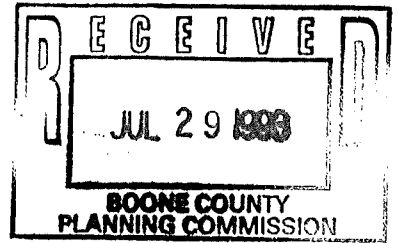


APPLICATION FORM  
**ZONING MAP AMENDMENT**

BOONE COUNTY PLANNING COMMISSION  
 (See Boone County Zoning Regulations)



**SECTION A** (To be completed by applicant)

1. Name of Project CHURCH STREET ESTATE
2. Location of Project CHURCH STREET WALTON
3. Total Acreage of Site 55
4. Current Zoning of Site RECREATION 25AC A-2 or 28AC
5. Proposed Zoning (Classification being requested) MOBILE HOME PARK
6. Proposed Uses (please specify each use) 247 MOBILE HOMES
  
7. Names of Applicant(s) EW BESSLER et al
- Phone Number 291-5141 Fax No. \_\_\_\_\_
8. Address of Applicant(s) ROSEMONT
- FT MITCHELL Ky 41017
- City State Zip
9. Name of Property Owner(s) FRANK ENEMINGER + Turner
- Phone Number \_\_\_\_\_ Fax No. \_\_\_\_\_
10. Address of Property Owner(s) 366 E FROGTOWN RD.
- WALTON Ky 41094
- City State Zip
11. Proposed Building Intensities (please specify) 6.8 per ac
  
12. Are there any existing buildings on the site? yes
- How many? 4
13. Deed Book 505 Page No. 77 Group No. 2081A
14. Are you also applying for: also 461 Page 19
- NO Conditional Use Permit
- NO Dimensional Variance
15. Have you submitted a Concept Development Plan? with application
16. Have you had a pre-application meeting with BCPC Staff? yes
17. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:

- \_\_\_\_\_ Boone County Water and Sewer District
  - \_\_\_\_\_ Florence Water and Sewer Commission
  - \_\_\_\_\_ Union Light Heat and Power
  - \_\_\_\_\_ Cincinnati Bell
  - \_\_\_\_\_ Owen County Rural Electric
  - \_\_\_\_\_ Boone County Public Works Department
- (over)

ANY Questions-Please call Jim Berling

EXHIBIT "A"

# STAFF REPORT

Request of E.W. Bessler et al. (applicant) for Frank Ensminger and Turner, Inc. (owners) for a Zoning Map Amendment on a 55 acre tract located at 125 Church Street, Walton, Kentucky. The request is to rezone the site from Recreation to Mobile Home Park (MHP) in order to develop Church Street Estate, a 247 mobile home park community.

August 25, 1993

This request would enable the development of a 247 unit mobile home park which would be located within the City of Walton, near the Boone/Kenton County boarder (see sheet #1). The site contains 55 acres and would be accessed from Church Street.

## Surrounding Zoning and Land Uses (See Sheet #2)

North:	Undeveloped land zoned Agricultural Estate (A-2)
South:	Residences zoned Agricultural Estate (A-2) Rural Suburban (RS)
East:	Residences zoned Agricultural Estate (A-2)
West:	Undeveloped land zoned Suburban Residential (SR-1)

## Site Characteristics

The site contains one large lake which is approximately eight (8) acres in size and a smaller lake which is nearly one acre in size (see sheet #3). Approximately two thirds of the site is covered with mature trees, and has a topography which is generally hilly and would require extensive grading to be developed for the proposed mobile home park. Stormwater runoff for this site is primarily to the southeast where it drains into Cruises Creek in Kenton County. Currently, this site is served by water and sewer, but there would need to be considerable upgrades made to the existing lines to handle the increased demands by this development. There are three ways to access the proposed mobile home park, of which two require crossing over railroad tracks.

The first route, which is the most direct, is by Church Street. This route requires the driver to cross a controlled signalized railroad crossing. This road is a narrow two-lane, ditch-lined street of varying pavement widths ranging from twenty (20) feet to approximately sixteen (16) feet. Residents park on the south side of Church Street, which is a County maintained street that serves 19 residences and a church. This street has only thirty (30) feet of right-of-way and homes located within ten (10) to twenty (20) feet of the edge of pavement (see sheet #4).

The second means of access is from High Street which requires the driver to cross over a one lane railroad bridge. This eight (8) ton maximum bridge contains a high arc which makes visibility to the other side of the bridge impossible from a car. Once across the bridge the driver will need to make a left onto Scott Street which then connects to Church Street (see sheet #4). High Street is a narrow two lane road lined with residences and street parking that connects with Scott Street. Scott Street is also a narrow one-lane steep road.

The third means of access is several miles out of the way via Percival Drive, which is largely located within Kenton County. This route would require a driver to travel US. 25 to KY 16 to access Percival Drive. Percival Drive is generally a one lane road over hilly terrain that would take the driver about four to five miles out of their way before accessing the proposed mobile home park. (see sheet #4)

#### Relationship to the Comprehensive Plan

The 1990 Boone County Comprehensive Plan Land Use Map, indicates the future land use for this site as Recreation and Agricultural. The text of the Comprehensive Plan make no specific mention of the applicant's site. However, it does state that the Walton area should experience gradual commercial, residential, and industrial growth. Residential uses to the south and east of the interstate should not exceed the Rural density classification unless sanitary sewer and water are extended.

The Future Land Use Development Guidelines, entitled Access Management, indicate that developments in Boone County must recognize the potential impacts of associated traffic on adjoining property and transportation systems. The need exists to protect the capacity of the existing roadway network and to plan improvements to accommodate new development and travel patterns. In addition, the land use text indicates that transportation networks should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets.

The Housing Element of the Comprehensive Plan indicates that high density residential areas should be located with convenient access to major streets, highways, shopping and public facilities.

The Transportation Element classifies a local street as a street that provides the greatest degree of access to abutting property. Service of through traffic is clearly subordinate and even discouraged by low posted speeds and street design. The Boone County Subdivision Regulations, indicate that a local street should serve 25-100 residential lots and provide fifty (50) feet of right-of-way with a pavement width of 25 feet. A sub-collector, which serves between 100-500 residential lots requires the same right-of-way but 28 feet of pavement width or 24 feet with no parking.

The Goals and Objectives Element of the Comprehensive Plan indicates on page 3 under transportation goal that the level of service of the transportation system is maintained and improved, thus enhancing safety, addressing and resolving identified inefficiencies, and promoting and responding to regional growth. This section further states that proper access to adjoining property should be provided and/or retained when a property develops or redevelops and that new roadways shall be developed where needed and feasible. Also, roadways shall be widened and improved where appropriate.

### Concept Development Plan

The applicant's conceptual plan indicates only one access for the entire mobile home park which is from Church Street (see sheet #3). The 247 unit mobile home park is situated on a 55 acre site that will have a density of 4.49 units per acre. This is 2.51 units less per acre that is permitted under the Boone County Zoning Regulations. Approximately three (3) to four (4) acres is proposed as open space along Church Street between the first row of houses and the street. Roughly the same amount of open space is proposed around the existing large lake but no recreation activity has been indicated in either area. The existing residence located between the two branches of the lake will be used as a club house/community center for the residences of the development according to the applicant. No other active recreational areas have been indicated on the conceptual plan. The approximately one acre lake that exists in the northeastern corner will be preserved and accessible to all park residences. The plan also indicates green areas fifteen (15) feet in width between adjoining rows of mobile homes which will create a buffer between these homes.

In addition, the applicant has indicated that the dam will be replaced with an improved 200 feet wide dike that would bring the row of mobile homes at the southern base of the lake above the level of the water. This measure is being taken by the applicant to insure that the lake does not breach the dam, which has happened in the past.

### Staff Concerns

1. According to the Institute of Transportation Engineers, Trip Generation Manual 5th Edition, this development will produce on an average Saturday a range of trips between 523 - 2700 trips per day with the average trips per day of 1228. A trip is defined as one vehicle entering or exiting the site. On an average weekday during the A.M. peak hour (7:00 - 9:00) this development would generate 106 trips and during the average P.M. generator (4:00 - 6:00) this use would produce an average hourly trip of 143. This level of traffic on any of the three access routes is not appropriate for the unimproved roads.
2. Staff believes that considering the past history of the lake, access should not be limited to only one-way in and out. At the very least, staff believes, an emergency access should be explored to provide an alternative method in and out if something were to happen at the entrance to the park. This emergency access may be possible where the applicant's property abuts with Powell Lane to the east. This private street which is not currently maintained by Boone or Kenton County may provide a necessary emergency access and therefore, staff feels should be explored by the applicant for such a purpose.
3. The site is currently served by a six inch water and six inch sewer line that runs along Church Street. These lines are near capacity now according to James Ferguson, from the City of Walton, and would not be sufficient to handle the demand from 247 additional housing units. Therefore these lines would need to be upgraded. The existing sewage treatment plant that serves the City of Walton has a designed capacity of 225,000 gallons of waste water per day. According to Jerry Hurst, from the Kentucky Division of Water - Environmental Division, (which is the department that regulates sanitary sewer lines and treatment plants) the

Walton treatment plant is currently operating at an annual average of 187,000 gallons per day. This proposed development would generate 300 gallons of waste water per day per unit according to the Division of Water. With 247 proposed units this use would generate 74,100 gallons of waste water per day, which would exceed the current capacity of the treatment facility by 33,400 gallons per day.

According to Mr Hurst, this capacity problem, along with another problem the City of Walton has with inflow and infiltration into the sewer lines, would prevent the State according to Mr Hurst, from issuing the permit necessary for such a development to operate unless these issues are remedied.

4. No provisions have been made as to future connections for surrounding vacant undeveloped land. The current design of the mobile home park makes no attempt to provide access for adjoining vacant land to the east and west. However, connections could be made to the north by connecting onto the cul-de-sacs.
5. Robert Storer, Superintendent of the Walton-Verona School District has expressed concern over this development because the school system is currently near capacity in most of the grades. A large influx of children into the district could be costly. Since mobile home parks can develop much faster than single family subdivisions and apartments, the potential influx of students into the school system would have a more immediate impact. If this influx of students was to occur after property tax had been collected for the County the school system would be forced to shoulder the financial burden of these new students until the following tax year. Therefore, ways should be explored such as phasing, the development of the park, to lessen this impact. Any proposal should be coordinated by the applicant with the planning commission and the Walton-Verona School District.
6. Chief Donald McIntire of the Walton Fire District, has expressed a concern of response time for a fire or medical emergency if a train was blocking the railroad crossing on Dixie Highway or Church Street. His department would have to travel many minutes out of the way to reach the mobile home park if this were to happen. He has indicated that the average time for a mobile home unit to be destroyed by fire is between 8-10 minutes, which would afford no additional delay. Also of concern is whether a fire truck could cross the railroad bridge at High Street which has an eight (8) ton weight limit.

The issue of emergency access and response time has not been addressed by the applicant. If these issues cannot be remedied, additional distances between mobile home units may be needed to prevent the spread of fire during increased response times. This added time due to a train blocking the railroad crossings could be the difference in whether a home or life can be saved.

7. Staff is concerned roadway impacts that may arise due to development of this site and the installation of the mobile home units. All three access routes to the development are inadequate for heavy equipment and truck traffic that will be a reality of this development for several months. This problem would be compounded if fill dirt was need for the site, or if dirt needed to be removed from the site. A less obnoxious problem would be the delivery of the mobile home units for the development which could

be as large as sixteen (16) feet wide and eighty (80) feet long. This size of unit would be wide as portions of the road on which it would be transported. On street parking is currently permitted on Church Street. At the intersection of Church Street and US. 25 the turning radius is approximately fifty (15) and the visibility to the south is very poor due to a building which is located on the southeast corner. Therefore, the intersection would be inadequate and unsafe to support the potential volume of traffic.

Staff believes that all of the access routes to the site would be inadequate for safely accommodating truck traffic and the delivery of mobile home units. The applicant should be required to indicate how the inconveniences caused by this construction and mobile home delivery traffic will be mitigated.

8. A fifteen (15) feet buffer would be required around the entire mobile home park because it abuts agricultural and residential zones. Staff recommends that any buffer be as near to 100 percent of opacity as possible. Special consideration should be given to landscaping the entrance and the roughly four (4) acres of open space that would be left fronting Church Street.
9. The applicant has not indicated whether the development will contain sidewalks, street lighting or street trees, or whether the park will contain double wide mobile homes.
10. There is approximately 10 acres of green or open area, excluding the lakes, that the applicant has indicated will remain on the conceptual plan. However, it is unclear as to whether the applicant will provide any active recreation, areas and what types of activities or equipment that these areas will contain, and where they will be located.
11. The applicant has indicated a fifteen (15) feet green space between rows of mobile homes on the conceptual plan. Staff would recommend that the applicant indicate the type, quantity, and size of plant material to be planted within these buffers.
12. Since much of the site contains mature trees, special attention should be paid in order to retain as much natural vegetation as possible.
13. The Boone County Zoning Regulation, Article 32, requires a traffic study to be provided by the applicant, and that it be conducted and prepared by a professional individual or firm with adequate experience in Transportation Engineering and Planning. The study should be prepared according to the traffic study format of Article 32.
14. Staff would recommend that if the proposed zoning map amendment is approved that Church Street be upgraded to conform with the Boone County Subdivision Regulations for a Sub-Collector roadway.

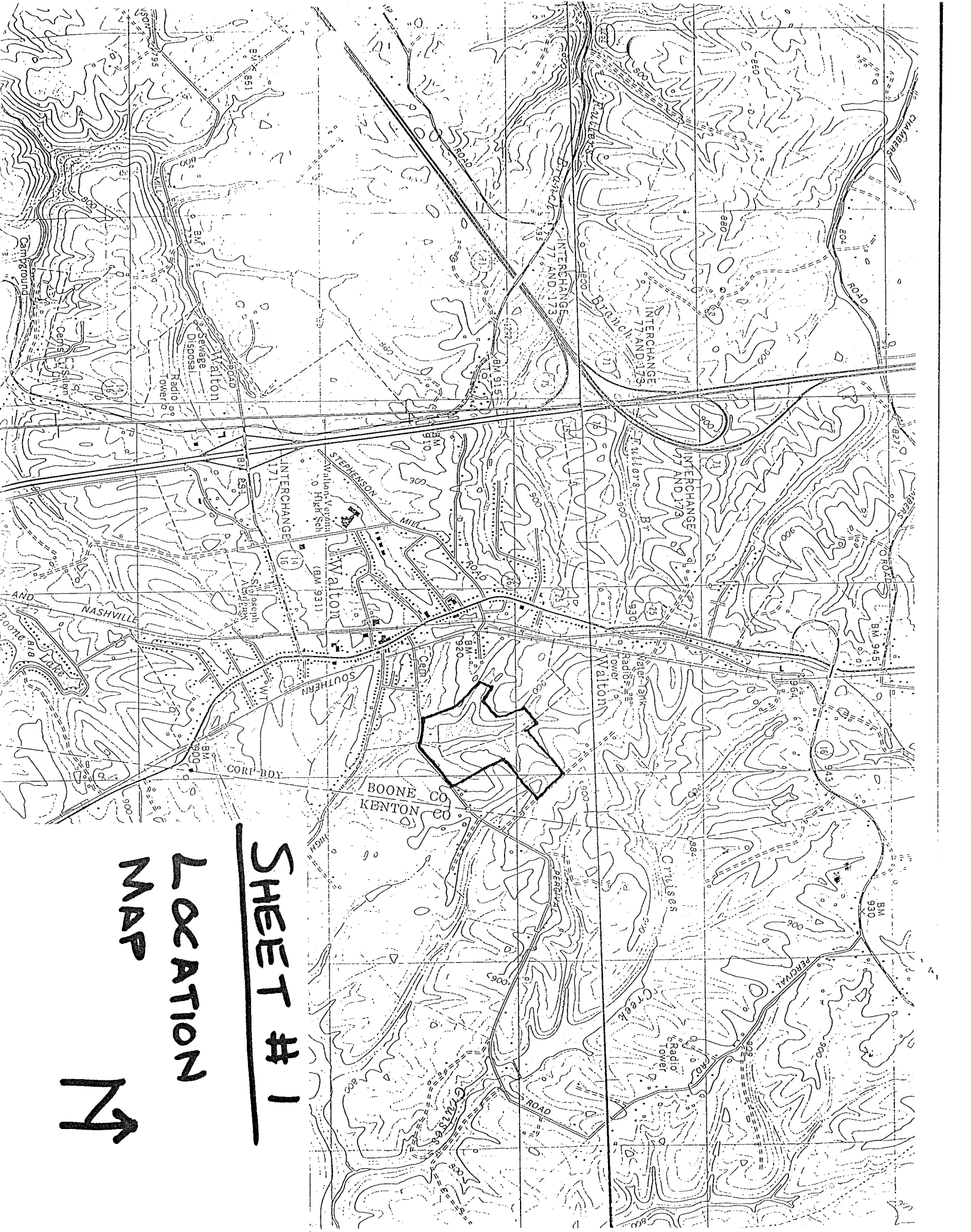
Conclusion

In conclusion, the proposed Zoning Map Amendment request is not in agreement with the future land use map of the Boone County Comprehensive Plan which indicates this area should develop as recreational uses. The issue of safety involving the roadways and the emergency response time for the proposed development should be of paramount importance, and needs to be adequately addressed and mitigated for this development to be compatible and appropriate for the area. If this request should be granted by the City of Walton, a change would be needed in the Boone County Comprehensive Plan Future Land Use Map from Recreation (R) to Mobile Home Park (MHP).

Respectfully Submitted,



Jeffrey F. Hayes  
Planner I

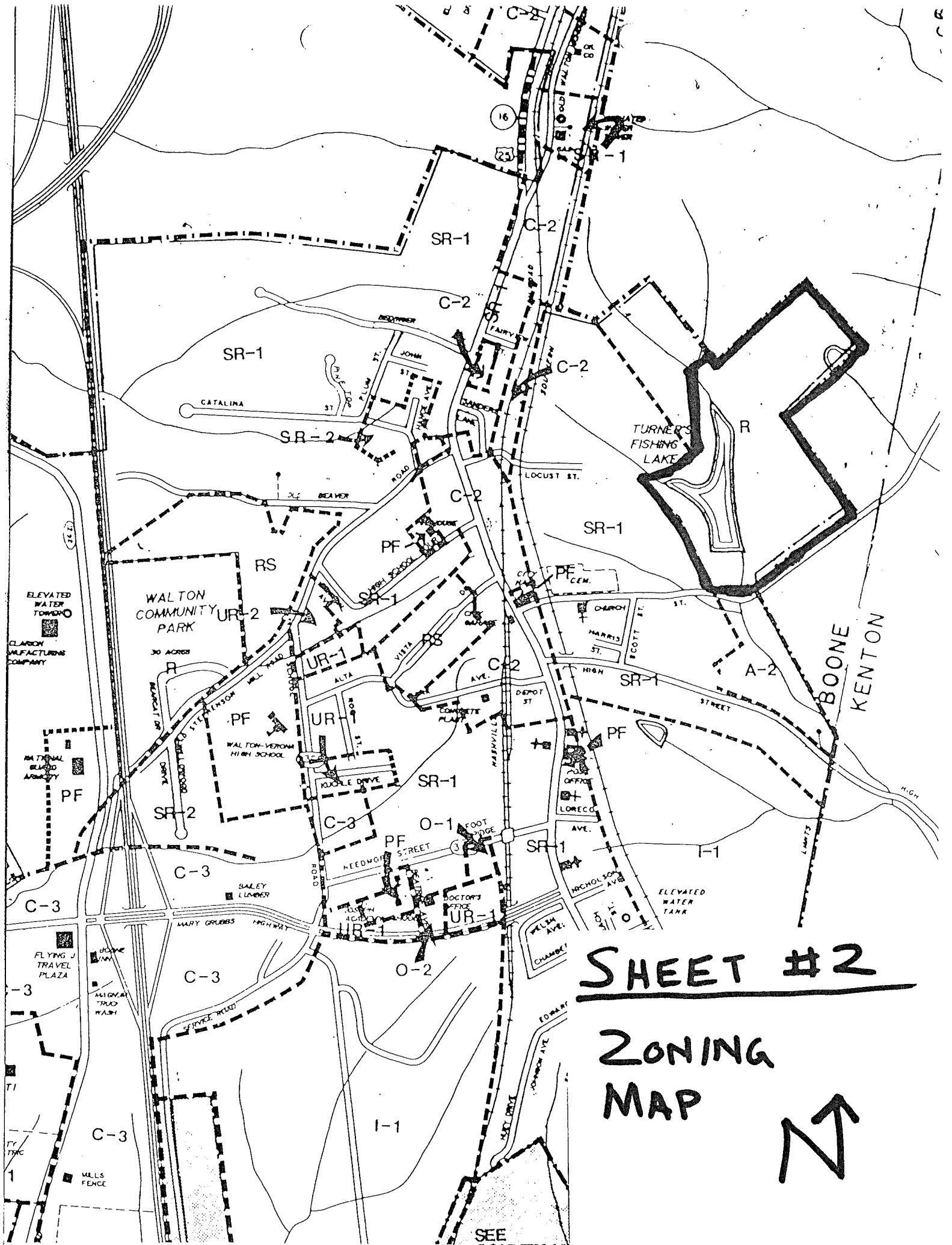


SHEET # 1

LOCATION

MAP





# SHEET #2

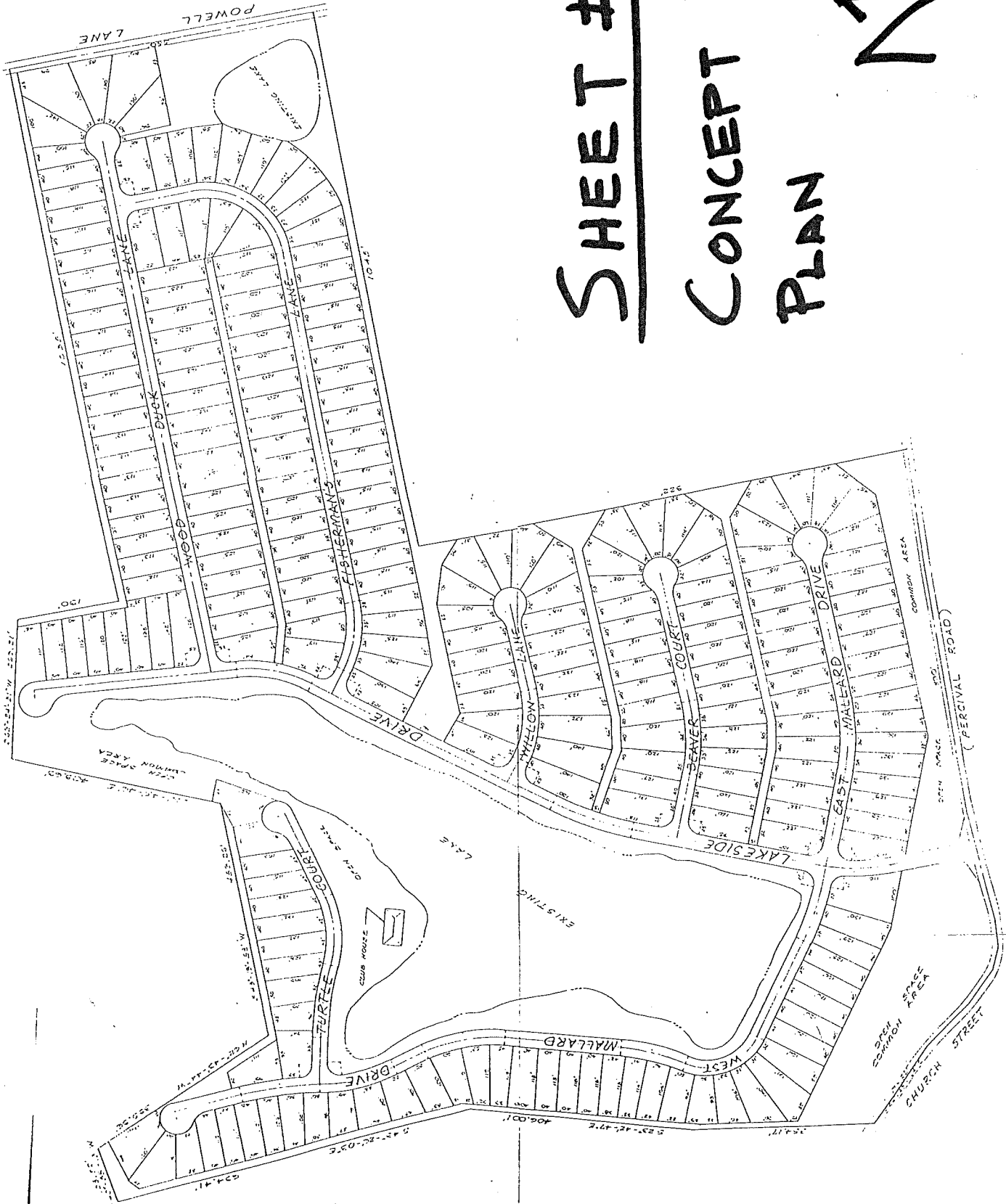
## ZONING MAP



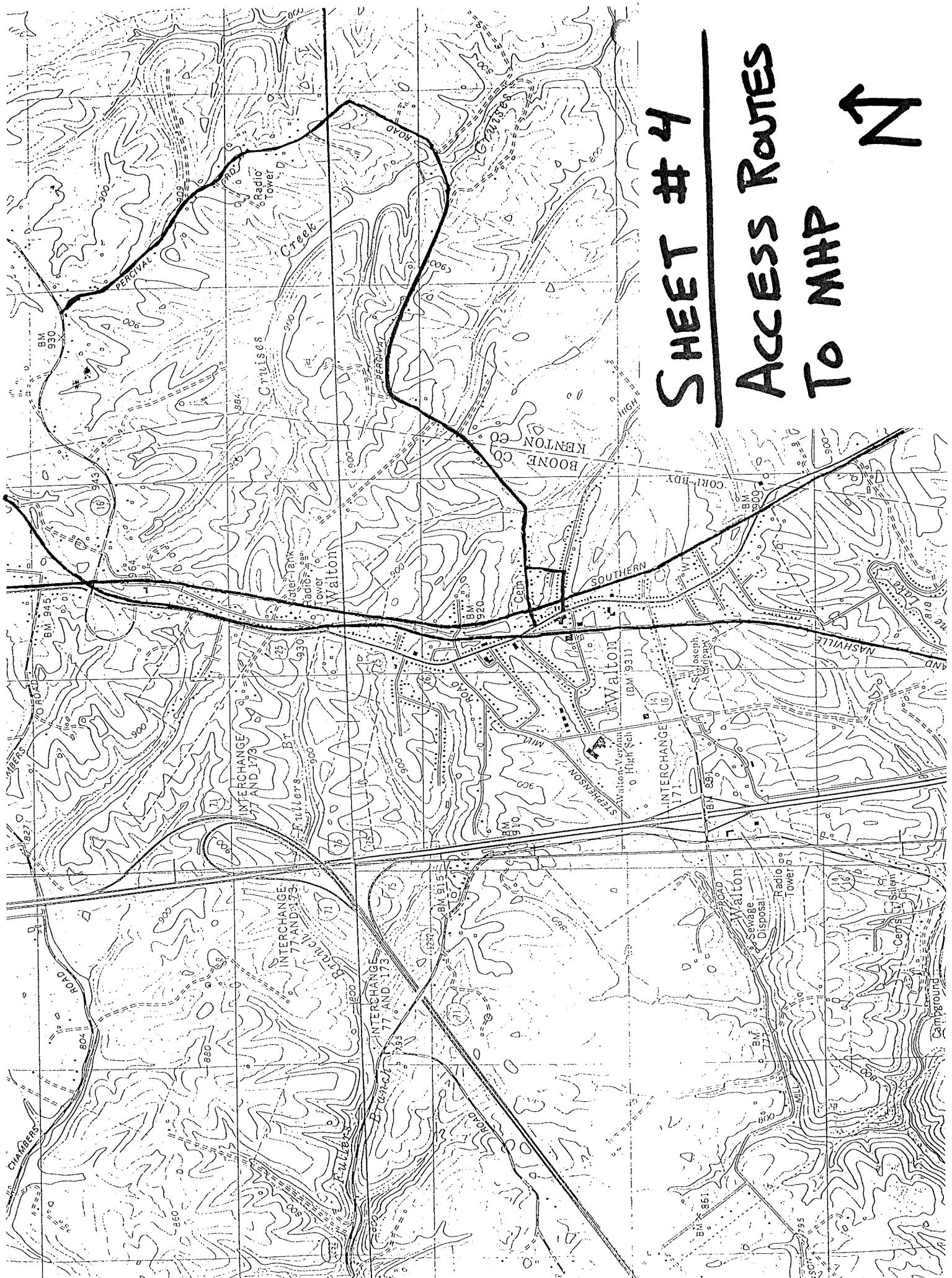
# SHEET #3

## CONCEPT

## PLAN



HAROLD C. ADAMS



**SHEET # 4**

**ACCESS ROUTES  
TO MHP**



BOONE COUNTY PLANNING COMMISSION

August 25, 1993  
7:00 P.M.

PUBLIC HEARINGS

Mr. William Viox, Chairman, called the meeting to order at 7:05 P.M.. The Chairman advised that the Committee Meeting for Item #1 will be on September 8, 1993 at 8:30 P.M. at the Ellis Extension Center. Item #1 will be on the Agenda for the Business Meeting on September 15, 1993 at 8 P.M. in the regular hearing room. The Committee Meeting for Item #2 will be on September 8, 1993 at 7 P.M. at the Ellis Extension Center. Item #2 will be on the Agenda for the Business Meeting on September 15, 1993 at 8 P.M. in the regular hearing room.

Chairman Viox reviewed the order in which the Public Hearing will be held, and the procedures to be used. Those who wished to speak had been asked to fill out cards prior to the start of the Public Hearing. Following an explanation of the Public Hearing process, Chairman Viox introduced the first item on the Agenda:

1. Zoning Map Amendment

The request of E. W. Bessler et al (applicant) for Frank Ensminger and Turner, Inc. (owners) for a Zoning Map Amendment on a 55-acre tract at 125 Church Street, Walton, Kentucky. The request is to rezone the site from Recreation (R) to Mobile Home Park (MHP) in order to develop Church Street Estate, a 247-unit mobile home community.

Staff Member Jeff Hayes presented the Staff Report which included a slide presentation (see Staff Report). Mr. Hayes reviewed and explained each of the 14 Staff Concerns listed in the Staff Report.

Chairman Viox asked for the applicant's presentation.

Mr. Jim Berling, engineer, introduced the applicants. Mr. Berling stated that the Staff did an excellent job of critiquing the site. He stated that they would like to develop a mobile home park on the site. The gentlemen who wish to do the development previously developed Crestview Lakes Villas on Zig Zag Road. He gave the Commission a booklet in regard to their previous projects. There are 300 mobile home units in place in Crestview Lakes Villa and people seldom move from there. They only allow brand new units in the park. Most of the residents are older and there are very few children -- and that is the type of community they want to develop in Walton. They want to develop a community with a certain character and standard of living that they can control. Mr. Berling presented slides of the Crestview Lakes Villas development. He stated that Crestview Lakes Villas has a community association building and a Home Owners Association. The development began in the late 1960's or early 1970's. There are concrete driveways in front of each unit. Each unit has a gas lamp, sidewalks on both sides, and landscaping. The

slides indicated lakes on the property, with landscaping and stonework in the area of the lakes. Some of the units had decking, porches, and other improvements. A gazebo was also shown.

Mr. Berling stated that the subject property also has a large lake on it. They have tried to keep the lake and vegetation around it in tact. The perimeter of the site is wooded. They will leave the woods in the fence and intend to have at least a 15-foot buffer strip. There will be sidewalks on both sides. They understand that there is water and sewer, but were not aware that the size and supply is inadequate. They are sure that the pipe size can be increased. They will pay for flow tests and determine the costs of improvements. In regard to the infiltration and flow study, Mr. Berling stated that there are usually some leaky pipes and manholes, and things like that can be remedied. If there is a moratorium against sewer taps, they would be first to feel it and would participate in upgrading the infrastructure. In regard to the entrance road, he stated that there are 300 units in the community on Zig Zag Road and the entrance road is no wider than 16 feet -- and there does not seem to be a problem. If there is a problem with the width of Church Street, they will participate in fixing it. He stated that the Mayor has pointed out some things he thinks should be done.

Chairman Viox asked if there were any questions from the Commission.

Mr. Neltner questioned if Mr. Hayes was indicating that there would be no more permits issued until the problem is fixed. Mr. Hayes stated that this was correct. He stated that the City of Walton is doing a study to see where the leaks are and how to correct them. Mr. Hurst from the Kentucky Division of Water/Environmental Division has indicated that they will not issue any more permits for line extensions until the problem is corrected. Mr. Hayes added that the additional demand on the treatment plant would cause it to exceed its capacity. The state will not issue a permit until the treatment plant can handle the additional capacity.

Mr. Neltner questioned how fast the City of Walton believes they can remedy the leaks problem and when they would increase the capacity of the treatment plant. Mr. Hayes advised that Mayor King hopes to have the study of the lines done by October or November, 1993. The study will identify the problems and the cost to fix them -- which may be in excess of \$100,000. Walton will then have to find the money to fix the problems, and they do not know how long this will take.

Mr. Neltner questioned the increased capacity of the treatment plant. Mr. Hayes advised that on a rainy day, the amount being registered at the treatment plant may be elevated, and the actual amount may be lower. The study has to be completed before they know the actual amount and, at this time, they would not issue any permits.

Mr. Neltner questioned the radius of Percival Road. He asked if a 70-foot trailer could use Percival Road. Mr. Hayes referred to Sheet #4 attached to the Staff Report and indicated Percival Road coming off KY 16. He stated that Percival Road varies in width, but most of it is not much wider than a one-lane road, and it has some sharp turns. Of the potential accesses, there is the least amount of traffic on Percival Road. A

trailer could negotiate the turn, but the whole road would have to be blocked off while a unit was on the road -- which would also be true of the construction traffic. If a lot of fill has to be brought into the site, or out of the site, there would be 3 or 4 months of heavy trucks going up and down the street frequently.

Chairman Viox questioned the history of the existing zoning on the site. Why is it zoned Recreation?

Mr. Hayes stated that he did not know when the site was zoned Recreation. In 1991, the owner, Mr. Turner, applied for a Site Plan to use the site for a fishing lake. There are structures currently on the site and it has been used for a fishing lake for a few years. He did not know what the previous use of the site was. A gentleman in the audience stated that the site was previously the Walton reservoir.

Chairman Viox questioned the zoning surrounding the site. Mr. Hayes advised that the site is basically surrounded by A-2 zoning. He believes that the zoning map is incorrect in regard to how far the Recreational zoning is extended. There may be a mapping error. The abutting zoning to the north may be Recreational, but to the east, west, and south of the site the abutting zoning is A-2 and RS. The land around the site is primarily residential and agricultural.

Mr. Hayes placed on the easel a large copy of the Concept Plan provided by the applicant. Chairman Viox referred to the Concept Plan, and stated that from the entrance coming off of Church Street, it appears that the dam is higher. Mr. Berling stated that it is higher. Chairman Viox noted that the applicant is going to create a dam and asked if the units will be above or below the water level. Mr. Berling replied "above the water level". He stated that the distance from Church Street to the pump house is several hundred feet. The thickness of the dam would be 150 feet or more. All of the units are above the water level.

Chairman Viox questioned how the water gets out of the lake. Mr. Berling stated that they will build a new overflow structure.

Chairman Viox referred to the left side of the Concept Plan and stated that the lots look wide. He questioned if there will be rear yards beyond the units. Mr. Berling replied "yes". He indicated where they want to have a clubhouse in the area of the existing house. He noted the possibility of extending the road to other developments, but stated that he does not know that extending the road is desirable from anyone's point of view. They want to keep the development private and controlled.

Mr. DeLong asked if the applicants had addressed any of the criteria for a zone change. He noted that the infrastructure has not changed, the zoning was not in error, and the request does not comply with the Comprehensive Plan. Mr. Hayes advised that the applicants did not address the criteria on their application.

Mr. Bailey questioned if it is required that the Fire Chief approve the development in regard to the roads being wide enough for proper response time. Counselor Wilson advised that the Fire Chief does not have veto

power. Fire protection is one of the circumstances considered, along with all of the others, in regard to whether or not the site should be rezoned.

Mr. Burch questioned how much cut and fill is anticipated on the site. Mr. Berling stated that they will not take dirt away from the site or bring dirt to the site.

Mr. Burch questioned what type of equipment had to be brought to the site for the development. Mr. Berling stated that there will be a few bulldozers, scrapers, and normal construction equipment such as would be used for a residential subdivision.

Mr. Burch asked if they intend to use Church Street for access. Mr. Berling stated that for construction they can go in and out using Percival Road, and may on occasion use Church Street. He stated that they would not use Church Street for big equipment, but they could because it is wide enough.

Mr. Burch noted the Crestview Lakes Villas development and questioned what type of commitment the applicants would be willing to make in terms of lot size, setbacks, screening, etc.. He noted that they had indicated that this project would be similar to the Crestview Lakes Villas development. Mr. Berling agreed and stated that the layout of the lots is the same size -- 40' x 125'. If they cannot get the 125 foot depth, they can make the lot a little wider.

At this time, Chairman Viox asked for comments from the audience.

Mr. Garry Edmondson, attorney representing the abutting and affected property owners, introduced Mr. Bob Storer.

Mr. Bob Storer, Superintendent of Walton-Verona School District, stated that he was representing the School Board. Mr. Storer stated, in response to questions from Mr. Edmondson, that since the Kentucky Education Reform Act, funding takes place at this time of the year. The projection for the number of students in a school is based on average daily attendance figures from the previous year. They have already set their tax rate. Each student receives \$1,300 of local money, and that is not subject to change until this time next year. They will also receive approximately \$2,700 from the state for each of the 850 children, which is about \$4 million. There is a growth factor for the first two months of school and they can make an adjustment in the funding only based on the state figure, not the local figure. Any additional students would have to be absorbed. Growth that is carefully planned, systematic, and normal can be planned for. The funding is based on pupils they actually have.

Mr. Storer stated that he looked at Mosby's Point, Greenlawn, and White Pine and checked with the school districts. These developments have about one child per unit. Greenlawn and White Pine fill up the school buses for the lower and middle school. At White Pine, they fill u a whole bus for the elementary children. There is a lot of impact of the lower and middle schools from these developments.

Mr. Storer stated that there is a concept called "cap size" in regard to school funding. Schools have to be staffed based on how many pupils there are. From Kindergarten to grade 3, the ratio is 24 students to a teacher. If the ratio is exceeded, they have to get another teacher. Up to grade 6, the ratio is 29 students per teacher. In grade 7 through grade 12, the ratio is 31 students per teacher. He stated that they are almost at capacity right now. They are in the midst of a \$1.6 million project being added to the high school. If they were to end up with a very large number of students not in a normal growth pattern, it would devastate them because the funding runs a year behind. In a large school district with ten elementary schools, sometimes the population shifts leaving room in one of the other schools and they can redistrict; but in a small district -- and they are a two-school operation -- the only alternative would be to reconfigure and possibly create a system of grades 6 to 12 at the high school, or erect portable buildings. Two-thirds of the funding comes from the state, and one-third comes locally. The figure for the local effort cannot be changed. The state will review the school population based on the first two months attendance. The number of students at the end of the year would be the basis for the next year. The 247 mobile homes could have a devastating effect.

Mr. Donald McIntyre, Fire Chief, City of Walton, stated in response to questions from Mr. Edmondson that he has been the Fire Chief for 18 years and has been in the department for 37 years. It is a volunteer fire department. He made a dry run, assuming that the railroad was blocked down on Main Street. He reviewed their alternate route and stated that it took them 14 minutes to get to the lake. It takes 8 to 10 minutes for a trailer to burn up. If a train blocks Church Street, they have to go over High Street to get there -- which takes about the same amount of time. If traffic is blocked by the train, it would probably take longer. They had a run to 57 Church Street yesterday. They parked one side of the vehicle in the ditch and the other side was halfway in the road. Cars could not get by. If they brought in a big pumper down there, the traffic would not be able to get by. He would recommend against this type of development in that area with the current conditions.

Reverend William Johnson, 57 Church Street, stated in response to questions from Mr. Edmondson, that he lives across from the proposed development and is a member of the church. They can only park on one side of the street because there is a gully on the other side. People leave the church in crowds and some of the members have to walk along the street without any sidewalks. The speed limit on the street is 20 MPH, but very few people are within the speed limit. He is concerned about the older church members who cannot move fast enough to get out of the way of impatient drivers. The situation is worse when they have funerals. They usually have to get a patrolman for funerals because they have to get over the railroad and out the exit on U.S. 25, and there is congestion at the church. It would be terrible for a trailer to come down there while they were having a funeral. He stated that he does not think the noise of the traffic is important, but the speeding is a problem.

Mr. Jack Rouse, 66 South Main Street, in response to questions from Mr. Edmondson, stated that he is not immediately affected by this request because he lives in the southern part of town. His only concern is the

town. Mr. Rouse read a letter about the Rouse family history in Walton since 1870. He stated that he is a taxpayer and Walton needs more houses that pay real estate taxes and appreciate in value. Walton is a peculiar town with two railroads, two interstate highways to the west, and west of the highways is an industrial park and several nice subdivisions that do not want to be annexed into Walton. If this trailer park is built, there will be no place to build decent, attractive houses. People will not build \$150,000 houses next to a trailer park. Church Street is narrow and the houses are close to the street. There are no sidewalks and pedestrians must walk in the street. Adding more traffic to Church Street with two railroad crossings and its dangerous intersection with U.S. 25, would be foolish. Mr. Rouse stated that he cannot see any benefit to the city of Walton by this development. He asked that the request be denied.

Mr. George Ryan, 17 Old Beaver Road, Walton, stated in response to questions from Mr. Edmondson that this much of an influx of people into the community could not be handled by any of the facilities. He stated that he was the Mayor of Walton for four years and was on council three years before that. They were in dire need of recreational area prior to the Walton Park being designated last year. The subject area would be of benefit to the city of Walton for purposes of recreation.

Mr. Ron Tomlinson, 41 Percival Road, stated that he is an abutting property owner and indicated his approximate four-acre property immediately east of the site. In response to questions from Mr. Edmondson, Mr. Tomlinson stated that he circulated a petition in the community in opposition to the application. He presented the petition to the Chairman. His main concern is that he has horses on his property and with a project this size, there is no way to keep the kids off his property and away from the horses. He talked to a man on Zig Zag Road next to the mobile home park and on June 13, someone shot that man's mare. He indicated the location of his property on the aerial photograph. Around his farm at this time are agricultural uses/farmland and this development would definitely impact his property. He has talked to other neighbors of mobile home parks and they talk about cars speeding, throwing trash on the roads, throwing trash in the yards -- and they have made numerous calls, but it does not do any good. One of the reasons he moved to Walton is because he believes the school system is one of the best in Northern Kentucky or the nation. If the school system is impacted, people will find other places to live.

Mr. Don Bowman, 30 Catalina, stated in response to questions from Mr. Edmondson that his concern is about the increase in taxes. The sewers will have to be redone and there will possibly have to be an additional sewer plant, more patrolmen, and more fire equipment.

Senator Jay Williams, a resident of Walton-Verona Road, stated that he was asked by a number of members of the community to speak at this Public Hearing. He stated that he knows the developers have an excellent reputation and have done an excellent job at the park off Zig Zag Road. The issue is the quality of the community. The last thing they need in this area is a mobile home park. The community does not want that kind of high-density growth. There is a great small town rural atmosphere. The residents want to continue living adjacent to the agricultural areas and

recreational land, which will be needed as the county grows. He asked that the temptation to change the master plan be resisted and the lands be left recreational. As Walton grows, they will need the kind of recreation and development that could go on this property. The area should grow properly. The mobile home park will be a high density use. It should be a low-density use so that the community does not have to pay for a lot of utilities and can save the tax base to support the people who come in.

At this time, Mr. Edmondson distributed a packet of information to each Commissioner entitled, "PROPOSED MOBILE HOME DEVELOPMENT - WALTON KENTUCKY". He introduced Mr. Greg Dale, Director of Planning, for Pflum, Klausmeier & Gehrum.

Mr. Dale stated that with the most recent revision to the Comprehensive Plan, this site was recommended entirely for Residential uses. Part of the site was zoned "R" and part was zoned for low-density agricultural uses. With the adoption of the Comprehensive Plan, the city accepted that recommendation and in February, 1991 the city requested that the property be rezoned to be consistent with the Comprehensive Plan. He referred to Exhibit 2 in the handout which is a copy of a letter from the city of Walton in regard to the rezoning.

Mr. Dale stated that he agreed with everything the Staff indicated in regard to sewer, water, school, and road issues. He referred to Exhibit 5 in the handout, which is a copy of the Consent Order agreed upon by the state and the City of Walton in regard to the sewer issue. He noted that the state has indicated that they will not approve this development. The state has to approve such a development because a sanction has been put in place by the state. He stated that the opportunity for traffic accidents, particularly head-on collisions, is greatly increased by adding 1500 trips to the one-lane narrow road. He noted the comments made about pedestrian safety, which is further impacted by the additional traffic. It is very difficult for cars to make the turn when traveling north on U.S. 25 and turning right onto Church Street without encroaching on the opposite lane. A semi or a vehicle larger than two axles would have to leave the pavement or cut the corner on the other side. He submitted an exhibit showing the radius at U.S. 25 and Church Street. He stated that looking left from Church Street there is a building on the corner and you cannot see northbound traffic until you are out in the lane. He showed the Commission photographs of the area mounted on a board. He stated that they concur with the concerns expressed about the railroad crossing. He stated that this is a low-density, agricultural character, neighborhood and the community facilities -- water, sewer, roads, and schools -- are designed to accommodate low-density agricultural needs. The Comprehensive Plan recommends agricultural uses. A high-density proposal with about 7 units per acre would over-burden the services. He stated that with very good reason, the city urged that zoning be adopted to implement the Comprehensive Plan. The proposed development is not in conformity with the Comprehensive Plan. In his opinion, based on observing the community and listening to the residents, there have been no major changes and the zoning is not in error.

Mr. Edmondson summarized by saying that the testimony would leave no conclusions but that the statutory requirements have not been met. The

development is not in conformity with the Comprehensive Plan and there has been no testimony that there was a mistake in the Plan. There have been no changes in Walton which would substantially affect it and, as a matter of law, there is not appropriate grounds for a map amendment recommendation from the Commission.

Mr. Phil Trzop, 119 North Main Street, Walton, stated that the sewer treatment plant is on the other end of town and the High Street lift station would also have to be reviewed. He stated that the Commission should vote against this proposal.

Arlene Porter, 54 Percival Road, stated that the Church Street end is not feasible for traffic, which means that all the traffic would come in on Percival Road, which was constructed for farm and low-density traffic. 247 semis would tear up the road. They would be taxed for everything that would be increased for the mobile home park, and the road would have to be repaved.

Andrew Hegenberg stated that the Staff Report indicates that the density of the trailer park would be 4.9 units per acre; but if you start with 55 acres and take out the lake and green space, it is 6.8 units per acre. His main concern is the school district and he will move if the trailer court goes in.

Tony Smith had no comments.

Rick Spencer, a resident of Percival Road, stated that he is extremely opposed to the trailer park.

Mr. Robert McDonald had no comments.

There being no further comments from the audience, Chairman Viox asked if there were any comments from the Commission.

Mr. Ries stated that in building a community like this, the 247 people do not move in in six months. Mr. Berling advised that in the Crestview Lakes Villas community, they developed 300 units over 23 years. Mr. Ries asked if it would take a year for about 50 units to be occupied. Mr. Berling stated that it is at least a five-year program. Mr. Ries asked when Mr. Berling would estimate that the park would be at total occupancy. Mr. Berling replied "5 to 6 years".

Mr. Berling stated that testimony was presented indicating that the mobile home parks which were investigated had one child per unit. He stated that they have 300 dwelling units in Crestview Lakes Villas and 18 children. The park is not conducive to children and probably half of the people are over 50. About 25 of the residents are seasonal and have places in Florida. In 23 years they have had one fire at Crestview Lakes Villas and it was the resident manager's home. It is very seldom that the police come to Crestview Lakes Villas. He stated that they are in total control of the park.


Mr. Berling stated that a mobile home cannot be moved from noon on Saturday until Monday because you cannot get a permit and there has to be

an escort for it. In regard to recreation, he stated that Walton has a brand new recreation area. He referred to the testimony regarding the horse that was shot and stated that it is his understanding that the horse was shot from Zig Zag Road, not from the trailer park. He stated that all of the units are taxable at about \$150 each, and they also pay taxes. He does not think that the ratio of children to what they pay in taxes creates a burden on anybody. He stated that their amenity package takes up some of the gross area and they are less than 5 units per acre. The calculations include the lake and greenbelt. Mr. Berling stated that there are residential developments going on now on 50-foot lots that are four to the acre, and they cost about \$75,000 to \$80,000. There would be a lot more trips per day and more children in that type of residential development. He referred to the presentation by Mr. Dale and the problem with the sewers. He stated that any development that occurs will have to address the sewer problem. They are not dumping all the units in there at one time. In regard to the traffic, he stated that they talked to the Highway Department and, if this development occurs, they will put a traffic light on U.S. 25 so that people would not have to be concerned by the minimal sight distance to the south. He noted that school buses go down that road and there does not seem to be a problem. The railroad is there no matter what type of development goes in.

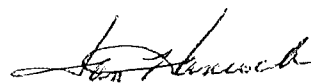
Mr. Berling stated that the basis for requesting the zone change is that they think the zoning designation is improper. He commented that if this was set out for recreational and the city had control over it, why did they sell it in 1987?

There being no further comments, Chairman Viox stated that this item will be on the Agenda for the Business Meeting on September 15, 1993 at 8 P.M.. The Chairman closed this Public Hearing.

APPROVED:

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

Attest:

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

BOONE COUNTY PLANNING COMMISSION  
BUSINESS MEETING

October 6, 1993 - 8:00 P.M.

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

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett  
Mr. William Bailey  
Mr. Phil Damstrom  
Mr. Melvin DeLong  
Mr. R. N. Greene  
Mr. Robert Kirby, Jr.  
Mr. Gayle McElroy  
Mr. Don McMillian  
Mr. Barry Neltner  
Mr. Thurman Owens  
Mr. Robert Ries  
Mr. Ralph Rush  
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Fred Burch  
Mrs. Carol Smith

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

Approval of the Minutes:

Chairman Viox stated that each Commission member had received copies of the Minutes of the Business Meeting of September 15, 1993 and the Public Hearing of September 22, 1993. He asked if there were any comments or corrections.

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

- Chairman Viox stated that former Commission member Rector Jones passed away last week. He noted that there were kind comments about Mr. Jones in the press and from those who had known him for a long time. He stated that Mr. Jones at one time served on every committee of this Commission, even when the Commissioners did not receive expense money and the Commission did not have a large staff. Mr. Jones was a fine man and he will be missed.
- Chairman Viox acknowledged Mr. Ingram, a former Commission member from the City of Walton, who was present in the audience.

UNFINISHED BUSINESS:

1. Zoning Map Amendment

The request of E. W. Bessler et al. (applicant) for Frank Ensminger and Turner, Inc. (owners) for a Zoning Map Amendment on a 55-acre tract at 125 Church Street, Walton, Kentucky. The request is to rezone the site from Recreation (R) to Mobile Home Park (MHP) in order to develop Church Street Estate, a 247-unit mobile home park community.

Staff Member Jeff Hayes read the Committee Report which recommended denial of the request based on the findings of fact (see Committee Report). He noted that the Committee Report had not been signed by the Committee members, but was signed at the time of the last Business Meeting.

Mr. Damstrom, Committee Chairman, advised that the Committee met just prior to the last Business Meeting and a draft copy of the Committee Report was read by the Staff at that time. He stated that the Committee Report presented this evening is the same Committee Report in final form. The Committee Members present signed the Committee Report at this time.

Mr. Hayes advised that two letters had been received since the last Business Meeting: (1) A letter from Ken Thompson, Coordinator of Citizens Opposed to a Mobile Home Park, indicating that Senator Williams does not represent this group and the group feels that they were treated fairly at the Committee Meeting. The letter asks that action be taken on the request this evening; and (2) A letter from Richard Crist in behalf of the applicants stating that the project was presented to the Walton City Council and they were encouraged by a 2 to 4 vote of the Council to get this map amendment. The letter indicates that the development will not occur immediately and they will participate in upgrading water, road and other facilities if and when they are required. The community will eventually add about \$8 million to the Walton tax base. The community will be a copy of the one on Zig Zag Road, which is a highly acclaimed community of 300 mobile homes, and took 23 years to develop. He indicates in the letter that he saw nothing irregular at the Zone Change Committee meeting.

Mr. Hayes noted that the Committee Report had now been signed by the Committee Members.

Chairman Viox stated that the Commission and Senator Williams are again at a stalemate. Chairman Viox stated that Senator Williams had sent him a letter and he has responded. The Commissioners have received copies of those letters.

Senator Williams stated that, hopefully, he would be able to clarify this. He stated that he is not accusing anyone on the Planning Commission of corruption. He stated that he thinks the Planning Commission does a better job than most bodies in the county in trying to keep meetings open to the public and to accommodate the public. He stated that it comes down to one issue, which is "Was the public dismissed without adjourning the meeting and, whether adjourned or not, did a quorum continue discussion without the public present?". He stated that he did not accuse the Committee of intentionally doing this. The Commission has basically satisfied all of the remedies, but he has not seen an acknowledgement that the way things were structured there was a perception on the public's part that there was a continuation of the discussion without the public present. He noted that Chairman Viox has said that there was no substantive business discussed, but there was discussion apparently about when the next vote would be taken. He noted that he had written a letter (to the Attorney General) about this and stated that several of the questions in that letter do not apply to the circumstances. He will take those out and send them in a separate request to the Attorney General, those questions being in regard to adequate meeting room size. He stated that he thinks some members of the public think they were left out and he thinks that the Commission could say they are sorry that there is a perception that the public was excluded from the meeting. Even if there is not an admission that there was a meeting, Chairman Viox can tell the public he is sorry they had that perception. Senator Williams stated that he is not going to pursue this matter further with the Attorney General and will view the conditions as having been met. He stated that he thinks the public would be very satisfied with a statement from the Chairman on this.

Counselor Wilson advised that the Commission has said twice in writing to the Senator that there was no discussion of Committee business when the meeting was adjourned. He stated that the Committee Chairman was seeing when the members would be available for another meeting. The Committee Chairman determined the date and notice was given to the Senator and others. The Special Meeting Law was followed. Counselor Wilson stated that there was no violation.

Senator Williams stated that Counselor Wilson's comments were a reasonable interpretation of the law. He stated that he is not asking the Commission to say that there was a violation. He and some of the attorneys on the legislative research staff want an Attorney General's opinion on what that interpretation would be. He stated that there is also an interpretation that there was an overall meeting in the same room and the same location and there was public business discussed and everything that goes on in a continual meeting in the same room would be public business. He stated that the Attorney General can give an opinion on that and it may have to eventually be decided by the courts, but he does not think that will be necessary in this case. He stated that he is not asking the Commission to

say that an illegal meeting took place, but he thinks that the public perceived it and the Commission could acknowledge that.

Chairman Viox read his most recent letter to the Senator.

Mr. Damstrom stated that he believes the point of controversy between the Commission and the Senator will go to a higher level and he sees no reason to delay the vote on this request any further.

Mr. Owens moved by resolution to the City of Walton that the Committee Report recommending denial of the request be adopted. Mr. Neltner seconded the motion and it carried unanimously.

Chairman Viox advised that the following items are recommended for deferral to the October 20, 1993 Business Meeting:

2. Zoning Map Amendment: The request of Carlton and Dianna Dolwick (applicants/owners) for a Zoning Map Amendment on a 60.77-acre parcel located between KY 237 and Limaburg Road, and south of Conner Road, Boone County, Kentucky. The request is to rezone the site from Commercial Two/Planned Development (C-2/PD) and Rural Suburban (RS) to Industrial One (I-1).
5. Site Plan Review: The request of Bangerter and Associates (applicant/owner) to construct additional parking and make site improvements at 6612 Dixie Highway, Florence, Kentucky. The 2.0-acre site is zoned Commercial Two (C-2).
6. Site Plan Review: The request of Frank Rothfuss, P.E. (applicant) for Ohio Conference of the United Church of Christ (owner) to construct Phase One of the Boone County United Church of Christ. The 4.0-acre site is zoned Agricultural Estate (A-2) and is located at 11176 U.S. 42, Boone County, Kentucky.
7. Site Plan Review: The request of Randall L. Dietz (applicant) for Harold Palmer (owner) to construct Gunpowder Creek Marina. The 5.3-acre site is zoned Recreation (R) and is located at 4895 Beaver Road, Boone County, Kentucky.
8. Site Plan Review: The request of Bechtel Corporation (applicant) for Paul Hemmer and Associates (owner) to construct an 850,179 sq. ft. distribution warehouse and 43,300 sq. ft. office center for the new Levi Strauss Customer Service Center. The 70.6-acre site is zoned Industrial One (I-1) and is located in Airpark International Industrial Park, Boone County, Kentucky.

Mr. Kirby moved that Agenda Items Nos. 2, 5, 6, 7, and 8 be deferred to the October 20, 1993 Business Meeting. Mr. DeLong seconded the motion and it carried unanimously.

EXHIBIT "B"

## COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Phil Damstrom, Chairman

DATE: October 6, 1993

RE: Request of E.W. Bessler et al. (applicant) for Frank Ensminger and Turner, Inc (owners) for a Zoning Map Amendment on a 55 acre tract located at 125 Church Street, Walton, Kentucky. The request is to rezone the site from Recreation (R) to Mobile Home Park (MHP) in order to develop Church Street Estate, a 247 unit mobile home park community.

### REMARKS:


We, the Committee, recommend denial based upon the following findings of fact.

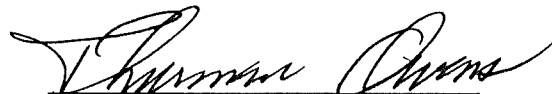
### Findings of Fact

1. The 1990 Boone County Comprehensive Plan - Future Land Use Development Guidelines, entitled Access Management, indicates that developments in Boone County must recognize the potential impacts of associated traffic on adjoining property and transportation systems. The need exists to protect the capacity of the existing roadway network and to plan improvements to accommodate new development and travel patterns. No roadway improvements have been indicated by the applicant therefore, the Committee believes that the existing road network is inadequate and insufficient to handle the traffic generated from the proposed development.
2. The applicant has not sufficiently demonstrated that the current zoning classification is inappropriate and the proposed Mobile Home Park (MHP) zoning classification is more appropriate. The existing Recreational zoning is in agreement with the 1990 Boone County Comprehensive Plan Future Land Use Map, which indicates the property as Recreation. Therefore, the Committee feels that the existing Recreation zoning is appropriate. Furthermore, the Committee believes that little has changed from the 1991 Zoning Map Update which changed the zoning of the site from Agriculture Estate (A-2) to Recreation (R) as a result of a request by the City of Walton.
3. The Committee believes that there has not been any major changes of an economic, physical or social nature that were not anticipated in the 1990 Boone County Comprehensive Plan which have substantially alter the area's character.

4. The Committee believes that the impact on the existing public facilities and infrastructure in Walton would be significant and that the applicant has not sufficiently addressed how these impacts would be mitigated.

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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Phil Damstrom, Chairman

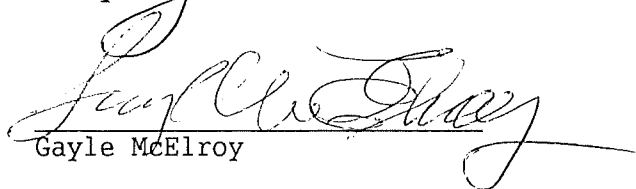
  
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Thurman Owens

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

  
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Ralph Rush

  
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Barry Nellner

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Carol Smith

  
\_\_\_\_\_  
Gayle McElroy

JFH:par

**CITY OF WALTON, KENTUCKY**  
**ORDINANCE NO. 1993- 24**

AN ORDINANCE APPROVING AND ADOPTING A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING DENIAL FOR A REQUEST OF E.W. BESSLER, ET AL. (APPLICANT) FOR FRANK ENSMINGER AND TURNER, INC. (OWNERS) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM RECREATION (R) TO MOBILE HOME PARK (MHP) FOR A 55 ACRE SITE LOCATED AT 125 CHURCH STREET, WALTON, KENTUCKY.

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

**WHEREAS**, the City of Walton, Kentucky has received a resolution of the Boone County Planning Commission recommending denial for a request of E.W. Bessler et, al. (Applicant) for Frank Ensminger and Turner, Inc. (Owners) for a zoning map amendment, such zoning map amendment being a zone change from recreation (R) to mobile home park (MHP) for a 55 acre site located at 125 Church Street, Walton, Kentucky, and;

**WHEREAS**, the City of Walton, Kentucky has recognized the Boone County Planning Commission public hearing serving as a due process trial-type hearing and its findings recommending denial of the zoning map amendment, and;

**WHEREAS**, the City of Walton, Kentucky, deems it necessary to enact this Ordinance to preserve and protect the health, safety and convenience of the inhabitants of the City of Walton, Kentucky, pursuant to the City of Walton's legal authority, including but not limited to K.R.S. Chapter 100;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WALTON, KENTUCKY**, as follows:

**SECTION ONE**

The request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby denied, this Zoning Map Amendment being a zone change from Recreation (R) to Mobile Home Park (MHP) for a 55 acre site located at 125 Church Street, Walton, Kentucky. The real estate which is the subject of this request for a

Zoning Map Amendment in a Recreation (R) zone is more particularly described in Deed Book 505, Page No. 77 (as supplied by the applicant) as recorded in the Boone County Clerk's Office.

**SECTION TWO**

As a basis for the denial for a Zoning Map Amendment request 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 A".

The Committee recommended denial of this request based on the findings of fact as set forth in the Committee Report and marked as "Exhibit B".

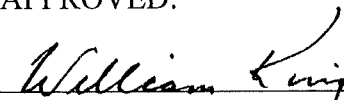
**SECTION THREE**

This Ordinance shall be published in summary in accordance with applicable law.

FIRST READING: November 8, 1993

SECOND READING: December 13, 1993

APPROVED:

  
\_\_\_\_\_  
WILLIAM M. KING, MAYOR

ATTEST:

  
\_\_\_\_\_  
RUTH GLENN, CITY CLERK