipe out many potential industries.

Mr. Elmore stated that their main concerns are environmental. He stated that there are accidents, pipes break -- the track record is not good. He stated that they should forget the I-2 Zone and go back to the I-1 Zone to stop problems before they start. You cannot move an industry out once it is in.

Mr. Art Estes, 3 Boone Lake, stated that he is a permanent resident at Boone Lake. About half of the people at Boone Lake are permanent residents. About half of the people have all they own invested there. The club has been there over fifty years. They are very proud of what they have there and work hard in the club. He advised that the outhouse shown on one of the slides is not being used, but it is a landmark. He questioned if there would be a fence in the bumper zone.

Mr. Pfister stated that a fence would be up to the discretion of the Staff as to whether it would be a help or a hindrance to the environment. He stated that the property being retained by Mr. Tackett has been called a buffer zone because it is a big separation between the developing property and Boone Lake. He stated that they do not know if a fence would be visually pleasing. They do not anticipate movement of any kind across the property line. There would be no vehicular access across the property line and no livestock on the site. He stated that a fence has to be maintained and will show up on the skyline.

Mr. Estes stated that they are concerned about runoff. It is a steep terrain. He questioned how much water and mud will go into the lake when they start tearing up the soil.

Mr. Pfister stated that there needs to be silt control. He stated that the Kentucky American Water Company operates all of the Fayette County water systems and they retained GRW to protect their large in-town reservoirs. Their mandate was to keep all of the pollution out of the reservoir and GRW did that. They are planning to control the runoff.

Mr. Estes stated that he was not representing the club, he was representing himself. He is not opposed to this project but wants some protection of his investment and the investment of the club property.

Chairman Viox asked if there was anyone else present who wished to speak. There being no response, he asked if there were any comments or questions from the Commission.

Mr. Sharp stated that he is the Chairman of the Committee. He questioned that the applicant has agreed to work with the Committee and the Staff to reduce some more of the objectionable elements of the I-2 Zoning. Mr. Southerland stated that this was correct.

Mr. Sharp then commented that they were agreeable to working with the Committee, the Staff, the Staff's Engineer, and questioned if they were also agreeable to working with the Soil Conservation Service in the area of erosion control. Mr. Southerland stated that they are agreeable.

Mr. Sharp questioned if the CSX had made known their agreement or disagreement with the annexation. Mr. Costello advised that they were sent a certified letter, but there was no response. He stated that he could call them. Mr. Sharp requested that Mr. Costello call CSX.

Mr. Sharp advised that he represents the City of Walton and he lives at Boone Lake. He stated that he wants to assure everyone, the City of Walton, the applicant, and the citizens that he intends to conduct the Committee meetings as fair as possible and the decision will be made based on KRS 100 and the findings of fact.

Mr. Collins questioned how the zoning of the property could be changed when it is not known that CSX is in favor. Mr. Schneider advised that the Walton city attorney has been in touch with CSX's legal department in Jacksonville, Florida. They could not move quickly enough to give a response to this hearing. CSX has indicated that they would be willing to work with the developers on the use of the site if rail is necessary. They have no particular objection to the annexation or the zoning, but could not respond corporately in time for the hearing. Mr. Schneider advised that he had not been in touch with CSX.

Mr. Collins questioned how the City of Walton could annex the site when it is not contiguous to the city limits. Counselor Wilson stated that that is a decision for the City of Walton. He commented that he suspects the property is contiguous.

Mr. Schneider indicated Quality Forest Products, which is in the City of Walton, on the aerial photograph and the railroad property which is contiguous. He stated that those two properties make the site contiguous to the City of Walton.

Mr. Pfister advised that the development property is shown on the aerial photograph, but the annexation property is not completely shown. Mr. Costello referred the Commissioners to Exhibit 2 in regard to the boundaries of the City of Walton.

Mr. Rush commented that the residents would not have to assume the cost of installation for the water and sewer lines. Mr. Pfister stated that the developer will pay for all of the utility easements not provided by the power company. The extensions tying into the existing facilities would be paid for by the developer. The utility tie-ins are off-site and figured into the development costs.

Mr. McMillian questioned if the line would be public. Mr. Pfister advised that he would anticipate the lines being deeded to the City of Walton and it would be up to the city who ties in. He advised that they are not in the water and sewer business. There would be no restrictions on their part in regard to the tie ins.

Mr. McMillian questioned if Boone Lake wanted to tie into the sewage system. Mr. Pfister advised that it would be a sewage force main, which is not the kind you

normally want to tie in to. The system will go to the city and if they want to tie other areas on, the developer would not restrict that.

Mr. Southerland stated that they expect to dedicate all of the infrastructure they develop to the City of Walton. They will give it to the city.

Mr. McMillian stated that when the sewers went in, they were at 50% capacity. They would be enlarging to a capacity that would load up the system. The capacity is not all that great. He stated that there are more developments proposed around Walton, but by the time the industry gets in there would not be the capacity and then they will have to build on. He questioned if the residents who had been there and paid for the plant would have to pay for the addition.

Mr. Southerland stated that it is close to 50% capacity now, but they are going to have twice as many users with twice as many fees before it is at capacity and that money should be going into an expansion account for the next group of users.

Mr. Trzop stated that the city has provided for future growth. The capacity is governed by the rules and regulations of the EPA. The city has protected its citizens for the future. The city is planning for the future and that is what this industrial development is about. The water and sewer, and anything else in the development project, including the roads, will be turned over to the City of Walton for maintenance.

Mr. McMillian stated that the surveyors should know where the property is and stay on it. It is a nice road to get to Boone Lake and it is a shortcut to this property, but the people do not need extra trucks on their property. He stated that the lakes on the property are good clean lakes. He questioned if the lakes could be left for runoff so that any toxics would get into them first before getting into Boone Lake. He commented on the fish dying in the lake.

Mr. Southerland stated that he met with Mr. Tackett this afternoon and they talked about the two bodies of water within the buffer zone. They will be retained as part of the natural system and they will maintain siltation control to make sure the quality of the water that goes in is no different than it is now. He stated that he questioned the advisability of a fence there due to access to the bodies of water.

Mr. McMillian advised that the wood treatment plant went in and there was a lot of dust that blew into the lake. He would like to see erosion control, and the dust controlled so that it is kept off of the houses.

Mr. Damstrom questioned if there would be signalization at the main access in the southeast corner to get across the tracks. Chairman Viox advised that there will be signalization.

Mr. Neltner referred to the materials that had been distributed and noted that they indicate that 39 acres would be left residential and 82 acres would be industrial, but the description indicates that the City of Walton is asking that the property be zoned I-2. Mr. Costello advised that originally there was a proposal to rezone the entire parcel to I-2. Mr. Tackett indicated that he was willing to set some property aside for a buffer area. The Commission can make a

recommendation on zoning a portion of the tract to I-2 and leaving another portion to its current residential zoning, or changing it to another residential classification. Mr. Neltner questioned if the City of Walton has asked to amend their request. Mr. Costello advised that the correspondence included in the packet is all that has been received.

Counselor Wilson asked Mr. Schneider if his clients have the same understanding as indicated by Mr. Costello. Mr. Schneider advised that they had a meeting with Mr. Tackett today and he said that he would go along with the recommendation that only the portion they would be buying would be rezoned and the portion he is retaining could be kept as A-2/SR-1. He stated that that is consistent with his recommendation and with the city's.

Mr. Trzop agreed that this is the position of the city. He added that when it became known about the Boone Lake property, Mr. Tackett wanted to protect them with a buffer area and asked that this be left out of the development. Rather than changing everything, they decided to let the Planning Commission determine that the property they are going to buy be brought into the city as I-2 and the remaining property remain residential.

Mr. Neltner noted that the slides showed trees, lakes, and vegetation. He asked if there is a willingness on the part of the developer to allow some of them to remain or will they level the site and develop the entire 100+ acres in both counties.

Mr. Southerland advised that they will plot all of the trees and vegetation and try to plan in such a way that they can remain on the property lines. He stated that they probably will not have a 20% coverage with buildings and parking lots and most of it will be left as open space. They will concentrate on leaving the foliage as it makes the site more marketable, it cleans the area, and cools the site. It is to their benefit and everybody else's benefit to leave the trees.

Mr. Neltner questioned the multiple users for the site. Mr. Southerland advised that there could be 10 or 20 facilities located on the 230 acres, but the possibility exists that someone will take the entire tract. There is access to I-71 and I-75; and proximity and access to the airport and the railroad. It is an excellent site and will be presented to Fortune 500 companies.

Mr. Neltner questioned if the uses allowed under the Kenton County zoning are nearly identical to those in Boone County. Mr. Southerland advised that he and Mr. Pfister compared the zoning ordinances and eliminated 9 uses from the Boone County ordinance and 11 from the Kenton County ordinance to make the two match. Mr. Pfister stated that what is left in the two zones is very similar. Mr. Southerland stated that it is not duplicate language, but duplicate intent.

Mr. DeLong stated that he would appreciate if the Committee would continue to work on the buffer zone.

Chairman Viox asked if there were any further comments.

Mr. Schneider advised that in his meetings with the Kenton County Planning Commission their Comprehensive Plan identified a parcel almost immediately adjacent to this tract which is indicated for industrial use and the basis for

that was due to following Boone County planning. They knew that the utilities would come from the Boone County portion rather than coming from Independence.

Chairman Viox stated that he had been informed by Mr. Costello that there is agreement that this item will be on the agenda for the Business Meeting on June 19, 1991. Mr. Schneider confirmed that this was correct.

Mr. Elmore asked if a representative from Boone Lake could sit on the planning committee. Mr. Sharp stated that the Staff will inform them when the committee meetings will be and they can send a couple of people.

Mr. Estes questioned the location of the pumping station. Mr. Pfister indicated the main pumping station on the aerial photograph for him. Mr. Costello showed the location to Mr. Estes on the map. Mr. Estes questioned the size of the facility and Mr. Pfister advised that they might not even be able to see it when it is finished. Mr. Estes stated that they are concerned about the odor as the pumping station will be above them. Mr. Pfister advised that the pumping station will be down stream from Boone Lake. It will be lower than Boone Lake.

Mr. Kirby advised that the sewage is contained within the pipe and the pumping station is a contained pit and then the sewage is pumped out. It is not open to the atmosphere. There is no odor unless it breaks down.

There being no further comments, Chairman Viox stated that this item will be on the Agenda for the Business Meeting on June 19, 1991 at 8 P.M. and closed this Public Hearing.

APPROVED:

  
\_\_\_\_\_  
William R. Viox, Chairman

Attest:

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

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING

June 19, 1991 8:00 P.M.

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Mr. Fred Burch, Vice Chairman, called the meeting to order at 8:05 P.M..

COMMISSION MEMBERS PRESENT:

Mr. Fred Burch, Vice Chairman  
Mr. Lawrence Collins  
Mr. Melvin DeLong  
Mr. R. N. Greene  
Mr. Rector Jones  
Mr. Robert Kirby, Jr.  
Mr. Don McMillian, Secretary/Treasurer  
Mr. Barry Neltner  
Mr. Thurman Owens  
Mr. Robert Ries  
Mr. Ralph Rush  
Mr. Floyd Sharp  
Mrs. Carol Smith

COMMISSION MEMBERS NOT PRESENT:

Mr. Phil Damstrom  
Mr. William Viox, Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Mr. Burch stated that each member had received copies of the Minutes of the Jake Sweeney Public Hearing of May 22, 1991 and the Business Meeting of June 5, 1991. He asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. Kirby moved that they be approved as written. Mr. Owens seconded the motion and it carried unanimously.

REPORTS:

Mr. Burch stated that the Zoning Enforcement Officer's Report had been distributed for the Commission members to review.

Mr. Sharp questioned the Deters violation and Mr. Breidenstein advised that the Circuit Court has not decided on Mr. Deters' appeal of the Board's action and the District Court put the Criminal Complaint on hold until September 20, 1991.

Mr. DeLong questioned the status of the Hemmer matter and Mr. Breidenstein advised that they are constructing the third building on the site. They have made substantial erosion control improvements to the front and rear. Mr. Breidenstein will continue to monitor.

UNFINISHED BUSINESS:

1. Zoning Map Amendment

The request of Midwest Contractors (applicant) for D. D. Adams Estate (owner) for Zoning Map Amendment on a 16-acre site in order to develop The Pines of Boone County Mobile Home Park on the west side of U. S. 25, south of Mt. Zion Road, Boone County, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) to Mobile Home Park (MHP).

Mr. William Fromm, Director, read the Committee Report which recommended denial of the request based on the findings of fact (see Committee Report).

Mr. Collins moved that the Committee Report be adopted and that the request be denied based on the Staff and Committee Reports. Mr. Sharp seconded the motion.

Mr. Burch asked if the applicant was present. There was no response.

There being no discussion, Mr. Burch asked for a vote on the motion made by Mr. Collins to deny the request and it carried unanimously.

2. Annexation by the City of Walton

The request of the City of Walton to determine the impact of annexation, if any, on the zoning of property currently owned by Ronald R. and Brenda A. Tackett and CSX Corporation. The Tackett and CSX Corporation properties are generally located south of Boone Lake, between I-75 and U.S. 25. The Tackett property is currently zoned Suburban Residential One (SR-1) and Agricultural Estate (A-2). The 9-acre CSX Corporation property is currently zoned Industrial One (I-1) and Agricultural Estate (A-2). The City of Walton would like the Planning Commission to consider rezoning both properties (located in Boone County) Industrial Two (I-2).

Mr. Kevin Costello, Assistant Director, read the Committee Report noting the attached exhibits (see Committee Report).

Mr. Collins moved that the request be approved based on the Staff and Committee Reports. Mr. Jones seconded the motion.

Counselor Wilson asked if the developer had agreed to all of the conditions. He noted that the developer agreed to some of the conditions at the Public Hearing.

Mr. Costello stated that the request was made by the City of Walton and that Mr. Mike Duncan, attorney, represents the developer. Mr. Duncan stated that most of the conditions are agreeable and they will work with the City of Walton to fine tune the language of some of them.

Mr. Neltner questioned if a condition could be tied to the Committee Report that there will be no discharge from the manufacturing processes, cleaning of equipment, etc. into the lake. He noted that the EPA standards allow some contaminants to be discharged.

Mr. Duncan stated that they would accept such a condition. He stated that the discharge from this type of operation would go into the sanitary sewer system and be pre-treated before it goes into the Walton system. Mr. Rush asked if this was a commitment from them and Mr. Duncan replied, "yes".

Mr. Owens questioned if CSX is agreeable to this project. Mr. Duncan stated that he does not represent CSX in this matter. He stated that CSX would have the right to oppose the annexation, but they have not indicated that they are opposed. He added that the development area is not CSX property and they do not need to be in agreement.

There being no further discussion, Mr. Burch asked for a vote on the motion made by Mr. Collins and it carried unanimously.

### 3. Change in Concept Development Plan

The request of Jake Sweeney Automotive (applicant) for Sweeney Realty (owner) for a Change in Concept Development Plan and conditions for a 4.23-acre site located in Heritage Hill Commercial Center, Boone County, Kentucky. The site is zoned Commercial Services/Planned Development (C-3/PD).

Staff Member, Tom Breidenstein, presented the Committee Report advising that the Committee was unable to recommend action on this request and presented findings of fact for approval and findings of fact for denial (see Committee Report).

Mr. McMillian moved that the request be approved based on the findings of fact for approval. He stated that the topography is such that it is very difficult to see the site and, therefore, he would like to see this change made. Mr. Owens seconded the motion.

Mr. Sharp stated that it is a nice sign, but it conflicts with the plans for that area and may open the door for signs that are less attractive. Mr. Owens commented that the are controls over the type, height, and location of signs and an unattractive sign could be prevented in the future. Mr. Breidenstein advised that Article 19 is in regard to sign regulations, but an unattractive sign cannot be avoided by the regulations. Mr. Owens agreed that "unattractive" would be in the eyes of the beholder.

Mr. Ries questioned if there could eventually be four or five signs with all of the other sites behind this site putting a sign out if a precedent is set. Mr.

EXHIBIT "B"

## COMMITTEE REPORT

#2

TO: Boone County Planning Commission

FROM: Floyd Sharp, Chairman

DATE: June 19, 1991

RE: Request of the City of Walton to determine the impact of annexation, if any, on the zoning of property currently owned by Ronald R. and Brenda A. Tackett and CSX Corporation. The Tackett and CSX Corporation properties are generally located south of Boone Lake and between I-75 and U.S. 25. The Tackett property is currently zoned Suburban Residential One (SR-1) and Agricultural Estate (A-2). The 9 acre CSX Corporation property is currently zoned Industrial One (I-1) and Agricultural Estate (A-2). The City of Walton would like the Planning Commission to consider rezoning both properties (located in Boone County) Industrial Two (I-2).

### RECOMMENDATION:

We, the Committee, recommend that the current zoning of a portion of the property owned by Ronald R. Tackett and Brenda A. Tackett be changed from Agricultural Estate (A-2) and Suburban Residential One (SR-1) to Industrial Two (I-2) as a result of annexation by the City of Walton. The current zoning of the remaining portion of the Tackett property located in Boone County is recommended not to be changed, and therefore will remain as Suburban Residential One (SR-1) and Agricultural Estate (A-2). The remaining portion of the Tackett property will serve as a buffer between the adjoining residential land uses and the future industrial use of the property. The proposed change in zoning is identified in the attached drawing. Further, the Committee recommends that the current zoning of the CSX Incorporated parcel (or 9 acres) remain the same or Industrial One (I-1) and Agricultural Estate (A-2) as a result of annexation by the City of Walton.

This overall recommendation is based upon the following findings of fact.

### FINDINGS OF FACT

- 1) Upon annexation, the proposed industrial use of the Tackett property, as requested by the City of Walton and First Development Investment Corporation (FDIC) at the May 29, 1991 Public Hearing, is in general agreement with the Boone County Comprehensive Plan, as the City of Walton will experience gradual commercial, residential and industrial growth due to its regional interstate accessibility. The Business Activity

Element of the Comprehensive Plan suggests that the Richwood and Walton interchanges will serve an increasing amount of industrial traffic along the U.S. 25 and the Boone/Kenton line has industrial potential due to interstate and rail access. Other references to the Comprehensive Plan are mentioned in the May 29, 1991 Staff Report.

- 2) The proposed zoning classification of Industrial Two is appropriate since the City of Walton and/or property owner (developer) will provide adequate public sanitary sewer service and public water service to the site, and because the site is physically located between two railroad lines (CSX and Norfolk and Southern).

The Committee is also recommending that the City of Walton consider the following conditions as part of the proposed rezoning of the Tackett property. These conditions can be agreed to in written form by the property owner when the City of Walton formally takes action on the annexation of the Tackett property.

#### CONDITIONS

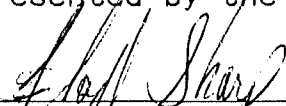
- 1) Stormwater management and soil erosion plans for the site shall be subject to the Boone County Subdivision Regulations. The proposed stormwater system and soil erosion plans shall be designed in such a manner that stormwater runoff and soil erosion does not impact Boone Lake Subdivision and other adjoining properties. All soil erosion plans shall be reviewed by the U.S. Soil Conservation office.
- 2) Adequate public sanitary sewer service and water service shall be provided to serve the site by the City of Walton and/or the property owner (developer).
- 3) The site shall be subject to all federal, state and local health requirements pertaining to the management of air and water pollution.
- 4) The property owner or developer of the site shall provide amenities in the industrial park such as lakes and landscaped features (e.g. landscaped berms) and a pedestrian network along the primary road of the park.

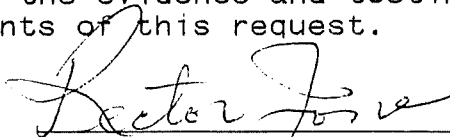
- 5) Additional landscaping material will be required on industrial lots located along the A-2 and SR-1 zoning line in order to screen the proposed residential lots from the future industrial uses.
- 6) The property owner, or developer of the site, shall extend the primary public road in the proposed subdivision west in order to provide a future secondary or emergency access to the I-75 service/frontage road. The eventual connection to the I-75 service/frontage road will not be permitted until such road is improved to meet current city/county or state street specifications.
- 7) Any railroad spur connection from the CSX railroad line to the subject site shall not impact Boone Lake Subdivision.
- 8) The following Industrial Two (I-2) uses shall not be permitted on the Tackett property:
  - a) Bag cleaning;
  - b) Distillation of alcohol, coal or wood;
  - c) Poultry and small game products;
  - d) Stone, clay, and glass products including cement, lime, gypsum, plaster of paris, abrasives, and cut stones excluding extraction;
  - e) Petroleum and coal products;
  - f) Railroad and marine craft rights-of-way including switching and marshalling yards;
  - g) Electric generating plants and regulations, substations and water treatment storage, and distribution plants;
  - h) Asphalt and concrete plants; and
  - i) Commercial stockyards.

In addition, no proposed industrial use shall include the cleaning of barrels containing hazardous waste or hazardous materials.

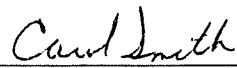
- 9) The portion of the site to be rezoned to Industrial Two (I-2) is based upon the comments, presentations and materials given at the May 29, 1991 Public Hearing.
- 10) The property owner and/or developer shall encourage specific industrial uses that are appropriate for the site and are sensitive to the adjoining land uses.

A copy of the public hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

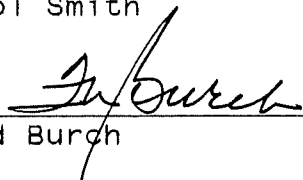
  
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Floyd Sharp, Chairman

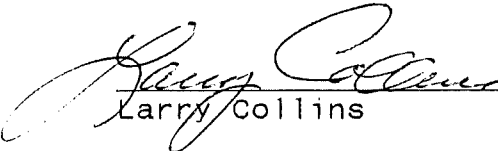
  
\_\_\_\_\_  
Rector Jones

\_\_\_\_\_  
Phil Damstrom

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

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Barry Neltner

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

  
\_\_\_\_\_  
Larry Collins

CITY OF WALTON, KENTUCKY  
ORDINANCE NUMBER 1991 - 23

AN ORDINANCE OF THE CITY OF WALTON, KENTUCKY, APPROVING AND ADOPTING A ZONING CLASSIFICATION FOR CERTAIN PROPERTY THAT HAS BEEN PROPOSED FOR ANNEXATION TO THE CITY OF WALTON, KENTUCKY. (PROPERTY: A PORTION OF PROPERTY OWNED BY RONALD R. AND BRENDA A. TACKETT GENERALLY LOCATED SOUTH OF BOONE LAKE AND BETWEEN I-75 AND U.S. 25. THE RESULT IS IN EFFECT TO REZONE A PORTION OF THE TACKETT PROPERTY TO INDUSTRIAL TWO (I-2). IN ADDITION, THERE IS NO REZONING ACTION TAKEN ON A 9 ACRE SITE GENERALLY LOCATED SOUTH OF BOONE LAKE AND BETWEEN I-75 AND U.S. 25, BOONE COUNTY, KENTUCKY, AND OWNED BY CSX CORPORATION).

WHEREAS, the City of Walton, Kentucky, is a legislative body member of the Boone County Planning Commission, a joint county-wide planning unit or commission established under Chapter 100 of the Kentucky Revised Statutes; and

WHEREAS, the City of Walton, Kentucky, is considering annexation of certain property generally located south of Boone Lake and between I-75 and U.S. 25, Boone County, Kentucky; and

WHEREAS, the Boone County Planning Commission as the planning unit for the City of Walton, Kentucky, was requested to hold a public hearing and recommend to the City the zoning classification of such property upon annexation, in accordance with applicable law; and

WHEREAS, the Boone County Planning Commission has conducted the public hearing and has made its recommendation to the City.

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

SECTION ONE

A certain portion of property owned by Ronald R. and Brenda A. Tackett, being generally located south of Boone Lake and between I-75 and U.S. 25, Boone County, Kentucky, and being described as 88.9081 acre Tract C on the attached Exhibit "1," such property being considered for annexation to the City of Walton, Kentucky, is hereby rezoned Industrial Two (I-2) upon annexation. The 34.8965 acre Tract D as described in Exhibit "1A" shall remain zoned as Agricultural Estate (A-2) and Suburban Residential One (SR-1) upon annexation. The above real estate is more particularly described in Deed Book 420, page 235, in the Boone County Clerk's office. In addition, the current zoning of a certain nine (9) acres owned by CSX, Inc. hereby remains the same or Industrial One (I-1) and Agricultural Estate (A-2).

SECTION TWO

As a basis for the recommendation of approval for the Zoning Map Amendment based upon annexation into the City of Walton, the findings of fact of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Ordinance and marked as Exhibit "2".

The Commission recommended approval for this request based on the findings of fact and evidence at the hearing that the zone change request is in general agreement with the Boone County Comprehensive Plan, and that the proposed zoning

classification for a portion of the tract as Industrial Two (I-2) is appropriate.

SECTION THREE

Upon annexation, this property will be subject to all conditions for rezoning in Boone County Walton Industrial Park marked as Exhibit "3".

SECTION FOUR

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. If a Court having jurisdiction invalidates any part, section, subsection, clause or provision of this Ordinance or the Boone County Planning and Zoning Regulations, including the Boone County Zoning Map, all other parts, sections, subsections, clauses, or provisions shall remain valid and effective as they are severable.

PASSED, APPROVED, AND ADOPTED UPON FIRST READING BY 3 MEMBERS OF CITY COUNCIL ON THE 16<sup>th</sup> DAY OF August, 1991.

PASSED AND APPROVED ON SECOND READING BY 4 MEMBERS OF THE CITY COUNCIL ON THE 21<sup>st</sup> DAY OF August, 1991, AND ORDERED PUBLISHED AS REQUIRED BY LAW.

APPROVED:

Signed:

William King  
Mayor William King  
City of Walton

ATTEST:

*Ruth Glenn*

Ruth Glenn  
Walton City Clerk

PREPARED BY:

*Terry R. Edwards*

TERRY R. EDWARDS  
ATTORNEY FOR THE CITY OF WALTON  
7992 Dixie Highway  
P.O. Box 6205  
Florence, KY 41042  
(606) 525-6161

EXHIBIT 1

Tract C:

Commencing at an iron pin (by others) in the northeast corner of said Tackett property in the west right-of-way line of the Norfolk-Southern Railroad a corner to Christopher C. Combs (D.B.168,Pg.503): thence South 27 degrees 04 minutes 52 seconds East, a distance of 385.49 feet to a point in said railroad right-of-way; thence with the north line of the herein described Tract A, South 70 degrees 41 minutes 00 seconds West, a distance of 553.88 feet to a t-bar fence post and set steel rebar; thence South 70 degrees 02 minutes 45 seconds West a distance of 328.11 feet to a point in the Boone-Kenton County line as established in Deed Book 329, Page 669 and accompanying exhibit, said point being the True Point of Beginning; Thence with the county line South 09 degrees 13 minutes 44 seconds West, a distance of 2635.74 feet to a point in the south line of Tackett in the north line of Arthur A. Adams (D.B.229,Pg.240); thence with Adams line South 60 degrees 23 minutes 12 seconds West, a distance of 1026.87 feet to a set steel rebar at a fence post, a corner to Charles G. Watson, Jr.(D.B.81,Pg.590);thence with Watsons' line for three calls: North 39 degrees 29 minutes 03 seconds West, a distance of 352.07 feet to a set steel rebar at a fence corner post; thence South 50 degrees 41 minutes 01 seconds West, a distance of 532.13 feet to a set steel rebar at a fence corner post; thence North 39 degrees 54 minutes 08 seconds West, a distance of 1341.49 feet to a set steel rebar at a fence corner post, said post being in the fenceline right-of-way line of the L&N Railroad; thence with said fenceline right-of-way for four calls: North 26 degrees 16 minutes 51 seconds East, a distance of 218.22 feet; North 13 degrees 51 minutes 18 seconds East, a distance of 179.40 feet; North 05 degrees 52 minutes 36 seconds East, a distance of 160.27 feet; thence along a new division line partitioning the grantors and grantees, corners being set steel rebars at t-bar fence posts unless noted, for ten calls:

- (1) North 63 degrees 35 minutes 55 seconds East, 410.21 feet; thence
- (2) South 72 degrees 24 minutes 53 seconds East, 416.02 feet; thence
- (3) South 72 degrees 44 minutes 47 seconds East, 498.75 feet; thence
- (4) North 87 degrees 17 minutes 19 seconds East, 392.78 feet; thence
- (5) North 63 degrees 42 minutes 30 seconds East, 603.85 feet, a fence post; thence along an existing fenceline,
- (6) North 25 degrees 09 minutes 20 seconds West, 707.36 feet a fence corner post; thence
- (7) North 44 degrees 51 minutes 03 seconds West, 486.60 feet; thence
- (8) North 57 degrees 04 minutes 36 seconds East, 293.09 feet; thence
- (9) North 73 degrees 03 minutes 58 seconds East, 758.89 feet; thence
- (10) North 70 degrees 02 minutes 42 seconds East, 163.18 feet to a point in the Boone-Kenton County line the True Point of Beginning, containing 88.9081 acres more or less.

EXHIBIT 1A

Tract D:

Commencing at an iron pin (by others) in the Northeast corner of said Tackett property in the west right-of-way of the Norfolk-Southern Railroad a corner to Christopher C. Combs (D.B.168, Pg.503); thence South 27 degrees 04 minutes 52 seconds East, a distance of 385.49 feet to a point in said railroad right-of-way; thence with the north line of the herein described Tract A, South 70 degrees 41 minutes 00 seconds West passing a t-bar fence post and set steel rebar at 18.98 feet a total distance of 553.88 feet to a t-bar fence post and set steel rebar; thence South 70 degrees 02 minutes 45 seconds West, a distance of 328.11 feet to a point in the Boone-Kenton County Line as established in Deed Book 329, Page 669 and accompanying exhibit, a common corner to Tracts A,C,D,&E, the True Point of Beginning; thence with the county line and the west line of Tract E, North 09 degrees 13 minutes 44 seconds East, a distance of 376.66 feet to an iron pin set by others in the north line of Tackett and in the south line of the said Christopher C. Combs property (D.B.168, Pg.503); thence with the fence line South 61 degrees 28 minutes 07 seconds West, a distance of 1802.98 feet to a corner with Boone Lake Subdivision (P.B.3, Pg.33); thence with said Boone Lake Subdivision for twelve calls:

- (1) South 07 degrees 36 minutes 20 seconds West, 137.68 feet;
- (2) South 42 degrees 56 minutes 52 seconds East, 543.56 feet;
- (3) South 44 degrees 08 minutes 09 seconds West, 209.20 feet;
- (4) South 60 degrees 23 minutes 01 seconds West, 72.60 feet;
- (5) North 38 degrees 06 minutes 50 seconds West, 99.99 feet;
- (6) North 83 degrees 36 minutes 48 seconds West, 95.20 feet;
- (7) South 77 degrees 25 minutes 05 seconds West, 357.75 feet;
- (8) South 09 degrees 18 minutes 14 seconds West, 20.90 feet;
- (9) North 77 degrees 14 minutes 00 seconds West, 255.15 feet;
- (10) South 68 degrees 23 minutes 12 seconds West, 236.91 feet;
- (11) South 57 degrees 57 minutes 56 seconds West, 175.50 feet;
- (12) South 71 degrees 15 minutes 00 seconds West, 128.33 feet,

to a found iron pin in the easterly right-of-way of the L&N railroad; thence with said right-of-way for two calls:

- (1) South 12 degrees 22 minutes 53 seconds West, 68.28 feet;
- (2) South 04 degrees 17 minutes 39 seconds West, 165.60 feet,

to the northwest corner of the herein described Tract C; thence with the north line of said Tract C for ten calls, all corners being set steel rebars at t-bar fence posts unless noted:

- (1) North 63 degrees 35 minutes 55 seconds East, 410.21 feet; thence
- (2) South 72 degrees 24 minutes 53 seconds East, 416.02 feet; thence
- (3) South 72 degrees 44 minutes 47 seconds East, 498.75 feet; thence
- (4) North 87 degrees 17 minutes 19 seconds East, 392.78 feet; thence
- (5) North 63 degrees 42 minutes 30 seconds East, 603.85 feet, a fence post; thence along an existing fence line,
- (6) North 25 degrees 09 minutes 20 seconds West, 707.36 feet a fence corner post; thence
- (7) North 44 degrees 51 minutes 03 seconds West, 486.60 feet; thence
- (8) North 57 degrees 04 minutes 36 seconds East, 293.09 feet; thence
- (9) North 73 degrees 03 minutes 58 seconds East, 758.89 feet; thence
- (10) North 70 degrees 02 minutes 42 seconds East, 163.18 feet to a point in the Boone-Kenton County line the True Point of Beginning; containing 34.8965 acres more or less.

## COMMITTEE REPORT

#2

TO: Boone County Planning Commission

FROM: Floyd Sharp, Chairman

DATE: June 19, 1991

RE: Request of the City of Walton to determine the impact of annexation, if any, on the zoning of property currently owned by Ronald R. and Brenda A. Tackett and CSX Corporation. The Tackett and CSX Corporation properties are generally located south of Boone Lake and between I-75 and U.S. 25. The Tackett property is currently zoned Suburban Residential One (SR-1) and Agricultural Estate (A-2). The 9 acre CSX Corporation property is currently zoned Industrial One (I-1) and Agricultural Estate (A-2). The City of Walton would like the Planning Commission to consider rezoning both properties (located in Boone County) Industrial Two (I-2).

## RECOMMENDATION:

We, the Committee, recommend that the current zoning of a portion of the property owned by Ronald R. Tackett and Brenda A. Tackett be changed from Agricultural Estate (A-2) and Suburban Residential One (SR-1) to Industrial Two (I-2) as a result of annexation by the City of Walton. The current zoning of the remaining portion of the Tackett property located in Boone County is recommended not to be changed, and therefore will remain as Suburban Residential One (SR-1) and Agricultural Estate (A-2). The remaining portion of the Tackett property will serve as a buffer between the adjoining residential land uses and the future industrial use of the property. The proposed change in zoning is identified in the attached drawing. Further, the Committee recommends that the current zoning of the CSX Incorporated parcel (or 9 acres) remain the same or Industrial One (I-1) and Agricultural Estate (A-2) as a result of annexation by the City of Walton.

This overall recommendation is based upon the following findings of fact.

FINDINGS OF FACT

- 1) Upon annexation, the proposed industrial use of the Tackett property, as requested by the City of Walton and First Development Investment Corporation (FDIC) at the May 29, 1991 Public Hearing, is in general agreement with the Boone County Comprehensive Plan, as the City of Walton will experience gradual commercial, residential and industrial growth due to its regional interstate accessibility. The Business Activity

EXHIBIT 2 (CONTINUED)

COMMITTEE REPORT  
CITY OF WALTON ANNEXATION  
JUNE 19, 1991

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Element of the Comprehensive Plan suggests that the Richwood and Walton interchanges will serve an increasing amount of industrial traffic along the U.S. 25 and the Boone/Kenton line has industrial potential due to interstate and rail access. Other references to the Comprehensive Plan are mentioned in the May 29, 1991 Staff Report.

- 2) The proposed zoning classification of Industrial Two is appropriate since the City of Walton and/or property owner (developer) will provide adequate public sanitary sewer service and public water service to the site, and because the site is physically located between two railroad lines (CSX and Norfolk and Southern).

The Committee is also recommending that the City of Walton consider the following conditions as part of the proposed rezoning of the Tackett property. These conditions can be agreed to in written form by the property owner when the City of Walton formally takes action on the annexation of the Tackett property.

CONDITIONS

- 1) Stormwater management and soil erosion plans for the site shall be subject to the Boone County Subdivision Regulations. The proposed stormwater system and soil erosion plans shall be designed in such a manner that stormwater runoff and soil erosion does not impact Boone Lake Subdivision and other adjoining properties. All soil erosion plans shall be reviewed by the U.S. Soil Conservation office.
- 2) Adequate public sanitary sewer service and water service shall be provided to serve the site by the City of Walton and/or the property owner (developer).
- 3) The site shall be subject to all federal, state and local health requirements pertaining to the management of air and water pollution.
- 4) The property owner or developer of the site shall provide amenities in the industrial park such as lakes and landscaped features (e.g. landscaped berms) and a pedestrian network along the primary road of the park.

EXHIBIT 2 CONTINUED)

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CITY OF WALTON ANNEXATION  
JUNE 19, 1991

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- 5) Additional landscaping material will be required on industrial lots located along the A-2 and SR-1 zoning line in order to screen the proposed residential lots from the future industrial uses.
- 6) The property owner, or developer of the site, shall extend the primary public road in the proposed subdivision west in order to provide a future secondary or emergency access to the I-75 service/frontage road. The eventual connection to the I-75 service/frontage road will not be permitted until such road is improved to meet current city/county or state street specifications.
- 7) Any railroad spur connection from the CSX railroad line to the subject site shall not impact Boone Lake Subdivision.
- 8) The following Industrial Two (I-2) uses shall not be permitted on the Tackett property:
  - a) Bag cleaning;
  - b) Distillation of alcohol, coal or wood;
  - c) Poultry and small game products;
  - d) Stone, clay, and glass products including cement, lime, gypsum, plaster of paris, abrasives, and cut stones excluding extraction;
  - e) Petroleum and coal products;
  - f) Railroad and marine craft rights-of-way including switching and marshalling yards;
  - g) Electric generating plants and regulations, substations and water treatment storage, and distribution plants;
  - h) Asphalt and concrete plants; and
  - i) Commercial stockyards.

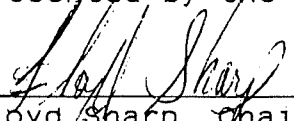
In addition, no proposed industrial use shall include the cleaning of barrels containing hazardous waste or hazardous materials.

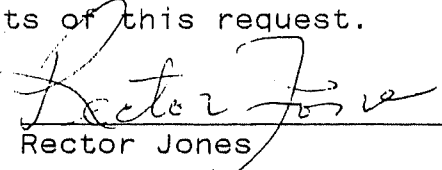
- 9) The portion of the site to be rezoned to Industrial Two (I-2) is based upon the comments, presentations and materials given at the May 29, 1991 Public Hearing.
- 10) The property owner and/or developer shall encourage specific industrial uses that are appropriate for the site and are sensitive to the adjoining land uses.

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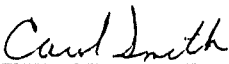
PAGE 4

A copy of the public hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

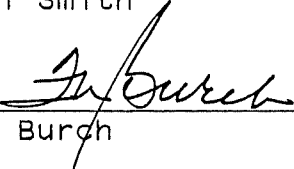
  
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Floyd Sharp, Chairman

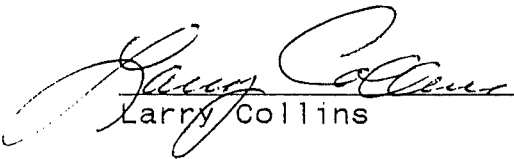
  
\_\_\_\_\_  
Rector Jones

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Phil Damstrom

  
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Carol Smith

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Barry Neltner

  
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Fred Burch

  
\_\_\_\_\_  
Larry Collins

FS/vlm

EXHIBIT 3

CONDITIONS FOR REZONING IN BOONE COUNTY  
WALTON INDUSTRIAL PARK

- 1) Stormwater management and soil erosion plans for the site shall be subject to the Boone County Subdivision Regulations. The proposed stormwater system and soil erosion plans shall be designed in such a manner that stormwater runoff and soil erosion does not adversely impact Boone Lake Subdivision and other adjoining properties. All soil erosion plans shall be reviewed by the U.S. Soil Conservation office.
  - 2) Adequate public sanitary sewer service and water service shall be provided to serve the site by the City of Walton and/or the property owner (developer).
  - 3) The site shall be subject to all federal, state and local health requirements pertaining to the management of air and water pollution.
  - 4) Landscaping material will be placed where required on industrial lots located along the A-2 and SR-1 zoning line in order to meet Boone County Zoning and Subdivision Regulations.
  - 5) The property owner, or developer of the site, shall extend the primary public road right of way in the proposed subdivision west in order to provide a future secondary or emergency access to the I-75 service/frontage road. The eventual connection to the I-75 service/frontage road will not be permitted until such road is improved to meet current city/county or state street specifications.
  - 6) Any railroad spur connection from the CSX railroad line to the subject site shall not impact Boone Lake Subdivision.
  - 7) The following Industrial Two (I-2) uses shall not be permitted on the Tackett property:
    - a) Bag cleaning;
    - b) Distillation of alcohol, coal or wood;
    - c) Poultry and small game products;
    - d) Stone, clay and glass products including cement, lime, gypsum, plaster of paris, abrasives, and cut stones excluding extraction;
    - e) Petroleum and coal products;
    - f) Railroad and marine craft rights of way including switching and marshalling yards;  
(This does not restrict rail spurs to the industrial site.)
    - g) Electric generating plants and regulations, substations and water treatment storage and distribution plants;
    - h) Asphalt and concrete plants; and
    - i) Commercial stockyards.
- In addition, no proposed industrial use shall include the cleaning of barrels containing hazardous waste or hazardous materials.
- 8) The portion of the site to be rezoned to Industrial Two (I-2) is based upon the comments, presentations and materials given at the May 29, 1991 Public Hearing.
  - 9) No manufacturing byproducts will be released into the adjoining streams.

Christopher C. C  
&  
Betty B. Cor  
(DB 168/Pg.  
Boone Co. Pa

