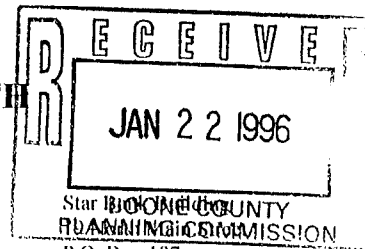


**MATHIS, DALLAS & FROHLICH**  
Attorneys at Law



*Keep with schedule PH-*

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

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

January 19, 1996

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 Walter Hayes Property

Dear Kevin:

The City of Walton has passed and published Ordinance No. 1995-14, stating its intention to annex certain unincorporated territory contiguous to the present corporate limits of the City of Walton, Kentucky, presently known as the Walter Hayes Property and Stephenson Mill Road right-of-way. A copy of this Ordinance is 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

**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 an approximate 62 acre tract located on the north side of Stephenson Mill Road near John Webster Lane, 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 Agricultural Estate (A-2) and Industrial One (I-1) and is owned by Walter Hayes.

February 28, 1996

In accordance with Kentucky Law (KRS 81A.420(3) and KRS 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 Industrial One (I-1) and Agricultural Estate (A-2) zoning on the property and its relationship to the Comprehensive Plan. The tract, approximately 61.4 acres, is owned by Walter Hayes and is located on Stephenson Mill Road and John Webster Lane, Boone County, Kentucky (See Sheet #1)

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

North: Industrial One (I-1) and the International Industrial Park  
East: Industrial One (I-1) and Agricultural Estate (A-2)  
South: Stephenson Mill Road and property zoned Agricultural Estate (A-2)  
West: John Webster Lane and single family homes zoned Agricultural Estate (A-2)

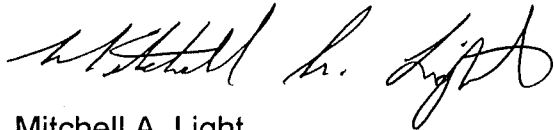
### Relationship to the Comprehensive Plan

The 1995 Boone County Comprehensive Plan Future Land Use Map indicates that the portion of this site currently shown as Industrial to remain as such, however, the area currently shown as Rural Land (RL) is referred to as Urban Density Residential (UD). The text of the Comprehensive Plan refers to this area in a general way stating "Urban Density Residential is appropriate to act a transition between the Suburban Residential and Industrial uses along Stephenson Mill Road. However, before these areas develop improvements to Stephenson Mill ....will be necessary."

Staff Review

Staff believes that the existing zoning, Industrial One (I-1) and Agricultural Estate (A-2), on the approximate 61.4 acre tract is consistent with the Comprehensive Plan and the adjacent land uses. The annexation of the site does not necessitate a change in any of the established zoning regulations or the 1995 Boone County Comprehensive Plan as they pertain to the City of Walton. Consequently, the annexation of the site into the City of Walton will not impact the current zoning of the property or the surrounding properties.

Respectfully Submitted,

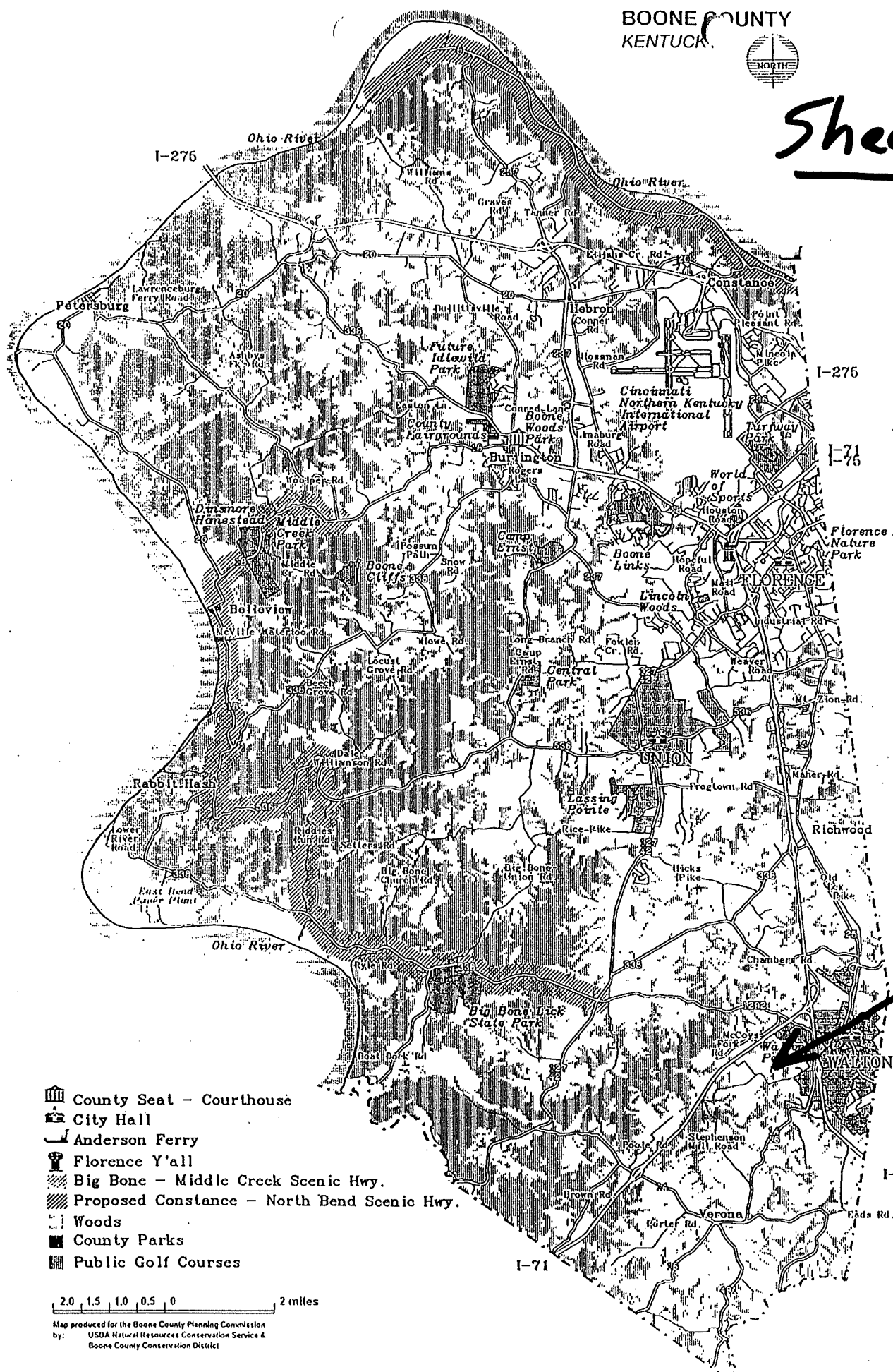
A handwritten signature in black ink, appearing to read "Mitchell A. Light". The signature is written in a cursive style with a large, stylized initial "M".

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

MAL\par












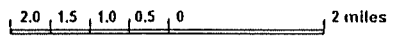
Sheet #1



Site

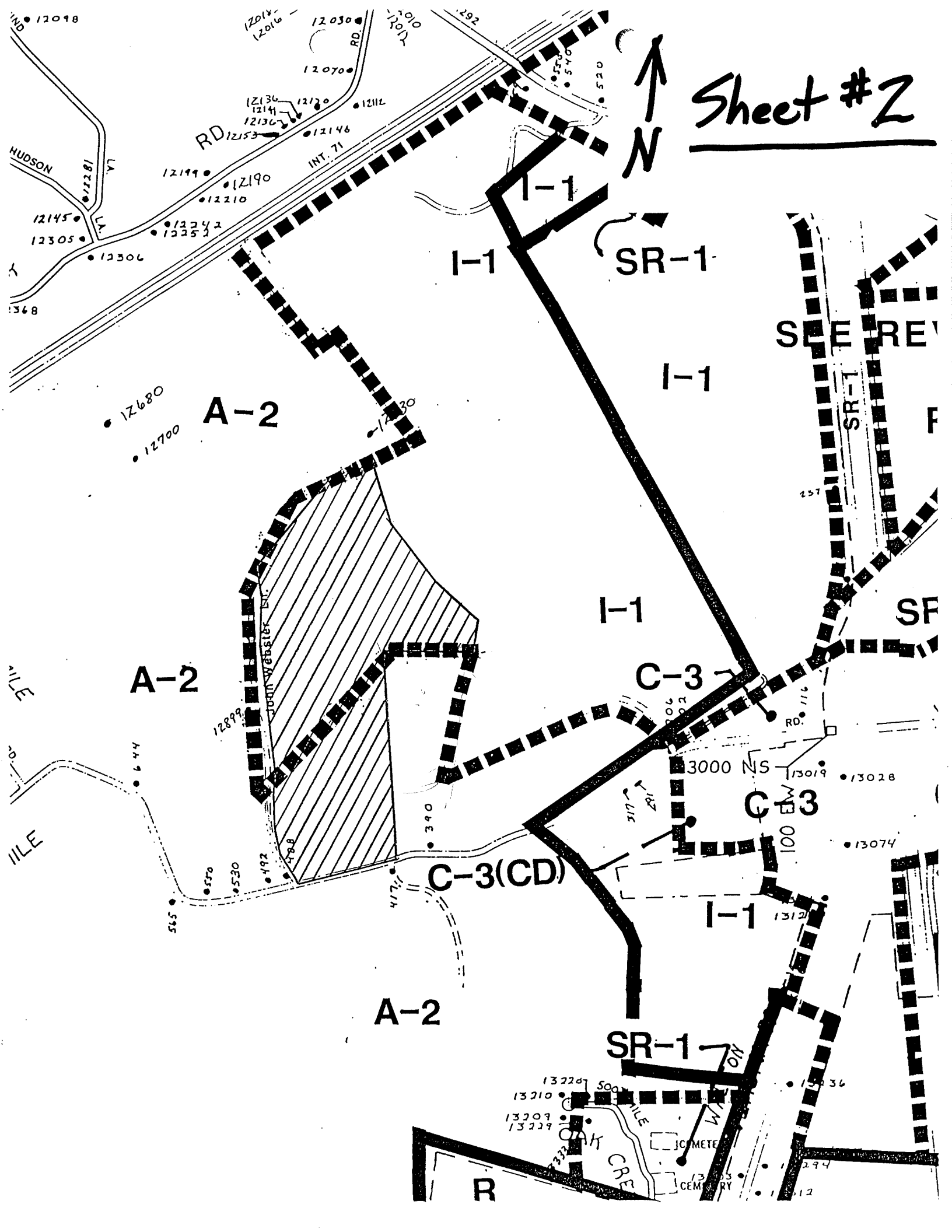


-  County Seat - Courthouse
-  City Hall
-  Anderson Ferry
-  Florence Y'all
-  Big Bone - Middle Creek Scenic Hwy.
-  Proposed Constance - North Bend Scenic Hwy.
-  Woods
-  County Parks
-  Public Golf Courses



Map produced for the Boone County Planning Commission  
by: USDA Natural Resources Conservation Service &  
Boone County Conservation District

# Sheet #2



PUBLIC HEARING ITEM NO. 2:

Commission members present: Mrs. Arnett - Secretary/Treasurer, Mr. Bailey, Mr. Burch, Mr. Caddell, Mr. Damstrom, Mr. McKinney - Vice Chairman, Mr. McMillian, Mr. Millay, Mr. Neltner, Mr. Ries, Mr. Rush, Mrs. Schaffer, Mr. Viox - Chairman, and Mr. White.

Following a short recess, Chairman Viox introduced the second item on the Agenda:

2. Applicant: City of Walton

Request: Recommendation of a Zoning Classification Based Upon Annexation into 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 approximate 62-acre tract located on the north side of Stephenson Mill Road near John Webster Lane, 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 Agricultural Estate (A-2) and Industrial One (I-1) and is owned by Walter Hayes.

Staff Member Mitch Light presented the Staff Report which included presentation of an overhead slide of the zoning map and a slide presentation (see Staff Report).

Chairman Viox asked if there was anyone present from the City of Walton who wished to speak in regard to the request. There was no response.

The Chairman asked if there was anyone present who wished to speak in regard to this request.

Mr. Emmett Hayes stated that they are not presenting any immediate development plans for the property. They want to be a part of the City of Walton.

Counselor Wilson advised that they are not proposing a different zoning classification for the property. The issue before the Planning Commission is whether annexation would require changing the zoning.

Connie Flynn stated that she lives between Mr. Hayes' property and I-75. She asked if this property can be annexed without her property being annexed.

Mr. Costello explained that Mr. Hayes has asked to be annexed, which does not affect her property.

Mr. Nelson Webster stated that he lives on property adjoining the Hayes property on John Webster Lane. He has lived there for 28 years. He has seen this property zoned from residential to agricultural to industrial. He does not have a problem as long as the property is residential or

agricultural. He stated that there is an industrial park behind the property and he can see that the industrial will start coming through and the roads will be outdated. He questioned why they want to annex this property into the City of Walton since they can build on it the way it is now.

Chairman Viox advised that they are not asking to change the zoning at this time.

Mr. McMillian asked if the property is next to property that is in the city. Does it have to be contiguous to be annexed?

Mr. Light indicated the city boundary and stated that they are using the right-of-way to make the property contiguous to the city, which has been done in Florence.

Mr. McKinney asked if the statute requires the property to be contiguous and regular shaped. Counselor Wilson replied "yes" and noted that there have been recorded cases where the courts have allowed some of the roadways to be used. He stated that the Planning Commission does not pass judgment on whether it is a legal annexation. If someone wants to challenge the annexation, they need to take that issue to the City of Walton.

Mr. Damstrom stated that the City of Union has done the same thing -- they have used U.S. 42 to connect one property to the next and not annexed the property in between. Chairman Viox advised that the City of Florence has also done this.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on March 6, 1996 at 7:30 P.M. (just prior to the Business Meeting) in this room. This item will be on the Agenda for the Business Meeting on March 6, 1996 at 8 P.M..

The Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:

  
Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
COURTROOM 3A  
BUSINESS MEETING  
March 6, 1996  
8 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, Secretary/Treasurer  
Mr. William Bailey  
Mr. Fred Burch  
Mr. Arnold Caddell  
Mr. Phil Damstrom  
Mr. Mike McKinney, Vice Chairman  
Mr. Don McMillian  
Mr. Bob Millay  
Mr. Barry Neltner  
Mr. Robert Ries  
Mr. Ralph Rush  
Mrs. Linda Schaffer  
Mrs. Carol Smith  
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Earl White

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director  
Ms. Susan Cabot, Historic Preservation  
Ms. Jan Hancock, Secretary  
Mr. Mitch Light  
Mr. Kevin Wall, AICP

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

Mr. Damstrom stated that he would abstain in regard to this request as he has an affiliation with one of the companies dealing with the applicant.

Mrs. Schaffer stated that there is a limit of one sign for the frontage lot and questioned the signage for the 7.88 acres. Mr. Wall advised that it is a larger lot further back off the road and the Committee did not see the need to limit the signage for that lot beyond what the Code permits -- 20 feet in height and 150 square feet in area.

Mrs. Schaffer asked if they will have a pole sign with all of the individual lots on it. Mr. Wall stated that he believes that is their plan.

Mr. Neil Blunt stated that the sign will be 20 feet in height or less.

Mrs. Schaffer stated that one of the Staff Concerns was the location of the community play area and asked if this had been addressed. Mr. Wall replied "no" and stated that they have made a commitment to look at it. The Committee did not see it as being an issue. He stated that they are looking at having adult or child care within the strip center, which would be an amenity to be worked out when the facility is further along.

Mrs. Schaffer asked if the Concept Development Plan is being approved. She noted that not all of the required buffered areas have been shown. Mr. Wall advised that this is addressed by Condition #5. He noted that the Code requirement is 20 feet and they have committed to an additional five feet.

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

3. Zoning Map Amendment

The request of the City of Walton to consider an amendment to the Walton Zoning Map as a result of the annexation of an approximate 62-acre tract located on the north side of Stephenson Mill Road near John Webster Lane, 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 Agricultural Estate (A-2) and Industrial One (I-1) and is owned by Walter Hayes.

Staff Member Mitch Light presented the Committee Report which recommended, based on the findings of fact, that the current zoning not be changed as a result of the annexation of the property into the City of Walton (see Committee Report).

Mr. Burch moved to approve the request based on the Committee Report. Mr. Neltner seconded the motion and it carried unanimously.

EXHIBIT "B"

# COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Fred Burch, Chairman

DATE: March 6, 1996

RE: Request of the City of Walton to consider an amendment to the Walton Zoning Map as a result of the annexation of an approximate 62 acre tract located on the north side of Stephenson Mill Road near John Webster Lane, 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 Agricultural Estate (A-2) and Industrial One (I-1) and is owned by Walter Hayes.

Remarks:

We, the Committee, recommend that the current zoning of Industrial One (I-1) and Agricultural Estate (A-2) not be changed as a result of annexation of the 61.4 acre tract 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 properties.

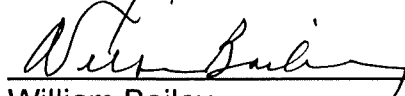
Findings of Fact:

1. The 1995 Boone County Comprehensive Plan indicates that the site should develop as Industrial (I) and Urban Density Residential (UD). Specific references to the Comprehensive Plan are made in the February 28, 1996 Staff Report. The 1995 Boone County Comprehensive Plan and Future Land Use Map is a twenty-five (25) year projection.

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

  
\_\_\_\_\_

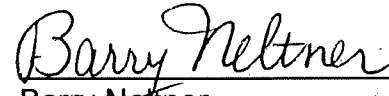
William Bailey

  
\_\_\_\_\_

Arnold Caddell

  
\_\_\_\_\_

~~Don McMillian~~

  
\_\_\_\_\_

Barry Neltner

  
\_\_\_\_\_

Bob Millay

PUBLIC HEARING ITEM NO. 2:

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There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on March 6, 1996 at 7:30 P.M. (just prior to the Business Meeting) in this room. This item will be on the Agenda for the Business Meeting on March 6, 1996 at 8 P.M..

The Chairman closed this Public Hearing.

APPROVED:

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

Attest:

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

## **SUPPORTING INFORMATION**

**CITY OF WALTON, KENTUCKY**  
**ORDINANCE NO. 1995- 14**

AN ORDINANCE STATING THE INTENTION OF THE CITY OF WALTON, KENTUCKY TO ANNEX CERTAIN UNINCORPORATED TERRITORY CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE CITY OF WALTON, KENTUCKY AND PRESENTLY KNOWN AS THE WALTER HAYES PROPERTY AND STEPHENSON MILL ROAD RIGHT-OF-WAY.

**WHEREAS**, the City Council of the City of Walton, Kentucky desires to annex certain unincorporated territory contiguous to the present corporate limits of the City of Walton, Kentucky, and presently known as The Walter Hayes Property and Stephenson Mill Road Right-Of-Way.

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

SECTION ONE

The City of Walton, Kentucky declares it desirable and states its intention to annex the unincorporated territory described in Exhibits A and B attached hereto and incorporated herein by reference as if fully set out herein.

SECTION TWO

In not less than sixty (60) days after the enactment of this Ordinance, if no petition in opposition to this proposal has been received by the Mayor in accordance with KRS 81A, the City of Walton, Kentucky may enact another Ordinance annexing to the City of Walton, Kentucky, the above described unincorporated territory. Thereupon, said territory shall become a part of the City of Walton, Kentucky for all purposes.

SECTION THREE

All ordinances, resolutions or parts thereof, in conflict herewith, are to the extent of such conflict, hereby repealed.

SECTION FOUR

If any section, paragraph, or clause of this Ordinance be held by a proper court to be invalid, such invalidity shall not affect the remaining sections, paragraphs, or clauses, it being expressly declared that the remainder of such ordinance would have been passed despite such invalidity.

PASSED AND APPROVED ON FIRST READING THIS THE 9th DAY OF  
October, 1995.

PASSED AND APPROVED ON SECOND READING THIS THE 13th DAY  
OF November, 1995.

APPROVED:

---

MAYOR PHILLIP W. TRZOP

ATTEST:

---

VONI PIERCE, CITY CLERK

/annex

EXHIBIT A

LEGAL DESCRIPTION  
CITY OF WALTON ANNEXATION  
WALTER HAYES PROPERTY

Located in Boone County, Commonwealth of Kentucky, and lying westerly of the City of Walton Corporation line and being more particularly described as follows:

BEGINNING at a point on said City of Walton Corporation line, said point also being on the centerline of Stephenson Mill Road;

Thence leaving said centerline of Stephenson Mill Road, along said City of Walton Corporation line, in a southeasterly direction a distance of 15 feet, more or less to a point, said point lying on the southerly line of Stephenson Mill Road;

Thence in a westerly direction along the southerly line of Stephenson Mill Road, past the following property owner on the southerly side of Stephenson Mill Road, said property owner being Gibson;

Thence leaving the southerly line of Stephenson Mill Road, in a northerly direction a distance of 30 feet, more or less to a point, said point being on the northerly line of Stephenson Mill Road, said point also being on the common line of Hayes and Webster;

Thence leaving said northerly line of Stephenson Mill Road, along the common line of Hayes and Nelson Webster, north  $33^{\circ}55'$  west a distance of 253.0 feet to a point;

Thence, north  $12^{\circ}15'$  west a distance of 151.1 feet to a point, said point being on the common line of Hayes and Charles Webster;

Thence continuing along said common line of Hayes and Charles Webster, north  $07^{\circ}40'$  west a distance of 231.7 feet to a point;

Thence continuing along said common line of Hayes and Charles Webster, north  $00^{\circ}00'$  west a distance of 210.0 feet to a point;

Thence continuing along said common line of Hayes and Charles Webster, north  $08^{\circ}20'$  west a distance of 885.3 feet to a point, said point being a common corner of Charles Webster and Souther;

Thence leaving said common line of Hayes and Charles Webster, along the common line of Hayes and Souther, north  $00^{\circ}20'$  east a distance of 302.3 feet to a point;

Thence continuing along said common line of Hayes and Souther, north  $08^{\circ}05'$  west a distance of 184.0 feet to a point;

Thence continuing along said common line of Hayes and Souther, north 33°15' west a distance of 55.0 feet to a point, said point lying on the Taylor line;

Thence leaving said common line of Hayes and Souther, along the common line of Hayes and Taylor, north 36°30' east a distance of 835.5 feet to a point, said point being a common corner to Hayes, Taylor, and Rich;

Thence leaving the common line of Hayes and Taylor, along the common line of Hayes and Rich, north 66°15' east a distance of 342.3 feet to a point, said point being a common corner of Hayes and Turner;

Thence leaving said common line of Hayes and Taylor, along the common line of Hayes and Turner, south 18°15' east a distance of 490.25 feet to a point;

Thence continuing along said common line of Hayes and Turner, south 40°15' east a distance of 518.5 feet to a point;

Thence continuing along said common line of Hayes and Turner, south 53°00' east a distance of 405.0 feet to a point;

Thence continuing along said common line of Hayes and Turner, south 10°00' west a distance of 200.0 feet to a point, said point being the common corner of Hayes, Turner, and Lauterwasser;

Thence leaving said common line of Hayes and Turner, along the common line of Hayes and Lauterwasser, south 84°10' west a distance of 655.4 feet to a point;

Thence continuing along the common line of Hayes and Lauterwasser, south 05°50' east a distance of 1,460 feet, more or less to a point, said point lying on the northerly line of Stephenson Mill Road;

Thence leaving said common line of Hayes and Lauterwasser, along the northerly line of Stephenson Mill Road, past the Lauterwasser and Turner properties;

Thence leaving said northerly line of Stephenson Mill Road, in a southerly direction a distance of 15 feet more or less to a point and being the POINT OF BEGINNING.

Said description includes 62 acres, more or less.

Being the same property conveyed to:

Walter Hayes by Deed Book 182 on Page 397.