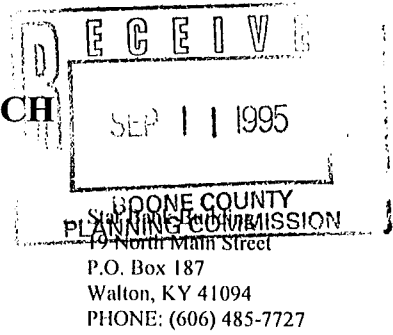


**MATHIS, DALLAS & FROHLICH**  
Attorneys at Law



Willie Mathis, Jr. P.S.C.  
Stephen K. Dallas P.S.C.  
Anthony W. Frohlich P.S.C.  
Terry R. Edwards P.S.C.  
Robert D. Neace P.S.C.  
Gregory W. McDowell  
Jonathan S. Jennings

September 8, 1995

Star Bank Building  
7992 Dixie Highway  
P.O. Box 6205  
Florence, KY 41042  
PHONE: (606) 525-6161

PLEASE REPLY TO: FLORENCE OFFICE

Mr. Kevin Costello, AICP  
Executive Director  
Boone County Planning Commission  
2995 Washington Street  
Burlington, KY 41005

Re: **City of Walton Annexation of Frances Court Development Company L.L.C.  
Property**

Dear Kevin:

Please note that Francis Court Development Company, L.L.C., has requested that the City of Walton annex 8.7930 acres of its property, which is included in Deed Book 576, Page 128. Copies of the legal description and plat of 8.7930 acres and of Deed Book 576, Page 128 are enclosed for your review. In accordance with KRS 81A.420(3) and KRS 100.209, the City of Walton has elected to establish the zoning for the new territory prior to the completion of the annexation. Therefore, the City of Walton respectfully requests the Boone County Planning Commission to follow the procedure outlined in KRS 100.209 to make recommendations as to the zoning regulations which will be effective for the property upon its annexation by the city.

If you have any questions regarding this matter, please contact me. As always, thank you for your assistance and cooperation. Awaiting your reply,

Sincerely,



TERRY R. EDWARDS  
Walton City Attorney

TRE:as  
enclosures  
cc: Mayor Phillip W. Trzop  
Hon. James G. Woltermann

**EXHIBIT "A"**

## STAFF REPORT

Request of the City of Walton to consider an amendment to the Walton Zoning Map as a result of the annexation of a 8.7930 acre tract located on the west side of North Main Street, Boone County, Kentucky. The request involves recommending a zoning classification for the site based upon annexation into the City of Walton. The site is currently zoned Suburban Residential One (SR-1) and is owned by Francis Court Development Company, L.L.C.

October 18, 1995

In accordance with Kentucky Law (K.R.S. 81A.420(3) and K.R.S. 100.209) the City of Walton has requested that the Boone County Planning Commission hold a Public Hearing in order to make a recommendation regarding the effect of the annexation, if any, on the current Suburban Residential One (SR-1) zoning on the property and its relationship to the Comprehensive Plan. The 8.7930 acre tract is owned by Francis Court Development Company L.L.C. and is located on the west side of North Main Street, Boone County, Kentucky (See Sheet #1). This site was rezoned by the Boone County Fiscal Court in January of 1995.

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

- North: James Houston property zoned Agricultural Estate (A-2)
- South: James Fenhoff property zoned Suburban Residential One (SR-1)
- East: Sunset Ridge Subdivision within the City of Walton zoned Suburban Residential One (SR-1)
- West Remaining 12.7738 acres of Sunset Ridge zoned Suburban Residential One (SR-1)

### Relationship to the Comprehensive Plan

The 1995 Boone County Comprehensive Plan Land Use Map indicates that the Future Land Use of this site is to remain as Residential. The location of the 8.7930 acre tract is adjacent to a Suburban Residential One (SR-1) zoning district, Sunset Ridge Subdivision, which is within the Walton City limits. The text of the Comprehensive Plan refers to this area generally stating "Residential development is suitable east of Mary Grubbs Highway to the Boone County line; access to these uses should be aligned with the highway."

Site History

On November 2, 1994, the Boone County Planning Commission recommended approval to the Boone County Fiscal Court and the City of Walton for the rear portion of the Sunset Ridge Subdivision to be rezoned from Agriculture Estate (A-2) to Suburban Residential One (SR-1) and the front portion along Dixie Highway to be rezoned from Suburban Residential One (SR-1) to Commercial Two (C-2). The Fiscal Court approved the zone change and the City of Walton took no action. Therefore, the entire subdivision is currently zoned Suburban Residential One (SR-1).

Staff Review

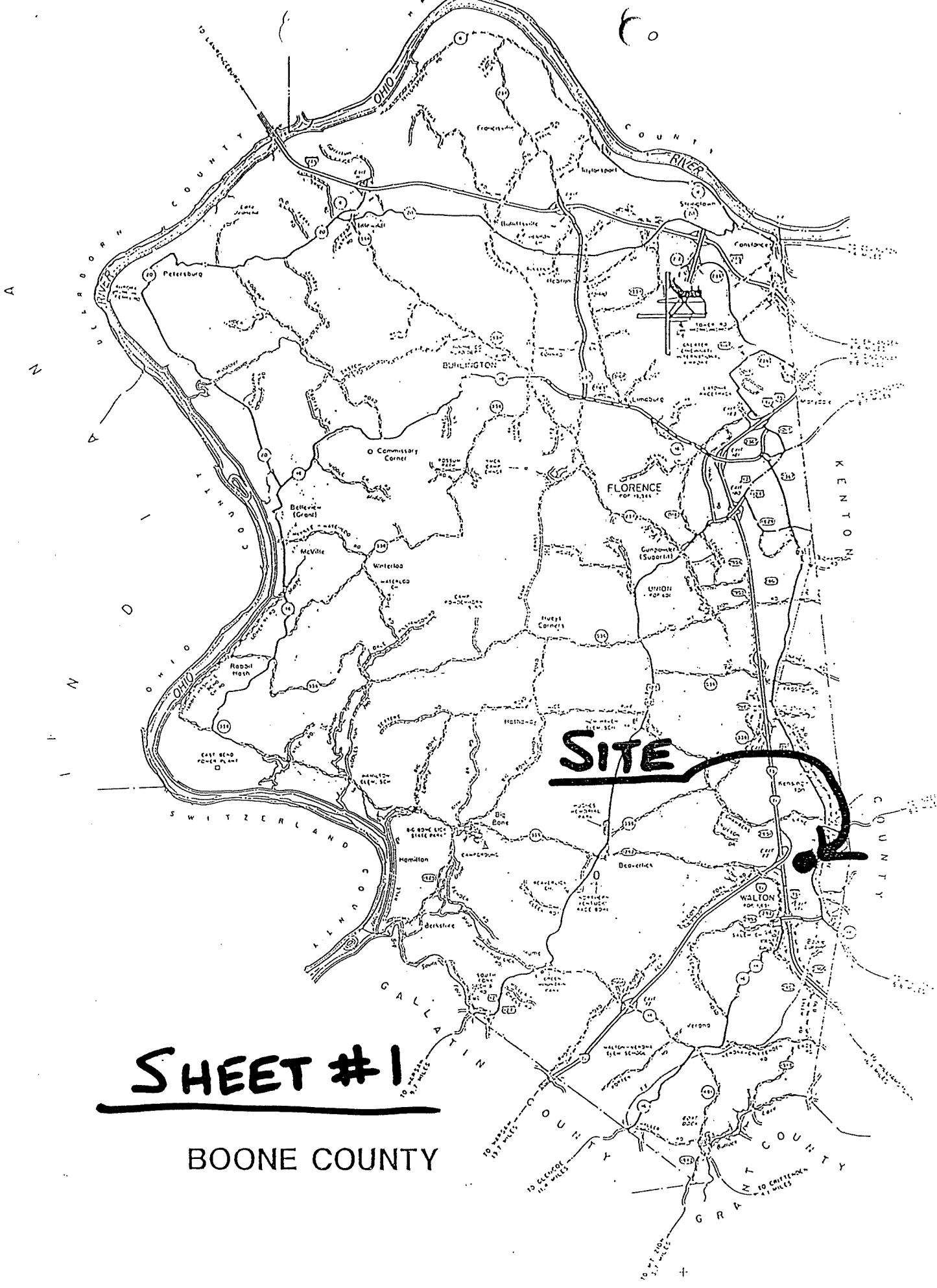
Staff believes that the existing zoning, Suburban Residential One (SR-1), on the 8.7930 acre tract is consistent with the Comprehensive Plan and the adjacent land uses. The annexation of the property does not necessitate a change in zoning to be in accordance with the 1995 Boone County Comprehensive Plan as they pertain to the City of Walton.

Respectfully submitted,



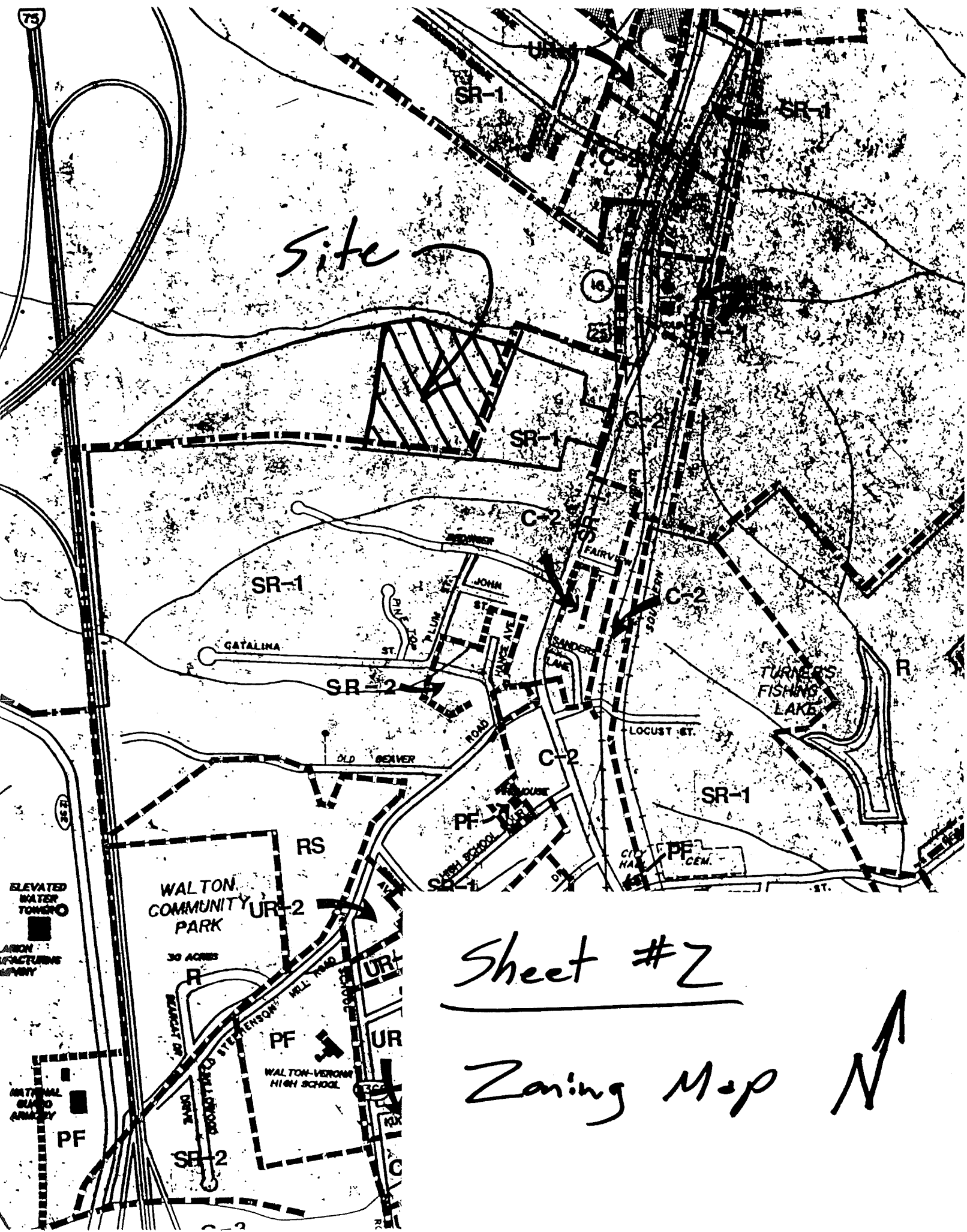
Mitchell A. Light  
Asst. Zoning Administrator/Enf. Officer

MAL\par



**SHEET #1**

**BOONE COUNTY**



BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
October 18, 1995  
7:30 P.M.

PUBLIC HEARING

Commission members present: Mr. Bailey, Mr. Damstrom, Mr. McKinney, 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 7:35 P.M. and introduced the first item on the Agenda:

1. Applicant: City of Walton

Request: Annexation

The request of the City of Walton to consider an amendment to the Walton Zoning Map as a result of the annexation of an 8.7930-acre tract on the west side of North Main Street, Boone County, Kentucky. The request involves recommending a zoning classification for the site based upon annexation into the City of Walton. The site is currently zoned Suburban Residential One (SR-1) and is owned by Francis Court Development Company, L.L.C..

Staff Member Mitch Light presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Viox asked if there was anyone present who wished to speak for or against this request, or to ask questions. There was no response.

The Chairman asked if there were any comments or questions from the Commission.

Mr. Ries asked if there is a reason why they want to make the city bigger. Mr. Light explained that in order to get water, property has to be annexed into the city.

Counselor Wilson asked if the City of Walton is asking the Planning Commission to consider whether another zone should be on the property other than what is currently there. Mr. Light replied "no" and explained that they are asking if the existing SR-1 zoning is compatible with the surrounding land use. He stated that it is compatible.

Mr. Bailey questioned if the property on Main Street is zoned C-2. Mr. Light explained that there was a request to change it to C-2 and the Commission recommended that change -- but the city took no action and the zoning stayed SR-1. He stated that the entire Sunset Ridge Subdivision will be SR-1.

There being no further comments, Chairman Viox stated that this item will be on the Agenda for the Business Meeting on November 1, 1995 at 8 P.M. in the Fiscal Court Room on the second floor.

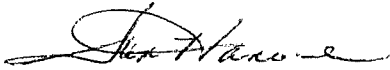
The Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
BUSINESS MEETING  
November 1, 1995  
8:00 P.M.

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Mr. William Viox, Chairman, called the meeting to order at 8:00 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett  
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  
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  
Ms. Susan Cabot, Historic Preservation  
Mr. Ed Coleman  
Mr. Dave Geohegan, AICP  
Ms. Jan Hancock, Secretary  
Mr. Robert Jonas  
Mr. Mitch Light  
Mr. Kevin Wall, AICP

Mr. Kirby questioned the \$684.28 for repairs/maintenance of the Staff cars. Mr. Costello advised that one of the cars had to be painted as it was previously a Sheriff's car. The cost is not due to mechanical problems.

Mr. Rush moved that the salaries, benefits, and bills due be approved and paid as presented; and indicated approval of those items which have been paid. Mr. McMillian seconded the motion and it carried unanimously.

UNFINISHED BUSINESS:

1. Annexation by the City of Walton

The request of the City of Walton to consider an amendment to the Walton Zoning Map as a result of the annexation of an 8.7930-acre tract on the west side of North Main Street, Boone County, Kentucky. The request involves recommending a zoning classification for the site based upon annexation into the City of Walton. The site is currently zoned Suburban Residential One (SR-1) and is owned by Francis Court Development Company, L.L.C..

Staff Member Mitch Light presented the Committee Report which recommended that the current zoning not be changed as a result of annexation (see Committee Report).

Chairman Viox asked if there was a representative of the City of Walton present. There was no response.

Mr. Burch moved that the request be approved based on the Staff and Committee Reports. Mr. McMillian seconded the motion and it carried unanimously.

Chairman Viox stated that he has been involved with the sites in Items #2 and #4 and asked Mr. Burch to chair the meeting at this time.

Mr. Burch chaired the meeting and introduced the next item on the Agenda:

2. Design Review - Ashley Suites

Staff Member Kevin Wall presented the Design Review application. The request involves a three-story extended stay hotel on Houston Road in front of Bigg's. It is a 38,000 square foot building with 74 rooms. They propose large trees around the perimeter of the site and shrubs along the edge of the parking lot. They are providing sidewalk connections and a covered sidewalk to Bigg's. He showed the Commission a rendering of the building. It is a large masonry structure and will be brown brick. Two building-mounted signs are proposed and there is a monument sign.

Mr. Wall stated that the Committee met prior to the Business Meeting. The Committee recommends approval of the plans.

EXHIBIT "B"

# COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Fred Burch, Chairman

DATE: November 1, 1995

RE: Request of the City of Walton to consider an amendment to the Walton Zoning Map as a result of the annexation of an 8.7930 acre tract located on the west side of North Main Street, Boone County, Kentucky. The request involves recommending a zoning classification for the site based upon annexation into the City of Walton. The site is currently zoned Suburban Residential One (SR-1) and is owned by Francis Court Development Company, L.L.C.

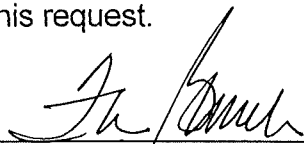
REMARKS:

We, the Committee, recommend that the current zoning of Suburban Residential One (SR-1) not be changed as a result of annexation of the 8.7930 acre site into the City of Walton. Based upon the following Findings of Fact, the Committee can find no impact from annexation upon the current zoning of the property or the surrounding property.

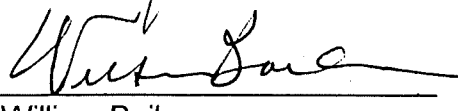
Findings of Fact:

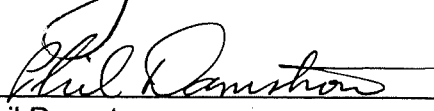
1. The 1995 Boone County Comprehensive Plan indicates that the site will be developed as Suburban Density Residential (SR).
2. The site is subject to a previously approved Zoning Map Amendment request.

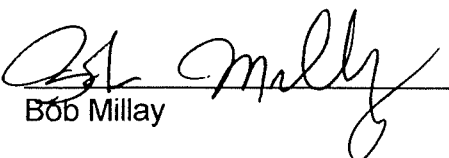
A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

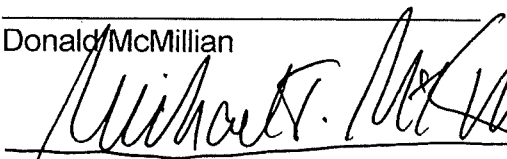
  
 \_\_\_\_\_  
 Fred Burch, Chairman

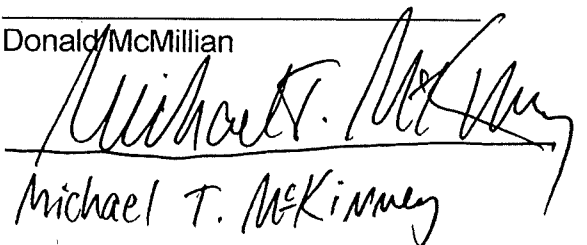
  
 \_\_\_\_\_  
 Barry Neltner

  
 \_\_\_\_\_  
 William Bailey

  
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 Phil Damstrom

  
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 Bob Millay

  
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 Donald McMillian

  
 \_\_\_\_\_  
 Michael T. McKinney

BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
October 18, 1995  
7:30 P.M.

PUBLIC HEARING

Commission members present: Mr. Bailey, Mr. Damstrom, Mr. McKinney, Mr. Millay, Mr. Neltner, Mr. Ries, Mr. Rush, Mrs. Smith - Secretary/Treasurer, and Mr. Viox - Chairman.

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Staff Member Mitch Light presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Viox asked if there was anyone present who wished to speak for or against this request, or to ask questions. There was no response.

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There being no further comments, Chairman Viox stated that this item will be on the Agenda for the Business Meeting on November 1, 1995 at 8 P.M. in the Fiscal Court Room on the second floor.

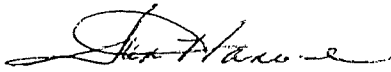
The Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

## SUPPORTING INFORMATION



# J. W. BERLING ENGINEERING COMPANY

LAND SURVEYING, SITE DEVELOPMENT AND CIVIL ENGINEERING SERVICES

1871 PARK ROAD, SUITE ONE — FT. WRIGHT, KY 41011

Phone (606) 331-9191

Land Surveyor Registration  
Ky. 208

Ky. Registration  
No. 5745

9/5/95

## LEGAL DESCRIPTION

### 8.7930 ACRE TRACT

### FOR ANNEXATION TO THE CITY OF WALTON

Beginning at a point in the south line of the grantor's property (Deed Book 576, Page 128), said point being 526.87 feet west of the west line of William Conaster's property (Deed Book 368, Page 9); thence through the land of the grantor N-16°-20'-47"-E 738.75 feet to a point in the grantor's north property line; thence along the grantors north line and the south line of James Houston N-66°-26'-26"-W 346.45 feet, S-86°-03'-42"-W 177.73 feet to the northwest corner of said 20.0965 acre tract; thence S-16°-17'-26"-W along the west line of same 707.38 feet to a point in the grantors south property line; thence along the grantor's south line and the north line of James Fenhoff (Deed Book 200, Page 667) S-72°-09'-50"-E 509.89 feet to the place of beginning.

Containing 8.7930 Acres.

GEO. W. RYAN  
DB:134 PG:298

JAMES FINNHOFF  
DB:200 PG:987

(FUTURE)  
12.7738 Ac.

8.7930 Ac.

JAMES HOUSTON

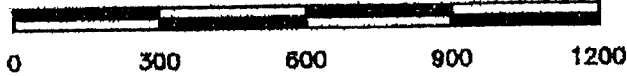
11.3035  
20.0965 Ac.

Wm. CONASTER  
DB:308 PG:9

JOHN BIRD  
DB:416 PG:189

⊙ = IRON PIN

GRAPHIC SCALE



PROPERTY TO BE ANNEXED  
TO THE CITY OF WALTON

### SUNSET RIDGE SUBD'N

U.S. HWY. 25 - BOONE CO. KY  
SCALE: 1" = 300'      SEPT. 1995

JAMES W. BERLING  
1671 PARK ROAD  
FT. WRIGHT KY 41011  
KY LAND SURVEYOR No. 206

RECEIVED

1975 JUN 2 P 11

BOOK 576 PAGE 128

*16-88 J*

JERRY W. ROUSE  
BOONE COUNTY CLERK

DEED

KNOW ALL MEN BY THESE PRESENTS:

PROPERTY TRANSFER TAX PAID \$ 157.00  
JERRY W. ROUSE, CLERK JWR

That **JAMES PARKER HOUSTON AND PHYLLIS HOUSTON**, husband and wife

for and in consideration of -- \$150,723.75 -- and other good and valuable considerations to them paid by the Grantee herein, the receipt of which is hereby acknowledged, do bargain, sell and convey to:

**FRANCIS COURT DEVELOPMENT COMPANY, L.L.C.**, a Kentucky Limited Liability Company, its

successors and assigns forever, the following described real estate, in the City of Walton, County of Boone and Commonwealth of Kentucky, to-wit:

GROUP NUMBER 2079

Present Street Address 20.0965 acres, U.S. Highway 25  
Walton, Kentucky 41094

Mailing Address 1671 Park Road, Suite 1  
Ft. Wright, Kentucky 41011

*Adams Boring*

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging. TO HAVE AND TO HOLD the same to the said

**FRANCIS COURT DEVELOPMENT COMPANY, L.L.C.**, a Kentucky Limited Liability Company, its

successors and assigns forever, the Grantors, their heirs, executors and administrators, HEREBY COVENANTING with the Grantee, its successors and assigns, that the TITLE so conveyed is CLEAR, FREE AND UNENCUMBERED and that they will WARRANT AND DEFEND the same against all legal claims whatsoever.

(11)

CERTIFICATION

We, JAMES PARKER HOUSTON AND PHYLLIS HOUSTON, husband and wife, Grantors herein, at the address of 12781 Dixie Hwy 41094 and FRANCIS COURT DEVELOPMENT COMPANY, L.L.C., Grantee herein, at the address of 1671 Park Road, Suite 1, Ft. Wright, Kentucky 41011 do hereby certify, pursuant to KRS Chapter 382, that the above-stated consideration in the amount of \$150,723.75 is the true, correct and full consideration paid for the property herein conveyed. We further certify our understanding that falsification of the stated consideration or sale price of the property is a Class D felony, subject to one to five years imprisonment and fines up to \$10,000.00.

GRANTORS:

James Parker Houston  
JAMES PARKER HOUSTON

Phyllis Houston  
PHYLLIS HOUSTON

GRANTEE:

FRANCIS COURT DEVELOPMENT COMPANY, L.L.C., a Kentucky Limited Liability Company, by and through MAVERICKS INCORPORATED, its Managing Member, by and through Steven A. Berling, its President

Steven A. Berling  
STEVEN A. BERLING

STATE OF KENTUCKY )  
COUNTY OF Campbell ) SS

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me, a Notary Public, this 31st day of May, 1995 by JAMES PARKER HOUSTON AND PHYLLIS HOUSTON, Husband and Wife.

[Signature]  
NOTARY PUBLIC  
COMM. EXP. 8-7-98

STATE OF KENTUCKY )  
COUNTY OF Campbell ) SS

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me, a Notary Public, this 31st day of May, 1995 by FRANCIS COURT DEVELOPMENT COMPANY, L.L.C., a Kentucky Limited Liability Company, by and through MAVERICKS INCORPORATED, its Managing Member, by and through Steven A. Berling, its President..

[Signature]  
NOTARY PUBLIC  
COMM. EXP. 8-7-98

## EXHIBIT "A"

GROUP NO. 2079

Beginning at a point in the grantor's south property line (Deed Book 178, Page 29), and the north property line of William Conaster (Deed Book 368, Page 9), said point being in the west right-of-way line of the Dixie Highway (30 feet from center line); thence along the west line of the Dixie Highway (30 feet from center line) N. 16°20'47" E., 446.73 feet to a point; thence leaving the Dixie Highway and running along the common line between the grantor and John Bird (Deed Book 416, Page 189) N. 77°38'45" W., 285.61 feet and N. 14°28'02" E., 135.00 feet to a point; thence through the land of the grantor N. 66°26'26" W., 861.18 feet, S. 16°17'26" W., 707.38 feet to a point in the grantor's south property line; thence along S. 72°09'50" E., 1036.77 feet to a point corner to William Conaster; thence along the common line between the grantor and William Conaster N. 19°09'39" E., 132.20 feet, and S. 72°21'56" E., 266.88 feet to the place of beginning.

CONTAINING 20.0965 ACRES.

Subject to easements of record and/or in existence.

Being part of the same property conveyed to JULIA F. WEST dated May 21, 1918 and recorded in Deed Book 60, Page 485 of the Boone County Clerk's records at Burlington, Kentucky. The said JULIA F. WEST died March 2, 1944, unmarried and intestate, leaving as her sole heirs at law, her four children, ROBERT KIRBY WEST; ENOCH SLEET WEST; AMY WEST and MARY WEST. (See Affidavit of Descent recorded in Miscellaneous Book 10, Page 497). The said AMY WEST died on January 16, 1963, intestate and unmarried, leaving as her only heirs at law, her brothers and sister, namely, ROBERT KIRBY WEST, ENOCH SLEET WEST AND MARY WEST. (See Affidavit of Descent recorded in Miscellaneous Book 27, Page 397). The said ENOCH SLEET WEST died in 1966 and by virtue of his Will recorded in Will Book 20, Page 448, devised his interest in the property to AMY WEST and MARY WEST. ROBERT KIRBY WEST conveyed his interest in the property to MARY WEST by reason of a Deed dated the 4th day of September, 1967 and recorded in Deed Book 178, Page 29. The said MARY WEST died in 1978 and by virtue of her Will recorded in Will Book 27, Page 103 devised the described property to JAMES PARKER HOUSTON and DOROTHY HOUSTON, his mother, with right of survivorship. The said DOROTHY HOUSTON died on July 11, 1986 and by virtue of the survivorship provision in the Will of MARY WEST, JAMES PARKER HOUSTON became the owner of the described property. (See Affidavit of Descent recorded in Miscellaneous Book 189, Page 172). All references are to the Boone County Clerk's records at Burlington, Kentucky.



IN WITNESS WHEREOF, the said Grantors, JAMES PARKER HOUSTON AND PHYLLIS HOUSTON, husband and wife, hereunto set their hands, this 31st day of May, 1995.

James Parker Houston  
JAMES PARKER HOUSTON

Phyllis Houston  
PHYLLIS HOUSTON

STATE OF Ky  
COUNTY OF CAMPBELL

The foregoing instrument was acknowledged before me this 31st day of May, 1995 by JAMES PARKER HOUSTON AND PHYLLIS HOUSTON, husband and wife.

[Signature]  
NOTARY PUBLIC  
COMM. EXP. 8/17/98

State of Kentucky, County of Boone  
JERRY W. ROUSE, Clerk of the Boone County Court, do certify that the foregoing Doc was, on the 2 day of June 1995, at 1:17 P. M, lodged in my office for record, and that it has been duly recorded in my said office, together with this and the certificate thereon endorsed.  
Given under my hand this 2 day of June 1995.  
JERRY W. ROUSE, CLERK  
By Jerry Rouse D.C.

This Instrument Prepared By:

[Signature]  
JAMES G. WOLTERMANN  
Adams, Brooking, Stegner,  
Woltermann & Dusing  
8100 Burlington Pike  
P.O. Box 576  
Florence, Kentucky 41042  
(606) 371-6220