

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 Houston Property
- 2. Location of Project U.S. 25 - Walton, KY
- 3. Total Acreage of Site 2.8565 Ac. Zoned SR-1 / 21.7440 Ac. Zoned A-2
- 4. Current Zoning of Site SR-1 / A-2
- 5. Proposed Zoning (Classification being requested) SR-1 to C-2 / A-2 to SR-1
- 6. Proposed Uses (please specify each use) Single Family Subdivision and Commercial fronting U.S. 25

- 7. Names of Applicant(s) Butler and Partner, Inc.  
Phone Number 485-4217 Fax No. \_\_\_\_\_

- 8. Address of Applicant(s) Post Office Box One  
Walton, KY 41094  
City State Zip

- 9. Name of Property Owner(s) Mr. Jim Houston  
Phone Number 485-4902 Fax No. \_\_\_\_\_

- 10. Address of Property Owner(s) 2781 Dixie Highway  
Walton KY 41094  
City State Zip

- 11. Proposed Building Intensities (please specify) \_\_\_\_\_  
For SR-1 - 4 d.u./acre  
For C-2 12,000 - 15,000

- 12. Are there any existing buildings on the site? NO  
How many? \_\_\_\_\_

- 13. Will Book 27 Page No. 103 Group No. 2079

- 14. Are you also applying for:  
NO Conditional Use Permit  
NO Dimensional Variance

- 15. Have you submitted a Concept Development Plan? NO

- 16. Have you had a pre-application meeting with BCPC Staff? NO

- 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)

**EXHIBIT "A"**

## STAFF REPORT

Request of Butler and Partner, Inc. (applicant) for Jim Houston (owner) for a Zoning Map Amendment on a 24.6 acre site located on the west side of Dixie Highway and north of Stephenson Mill Road, Walton, and unincorporated Boone County, Kentucky. The two parcels are currently zoned Suburban Residential One (SR-1) and Agricultural Estate (A-2). The request is to rezone both parcels to Commercial Two (C-2) and Suburban Residential One (SR-1).

October 19, 1994

The applicant is proposing to develop a 33.13 acre subdivision which would include 98 single-family lots and 2 commercial lots. The site is located within the City of Walton and unincorporated Boone County (See Sheet #1).

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

North: Jim Butler farm zoned Agricultural Estate (A-2)

South: Agricultural land and single-family homes on Bedinger Avenue zoned Suburban Residential One (SR-1)

East: Single-family residences and commercial uses zoned Commercial Two (C-2)

West: Agricultural land and Interstate 75 and 71 zoned Agricultural Estate (A-2)

### Site Characteristics

The site which is located on a ridgetop is currently used as a pasture for cattle and horses. To the north of the site is a branch of Fullers Creek which forms the northern property boundary of the site. On the south side of the site are two gullies which encroach on approximately one-half of the site. The site does have stands of mature vegetation which are located along the perimeter of the site and also within the gullies. The 21.744 acres of the applicant's property which is zoned Agricultural Estate (A-2) is located within unincorporated Boone County and would require annexation into the City of Walton to obtain City services and utilities. The site does have access to the City of Walton public water and sanitary sewer which is located along US 25 in the front of the applicant's site. The sanitary sewer will connect into the Walton Treatment Plant which currently has a moratorium in place because of capacity problems which will prevent additional development until the moratorium is lifted.

### Relationship to the Comprehensive Plan

The adopted 1990 Boone County Comprehensive Plan Future Land Use Map indicates the applicant's site as Suburban Density Residential which would allow four dwelling units per acre (See Sheet #3). The text of the Comprehensive Plan Land Use Element indicates that the Walton area should experience gradual commercial, residential and industrial growth. This growth should result primarily from the Walton Interchange, with its location near the intersection of I-71 and I-75, and the proposed extension of I-71.

Furthermore the Text states that the north and central portions of Walton should experience residential growth in response to the employment growth and utility expansion in the area. The suitability of this area for residential use is enhanced by proximity to developing recreation areas and the Walton schools. Commercial development along US. 25 should also experience infilling, and should remain local in nature.

The adopted 1995 Goals and Objectives provide additional direction with regards to housing development. Objective number 8 of the Housing Element indicates that:

The interior street system of new residential developments shall insure continuity with adjacent built of planned neighboring areas. Residential developments shall be encouraged to provide interconnections between sections of their developments and with adjacent developments to promote safe and easy transportation access and a sense of neighborhood interaction. New connector streets shall be developed where needed and feasible. The interior street system shall also coordinate with and continue the evolving multi-modal transportation system (pedestrian and bicycle facilities, mass transit stops).

The Goals and Objectives of the Business Activity Element indicates in Objective number 2 that:

Small scale mixing of commercial uses adjacent to residential areas shall be carefully assessed and properly placed so as to enhance the neighborhood.

### Concept Development Plan

The applicant's proposal consists of 98 single-family lots and two commercial lots on a 33.13 acre site (See Sheet #4). The site is located both within the City of Walton and unincorporated Boone County. The applicant's Zoning Map Amendment request would rezone 21.74 acres of property from Agricultural Estate (A-2) to Suburban Residential One (SR-1) and 2.8565 acres of property from Suburban Residential One (SR-1) to Commercial Two (C-2) (See Sheet #5). Access to the proposed subdivision would be from US. 25 with no other means of access proposed to the adjoining undeveloped properties.

The proposed intensity for the subdivision as shown on the submitted Concept Development Plan is approximately 3.24 units per acre. The existing SR-1 and A-2 acreage located within the site could permit approximately 77 units to be development following the current zoning. The commercial lots are approximately 300 feet in depth and have 200 feet of frontage along US. 25. The minimum lot frontage would be 65 feet and each lot would be a minimum of 8000 square feet in size.

Staff Concerns

1. The Commercial Two (C-2) zoning proposed for Parcel A and B as indicated on the Concept Development Plan would principally permit 88 uses found within the Commercial One (C-1), Commercial Two (C-2) and the Office One (O-1) zones. Staff believes some of the principally permitted uses may not be appropriate and would recommend that permitted uses be explored to determine which uses would not be appropriate (See Exhibit A).
2. The submitted Concept Development Plan does not indicate any access to any of the adjoining undeveloped properties that surround the applicant proposed subdivision. Staff would recommend that a connection be explored to the property south of the applicant's site. Access to the area north and west of the applicant's site would be difficult and expensive because of the significant change in elevation caused by Fullers Creek.
3. The traffic generated by the proposed subdivision may be sufficient enough to warrant a deceleration and/or left turning lane depending on the proposed commercial uses. This matter could be addressed during the Site Plan Review procedure if the zone change is approved by the legislative units.
4. Staff believes phasing of the development should be explored because of the potential impact to the Walton-Verona School District. The School Board is reviewing the development and has not yet determined if the impact would be significant to the existing capacity of the school system.
5. The City of Walton currently has a moratorium on additional development connecting into the existing treatment plant. Therefore, the moratorium would need to be lifted before the subdivision could be developed.
6. The Boone County Zoning Regulations would require that a twenty five (25) foot buffer to be provided when a Commercial Two (C-2) property adjoins a Suburban Residential One (SR-1) zoned property. Therefore, Parcels A and B would be required to provide a twenty five (25) foot buffer on two sides. Staff believes that this buffer area should be planted with a double staggered row of evergreen trees which are placed fifteen (15) feet on center and be a minimum of six (6) feet in height at planting.

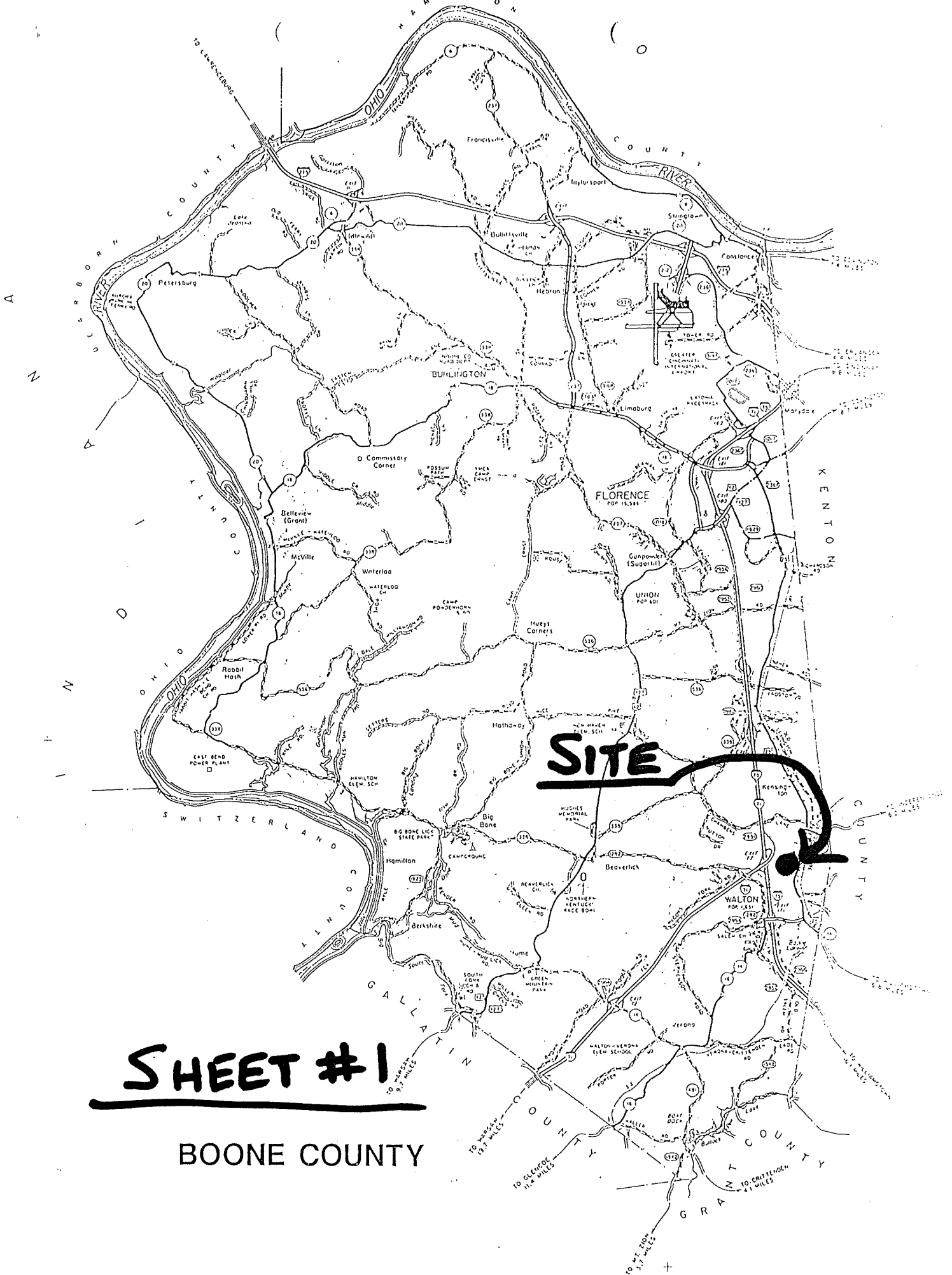
Conclusion

In conclusion, the proposed Zoning Map Amendment request is in agreement with the Future Land Use Map which indicates the area as Suburban Density Residential. However, the proposed Commercial uses are not in agreement with the Future Land Use Map. This Zoning Map Amendment should be review according to the three findings of fact necessary to grant a zone change. If this request should be granted by the City of Walton and the Boone County Fiscal Court, a change would be needed in the Boone County Comprehensive Plan Future Land Use Map.

Respectfully Submitted,

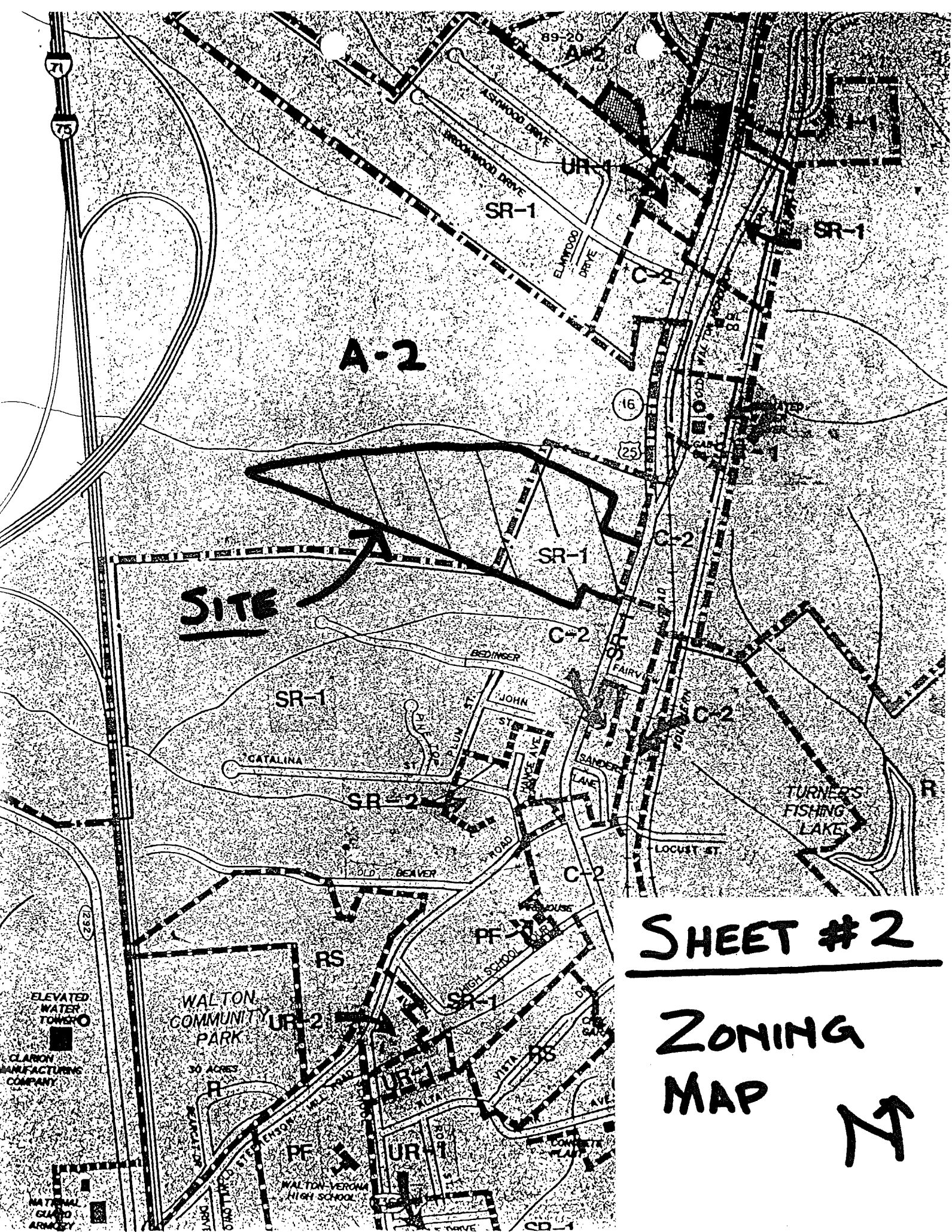


Jeffrey F. Hayes  
Planner



**SHEET #1**

**BOONE COUNTY**



A-2

**SITE**

**SHEET #2**

**ZONING  
MAP**



ELEVATED WATER TOWER  
CLARON MANUFACTURING COMPANY

WALTON COMMUNITY PARK  
30 ACRES

WALTON VERMONT HIGH SCHOOL

TURNERS FISHING LAKE

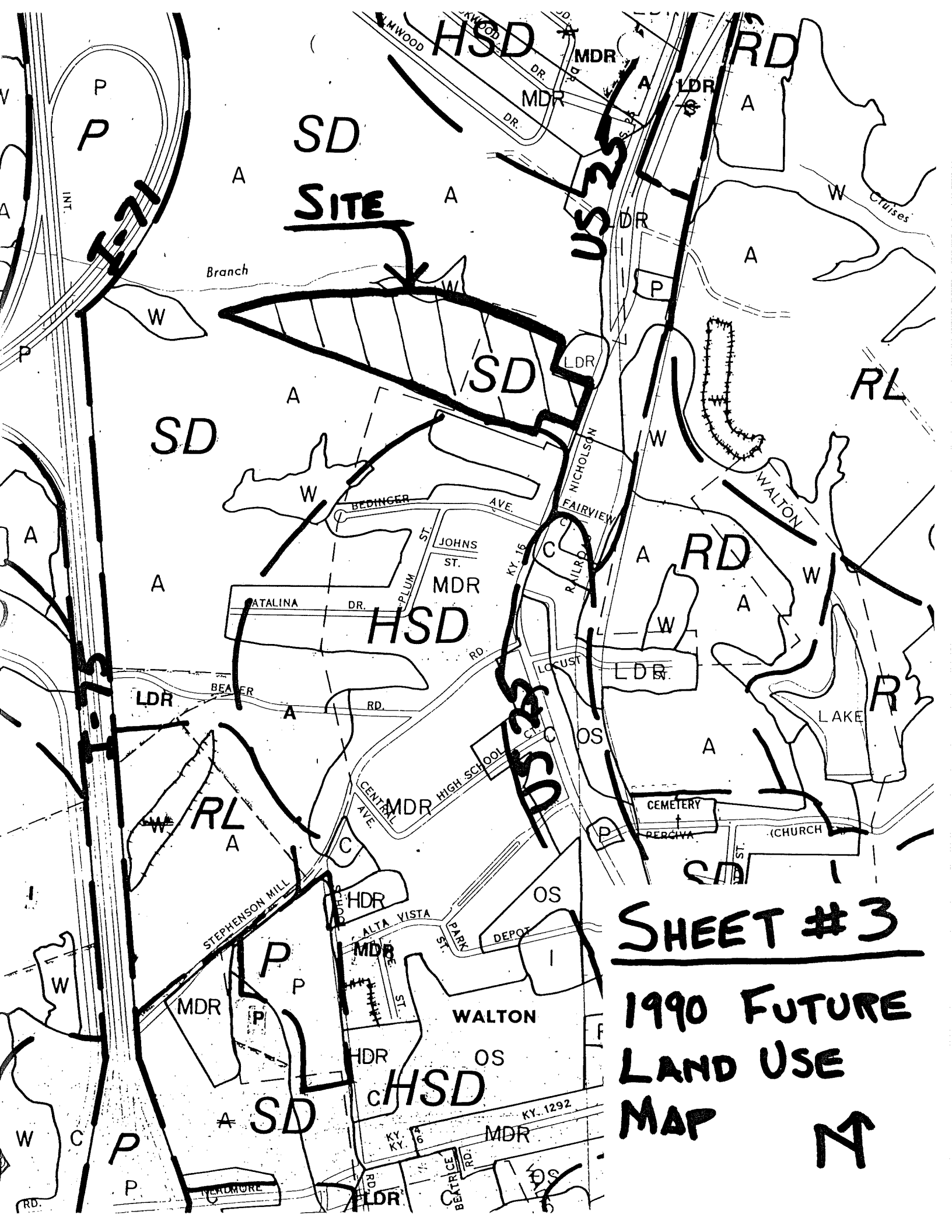
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12627

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NATIONAL GUARD ARMY



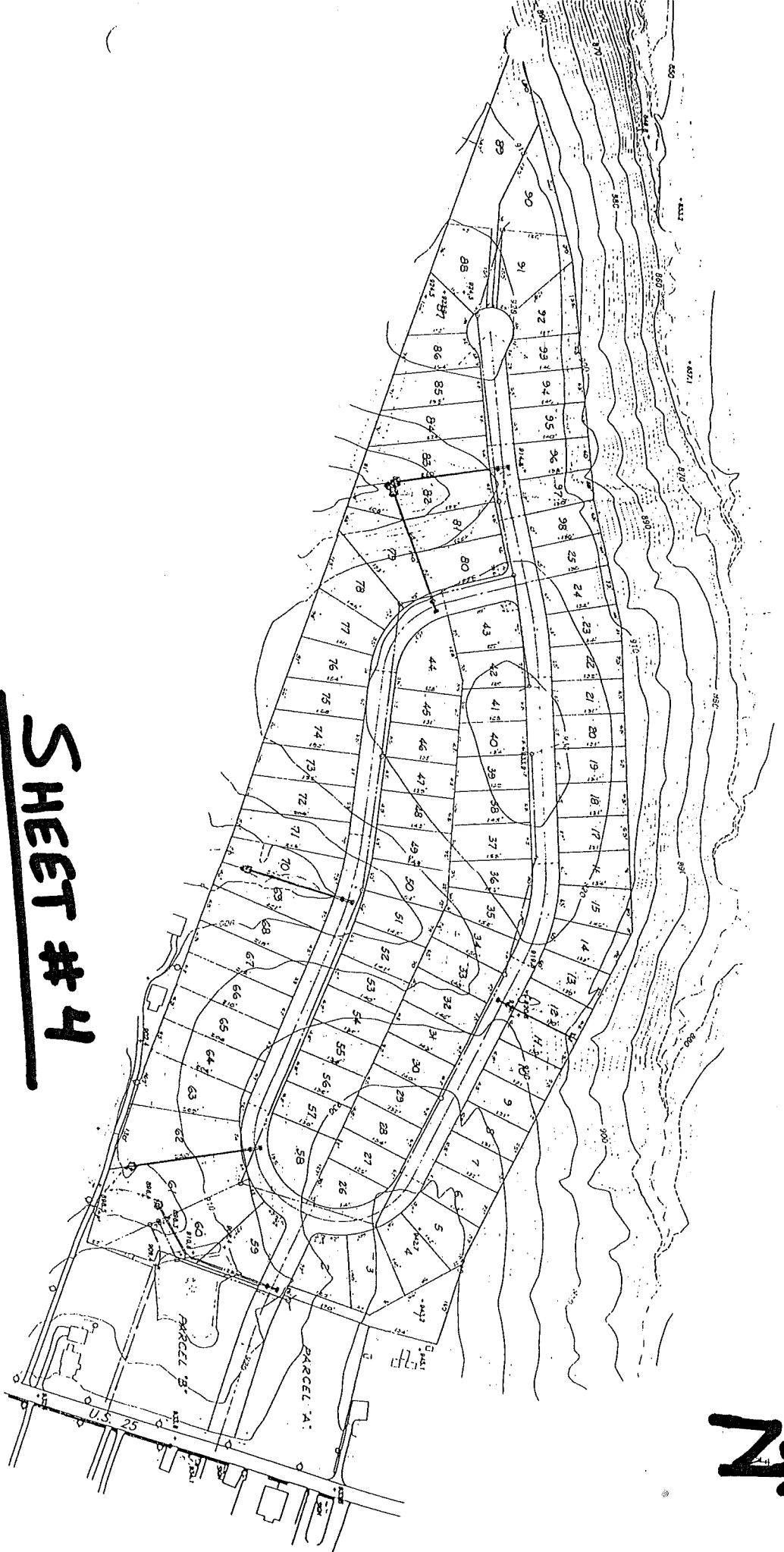
**SD  
SITE**

**SHEET # 3**

**1990 FUTURE  
LAND USE  
MAP**



**SHEET # 4**  
**CONCEPT**  
**PLAN**



HOUSTON PROPERTY



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ARTICLE

10

EXHIBIT  
A

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COMMERCIAL DISTRICTS

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SECTION 1000

Intent

The intent of this article is to create: a) the necessary selection of goods and services required by urban neighborhoods, communities and regions; b) in order to prevent excessive commercialization from wasting or blighting public and private facilities and land; c) at sites capable of centrally serving trade area populations; c) able to be appropriately supported and related to infrastructure capabilities--circulation, in particular; e) implementing of an overall identifiable, cohesive urban form of; f) compact and efficient plans and designs which make multi-purpose use of parking, transit utility, open space and other physical characteristics of the land and improvements.

SECTION 1010

COMMERCIAL ONE (C-1)

The purpose of the Commercial One district is to provide the convenience good and personal services required for daily living needs. Districts will be located on suitable lands central to the neighborhood trade area provided direct access from neighborhood collector roads or minor arterials. District facilities and plans will be organized to provide central and convenient collection of vehicles and pedestrians within the district's facilities and major shopping spaces.

SECTION 1011

Principally Permitted Uses

The following uses are permitted:

1. Hardware stores;
2. Eating and drinking places including alcoholic beverages, and with drive thru facilities;  
Eating and drinking places including alcoholic beverages, but excluding drive-in and franchise food chains  
(CITY OF FLORENCE ONLY);
3. Grocery stores and supermarkets;
4. Stores with retail sales of meat, fish, seafood, dairy and poultry products;
5. Fruit and vegetable stores; bakeries, candy, nut and confectionery stores;

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6. Convenience stores;
7. Liquor, beverage, drug and proprietary stores;
8. Banking services (including drive-thru facilities) savings and loan associations, credit unions and other credit services;
9. Insurance carriers and agents;
10. Real estate operators, agents, lessors and real estate sub-dividing and developing services, operative builders and related services;
11. Accounting, auditing and bookkeeping services;
12. Postal services;
13. Physician, dental, optical goods and services;
14. Veterinary services and pet grooming services but not including the boarding of animals;
15. Beauty and barber services and tanning salons;
16. Nursery and day care centers;
17. Laundering, dry cleaning and dyeing services including self-service;
18. Alteration and garment repair and custom tailoring;
19. Shoe repair, shoe shining and hat cleaning services;
20. Family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;
21. Jewelry stores;
22. Radio, t.v., music supplies, cameras, photographic supplies and specialty household appliances;
23. Art, craft and hobby supplies and products, gifts and novelties;
24. Antiques and used merchandise;
25. Books, stationery, newspapers and magazines;
26. Florists excluding greenhouses;
27. Sporting goods including bicycles;
28. Draperies, curtains, upholstery and floor coverings;
29. Paint, glass and wallpaper stores;
30. Photo finishing services;
31. Recreation centers, gymnasiums, clubs and similar athletic uses.

**SECTION 1020****COMMERCIAL TWO (C-2)**

The purpose of the Commercial Two district is to provide comparable shopping goods, personal and professional services, and some convenience goods required for normal living needs as well as major purchase opportunities. Districts will be located on suitable lands primarily central to regional trade areas and to some extent the community as a whole and such districts have access from expressways or arterial roads. District facilities and plans will be organized to provide central and convenient collection of vehicles and pedestrians with in the district's facilities and major shopping spaces.

**SECTION 1021**Principally Permitted Uses

The following uses are permitted:

1. All principally permitted uses of a Commercial One (C-1) district;
2. All the principally permitted uses in an Office One (O-1) district;
3. Eating and drinking places including alcoholic beverages and with drive-thru facilities;  
Eating and drinking places including alcoholic beverages and entertainment, but excluding drive-in and franchise fast food chains (**CITY OF FLORENCE ONLY**);
4. Department stores, mail order houses, direct retail selling organizations of general merchandise;
5. Furniture, home furnishings including specialty and floor coverings;
6. Specialized upholstery and furniture repair or refinishing services;
7. Apparel stores;
8. Household appliances, china, glassware and metal ware;
9. Radio, t.v., watch, clock, and jewelry repair;
10. Drive-thru photographic, stenographic and other duplicating and mailing services;
11. Legal services, engineering and architectural services;
12. Security brokers, dealers and flotation services;
13. Title abstracting services; holding and investment services;
14. Advertising services including direct mail;
15. Business and management consulting services;
16. Employment services;
17. Consumer and mercantile credit reporting, adjustment and collection services;
18. Travel arranging, transportation ticket and public event or promotional booking agencies;
19. Radio and television broadcasting studios excluding transmitting stations and towers;
20. Art, music and dancing schools, libraries and museums;

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21. Medical and dental laboratory services;
22. Medical clinics - out-patient services;
23. Welfare and charitable services;
24. Business associations and professional membership organizations including civic, social and fraternal organizations;
25. Attached upper story dwelling units of up to three stories provided the building was originally designed for residential use and existing at the time of adoption of this ordinance, including:
  - a. Private garage and parking;
  - b. Structures such as fences and walls;
  - c. Buildings such as storage sheds;
  - d. The keeping an use of appropriate household pets;
26. Art and craft galleries and similar exhibit space;
27. Aquariums, botanical gardens and other natural exhibitions;
28. Arcades and other amusement centers;
29. Motion picture theaters (indoor);
30. Bowling alley, skating rinks, roller skating rinks, miniature golf courses golf driving ranges, and skateboard facilities;
31. Recreation centers, gymnasiums, clubs and similar athletic uses;
32. Motorcycles sales or bike shops excluding outside storage.

**SECTION 1022**

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses including:

1. Recreation uses or spaces of integral relation to the developed portions of the district defined to be:
  - a. Stages and similar assembly areas;
  - b. Auditoriums, exhibition halls and other public assembly spaces;
  - c. Billiards;
  - d. Play lots and tot lots;
  - e. General, leisure, ornamental and other parks, spaces, trails bikeway systems, malls and urban pedestrian networks;

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**ARTICLE**

11

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**EMPLOYMENT DISTRICTS**

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**SECTION 1100**

Intent

The intent of this article is to create: a) central, compact centers of employment; b) with uses of compatible, or integral scales, character and activities; c) able to be adequately served and supported by infrastructure; d) within and directly resulting in identifiable, cohesive and desired urban forms; and e) with compact and efficient plans and designs which make multipurpose and common use of buildings, structures, capable land and open space and certain accessory and appropriate conditional uses.

**SECTION 1110**

**OFFICE ONE (0-1)**

The purpose of the Office One district is to create a low density, low rise office environment to provide professional and personal services and employment opportunities in close proximity to and compatible with residential districts. The Office One district should accommodate smaller scale and independent office uses which need not be located within a larger, consolidated Office Two district or which do not need be located within a larger, consolidated Office Two district or which do not need or desire to locate in a commercial district. Office One districts will be located on suitable lands within established or planned urban entities where adequate infrastructure and services are available or proposed.

**SECTION 1111**

Principally Permitted Uses

The following uses are permitted:

1. Bank related services (including drive-thru facilities);
2. Business and personal credit services and title services;
3. Security brokers, dealers and flotation services and finance companies;
4. Insurance agents, brokers and services;
5. Real estate agents, brokers and management services;

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6. Real estate services and builders offices excluding any outside storage equipment and the like;
7. Holding and investment services;
8. Photographic services;
9. Eating and drinking establishments including alcoholic beverages and with drive-thru facilities;  
(Does not apply to property inside City of Florence limits.)
10. Direct mail and advertising services;
11. Stenographic services and other duplicating and mailing services;
12. News syndicate services and employment services;
13. Research, development and testing services of an office nature;
14. Business and management consulting services and associations;
15. Motion picture, audio-visual and similar media production and distribution services;
16. Physician and dental services including medical, dental laboratories;
17. Legal, engineering, architectural, education and scientific research services;
18. Accounting, auditing and bookkeeping services;
19. Welfare and charitable administration offices;
20. Professional membership organizations and labor organizations and civic associations;
21. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;
22. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, as determined by the Zoning Administrator;
23. Veterinary services not including the boarding of animals;
24. Business colleges or schools;
25. Recreation centers, gymnasiums and other related recreational facilities.

**SECTION 1112**

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 developed portions of the district including:
  - a. Temporary exhibit spaces;

PUBLIC HEARING ITEM NO. 2:

Commission members present: Mr. Bailey, Mr. Burch - Vice Chairman, Mr. Damstrom, Mr. Kirby, Jr., Mr. McElroy, Mr. McMillian, Mr. Neltner, Mr. Owens, Mr. Ries, Mr. Rush, Mrs. Schaffer, Mrs. Smith - Secretary/Treasurer, and Mr. White.

Mr. Burch introduced the last item on the Agenda:

2. Applicant: Butler and Partner, Inc. for  
Jim Houston (owner)  
Request: Zoning Map Amendment

The request of Butler and Partner, Inc. (applicant) for Jim Houston (owner) for a Zoning Map Amendment for a 24.6-acre site located on the west side of Dixie Highway and north of Stephenson Mill Road, Walton and unincorporated Boone County, Kentucky. The two parcels are currently zoned Suburban Residential One (SR-1) and Agricultural Estate (A-2). The request is to rezone both parcels to Commercial Two (C-2) and Suburban Residential One (SR-1).

Staff Member Jeff Hayes presented the Staff Report which included a slide presentation (see Staff Report). He advised that the entire subdivision is 33.13 acres, but the area requested to be reviewed is 24.6 acres.

Mr. Jim Berling, engineer for the development, advised that Jim Houston is the owner of the property and Frank Butler will develop the property. They will develop a residential subdivision similar to Pinetops. He stated that the development will not overwhelm the school district. The proposed commercial development could be advantageous to the people who live there. They will not look for interstate highway commercial uses. They agree with about everything the Staff has presented. They have no problem with tie in to the adjacent property and the roadway network. They intend to annex into the City of Walton. He stated that Staff presented the request well.

Mr. Burch asked if there was anyone else present who wished to speak in favor of the request. There was no response. He then asked if there was anyone present who wished to speak in opposition to the request or to ask questions.

Mr. John Byrd, 191 North Main, Walton, referred to Sheet #4 (the Concept Plan) and stated that his property is the adjoining property on the north side next to the commercial area. He stated that he went to the neighbors on both sides of the street. He stated that Mr. Conaster, a member of the City Council, told him that no application was made to the City Council, this matter was not discussed, and the city would refuse to have zoning of this type in this area as it is residential. He stated that he does not want a 24-hour gas station next to his house. He does not believe that the street would handle the commercial traffic. He stated that the area has three businesses on the opposite side of the street next to the railroad tracks, and even the businesses do not welcome the commercial

zoning of the front parcels. He submitted a petition signed by most of the neighbors on both sides. He stated that they have no objection to the residential zoning and the front parcel is zoned residential now. They object to the change to commercial zoning.

Counselor Wilson advised that an application for a zone change generally comes to the Commission first for Public Hearing. He stated that the Committee will make a report to the Commission and the Commission's recommendation for or against the request will go to the legislative body for their final say. If the property is not in the city yet, the Commission's recommendation would go to the Fiscal Court, and the part in the city would go to Walton.

Mr. Byrd stated that Mr. Conaster, a Walton City Council Member, owns the property adjoining Parcel B and he does not want a 24-hour gas station next to his house. He stated that the Dairy Delight is only open part of the year and the other businesses, which have been there for 20 years, are not objectionable to the neighbors. The area on the west side has always been assumed to be residential and there are no businesses on that side until the business district of Walton.

Mr. Burch asked if there were any comments or questions from the Commission.

Mr. Neltner stated that he has concerns regarding the moratorium the City of Walton has issued. Mr. Berling stated that he has talked to the Mayor and the city does have a moratorium because of some infiltration problems. They have an agreed order with the state to do things to upgrade their system and they intend to add 100,000 gallons to their system within a year. He stated that the development will be delayed until that is accomplished.

Mr. Bailey asked if there is any concern about attempting to annex the part of the property that is in the county into the City of Walton. Mr. Berling stated that it is their intention to annex to the City of Walton and they have spoken to the Mayor in this regard.


Mr. Neltner asked if they have considered limiting the commercial uses on the front portion. Mr. Berling stated that he understands Mr. Byrd's concern. He stated that because it is U.S. 25 and there are many residents there, it would be nice to have something adjacent to the residential area that could be accessed without having to go onto the highway at all times. He stated that the list of uses can be gone over at the Committee level.

Mr. Byrd stated that he was talking to the Council members and the submittal for the sewer project has been let to the state. It is underway and they expect passage of it.

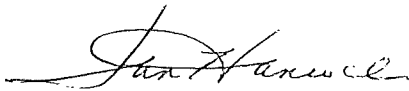
There being no further comments, Mr. Burch stated that the Committee Meeting for this item will be on October 24, 1994 at 4 P.M. on the second floor of this building. This item will be on the Agenda for the Business Meeting on November 2, 1994 at 8 P.M..

Mr. Burch closed this Public Hearing and called for a short recess prior to the Business Meeting.

APPROVED:

  
\_\_\_\_\_  
Fred A. Burch, Vice Chairman

Attest:

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

BOONE COUNTY PLANNING COMMISSION  
BUSINESS MEETING  
November 2, 1994  
8:00 P.M.

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Mr. William Viox, Chairman, called the meeting to order at 8:10 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett  
Mr. William Bailey  
Mr. Fred Burch, Vice Chairman  
Mr. Phil Damstrom  
Mr. Robert Kirby, Jr.  
Mr. Gayle McElroy  
Mr. Don McMillian  
Mr. Barry Neltner  
Mr. Thurman Owens  
Mr. Robert Ries  
Mr. Ralph Rush  
Mrs. Linda Schaffer  
Mrs. Carol Smith, Secretary/Treasurer  
Mr. William Viox, Chairman  
Mr. Earl White

All members were present.

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director  
Mr. Jeff Hayes  
Ms. Jan Hancock, Secretary  
Mr. Robert Jonas  
Mr. Kevin Wall

2. Zoning Map Amendment

The request of Butler and Partner, Inc. (applicant) for Jim Houston (owner) for a Zoning Map Amendment for a 24.6-acre site located on the west side of Dixie Highway and north of Stephenson Mill Road, Walton and unincorporated Boone County, Kentucky. The two parcels are currently zoned Suburban Residential One (SR-1) and Agricultural Estate (A-2). The request is to rezone both parcels to Commercial Two (C-2) and Suburban Residential One (SR-1).

Staff Member Jeff Hayes read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). The applicant has signed the letter agreeing to the conditions.

Mr. McElroy moved by resolution to the City of Walton and the Boone County Fiscal Court that the application be approved based on the Committee Report. Mr. Burch seconded the motion and it carried unanimously.

4. Change in Concept Development Plan

The request of Thomas W. Breidenstein (applicant) for The Deters Company (owner by contract) for a Change in a Previously Approved Concept Development Plan on a 4-acre site located on the south side of KY 18 and west of Jones Circle, Boone County, Kentucky. The site is currently zoned Commercial Two/Planned Development (C-2/PD) and commercial outlots are being proposed.

Staff Member Bob Jonas read the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). The applicant has signed the letter agreeing to the conditions.

Mr. Owens moved by resolution to the Boone County Fiscal Court that the request be approved based on the Staff and Committee Reports. Mrs. Smith seconded the motion.

Mr. Burch stated that he signed the Committee Report. He noted a change to the Committee Report and questioned the movement of the Wendy's lot.

Mr. Charles Deters stated that they listened to the Commission. He stated that the Commission was concerned about the buildings conforming to each other. The Wendy's has a set style, so they put it by the Frisch's, and the remaining buildings will be more alike. He stated that whatever goes on the middle lot can conform.

Mr. Burch stated that he is assuming the Wendy's will go on that lot similar to the way it was on the other lot. Mr. Deters replied "exactly".

**EXHIBIT "B"**

# COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Gayle McElroy, Chairman

DATE: November 2, 1994

RE: Request of Butler and Partner, Inc. (applicant) for Jim Houston (owner) for a Zoning Map Amendment on a 24.6 acre site located on the west side of Dixie Highway and north of Stephenson Mill Road, Walton, and unincorporated Boone County, Kentucky. The two parcels are currently zoned Suburban Residential One (SR-1) and Agricultural Estate (A-2). The request is to rezone both parcels to Commercial Two (C-2) and Suburban Residential One (SR-1).

## REMARKS:

We the Committee, recommend approval of the request based upon the following findings of fact and with the following conditions:

### Findings of Fact

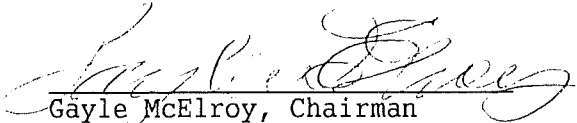
1. The proposed Zoning Map Amendment is in agreement with the 1990 Boone County Comprehensive Plan Future Land Use Map and Text which indicates the applicant's site as Suburban Density Residential. The Committee believes that the proposed Commercial lots will provided needed services for the growing residential population in northern Walton.
2. The Committee believes that the current zoning for the applicant's property is inappropriate and the proposed zoning is appropriate.

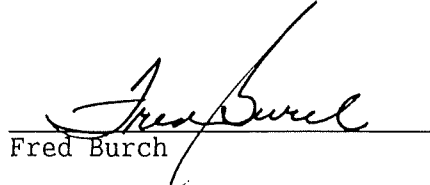
### Conditions

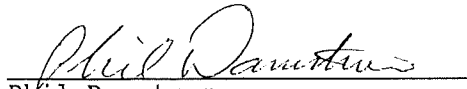
The applicant is being asked to agree to and include these items as part of the Zoning Map Amendment request:

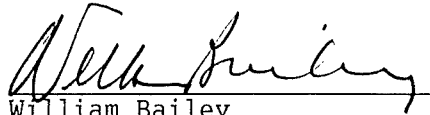
1. The moratorium established for the Walton Treatment Plant shall be lifted before any Improvement Plan can be approved for the subdivision.
2. The only permitted uses for the proposed Commercial Two (C-2) zone will be those uses Principally Permitted within the Commercial One (C-1) zone.
3. The applicant shall provide a connection to the property south of the site. The location of the connection shall be determined during the Preliminary Plan review procedure.

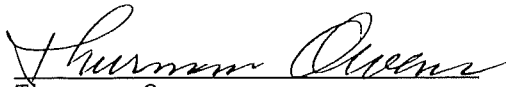
A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

  
Gayle McElroy, Chairman

  
Fred Burch

  
Phil Damstrom

  
William Bailey

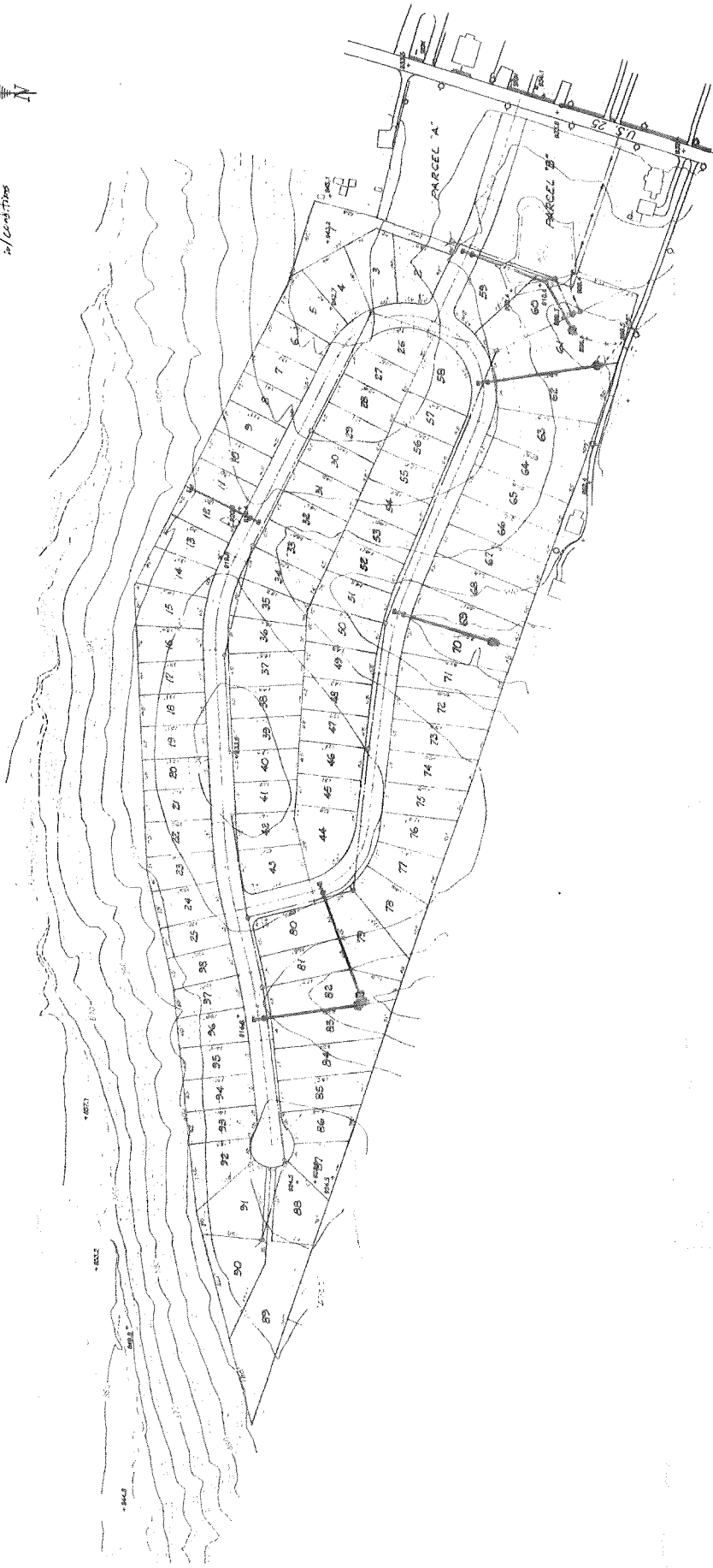
  
Thurman Owens

  
Barry Neltner

JFH\par

APPROVED

Staff: *[Signature]*  
Date: 1-2-54  
Boone County  
Planning Commission  
20/10/10/54



|                          |                    |
|--------------------------|--------------------|
| HOUSTON PROPERTY         |                    |
| JAMES W. BRIDG           | 1/2" = 100'        |
| ST. SUBDIVISION          | 1/4" = 100'        |
| U.S. HWY. 25 - WALTON KY |                    |
| DATE: 1/2/54             | SCALE: 1/2" = 100' |

MINUTES  
BOONE COUNTY FISCAL COURT  
January 24, 1995  
5:30 P.M.

ITEM V.

JUDGE'S REPORT

APPOINTMENTS

Commissioner Meihaus moved, seconded by Commissioner Campbell, to approve the appointment of Judy Kirkpatrick to Burlington Fire Protection District. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE.

Commissioner Campbell moved, seconded by Commissioner Meihaus, to approve the appointment of Tom Smith to the Union Fire Protection District. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE.

Commissioner Meihaus moved, seconded by Commissioner Campbell, to approve the appointment of Terry Brennan to the Belleview-McVillie Fire Protection District. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE.

Commissioner Campbell moved, seconded by Commissioner Meihaus, to approve the appointment of Michael (Mickey) Conner to the Tri County Economic Development. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE.

Commissioner Meihaus moved, seconded by Commissioner Campbell, to approve the appointment of William Conrad as a member emeritus to the Boone County Historic Preservation Review Board. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE.

ITEM VI.

ADMINISTRATIVE UPDATES

JAIL SECURITY SYSTEM/REQUEST TO BID.

Commissioner Meihaus moved, seconded by Commissioner Campbell, to authorize going to bid for a new security system for the Boone County Jail. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE.

EASEMENTS/POINT PLEASANT FIRE DISTRICT

Commissioner Meihaus moved, seconded by Commissioner Campbell, to grant the easements to Point Pleasant Fire Protection District as outlined in the memo to Jim Collins from Linda Rae Bramlage, attorney representing Point Pleasant Fire Protection District. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "A"

ITEM VI.

NEW BUSINESS

Commissioner Meihaus moved, seconded by Commissioner Campbell, to appoint a Viewers' Committee relative to the request to close a portion of Old Kentucky 20 near Hunter Road in Hebron, as requested by Timothy R. McNeely on behalf of Cathleen Matchinga. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE.

ITEM VII.

ORDINANCES & RESOLUTIONS

ORDINANCE NO. 920.297 - BUTLER AND PARTNER, INC./HOUSTON

Judge Lucas read a summary of Ordinance No. 920.297, and declared a Public Hearing open at 5:55 p.m. Hearing no discussion, Judge Lucas declared the Public Hearing closed at 5:57 p.m.

Subsequently, Commissioner Campbell moved, seconded by Commissioner Meihaus, to approve on Second Reading Ordinance No. 920.297, an ordinance of the Boone County Fiscal Court recommending approval of the request of Butler And Partner, Inc., (Applicant) for Jim Houston (Owner) for a Zoning Map Amendment. The two parcels are currently zoned Suburban Residential One (SR-1) and Agricultural Estate (A-2). The request is to rezone both parcels to Commercial Two (C-2) and Suburban Residential One (SR-1) for a 24.6 acre site, generally located on the west side of Dixie Highway and north of Stephenson Mill Road, Walton and unincorporated Boone County, Kentucky, as recommended unanimously by the Boone County Planning Commission via Resolution No. R-94-045-A. Commissioner Meihaus reiterated the two conditions that relate to the

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unincorporated portion of the property. Judge Lucas then called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "B"

ORDINANCE NO. 920,298 - BREIDENSTEIN/DETERS COMPANY

Judge Lucas read a summary of Ordinance No. 920,298, and declared a Public Hearing open at 6:00 p.m.

Mr. Tom Breidenstein, attorney for the applicant, gave a brief overview of the requested change in the Concept Development Plan.

Mr. E. C. Pennington, adjacent property owner, expressed concerns about the potential for a traffic hazard, the general nuisance created by people trespassing on his property and whether he will be able to get in and out of his driveway.

Mr. Breidenstein said his client has been in negotiation with Mr. Pennington and he will encourage his client to continue that negotiation. However, if the negotiations fall, his client will use an alternate access through the frontage in front of Frisch's Restaurant, which was approved at the time of the original Concept Development Plan.

Judge Lucas closed the Public Hearing at 6:12 p.m.

Commissioner Meihaus moved, seconded by Commissioner Campbell, to approve on Second Reading Ordinance No. 920,298, an ordinance of the Boone County Fiscal Court recommending approval of the request of Thomas W. Breidenstein (Applicant) for the Deters Company (Owner by Contract) for a change in an approved Concept Development Plan, with conditions, in a Commercial Two/Planned Development (C-2/PD) zone on a 4 acre site generally located on the south side of KY 18 and west of Jones Circle, Boone County, Kentucky, as recommended by the Boone County Planning Commission (14-1) via Resolution No. R-94-046-A. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "C"

ORDINANCE NO. 920,299/RICHARD AND MARY HARMS

Judge Lucas read a summary of Ordinance No. 920,299, and declared a Public Hearing open at 6:20 p.m. Judge Lucas declared the Public Hearing closed at 6:22 p.m.

Commissioner Campbell moved, seconded by Commissioner Meihaus, to approve on Second Reading Ordinance No. 920,299, an ordinance of the Boone County Fiscal Court recommending approval of the request of Richard and Mary Harms (Owners) for a Zoning Map Amendment, such Zoning Map Amendment being a zone change from Agricultural Estate (A-2) to Industrial One (I-1) for a 44 acre site located at 3773 Hossman Road, Boone County, Kentucky, as recommended unanimously by the Boone County Planning Commission via Resolution No. R-94-047-A. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "D"

ITEM VIII. FISCAL MATTERS

Commissioner Campbell moved, seconded by Commissioner Meihaus, to approve the FY95-96 Budget Calendar as submitted, and to approve the appointment of Jim Collins, Robin Curry, Vaughn Rogers and Lisa Buerkley to the Budget Committee. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE.

Commissioner Meihaus moved, seconded by Commissioner Campbell, to approve Fiscal Court Order #11. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "E"

Commissioner Meihaus moved, seconded by Commissioner Campbell, to approve the Invoice Report dated 1/20/95, as well as the Prepaid Invoices dated 12/30/94 and 1/13/95, and the Additional Invoices per the memo to the Fiscal Court dated 1/24/95. Judge Lucas called for a vote of the motion, Commissioner Meihaus voted AYE, Commissioner Campbell voted AYE, with the exception of ABSTAINING on all Liberty National Bank invoices, and Judge Lucas voted AYE. Exhibits "F", "G", "H" & "I"