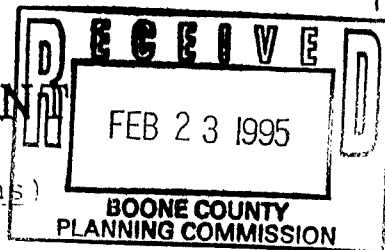


APPLICATION FORM  
ZONING MAP AMENDMENT

BOONE COUNTY PLANNING COMMISSION  
(See Boone County Zoning Regulations)



SECTION A (To be completed by applicant)

1. Name of Project A & D Industrial Contractors
2. Location of Project South Side Old Ky Rd 1 1/2 Miles North of Walton
3. Total Acreage of Site 2.06 acres
4. Current Zoning of Site A.D. or R5
5. Proposed Zoning (Classification being requested) \_\_\_\_\_
6. Proposed Uses (please specify each use)  
Industrial - I  
Storage of tools, equipment, supplies for conveyor repair and maintenance business with space for office
7. Names of Applicant(s) Dan Childress + Shawn Murray  
Phone Number 356-4420 Fax No. 356-4418
8. Address of Applicant(s) 5150 Oliver Rd  
Independence Ky 41051  
City State Zip
9. Name of Property Owner(s) Preston and Helen Allen  
Phone Number \_\_\_\_\_ Fax No. 702-256-4344
10. Address of Property Owner(s) \_\_\_\_\_  
Las Vegas, Nevada  
City State Zip
11. Proposed Building Intensities (please specify)  
Metal Building approx. 4000 sq. ft.
12. Are there any existing buildings on the site? NO  
How many? 0
13. Deed Book 424 Page No. 258 Group No. 2080
14. Are you also applying for:  
\_\_\_\_\_ Conditional Use Permit  
\_\_\_\_\_ Dimensional Variance
15. Have you submitted a Concept Development Plan? NO
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)

**EXHIBIT "A"**

## STAFF REPORT

Request of Dan Childress and Shawn Murray (applicants) for Preston and Helen Allen for a Zoning Map Amendment from Rural Suburban (RS) to Industrial One (I-1), for a 2.06 acre site located on the south side of KY 16, approximately 1 mile north of Walton, Boone County, Kentucky. The request is to allow the construction of a 4,000 square foot metal storage structure with office space.

March 22, 1995

The applicant is requesting to rezone a 2.06 acre site located on Walton-Nicholson Road off of KY 16 (See Sheet #1). The request for Industrial One (I-1) from Rural Suburban would allow the development of 4,000 square foot building to be used for the storage of tools, equipment, supplies for conveyor repair and maintenance businesses with office space.

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

North: KY 16 and single family uses zoned Rural Suburban (RS)  
South: H & M Construction zoned Industrial One (I-1) (SR-1/SC)  
East: Single family homes zoned Rural Suburban (RS)  
West: Single family homes zoned Rural Suburban (RS)

### Site Characteristics

The 2.06 acre site is undeveloped and is adjacent to several industrial uses which include Murphy-Catton, Arch Micro Tool, and H&M Construction all of which are located on Walton-Nicholson Road. A commitment was made by the Boone County Public Works Department to improve the one-lane road to a two-lane 22 foot wide road. This road was scheduled to be improved last year, but has not been approved as of yet. All three of the existing industrial uses located on this road under went Zoning Map Amendments.

The site does not contain public sanitary sewer, but does have public water for the City of Walton, which can be tapped into. The Southern Railroad is located close by to the west and the Gaines House is located on the other side of the railroad.

### Relationship to the Comprehensive Plan

The adopted 1990 Boone County Comprehensive Plan Future Land Use Map indicates that the area should develop as Rural Density Residential (RD) (See Sheet #3). However, the Goals and Objectives call for Industrial activity to develop near railroads and highways.

Concept Development Plan

The applicant has not submitted a Concept Development Plan of how the site will be developed. The applicant has indicated that the number of employees for the proposed 4,000 square foot building will be minimal and that the primary use of the building will be for storage. If the Zoning Map Amendment is approved the applicant's site would be required to have a fifty (50) foot side yard building setback and a 25 foot buffer because it would adjoin residential property on either side.

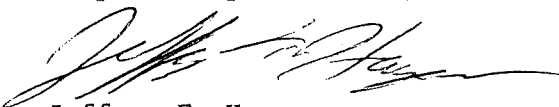
Staff Concerns

1. The applicant would be required to undergo major Site Plan Review if the proposed Zoning Map Amendment is approved by the Boone County Fiscal Court.
2. Staff believes that buffering should be explored on the east and west side of the applicant's site because of the adjoining residential homes.

Conclusion

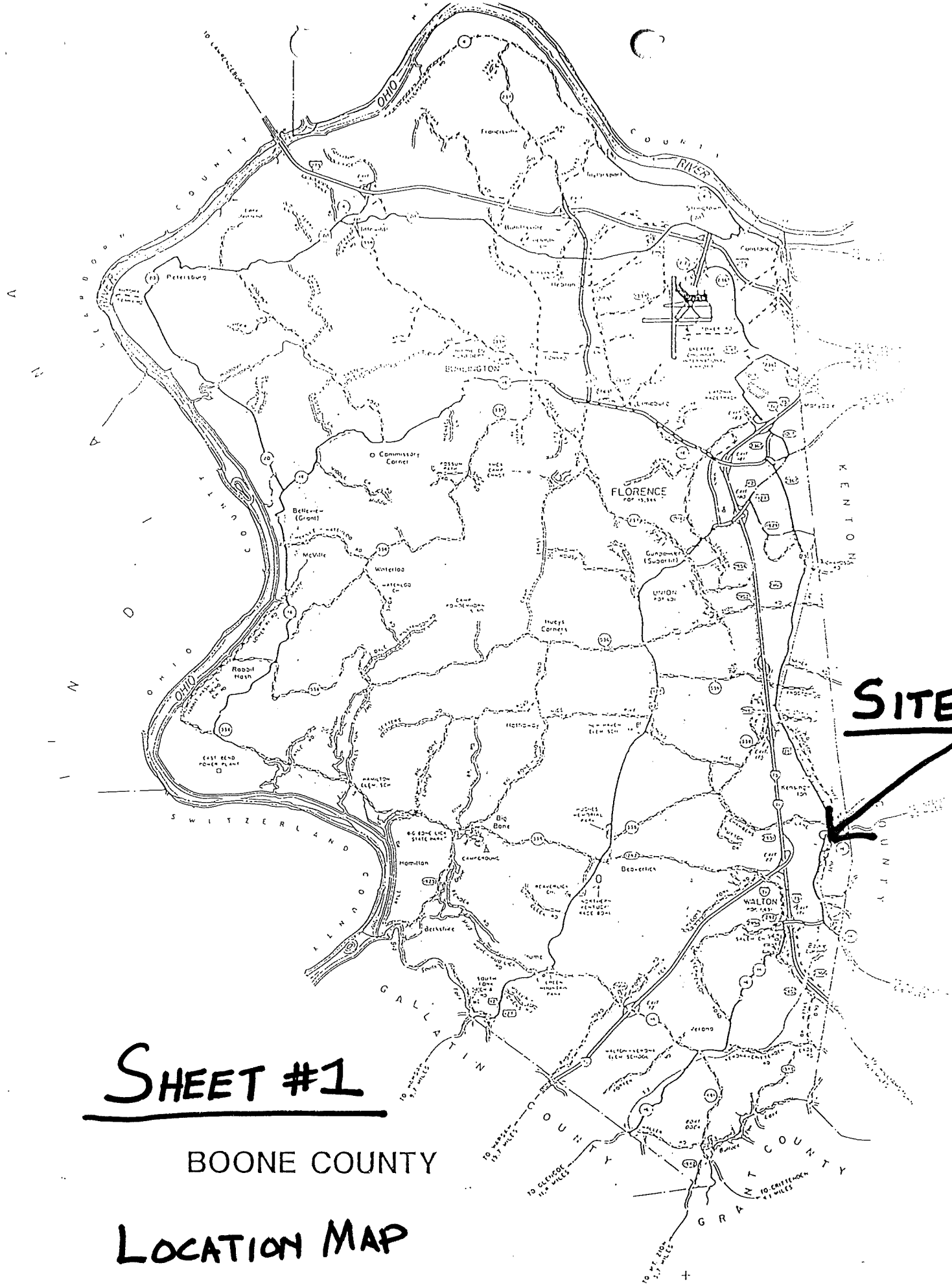
This request is not in agreement with the 1990 Boone County Comprehensive Plan Future Land Use Map which indicates the area as Rural Density Residential. The Planning Commission must consider the three findings of fact necessary to recommend a Zoning Map Amendment when considering this request. Should the Planning Commission recommend, and the Boone County Fiscal Court approve, this request for a Zoning Map Amendment, the Boone County Comprehensive Plan Future Land Use Map will need to be updated.

Respectfully Submitted,



Jeffrey F. Hayes  
Planner

JFH/par

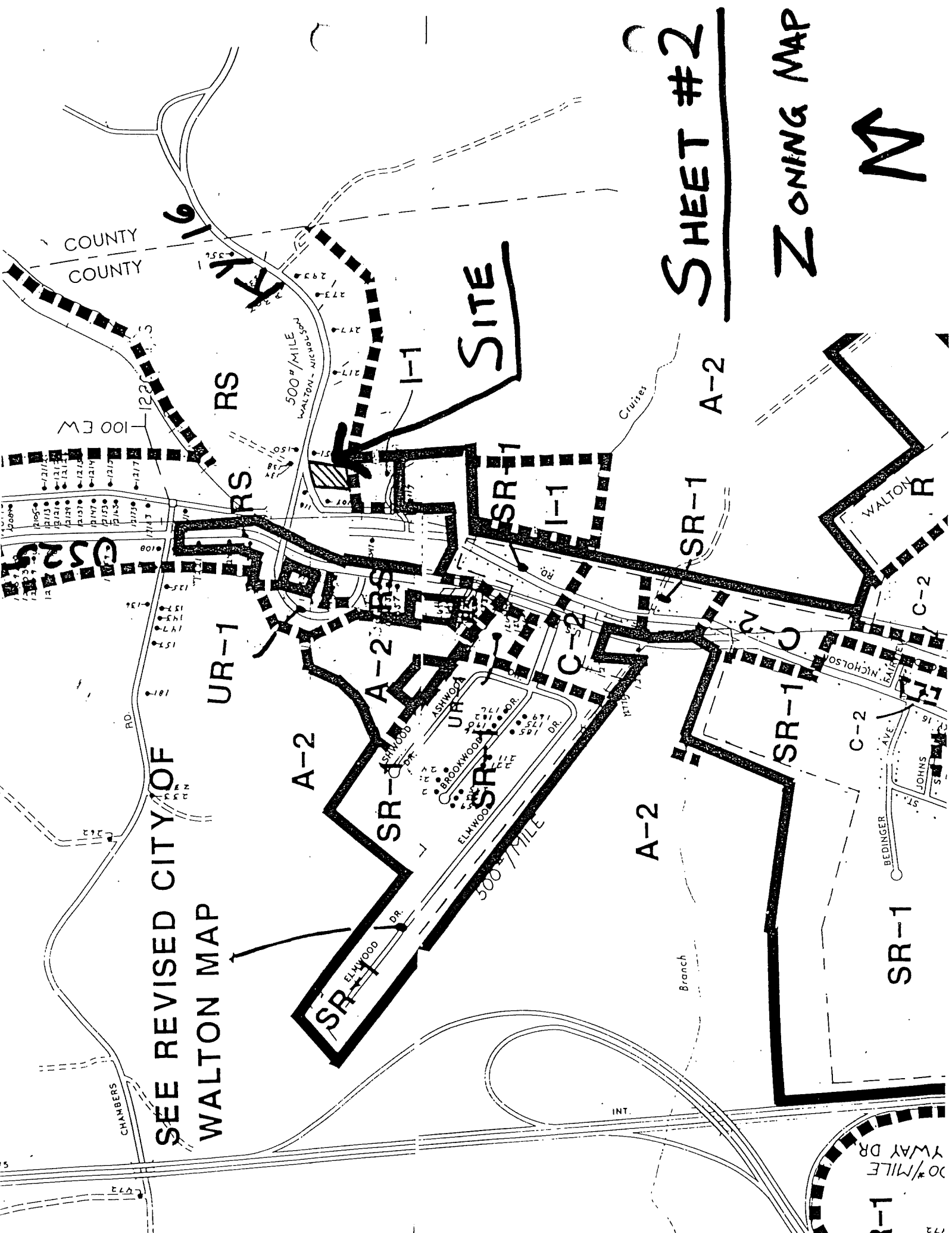


**SITE**

**SHEET #1**

**BOONE COUNTY**

**LOCATION MAP**



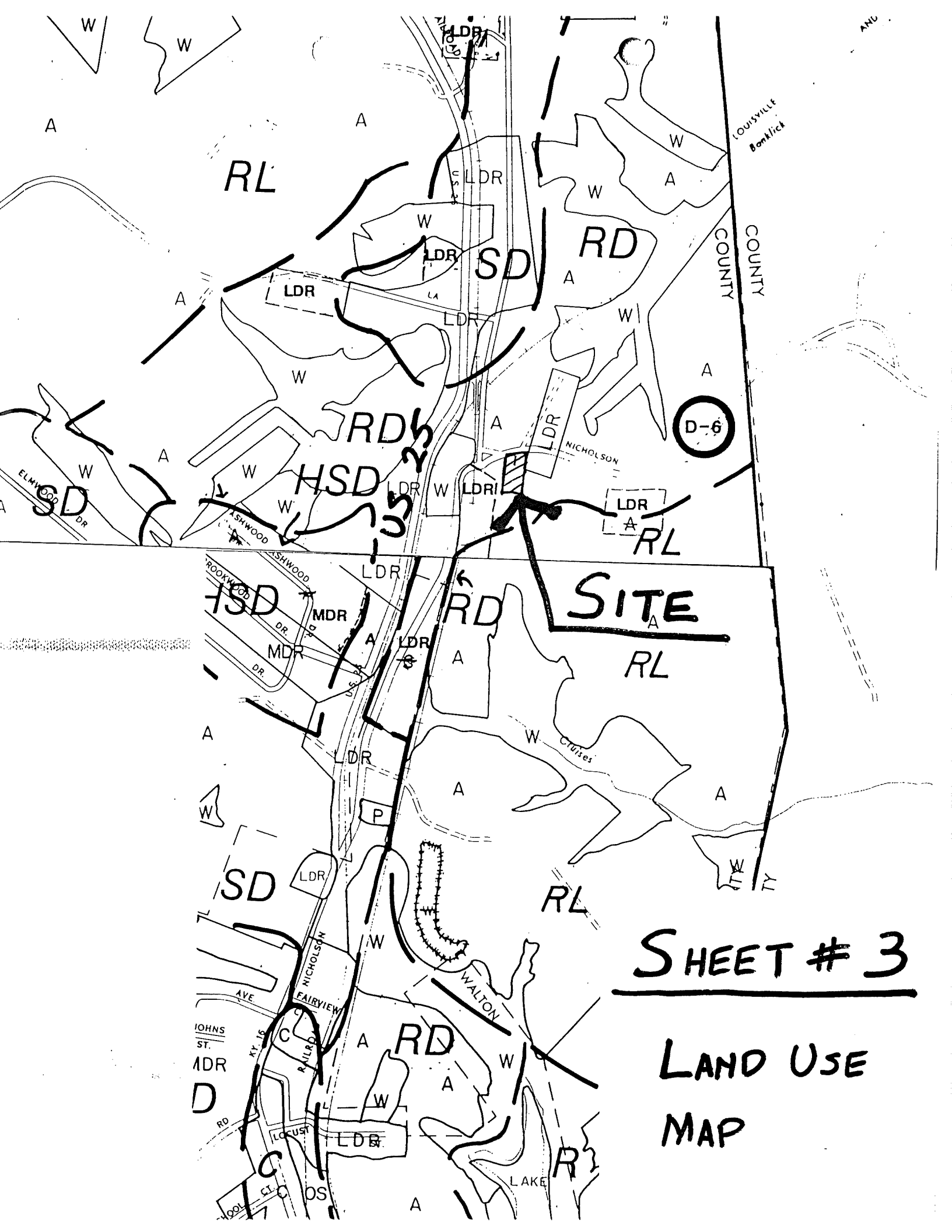
**SHEET #2**

**ZONING MAP**



SEE REVISED CITY OF  
WALTON MAP

172  
10 # MILE  
YWAY DR  
I-1



RL

SD

RD

RDh  
HSD

**SITE A**

RL

SD

RD

**SHEET # 3**

**LAND USE  
MAP**

LOUISVILLE  
Barrick

COUNTY  
COUNTY

D-6

LAKE

JOHNS  
ST.  
MDR

D

RD

C

OS

AVE

NICHOLSON

FAIRVIEW

WALTON

LAKE

OS

C

MDR

RD

L

W

A

MDR

RD

A

W

A

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MDR

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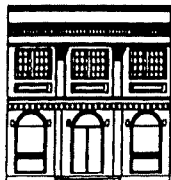
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# BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005  
606-334-2196 FAX 606-334-2264

May 10, 1995

Mr. Dan Childress and Mr. Shawn Murray  
5150 Oliver Road  
Independence, KY 41051

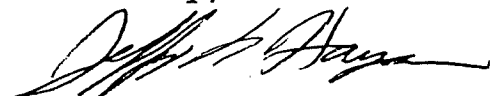
RE: Conditions Of Approval For The Zoning Map Amendment

Dear Mr. Childress and Mr. Murray:

The following represents conditions being discussed by the Zone Change Committee. If you, as the applicant/owner will agree to these conditions, please indicate so by signing your name at the space indicated at the end of this letter and returning it to the Planning Commission before 12:00 PM on Wednesday, May 17, 1995.

1. Before the applicant will be issued Site Plan approval for the proposed industrial building the applicant shall have to show proof of access to City of Walton public water.
2. The applicant shall agree to limit all permitted and conditional Industrial One (I-1) uses except the uses specified in Section 1131, Items number 10 and 33 which permit:
  10. Fabrication of metal products except firearms and accessories, large scale machinery, and transportation vehicles;
  33. Building construction, general contractor, plumbing, heating, air conditioning, painting, paper handling, decorating, electrical, masonry, stonework, tile setting, plastering, carpentry, wood flooring, roofing and sheetmetal, water-well drilling, septic and other special construction trade offices, supply, storage and related activities;
3. The applicant shall provide a buffer to the adjoining residential properties which shall be established during the Site Plan Review procedure for the site which meets the satisfaction of the Planning Commission.

Sincerely,



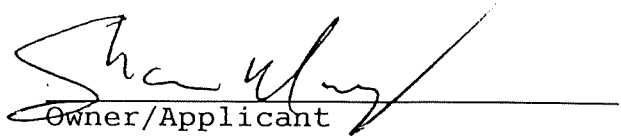
Jeffrey F. Hayes  
Planner

JFH\par

Mr. Dan Childress and Mr. Shawn Murray  
May 10, 1995  
Page 2

I, the owner/applicant, agree to the above listed conditions for approval of my request for a Zoning Map Amendment.

  
\_\_\_\_\_  
Owner/Applicant

  
\_\_\_\_\_  
Owner/Applicant

BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING

March 22, 1995  
7:00 P.M.

PUBLIC HEARINGS

Commission members present: Mrs. Arnett, Mr. Bailey, Mr. Burch - Vice Chairman, Mr. Damstrom, Mr. Kirby, Jr., Mr. McMillian, Mr. Millay, Mr. Neltner, Mr. Ries, Mr. Rush, Mrs. Smith - Secretary/Treasurer, and Mr. Viox - Chairman.

Mr. William Viox, Chairman, called the meeting to order at 7:15 P.M.. Following an explanation of the Public Hearing process, Chairman Viox introduced the first item on the Agenda:

1. Applicant: Dan Childress and Shawn Murray for Preston and Helen Allen (owners)

Request: Zoning Map Amendment

The request of Dan Childress and Shawn Murray (applicants) for Preston and Helen Allen (owners) for a Zoning Map Amendment from Rural Suburban (RS) to Industrial One (I-1) for a 2.06-acre site located on the south side of KY 16, approximately 1 mile north of Walton, Boone County, Kentucky. The request is to allow the construction of a 4,000 square foot metal storage structure with office space.

Staff Member Jeff Hayes presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Viox asked if this property will be adjacent to the City of Walton after the annexation request (Agenda Item #3). Mr. Hayes advised that it would be and noted that they will be getting water from the City of Walton. He advised that in order to use the Walton city services, the site would have to be annexed into the City of Walton. He stated that the past two zone changes in this area have gone through the zone change procedure and then been annexed into the City of Walton for the city services.

Mr. Hayes presented an exhibit showing the layout of the properties. He indicated the subject property and the property that is the subject of an annexation request later in the evening (Agenda Item #3). Mr. Hayes noted the location of the railroad.

Chairman Viox asked for the applicant's presentation.

Ruth Thomas with ReMax Affiliates stated that her client has contracted to purchase the property contingent on the zone change to I-1. The company, D & D Industrial Contractors, provides mechanical installation and services and material handling systems such as conveyors. The purpose of the building would be for storage and security of equipment. She gave the Commissioners information packets which describe the type of building to be constructed. The building would also serve as their office. She stated that they are in and out of town and would have 1 or 2 office personnel. They employ 10 to 15 people in their labor force, but their work is normally out of town. She stated that the frontage of the property is zoned RS and the rear portion is already zoned Industrial. They are requesting that the entire tract be zoned I-1. The tract is contiguous to other property zoned I-1. She stated that the economic obsolescence of this section of old Walton Nicholson Pike has rendered this property no longer suitable for residential development. She noted three or four industrial type buildings in the area.

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

Mr. Dan Childress, owner of D & D, stated that they provide mechanical services throughout the country. He stated that he presently operates and lives in Kenton County. They are interested in this property because of its relationship to Walton, the expressway, and being in Boone County. He stated that most of their work is out of town. They work for companies like Litton, Pepsi, Levi's, etc. and do their material handling work. They need a building as a place to keep their materials and tools, and to have an office. They will continue the type of buildings in the area and have a good quality building. He stated that both he and his partner are from this area. He requested approval of the application.

There being no one else present in favor of the request, Chairman Viox asked if there was anyone present in opposition to the request or having questions.

Paulette Combs stated that they own the property right next to this site. She stated that when the three existing businesses were approved on this road, it was an emergency road only or a "no outlet" road. They did not know about the other businesses going in because they could not see the signs for the public hearings. She stated that the zone change is not necessary as there is plenty of property already zoned for this type of business. There is already a lot of traffic in the area. They have seen tractor trailers pull in and get hung up on the guard rails. When people are coming in and out and pass, they have to get off the road. The Kenton County school bus and the Walton-Verona school bus turn around there. The traffic on Walton-Nicholson Road is stupendous. They have owned their home there for 26 years. If she had wanted to live by a business, she would have purchased a home by a business. She stated that there are plenty of sites zoned I-1 on the other side of Walton where there is a good size industrial park that is near the expressway and a railroad. She stated that this business will be 100 to 150 feet from each of the three existing residences.

Mr. Roy Combs, also an adjoining property owner, stated that he is disabled and home all of the time. He stated that it is a 180 degree turn off Walton-Nicholson Road into this road and in the winter a tractor trailer was hung up on the guard rail for four hours and no one could get in or out. The school buses use this road to turn on so that they do not have to back out on Walton-Nicholson Road. The road was put in for emergency access to Walton only. He does not think a company should build within 150 feet of residences or right between three homes.

Mr. Bill Hall stated that he owns property across the street and will build a house there this year or next year. He asked if the rest of the property will be worth building on if this building is built there. He asked if their property will be involved in the zone change. He stated that the Staff said the property was no longer suitable for residential use. Chairman Viox advised that this comment was made by the applicant's representative, not the Staff.

Counselor Wilson advised that if the zone change would be granted on this piece of property, it would not affect the zoning of the Hall property.

Martha Hall stated that they looked long and hard for the 6.7-acre property they purchased across the street from this site. She does not want to look out her window and see an industrial site across the road, which was not there when they purchased the property. They purchased the property with the intent of building a home, which is what they want to do.

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

In response to a request from Mrs. Smith, Mr. Hayes indicated the existing residences on the exhibit. Mrs. Smith questioned the access to those homes. Mr. Hayes advised that two of the homes have access off KY 16. He indicated the Hall property across from the site.

Mrs. Hall advised that the new highway has already deteriorated due to the trucks.

Mr. Ries stated that the road is a big concern. He believes that when the Commission approved the two businesses there, there was a condition that the road would be upgraded. He stated that the road should be taken care of before another business is approved on it.

Mr. Hayes advised that it was agreed that the county would upgrade the road. He advised that Murphy-Catton expanded in 1993 and at that time the county agreed to widen the road the following spring. He is checking to see why this has not been done. The utility pole has been moved so that the road can be widened.

Mr. Ries asked if there were restrictions placed on the other business as to what they could put in the I-1 Zone. He stated that there are a lot of uses that can go in an I-1 Zone and asked if the applicant would be agreeable to restricting some of the uses.

Mr. Damstrom questioned the building height. He asked what would be done about the sewage and if they have contacted the state in regard to a sewage plant. He stated that 10 or 15 people is too many for a package plant there. Chairman Viox asked if they are planning to get public water.

Mr. Childress stated that the only way to get public water is to be annexed into Walton, which is what their neighbor is doing. They also intend to get annexed into the City of Walton. He stated that he now employs 15 people, but has no one in town. They are construction people and will spend three months to a year in a particular city. They go out and install things all over the country and it would not be the norm to have 15 people in a building. The norm would be 3 or 4 people and their would be facilities for them. He stated that they would probably utilize a septic tank system. They are getting a site survey now. He stated that their building would adjoin the neighboring building, which is 22 feet high at its peak. They would not go over 22 feet high and may go shorter. He stated that they are basically interested in the storage of tools and tool boxes. Their property is barely on the road and they would have to do something to get into it off old KY 16. The road is about 60% across the front of the property and they would not use much of that road, if any. They will set the building back as far from the highway as the contours of the property allow.

Chairman Viox asked if they had discussed the possibly of water with the City of Walton. Mr. Childress replied "no" and stated that the neighbor told him that they would have to be annexed to get city water. Chairman Viox stated that he does not want the cart before the horse and questioned what they would do if they were denied water. Mr. Childress stated that they will put a stainless steel tank inside the building. He stated that the water use will be slight -- possibly 800 a month with just a couple of people. He stated that he would like city water more for insurance and fire protection.

Mr. Neltner asked if there are any plans for outside storage. Mr. Childress replied "no" and stated that they are trying to protect their equipment, tools, high jackers, and things not suitable to be outside. Mr. Neltner asked if there would be any pipe or things of that nature outside. Mr. Childress stated that there would not be permanent storage. He stated that there are a lot of requirements in storing materials outside. The EPA requires the material to be covered and it is not very practical to store it outside.

Mr. McMillian noted that Mrs. Combs indicated that they were not notified when the other businesses went in. Mrs. Combs advised that their property was not adjoining.

Mr. McMillian stated that it was known that the property behind this site was being annexed. He questioned why they did not join in that annexation and get this property annexed at the same time -- rather than putting the cart before the horse. Mr. Childress advised that he has not finalized the purchase of the property yet. He is not purchasing the property unless it is rezoned.

Counselor Wilson explained that if the zone change does not occur, Mr. Childress is not going to buy the property. If he were to get property annexed first, then it could be annexed into Walton and not have the zone change. Mr. Childress advised that the adjoining property owner went through the same procedure and is just now applying for annexation. He stated that there is water and fire hydrant right there, but they cannot use it unless they are annexed.

Mr. McMillian questioned the county approving this and then the city having to accept what the county approved. Mr. Childress stated that he will only ask for annexation if he has to be annexed to get water.

Mr. Bailey asked if they plan trees in the 50-foot buffer area between their property and the residential property. Mr. Childress stated that there might be a few trees on the residential property. He stated that there are no trees that would provide buffer now, but he would not object to putting in "X" amount of trees as a requirement of the zone change. He would agree to put in trees because he wants the property to look decent.

Chairman Viox asked if this property is in the Walton-Verona School District. Mr. McMillian advised that it is.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on April 3, 1995 at 4 P.M. in the second floor conference room of the Administration Building. This item will be on the Agenda for the Business Meeting on April 19, 1995 at 8 P.M. on the third floor of the Administration Building.

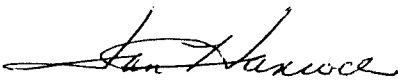
The Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION  
BUSINESS MEETING  
BOONE COUNTY ADMINISTRATION BUILDING  
May 17, 1995  
8:30 P.M.

---

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

COMMISSION MEMBERS PRESENT:

Mr. William Bailey  
Mr. Fred Burch, Vice Chairman  
Mr. Phil Damstrom  
Mr. Robert Kirby, Jr.  
Mr. Mike McKinney  
Mr. Don McMillian  
Mr. Bob Millay  
Mr. Barry Neltner  
Mr. Robert Ries  
Mr. Ralph Rush  
Mrs. Linda Schaffer  
Mr. William Viox, Chairman  
Mr. Earl White

COMMISSION MEMBERS NOT PRESENT:

Mrs. Judy Arnett  
Mrs. Carol Smith, Secretary/Treasurer

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director  
Mr. Ed Coleman  
Mr. Jeff Hayes  
Ms. Jan Hancock, Secretary  
Mr. Mitch Light  
Mr. Kevin Wall, AICP

Approval of the Minutes:

Chairman Viox stated that each Commission member had received copies of the Minutes of the May 3, 1995 Business Meeting. He asked if there were any comments or corrections.

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

Chairman Viox welcomed new Staff member, Ed Coleman.

UNFINISHED BUSINESS:

1. Zoning Map Amendment

The request of Dan Childress and Shawn Murray (applicants) for Preston and Helen Allen (owners) for a Zoning Map Amendment from Rural Suburban (RS) to Industrial One (I-1) for a 2.06-acre site located on the south side of KY 16, approximately 1 mile north of Walton, Boone County, Kentucky. The request is to allow the construction of a 4,000 square foot metal storage structure with office space.

Staff Member Jeff Hayes presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). The applicant and owner have signed the condition letter.

Mr. McMillian, Committee Chairman, advised that he did not attend the Committee Meeting. Mr. Burch stated that he attended the Committee Meeting and moved by resolution to the City of Walton that the Committee Report be adopted. Mr. Neltner seconded the motion.

Mr. Burch advised that in the Committee Meeting there was discussion of annexation into the City of Walton. The applicant stated that they have agreed to the annexation and signed the condition letter. Mr. Hayes advised that in order to obtain water, they would have to be annexed into the City of Walton.

Mr. Ries stated that he brought up concerns about the road at the Public Hearing. He stated that before anything is completed back there, the road has to be improved. He did not hear anything in the Committee Report about the road being upgraded.

Mr. Costello advised that he has been in contact with the county in regard to upgrading the road, but he cannot tell the Fiscal Court to upgrade the road. They have agreed to do it, but it has not been a priority. It may be a priority now that a third business will be located off this road, if this request is approved. He can write to the Fiscal Court to remind them of the commitment and advise that this is the third business there, along with the residences.

Mrs. Schaffer questioned if it is Residential on either side of this site. Mr. Hayes advised that it is. Mrs. Schaffer stated that this would be an island with an industrial use. Mr. Hayes stated that there would be Residential to the east and west, but industrial to the south. Mrs. Schaffer stated that there is Residential to the north.

Mr. McMillian stated that this piece of property does not really hit the road.

Mrs. Schaffer asked if the Comprehensive Plan changes in 1995. Mr. Hayes advised that the 1995 Comprehensive Plan was adopted before this request went to Public Hearing and recommends that the entire area become industrial. The Future Land Use Map is for Industrial. The property to the east will still be Residential, but the property to the west has a future land use of Industrial.

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

Counselor Wilson advised that the Commission's action is a recommendation to the Boone County Fiscal Court. The Fiscal Court may go along with the recommendation or override it. The Fiscal Court may also have its own Public Hearing. Interested persons should follow it with the Fiscal Court.

Chairman Viox advised that the following items are recommended for deferral:

3. Zoning Map Amendment: The request of Industrial Developments International (applicant) for Maryann L. Boh (owner) for a Zoning Map Amendment from Suburban Residential Two (SR-2) to Industrial One/Planned Development (I-1/PD) for 56.4 acres of the site and the Utilization of an Underlying Zone in an Industrial One/Planned Development (I-1/PD) district for approximately 71.6 acres of the site, to allow a light industrial park on an approximate 128-acre site at KY 237 and Conrad Lane, Boone County, Kentucky.
5. Design Review - Stecht Convenience Store (Donaldson Road)
7. Design Review - Best Buy (Houston Lakes)

Mr. Burch moved to defer Item #3 to the June 7, 1995 Business Meeting at 8 P.M..  
Mr. Neltner seconded the motion and it carried unanimously.

Mr. Burch moved to defer Item #5 to the June 7, 1995 Business Meeting at 8 P.M..  
Mr. Neltner seconded the motion and it carried unanimously.

Mr. Burch moved to defer Item #7 to the June 7, 1995 Business Meeting at 8 P.M..  
Mrs. Schaffer seconded the motion and it carried unanimously.

**EXHIBIT "B"**

# COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Donald McMillian, Chairman

DATE: May 17, 1995

RE: Request of Dan Childress and Shawn Murray (applicants) for Preston and Helen Allen for a Zoning Map Amendment from Rural Suburban (RS) to Industrial One (I-1), for a 2.06 acre site located on the south side of KY 16, approximately 1 mile north of Walton, Boone County, Kentucky. The request is to allow the construction of a 4,000 square foot metal storage structure with office space.

## REMARKS:

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

### Findings of Fact

1. The Committee believes that there has been a major physical change due to the development of industrial uses on Old Walton Nicholson Road which were not anticipated in the 1990 Boone County Comprehensive Plan. These industrial developments have substantially altered the character of the area.
2. The Committee believes that this major physical change has made the current zoning classification inappropriate and the proposed zoning classification more appropriate.
3. The Goals and Objectives section of the Comprehensive Plan indicates that industrial development shall be encouraged to locate near railroads and highways.

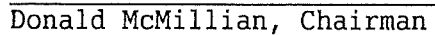
### Conditions

The applicant is being asked to agree to and include these items as part of the Zoning Map Amendment and to address questions and comments at the Public Hearing:


1. Before the applicant will be issued Site Plan approval for the proposed industrial building the applicant shall have to show proof of access to City of Walton public water.
2. The applicant shall agree to limit all permitted and conditional Industrial One (I-1) uses except the uses specified in Section 1131, Items number 10 and 33 which permit:
  10. Fabrication of metal products except firearms and accessories, large scale machinery, and transportation vehicles;

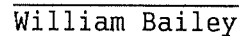
33. Building construction, general contractor, plumbing, heating, air conditioning, painting, paper handling, decorating, electrical, masonry, stonework, tile setting, plastering, carpentry, wood flooring, roofing and sheetmetal, water-well drilling, septic and other special construction trade offices, supply, storage and related activities;
3. The applicant shall provide a buffer to the adjoining residential properties which shall be established during the Site Plan Review procedure for the site which meets the satisfaction of the Planning Commission.

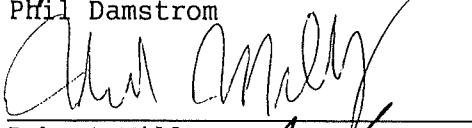
A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

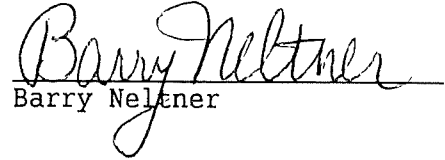
  
Donald McMillian, Chairman

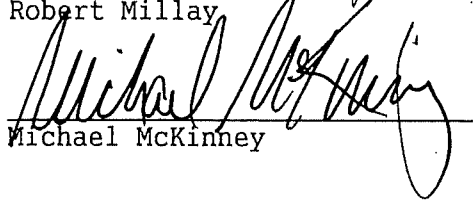
  
Fred Burch

  
Phil Damstrom

  
William Bailey

  
Robert Millay

  
Barry Neltner

  
Michael McKinney

JFH\par

BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING

March 22, 1995  
7:00 P.M.

PUBLIC HEARINGS

Commission members present: Mrs. Arnett, Mr. Bailey, Mr. Burch - Vice Chairman, Mr. Damstrom, Mr. Kirby, Jr., Mr. McMillian, Mr. Millay, Mr. Neltner, Mr. Ries, Mr. Rush, Mrs. Smith - Secretary/Treasurer, and Mr. Viox - Chairman.

Mr. William Viox, Chairman, called the meeting to order at 7:15 P.M.. Following an explanation of the Public Hearing process, Chairman Viox introduced the first item on the Agenda:

1. Applicant: Dan Childress and Shawn Murray for  
Preston and Helen Allen (owners)

Request: Zoning Map Amendment

The request of Dan Childress and Shawn Murray (applicants) for Preston and Helen Allen (owners) for a Zoning Map Amendment from Rural Suburban (RS) to Industrial One (I-1) for a 2.06-acre site located on the south side of KY 16, approximately 1 mile north of Walton, Boone County, Kentucky. The request is to allow the construction of a 4,000 square foot metal storage structure with office space.

Staff Member Jeff Hayes presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Viox asked if this property will be adjacent to the City of Walton after the annexation request (Agenda Item #3). Mr. Hayes advised that it would be and noted that they will be getting water from the City of Walton. He advised that in order to use the Walton city services, the site would have to be annexed into the City of Walton. He stated that the past two zone changes in this area have gone through the zone change procedure and then been annexed into the City of Walton for the city services.

Mr. Hayes presented an exhibit showing the layout of the properties. He indicated the subject property and the property that is the subject of an annexation request later in the evening (Agenda Item #3). Mr. Hayes noted the location of the railroad.

Chairman Viox asked for the applicant's presentation.

Ruth Thomas with ReMax Affiliates stated that her client has contracted to purchase the property contingent on the zone change to I-1. The company, D & D Industrial Contractors, provides mechanical installation and services and material handling systems such as conveyors. The purpose of the building would be for storage and security of equipment. She gave the Commissioners information packets which describe the type of building to be constructed. The building would also serve as their office. She stated that they are in and out of town and would have 1 or 2 office personnel. They employ 10 to 15 people in their labor force, but their work is normally out of town. She stated that the frontage of the property is zoned RS and the rear portion is already zoned Industrial. They are requesting that the entire tract be zoned I-1. The tract is contiguous to other property zoned I-1. She stated that the economic obsolescence of this section of old Walton Nicholson Pike has rendered this property no longer suitable for residential development. She noted three or four industrial type buildings in the area.

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

Mr. Dan Childress, owner of D & D, stated that they provide mechanical services throughout the country. He stated that he presently operates and lives in Kenton County. They are interested in this property because of its relationship to Walton, the expressway, and being in Boone County. He stated that most of their work is out of town. They work for companies like Litton, Pepsi, Levi's, etc. and do their material handling work. They need a building as a place to keep their materials and tools, and to have an office. They will continue the type of buildings in the area and have a good quality building. He stated that both he and his partner are from this area. He requested approval of the application.

There being no one else present in favor of the request, Chairman Viox asked if there was anyone present in opposition to the request or having questions.

Paulette Combs stated that they own the property right next to this site. She stated that when the three existing businesses were approved on this road, it was an emergency road only or a "no outlet" road. They did not know about the other businesses going in because they could not see the signs for the public hearings. She stated that the zone change is not necessary as there is plenty of property already zoned for this type of business. There is already a lot of traffic in the area. They have seen tractor trailers pull in and get hung up on the guard rails. When people are coming in and out and pass, they have to get off the road. The Kenton County school bus and the Walton-Verona school bus turn around there. The traffic on Walton-Nicholson Road is stupendous. They have owned their home there for 26 years. If she had wanted to live by a business, she would have purchased a home by a business. She stated that there are plenty of sites zoned I-1 on the other side of Walton where there is a good size industrial park that is near the expressway and a railroad. She stated that this business will be 100 to 150 feet from each of the three existing residences.

Mr. Roy Combs, also an adjoining property owner, stated that he is disabled and home all of the time. He stated that it is a 180 degree turn off Walton-Nicholson Road into this road and in the winter a tractor trailer was hung up on the guard rail for four hours and no one could get in or out. The school buses use this road to turn on so that they do not have to back out on Walton-Nicholson Road. The road was put in for emergency access to Walton only. He does not think a company should build within 150 feet of residences or right between three homes.

Mr. Bill Hall stated that he owns property across the street and will build a house there this year or next year. He asked if the rest of the property will be worth building on if this building is built there. He asked if their property will be involved in the zone change. He stated that the Staff said the property was no longer suitable for residential use. Chairman Viox advised that this comment was made by the applicant's representative, not the Staff.

Counselor Wilson advised that if the zone change would be granted on this piece of property, it would not affect the zoning of the Hall property.

Martha Hall stated that they looked long and hard for the 6.7-acre property they purchased across the street from this site. She does not want to look out her window and see an industrial site across the road, which was not there when they purchased the property. They purchased the property with the intent of building a home, which is what they want to do.

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

In response to a request from Mrs. Smith, Mr. Hayes indicated the existing residences on the exhibit. Mrs. Smith questioned the access to those homes. Mr. Hayes advised that two of the homes have access off KY 16. He indicated the Hall property across from the site.

Mrs. Hall advised that the new highway has already deteriorated due to the trucks.

Mr. Ries stated that the road is a big concern. He believes that when the Commission approved the two businesses there, there was a condition that the road would be upgraded. He stated that the road should be taken care of before another business is approved on it.

Mr. Hayes advised that it was agreed that the county would upgrade the road. He advised that Murphy-Catton expanded in 1993 and at that time the county agreed to widen the road the following spring. He is checking to see why this has not been done. The utility pole has been moved so that the road can be widened.

Mr. Ries asked if there were restrictions placed on the other business as to what they could put in the I-1 Zone. He stated that there are a lot of uses that can go in an I-1 Zone and asked if the applicant would be agreeable to restricting some of the uses.

Mr. Damstrom questioned the building height. He asked what would be done about the sewage and if they have contacted the state in regard to a sewage plant. He stated that 10 or 15 people is too many for a package plant there. Chairman Viox asked if they are planning to get public water.

Mr. Childress stated that the only way to get public water is to be annexed into Walton, which is what their neighbor is doing. They also intend to get annexed into the City of Walton. He stated that he now employs 15 people, but has no one in town. They are construction people and will spend three months to a year in a particular city. They go out and install things all over the country and it would not be the norm to have 15 people in a building. The norm would be 3 or 4 people and their would be facilities for them. He stated that they would probably utilize a septic tank system. They are getting a site survey now. He stated that their building would adjoin the neighboring building, which is 22 feet high at its peak. They would not go over 22 feet high and may go shorter. He stated that they are basically interested in the storage of tools and tool boxes. Their property is barely on the road and they would have to do something to get into it off old KY 16. The road is about 60% across the front of the property and they would not use much of that road, if any. They will set the building back as far from the highway as the contours of the property allow.

Chairman Viox asked if they had discussed the possibly of water with the City of Walton. Mr. Childress replied "no" and stated that the neighbor told him that they would have to be annexed to get city water. Chairman Viox stated that he does not want the cart before the horse and questioned what they would do if they were denied water. Mr. Childress stated that they will put a stainless steel tank inside the building. He stated that the water use will be slight -- possibly 800 a month with just a couple of people. He stated that he would like city water more for insurance and fire protection.

Mr. Neltner asked if there are any plans for outside storage. Mr. Childress replied "no" and stated that they are trying to protect their equipment, tools, high jackers, and things not suitable to be outside. Mr. Neltner asked if there would be any pipe or things of that nature outside. Mr. Childress stated that there would not be permanent storage. He stated that there are a lot of requirements in storing materials outside. The EPA requires the material to be covered and it is not very practical to store it outside.

Mr. McMillian noted that Mrs. Combs indicated that they were not notified when the other businesses went in. Mrs. Combs advised that their property was not adjoining.

Mr. McMillian stated that it was known that the property behind this site was being annexed. He questioned why they did not join in that annexation and get this property annexed at the same time -- rather than putting the cart before the horse. Mr. Childress advised that he has not finalized the purchase of the property yet. He is not purchasing the property unless it is rezoned.

Counselor Wilson explained that if the zone change does not occur, Mr. Childress is not going to buy the property. If he were to get property annexed first, then it could be annexed into Walton and not have the zone change. Mr. Childress advised that the adjoining property owner went through the same procedure and is just now applying for annexation. He stated that there is water and fire hydrant right there, but they cannot use it unless they are annexed.

Mr. McMillian questioned the county approving this and then the city having to accept what the county approved. Mr. Childress stated that he will only ask for annexation if he has to be annexed to get water.

Mr. Bailey asked if they plan trees in the 50-foot buffer area between their property and the residential property. Mr. Childress stated that there might be a few trees on the residential property. He stated that there are no trees that would provide buffer now, but he would not object to putting in "X" amount of trees as a requirement of the zone change. He would agree to put in trees because he wants the property to look decent.

Chairman Viox asked if this property is in the Walton-Verona School District. Mr. McMillian advised that it is.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on April 3, 1995 at 4 P.M. in the second floor conference room of the Administration Building. This item will be on the Agenda for the Business Meeting on April 19, 1995 at 8 P.M. on the third floor of the Administration Building.

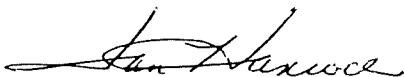
The Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

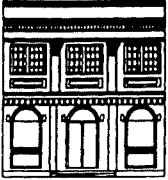
Attest:



Jan Hancock, Recording Secretary

## SUPPORTING INFORMATION

# BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005  
606-334-2196 FAX 606-334-2264

May 10, 1995

Mr. Dan Childress and Mr. Shawn Murray  
5150 Oliver Road  
Independence, KY 41051

RE: Conditions Of Approval For The Zoning Map Amendment

Dear Mr. Childress and Mr. Murray:

The following represents conditions being discussed by the Zone Change Committee. If you, as the applicant/owner will agree to these conditions, please indicate so by signing your name at the space indicated at the end of this letter and returning it to the Planning Commission before 12:00 PM on Wednesday, May 17, 1995.

1. Before the applicant will be issued Site Plan approval for the proposed industrial building the applicant shall have to show proof of access to City of Walton public water.
2. The applicant shall agree to limit all permitted and conditional Industrial One (I-1) uses except the uses specified in Section 1131, Items number 10 and 33 which permit:
  10. Fabrication of metal products except firearms and accessories, large scale machinery, and transportation vehicles;
  33. Building construction, general contractor, plumbing, heating, air conditioning, painting, paper handling, decorating, electrical, masonry, stonework, tile setting, plastering, carpentry, wood flooring, roofing and sheetmetal, water-well drilling, septic and other special construction trade offices, supply, storage and related activities;
3. The applicant shall provide a buffer to the adjoining residential properties which shall be established during the Site Plan Review procedure for the site which meets the satisfaction of the Planning Commission.

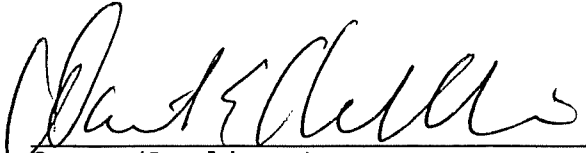
Sincerely,

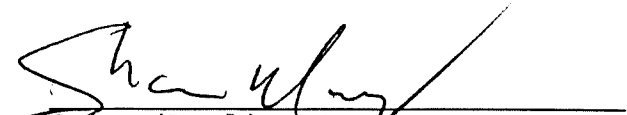
Jeffrey F. Hayes  
Planner

JFH\par

Mr. Dan Childress and Mr. Shawn Murray  
May 10, 1995  
Page 2

I, the owner/applicant, agree to the above listed conditions for approval of my request for a Zoning Map Amendment.

  
\_\_\_\_\_  
Owner/Applicant

  
\_\_\_\_\_  
Owner/Applicant

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**June 27, 1995**  
**5:30 P.M.**

Amendment being a zone change from Commercial Two (C-2) to Suburban Residential Two/Small Community (SR-2/SC) for a 2.5 acre site, generally located on the east side of South Orient Street, Burlington, Boone County, Kentucky, as recommended unanimously by the Boone County Planning Commission via Resolution R-95-018-A. Those two additional conditions are: 1) The tree lines along the side and rear property lines should be retained and supplemented with additional trees so that a continuous landscape buffer is provided for the adjoining properties, and for the future residents of this site when considering there is a C-2 adjacency. 2) To maintain the integrity of the creek that runs across the property and to serve the intent of the Comprehensive Plan, the Commission should consider prohibiting any substantial alteration to this water course, such as piping, rerouting, etc. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "F"

**ORDINANCE NO. 920.310 - BREIDENSTEIN /RICHWOOD LAND COMPANY**

Judge Lucas presented Ordinance No. 920.310 and declared a Public Hearing open at 6:12 p.m. Subsequent to discussion, Judge Lucas closed the Public Hearing at 6:20 p.m.

Commissioner Patrick moved, seconded by Commissioner Melhaus, to approve on Second Reading Ordinance No. 920.310, an ordinance of the Boone County Fiscal Court to consider the request of Thomas W. Breidenstein (Applicant) for Richwood Land Company (Owner) for a Zoning Map Amendment, such Zoning Map Amendment being a request for a Special Sign District in a Commercial Services (C-3) zoning district for a 6.14 acre site, generally located at the northeast quadrant of I-75/Richwood Road, Boone County, Kentucky, as recommended unanimously by the Boone County Planning Commission via Resolution No. R-95-019-A. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "G"

**ORDINANCE NO. 920.311 - 1995 BOONE COUNTY COMPREHENSIVE PLAN**

Judge Lucas presented Ordinance No. 920.311 and declared a Public Hearing open at 6:21 p.m. Hearing no objection, Judge Lucas closed the Public Hearing at 6:22 p.m.

Commissioner Patrick moved, seconded by Commissioner Melhaus, to approve on Second Reading Ordinance No. 920.311, an ordinance of the Boone County Fiscal Court relating to the adoption and approval of the 1995 Boone County Comprehensive Plan and its various elements as amendments resulting from the update and review of the 1990 Boone County Comprehensive Plan as recommended unanimously by the Boone County Planning Commission via Resolution No. R-95-020-A. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "H"

**ORDINANCE NO. 920.312. - CHILDRESS/MURRAY**

Judge Lucas presented Ordinance No. 920.312 and declared a Public Hearing open at 6:26 p.m. Hearing no objection, Judge Lucas closed the Public Hearing at 6:28 p.m.

Commissioner Campbell moved, seconded by Commissioner Melhaus, to approve on Second Reading Ordinance No. 920.312, an ordinance of the Boone County Fiscal Court to consider the request of Dan Childress and Shawn Murray (Applicants) for Preston and Helen Allen (Owners) for a Zoning Map Amendment, such Zoning Map Amendment being a zone change from Rural Suburban (RS) to Industrial One (I-1) for a 2.06 acre site generally located on the south side of KY 16, approximately 1 mile north of Walton, Boone County, Kentucky, as recommended unanimously by the Boone County Planning Commission via Resolution No. R-95-021-A. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "I"

**ORDINANCE NO. 920.313 - POWERFONE, INC.**

Judge Lucas presented Ordinance No. 920.313 and declared a Public Hearing open at 6:29 p.m. Subsequent to discussion, Judge Lucas closed the Public Hearing at 6:34 p.m.

Commissioner Melhaus moved, seconded by Commissioner Patrick, to approve on Second Reading Ordinance No. 920.313, an ordinance of the Boone County Fiscal Court to consider the request of Powerfone, Inc. (Applicant) for Florence P. Campbell (Owner) for a Zoning Map Amendment and Conditional Use Permit, such Zoning Map Amendment being a zone change from Rural Suburban Estates (RSE) to Public Facilities (PF) for a 2,500 square foot site located at 2620 Bullittsburg-Church Road, Boone County, Kentucky, as recommended unanimously by the Boone County Planning Commission via Resolution No. R-95-023-A. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "J"

**ORDINANCE NO. 450.2B - CABLE TV FRANCHISE**

Judge Lucas presented Ordinance No. 450.2B and declared a Public Hearing open at 6:35 p.m. Hearing no objection, Judge Lucas closed the Public Hearing at 6:36 p.m.