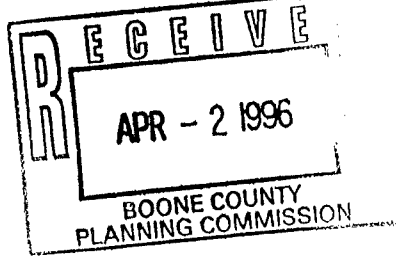


# MATHIS, DALLAS & FROHLICH

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



April 1, 1996

Star Bank Building  
19 North Main Street  
P.O. Box 187  
Walton, KY 41094  
PHONE: (606) 485-7727

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 Allan E. Stephens and Janice E. Stephens Property**

Dear Kevin:

Please note that Allan E. Stephens and Janice E. Stephens have requested that the City of Walton annex their property, which is described in Deed Book 478, Page 145 of the Boone County Clerk's Records at Burlington, Kentucky. A copy of this deed 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 that the Boone County Planning Commission 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  
Allen E. Stephens & Janice E. Stephens



have and assigns forever, with covenants of general warranty.

IN WITNESS whereof the said STEVEN M. FREY AND MARY ANN FREY, his wife and TERRI L. BERGER, formerly known as TERRI L. FREY, and JAMES M. BERGER, HER HUSBAND

herunto set their hands this 29th day of April, 1992.

Steven M. Frey
STEVEN M. FREY
Mary Ann Frey
MARY ANN FREY

Terri L. Berger
TERRI L. BERGER (formerly known as TERRI L. FREY)
James M. Berger
JAMES M. BERGER

STATE OF KENTUCKY
SCT.
County of Boone.

I, Neil Spencer, a Notary Public in and for the county and state aforesaid, do certify that the foregoing instrument of writing from Steven M. Frey and Mary Ann Frey, his wife, and Terri L. Berger, (formerly known as Terri L. Frey) and James M. Berger, her husband to Allan E. Stephens and Janice E. Stephens, husband and wife was this day presented to me in my county by the parties and then and there acknowledged by the said Steven M. Frey and Mary Ann Frey, his wife, and Terri L. Berger (formerly known as Terri L. Frey) and James M. Berger, her husband their act and deed. Whereupon the same and this certificate are certified to the proper office for record.

Given under my hand and seal of office this 29th day of April, 1992.
My Commission Expires: 3-1-94

Neil Spencer
Notary Public

Left for Record
at M.
By Jerry W. Rouse, Clerk
Recorded in Deed Book
No.
Page
Recording \$
Stamps \$

WARRANTY DEED
STEVEN M. FREY AND MARY ANN FREY, HIS WIFE, AND TERRI L. BERGER, (FORMERLY KNOWN AS TERRI L. FREY) AND JAMES M. BERGER, HER HUSBAND
TO
ALLAN E. STEPHENS AND JANICE E. STEPHENS, HUSBAND AND WIFE

STATE OF KENTUCKY,
SCT.
County of Boone

I, Jerry W. Rouse, Clerk of the County Court in and for the County and State aforesaid, do certify that the foregoing instrument of writing from Steven M. Frey and Mary Ann Frey, his wife and Terri L. Berger (f/k/a Stephens, husband and wife) and James M. Berger, her husband was this day of 19 92 produced to me, certified as above and lodged for record.
at o'clock M.
Whereupon, the same with foregoing and this certificate have been duly recorded in my office.
Given under my hand, this day of 19 92

PREPARED BY Terry R. Edwards
TERRY R. EDWARDS, ATTY AT LAW
7992 Dixie Hwy., Box 6205
Florence, KY 41042
(606) 525-6161
By Jerry W. Rouse, Clerk
D.C.

CONSIDERATION CERTIFICATE

We, STEVEN M. FREY AND MARY ANN FREY, HIS WIFE, AND TERRI L. BERGER, (formerly known as Terri L. Frey) AND JAMES M. BERGER, HER HUSBAND, GRANTORS, and ALLAN E. STEPHENS AND JANICE E. STEPHENS, HUSBAND AND WIFE, GRANTEES, do hereby certify, pursuant to KRS Chapter 382, that the above-stated consideration in the amount of \$23,000.00 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:

Steven M. Frey  
STEVEN M. FREY

Mary Ann Frey  
MARY ANN FREY

Mailing Address:

162 Raintree Drive  
Florence, KY 41042

Terri L. Berger  
TERRI L. BERGER

James M. Berger  
JAMES M. BERGER

Mailing Address:

960 Chambers Road  
Walton, KY 41094

STATE OF KENTUCKY  
COUNTY OF Boone

The foregoing Consideration Certificate was acknowledged and sworn to before me this the 29th day of April, 1992 by Steven M. Frey and Mary Ann Frey, his wife, and Terri L. Berger, (formerly known as Terri L. Frey) and James M. Berger, her husband, Grantors herein to be their act and deed.

Neil D. Dancer  
NOTARY PUBLIC  
My Commission expires: 3-1-94

GRANTEES:

Allan E. Stephens  
ALLAN E. STEPHENS

Janice E. Stephens  
JANICE E. STEPHENS

Mailing Address:

123 Chambers Road  
Walton, KY 41094

**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 4.43 acre tract located at 123 Chambers Road, 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 Rural Suburban (RS) and is owned by Allan E. and Janice Stephens.

April 24, 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 Agriculture Estate (A-2) and Rural Suburban (RS) zoning on the property and its relationship to the Comprehensive Plan. The 4.43 acre tract is owned by Allan and Janice Stephens and is located on the south side of Chambers Road, Boone County, Kentucky (See Sheet #1).

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

- North: Single family residences zoned Rural Suburban (RS) and Agricultural Estate (A-2).
- East: Rural Suburban (RS) zoning and the northernmost Walton City limits at the intersection of U.S. 25 and Chambers Road.
- South: KY 16 (Walton-Nicholson Road).
- West: Single family residences zoned Agricultural Estate (A-2).

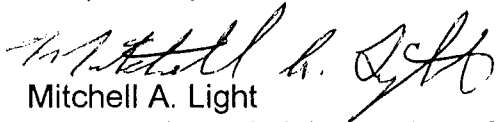
### Relationship to the Comprehensive Plan

The 1995 Boone County Comprehensive Plan and Future Land Use Map indicate that this site remain Rural Lands (RL). The text of the Comprehensive Plan refers to this area generally stating: "The remaining portions of this section should be used for low density and agricultural purposes."

Staff Review

Staff believes that the existing zoning, Agricultural Estate (A-2) and Rural Suburban (RS) on the 4.43 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,

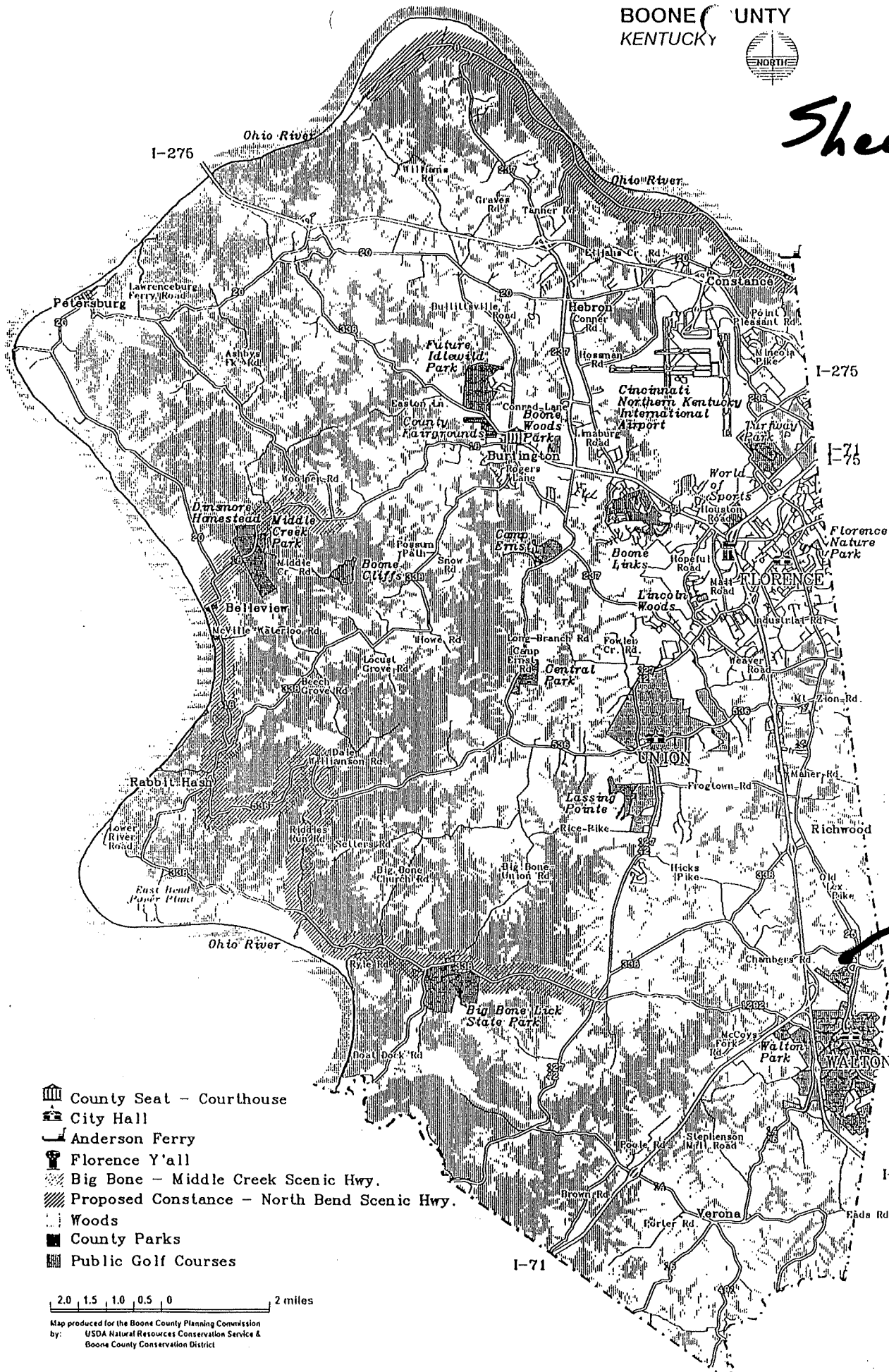











Mitchell A. Light  
Asst. Zoning Administrator/Enf. Officer

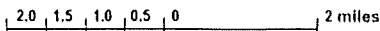
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Sheet #1

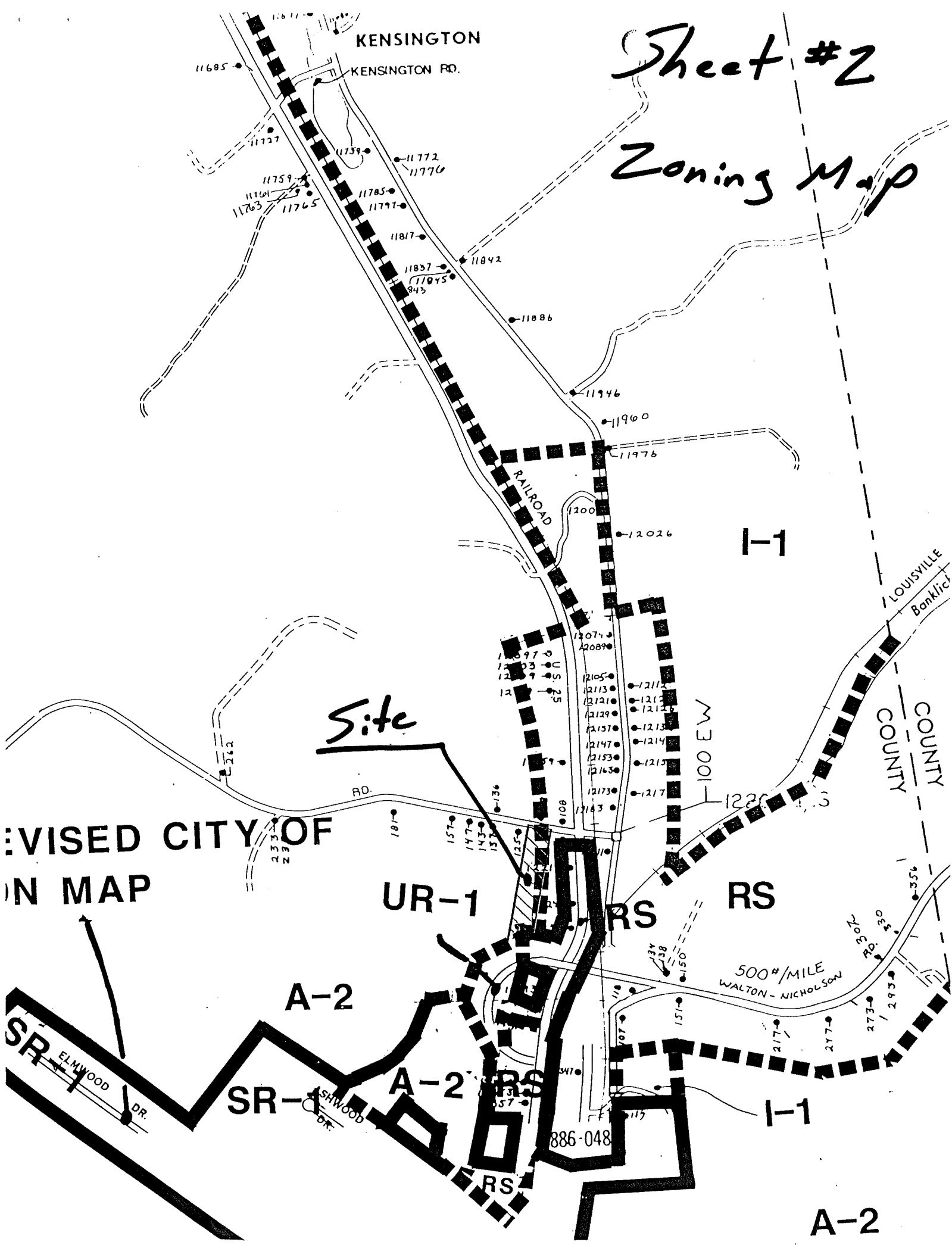


-  County Seat - Courthouse
-  City Hall
-  Anderson Ferry
-  Florence Y'all
-  Big Bone - Middle Creek Scenic Hwy.
-  Proposed Constance - North Bend Scenic Hwy.
-  Woods
-  County Parks
-  Public Golf Courses



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

# Sheet #2 Zoning Map



REVISION MAP

Site

KENSINGTON  
KENSINGTON RD.

RAILROAD

I-1

LOUISVILLE  
COUNTY  
COUNTY  
BonKlic

UR-1

RS

RS

A-2

SR-  
SHWOOD DR.

A-2

RS

I-1

A-2

SR-  
ELMWOOD DR.

500#/MILE  
WALTON-NICHOLSON

886-048

PUBLIC HEARING ITEM NO. 3:

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

Chairman Viox introduced the third item on the Agenda:

3. Applicant: City of Walton  
Request: 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 4.43-acre tract located at 123 Chambers Road, 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 Rural Suburban (RS) and is owned by Allen E. and Janice E. Stephens.

Staff Member Mitch Light presented the Staff Report which included presentation of the map using the overhead projector (see Staff Report).

The Chairman asked if there was anyone from the City of Walton present who wished to speak. There being no response, he asked if there was anyone present who wished to speak for or against the request. There was no response. The Chairman asked if there were any comments or questions from the Planning Commission.

Mr. McMillian questioned the location of the site. Mr. Light indicated the site on the overhead slide and stated that it has frontage on Chambers Road. The site goes from Chambers Road to the right-of-way of KY 16. The address of the site is 123 Chambers Road. Mr. McMillian stated that he believes the property is on U.S. 25.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on May 6, 1996 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 May 15, 1996 at 8 P.M..

The Chairman closed this Public Hearing and called for a short recess.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
COURTROOM 3A  
BUSINESS MEETING  
May 15, 1996

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Mr. William Viox, Chairman, called the meeting to order at 8:07 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer  
Mr. William Bailey  
Mr. Arnold Caddell  
Mr. Phil Damstrom  
Mr. Mike McKinney, Vice Chairman  
Mr. Don McMillian  
Mr. Bob Millay  
Mr. Barry Neltner  
Mrs. Linda Schaffer  
Mr. William Viox, Chairman  
Mr. Earl White

COMMISSION MEMBERS NOT PRESENT:

Mr. Fred Burch  
Mr. Robert Ries  
Mr. Ralph Rush  
Mrs. Carol Smith

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

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

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 4.43-acre tract at 123 Chambers Road, 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 Rural Suburban (RS) and is owned by Allan E. and Janice E. Stephens.

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

There being no discussion, Mr. McMillian moved to adopt the Committee Report. Mr. Damstrom seconded the motion and it carried unanimously.

Chairman Viox stated that he is involved with the engineering in regard to Item #4 and represents the Diocese in regard to the site involved in Item #5. He turned the chair over to Mr. McKinney and left the room at this time.

The Vice Chairman chaired the meeting at this time and introduced the next item on the Agenda:

4. Zoning Map Amendment

The request of KEMM/Crist Development Company, LLC (applicant) for Daniel Berger, Susan Berger, and the Estate of Katherine Maddux (owners) for a Zoning Map Amendment on an approximate 54-acre site at 3472 KY 18, Boone County, Kentucky. The request is for a zone change from Agricultural Estate (A-2) to Suburban Residential One (SR-1) to allow a subdivision for detached, single-family residences.

Staff Member Ed Coleman 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 has signed the letter agreeing to the conditions.

Mr. Caddell moved by resolution to the Boone County Fiscal Court that the request be approved based on the Committee Report. Mr. Millay seconded the motion.

Mrs. Schaffer stated that the Comprehensive Plan is 25 years into the future and is projected based on the elements of Population and Housing. The Comprehensive Plan designates this area as suburban density residential -- which is generally up to four units per acre. The only other classifications are rural density, which is up to one unit per acre and high suburban density which is up to 8 units per acre. She stated that just because it is up to four units per acre, does not mean it should

EXHIBIT "B"

## COMMITTEE REPORT

TO: Boone County Planning Commission

From: Fred Burch, Chairman

Date: May 15, 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 4.43 acre tract located at 123 Chambers Road, 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 Rural Suburban (RS) and is owned Allan E. and Janice E. Stephens.

Remarks:

We, the Committee, recommend that the current zoning of Agricultural Estate (A-2) and Rural Suburban (RS) not be changed as a result of the annexation of the 4.43 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 property.

Finding of Fact:

1. The 1995 Boone County Comprehensive Plan indicated that this site is to remain as Rural Lands (RL).

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

\_\_\_\_\_

**Fred Burch, Chairman**

For \_\_\_\_\_ Against \_\_\_\_\_  
Abstain \_\_\_\_\_ Absent \_\_\_\_\_

*William Bailey*

\_\_\_\_\_

**William Bailey**

For  \_\_\_\_\_ Against \_\_\_\_\_  
Abstain \_\_\_\_\_ Absent \_\_\_\_\_

*Arnold Caddell*

\_\_\_\_\_

**Arnold Caddell**

For  \_\_\_\_\_ Against \_\_\_\_\_  
Abstain \_\_\_\_\_ Absent \_\_\_\_\_

*Phil Damstrom*

\_\_\_\_\_

**Phil Damstrom**

For  \_\_\_\_\_ Against \_\_\_\_\_  
Abstain \_\_\_\_\_ Absent \_\_\_\_\_

*Robert Millay*

\_\_\_\_\_

**Robert Millay**

For  \_\_\_\_\_ Against \_\_\_\_\_  
Abstain \_\_\_\_\_ Absent \_\_\_\_\_

*Barry Nejtner*

\_\_\_\_\_

**Barry Nejtner**

For  \_\_\_\_\_ Against \_\_\_\_\_  
Abstain \_\_\_\_\_ Absent \_\_\_\_\_

**TOTAL: 5 FOR \_\_\_\_\_ AGAINST \_\_\_\_\_ ABSTAIN 1 ABSENT**

PUBLIC HEARING ITEM NO. 3:

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

Chairman Viox introduced the third item on the Agenda:

3. Applicant: City of Walton  
Request: 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 4.43-acre tract located at 123 Chambers Road, 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 Rural Suburban (RS) and is owned by Allen E. and Janice E. Stephens.

Staff Member Mitch Light presented the Staff Report which included presentation of the map using the overhead projector (see Staff Report).

The Chairman asked if there was anyone from the City of Walton present who wished to speak. There being no response, he asked if there was anyone present who wished to speak for or against the request. There was no response. The Chairman asked if there were any comments or questions from the Planning Commission.

Mr. McMillian questioned the location of the site. Mr. Light indicated the site on the overhead slide and stated that it has frontage on Chambers Road. The site goes from Chambers Road to the right-of-way of KY 16. The address of the site is 123 Chambers Road. Mr. McMillian stated that he believes the property is on U.S. 25.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on May 6, 1996 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 May 15, 1996 at 8 P.M..


The Chairman closed this Public Hearing and called for a short recess.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary