

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 ENPROTEC CRAIG ERVEN/DONALD BZDYL
2. Location of Project CHANDLER DR. & RT. 1292
3. Total Acreage of Site 4 FOUR ACRES
4. Current Zoning of Site SR-1
5. Proposed Zoning (Classification being requested) I-1
INDUSTRIAL ONE
6. Proposed Uses (please specify each use)
a. light assembly of waste treatment systems + testing
b. office - general clerical, sales, engineering
7. Names of Applicant(s) CRAIG ERVEN & DONALD BZDYL
- Phone Number (606) 689-4300 Fax No. (606) 6894322
8. Address of Applicant(s) ENPROTEC 4465 LIMABURG ROAD
HEBRON KY. 41048-9704
City State Zip
9. Name of Property Owner(s) RONALD & BRENDA TACKETT
- Phone Number (606) 485-4578 Fax No. _____
10. Address of Property Owner(s) 11135 DIXIE HWY.
WALTON KY. 41094
City State Zip
11. Proposed Building Intensities (please specify)
Phase I - building 7,000 S.F. ÷ 3.9 ACRES = 1795 S.F./ACRE PRESENT
Phase II - building 14,000 S.F. ÷ 3.9 ACRES = 3590 S.F./ACRE FUTURE
Phase II - building 19,000 S.F. ÷ 3.9 ACRES = 4872 S.F./ACRE FUTURE
12. Are there any existing buildings on the site? NO
How many? NONE
13. Deed Book 406 Page No. 267 Group No. N/A 2077A
14. Are you also applying for:
 Conditional Use Permit
 Dimensional Variance
15. Have you submitted a Concept Development Plan? YES
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 **Craig Erven and Donald Bzdyl (applicants)** for **Ronald and Brenda Tackett (owners)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Industrial One (I-1) and a dimensional Variance for an approximate four acre site located at Chandler Drive and KY 1292, Walton, Kentucky. The request is for a zone change to allow a light industrial facility.

MAY 22, 1996

This is a request for a Zoning Map Amendment for 3.9 acres of land at Beaver Road (KY 1292) and Chandler Drive, Walton, Kentucky. The request is to change the existing zoning on the property from Suburban Residential One (SR-1) to Industrial One (I-1) to allow a light industrial facility. The applicant has submitted a concept plan (See Sheet #1).

Surrounding Zoning and Land Uses (See Sheet #2)

North: Single family residences zoned SR-1

East: Single family residence zoned SR-1

South: Lot 7 of the International Industrial Park, Vertical Systems, Inc., zoned I-1

West: Lot 8 of the International Industrial Park, currently vacant, zoned I-1 and SR-1

Site Characteristics

From Beaver Road, this site slopes downward toward the lake, which acts as a regional detention structure. Beaver Road sits at an elevation of approximately 900 feet and the water surface elevation (WSE) of the pond is approximately 869 feet, a slope of approximately 11%. The proposed finished floor elevation is 887 feet, approximately 13 feet below the elevation of Beaver Road. Therefore, with a maximum height in the I-1 zone being 50 feet, this building could sit approximately 37 feet higher than Beaver Road.

Dimensional Variance Request

The variance requested would reduce the side yard setback from 50 feet to 25 feet. Normally, the side yard setback is 10 feet in the I-1 zone, but since this is adjacent to a residential zone, the setback is 50 feet.

Relationship to the Comprehensive Plan

The 1995 Boone County Comprehensive Plan and Future Land Use Map show the subject property as Industrial (I) stating:

"The area south of I-71 and Beaver Road, and west of I-75 to Stephenson Mill Road is suitable for light industrial development....."

Staff Concerns

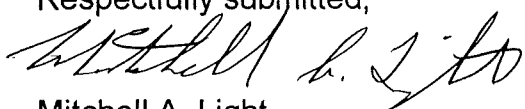
1. If the dimensional variance is approved with this application, two (2) matters need to be addressed:
 - a. Since the building is shown backing up to Beaver Road, the commission should consider more stringent landscape requirements along Beaver Road.
 - B. The building elevation along Beaver Road should not develop as a continuous pre-cast concrete wall. When Phase II is completed, approximately 220 feet of continuous concrete could be visible from Beaver Road. Phase III, however, could break up the effect of the wall if it is ever constructed.

Conclusion

The Boone County Planning Commission and the City of Walton must review this request on the basis of its relationship to the Comprehensive Plan and in terms of the three (3) criteria necessary for a Zoning Map Amendment:

1. The map amendment request is in agreement with the adopted Comprehensive Plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or
2. The existing zoning classification is inappropriate; or
3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted Comprehensive Plan that substantially alter the area's character.

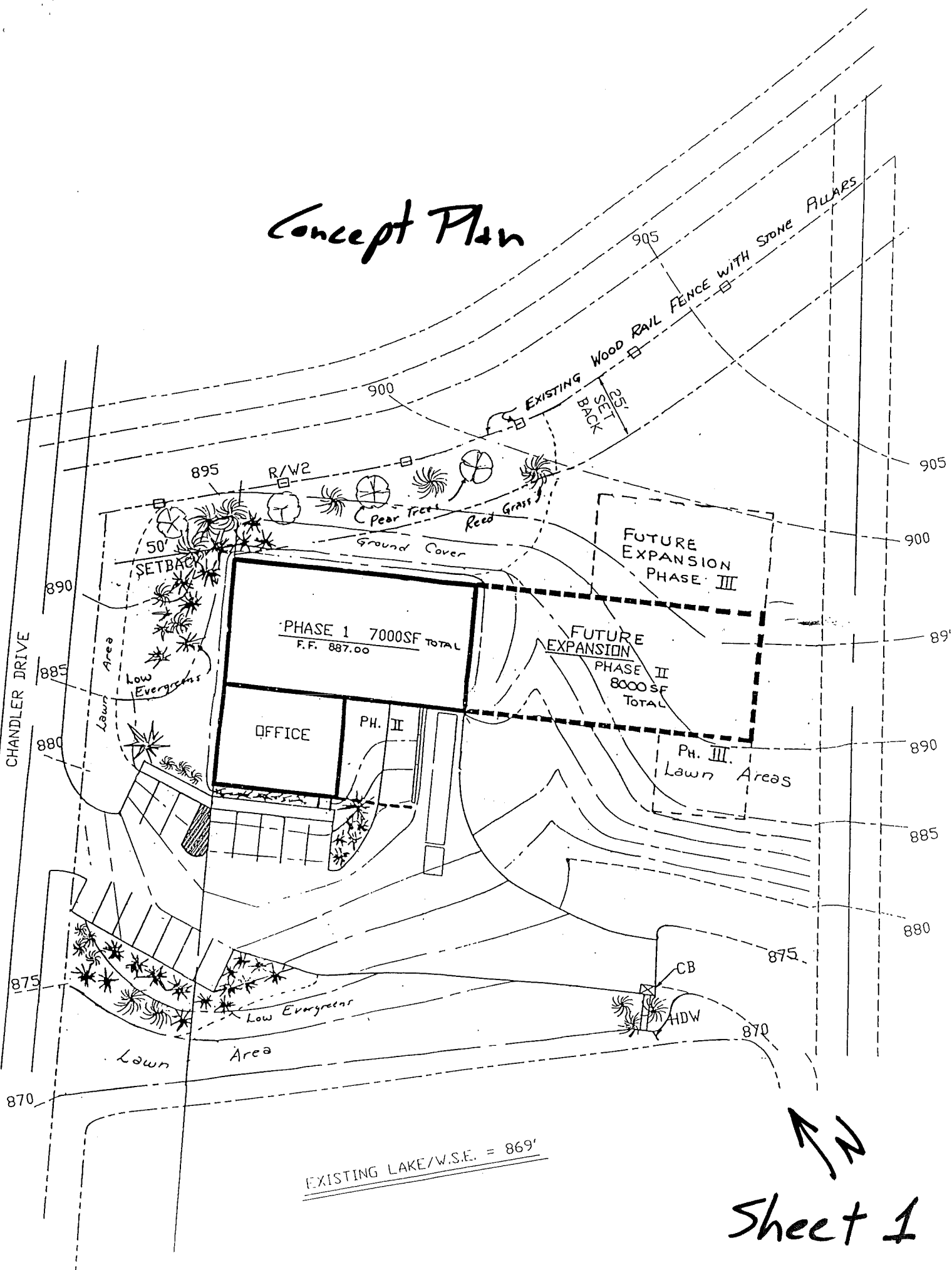
Respectfully submitted,

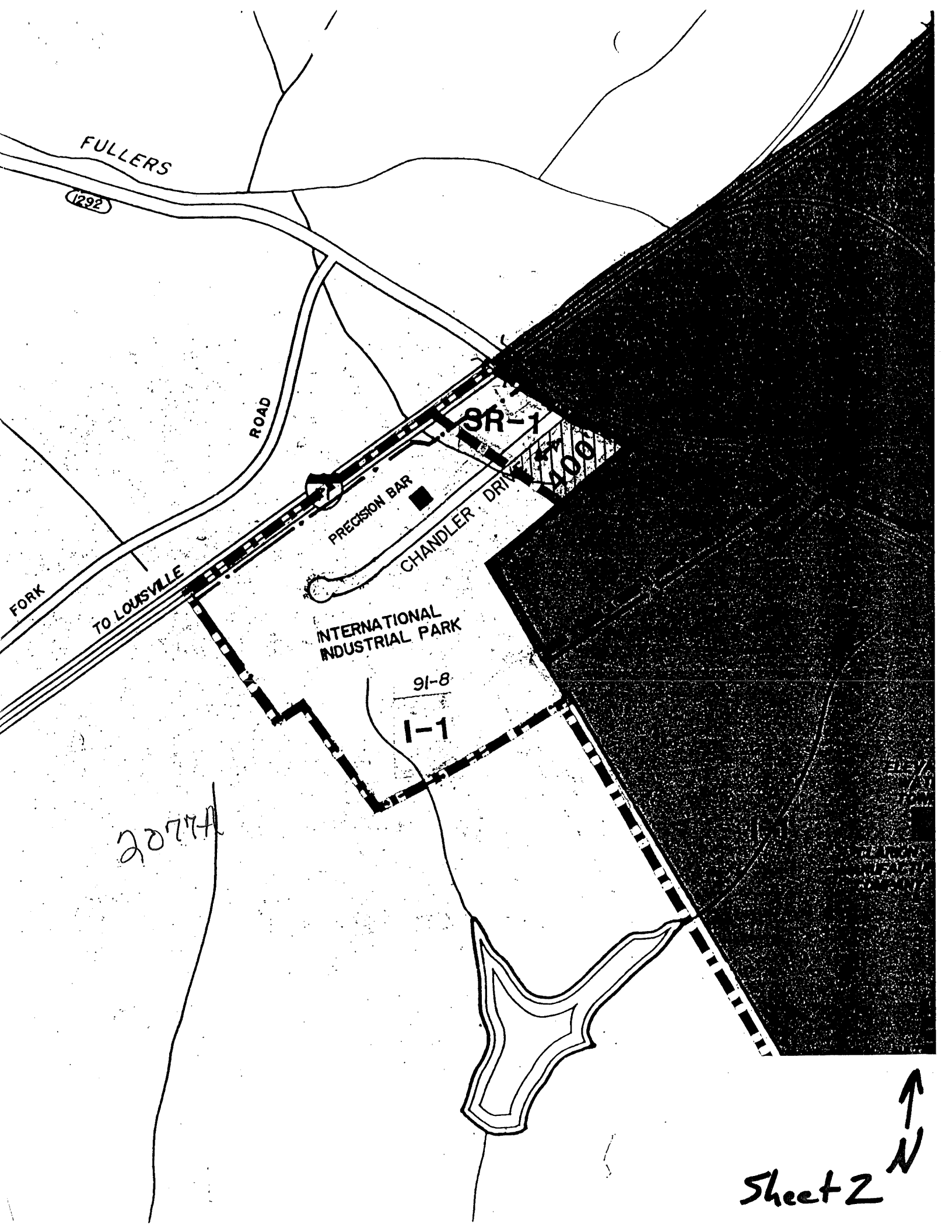


Mitchell A. Light
Asst. Zoning Administrator/Enf. Officer

MAL\par

Concept Plan





FULLERS

1292

ROAD

SR-1

PRECISION BAR

CHANDLER DRIVE

1400

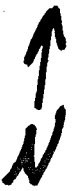
TO LOUISVILLE

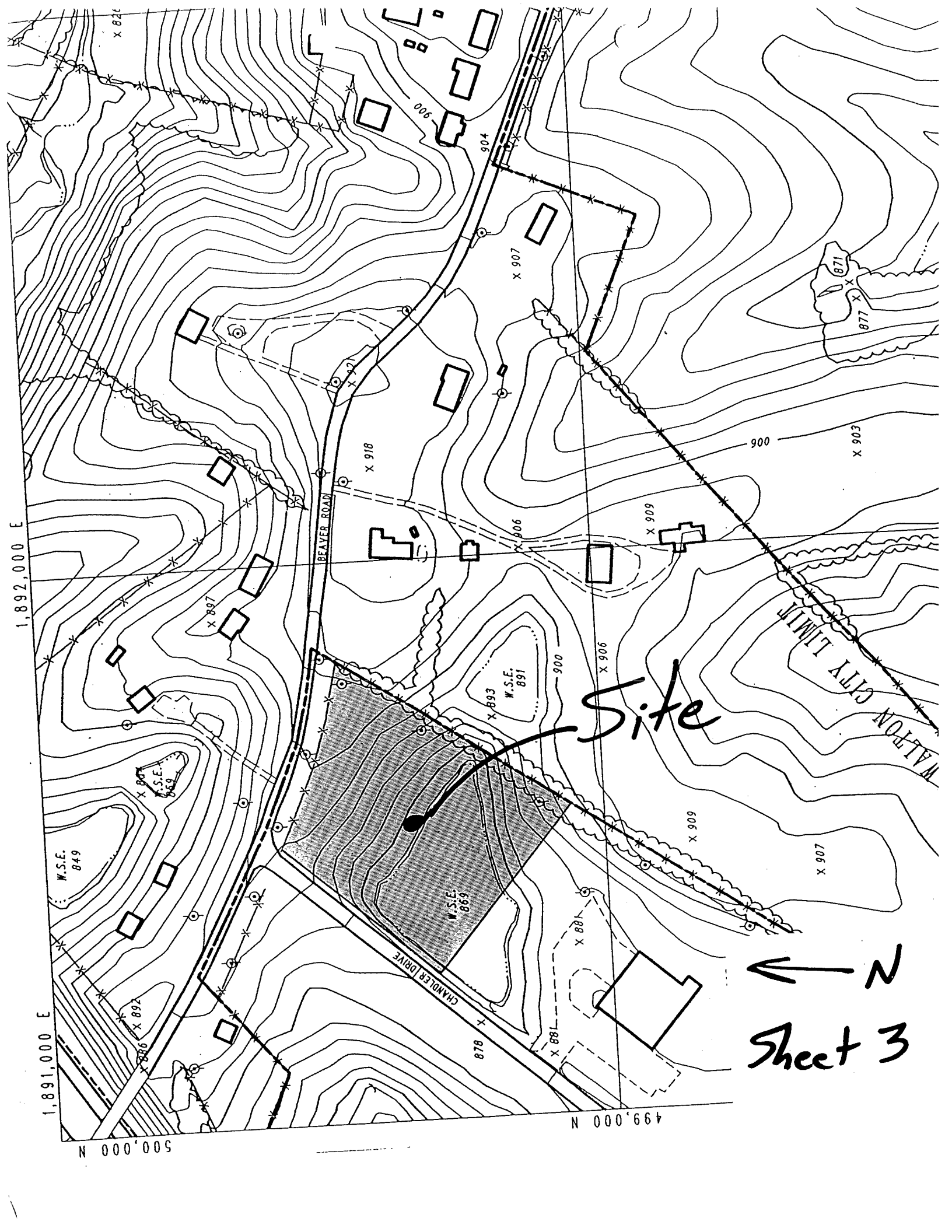
INTERNATIONAL INDUSTRIAL PARK

91-8

1-1

2077A

Sheet 2 



Site

← N
Sheet 3

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
May 22, 1996
7:00 P.M.

PUBLIC HEARINGS

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

Mr. William Viox, Chairman, called the meeting to order at 7:10 P.M.. Following an explanation of the Public Hearing process, Chairman Viox advised that the Committee meetings for the items to be heard this evening will be on June 10, 1996 at 4 P.M. in the second floor Conference Room of the Administration Building and these items will be on the Agenda for the Business Meeting on June 19, 1996 at 8 P.M..

The Chairman introduced the first item on the Agenda:

1. Applicant: Craig Erven and Donald Bzdyl for Ronald and Brenda Tackett (owners)

Request: Zoning Map Amendment

The request of Craig Erven and Donald Bzdyl (applicants) for Ronald and Brenda Tackett (owners) for a Zoning Map Amendment from Suburban Residential One (SR-1) to Industrial One (I-1) and a dimensional Variance for an approximate four-acre site at Chandler Drive and KY 1292, Walton, Kentucky. The request is for a zone change to allow a light industrial facility.

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

The Chairman asked for the applicant's presentation.

Mr. Craig Erven, President and a partner in the company, stated that Amprotech is a manufacturer of pollution control systems for industry. They are an assembly company and have outside fabricators who build the large steel vessels and equipment that they do final assembly on. They are primarily an engineering design company. They do turnkey design and construction of industrial waste treatment systems for heavy metals and toxic materials, but they do not receive any of these materials into their plant -- they are simply an assembly operation. He stated that they occasionally store some of the large tanks outside on a pad for a week or two, and they may add a pad in the future. He stated that they have no

outside storage requirements for materials. The building they are proposing should serve their needs for the next 5 - 6 years. The plan includes 5,000 square feet of manufacturing and 2,000 square feet of office. The factory has an 18' interior height, for an approximate 20-foot overall height. Since the finished floor inside the plant is 13 feet below Beaver Road, the building will only be seven feet above the road. The side of the factory facing Beaver Road will be concrete block with architectural steel above it.

Mr. Erven reviewed their landscaping plan and stated that they plan to landscape behind the entire length of the fence on Beaver Road. He stated that the reason for the Variance request is that the land slopes down towards the lake, and if they were to move the building down another 25 feet for the 50-foot setback, the turn-in and turn-around for the trucks would go into the lake -- making this an unusable site for them.

Chairman Viox asked if the lake will be a detention area for the site. Mr. Erven responded "yes" and added that some of the land around the lake is extremely steep -- especially along Chandler Road -- and they do not want to mow it. He stated that they are looking at rock and ripwrap or Crown Vetch. They will be talking to the landscaping people to see what they can use so that they do not have to mow there and it will not be unsightly.

Chairman Viox asked if there were any questions of Mr. Erven.

Mr. Ries stated that he is concerned about the visibility from the road in regard to the materials setting outside. He asked where they would be on the site. Mr. Erven advised that nothing will be visible from Chandler Drive or Beaver Road. The materials will be on the lake side of the building and east of the offices. The office is L-shaped and they will be in the pocket where the drive-in door is. They will only be out there for staging because at times they cannot get all of the materials in at one time.

Mr. McMillian questioned the construction of the building. Mr. Erven advised that it will be concrete block with architectural detail. It will be beige with a darker brown stripe across the roof line -- it will be split faced block that is painted.

Mr. Neltner asked if they could consider turning the Phase II expansion at a right angle to Phase I so that the building could be set back further from the roadway to allow the standard landscaping area.

Mr. Erven stated that their designer looked at all of the possible building arrangements and this is the only one he found that would fit on the site. He stated that he personally does not know much about excavating and designing and could not answer the question beyond that. He stated that they did question expanding the building -- although they do not have plans for Phases II and III at this time, they need them to be part of the overall plan in case they need to expand. They have expanded three times already and they cannot keep moving. He stated that business is good and they need the capability to expand. He would be glad to have their builder address the question at a future meeting.

Mr. McMillian questioned the location of the doors. Mr. Erven advised that the door going into the office is on the west side by the lake. There is a drive-in truck door where the trucks can back in from the lake side and there is a four-foot level dock next to it. There is a main door in the plant and the office door.

Chairman Viox asked if there was anyone else present who wished to speak.

Mr. Rob Zwick stated that he was present with a few of the other area residents. They are not opposed to the rezoning, but are concerned because the original subdivision out there did not come for a Public Hearing and they had some concerns with some of the things in the subdivision -- including the lack of sidewalks and it being a triangular shaped piece of ground with I-71 on one side, Beaver Road on one side, and I-75 on the other side and there being no way to sewer it except to pump the sewage. They would like to see a sewer easement left for that area. He stated that they had some concerns regarding the lighting and signage for this proposal, and it sounds like the height will not be an issue. They do not want to be flooded by the lights. He stated that it is a state highway there, but they would like the Planning Commission to get with the state. It is a narrow road and Bavarian uses the road to get to the dump. He stated that with the increased truck traffic and 52' - 54' trailers, the edges of the road are deteriorating and some trucks have had to pull off the road and have gone 2' - 3' into the yards to avoid hitting each other. They would like the Planning Commission to address these issues.

Chairman Viox asked if there were any further comments.

Mr. Neltner referred to Sheet #3 and stated that the industrial park is basically all around this outlot. He questioned if the owner of the lot was not willing to sell when the rest of the subdivision was developed.

Mr. Light advised that this area was changed in the 1991 update so that the front 400 feet remained residential and the rear became industrial. The front 400 feet is SR-1. He stated that the lot across Chandler Drive could come in in the future. Mr. Costello advised that in the 1985/1986 update or the 1990/1991 update there was a house on this property and when the area was looked at as part of the update, it was determined that there were a number of houses still in existence along that road. There was a 400-foot boundary on both sides of the road for the residential zone to remain intact -- but in the future, the land use would indicate industrial. He believes the Tacketts purchased the property, but it was to remain residential because of the existence of the residences at that time. The Land Use Plan talked about keeping it residential and there was no industrial in that area. Also, the City of Walton wanted to expand their industrial park. He stated that it came after Clarion was built just down the road.

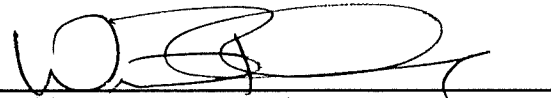
Mr. McMillian asked if the residences are in the city. Mr. Zwick responded "no" and stated that when the area was annexed it was just the industrial subdivision. He stated that the residents were surprised that it was still SR-1 in the front along Beaver Road and thought the zoning had already been changed.

In response to a question from Mr. McMillian, Mr. Light advised that the industrial park is served by city sewer.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on June 10, 1996 at 4 P.M. in the second floor conference room. This item will be on the Agenda for the Business Meeting on June 19, 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
July 17, 1996
8 P.M.

Mr. William Viox, Chairman, called the meeting to order at 8:05 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. Robert Ries
Mrs. Linda Schaffer
Mrs. Carol Smith
Mr. William Viox, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Barry Neltner
Mr. Ralph Rush
Mr. Earl White

LEGAL COUNSEL PRESENT:

Mr. Larry Dillon

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. Mitch Light
Mr. Kevin Wall, AICP

UNFINISHED BUSINESS:

1. Zoning Map Amendment and Utilization of an Underlying Zone in a Planned Development

The request of David E. Estes Engineering, Inc. (applicant) for Mary Ann 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) Zone for approximately 71.6 acres of the site to allow a light industrial park on an approximate 128-acre site located along KY 237 and Conrad Lane, Boone County, Kentucky.

Staff Member Kevin Wall distributed a handout to the Commissioners and advised that there are two unresolved issues in regard to this request.

The Chairman called for a short recess to allow the Committee to meet. Mr. Costello advised that interested persons could attend the Committee Meeting in the Conference Room on the second floor.

The Chairman reconvened the meeting at 8:27 P.M..

Mr. Wall presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). He advised that Conditions #3 and #8 were stricken at the Committee Meeting, and he reviewed the attachments to the Committee Report.

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

Mrs. Schaffer stated that in the Staff Report there was Alternative 1 and 2, and Mr. Wall mentioned the Concept Plan. She asked if they were considering both of them and the applicant has a choice of either one. Mr. Wall replied "yes". Mr. Schaffer asked if the protective covenants are already written and recorded. Mr. Wall advised that the applicant needs to create them and the Staff has not see them to date. Mrs. Schaffer stated that it appears that most of the concerns expressed by the residents of Derby Farms and Deerfield subdivisions were incorporated into the Committee Report.

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

2. Zoning Map Amendment

The request of Craig Erven and Donald Bzdyl (applicants) for Ronald and Brenda Tackett (owners) for a Zoning Map Amendment from Suburban Residential One (SR-1) to Industrial One (I-1) and a dimensional Variance for an approximate four acre site located at Chandler Drive and KY 1292, Walton, Kentucky. The request is for a zone change to allow a light industrial facility.

Staff Member Mitch Light presented the Committee Report which recommended approval of the request based on the finding of fact (see Committee Report). He advised that Mr. Millay was against the report.

Mr. Burch moved by resolution to the City of Walton that the request be approved based on the Committee Report. Mr. Damstrom seconded the motion. A roll call vote on the motion found Mrs. Arnett, Mr. Bailey, Mr. Burch, Mr. Caddell, Mr. Damstrom, Mr. McKinney, Mr. Ries, Mrs. Schaffer, Mrs. Smith, and Chairman Viox in favor. Mr. McMillian and Mr. Millay were opposed. The motion carried by a vote of 10 to 2.

At this time, the Chairman deviated from the Agenda and introduced Item #5:

5. Zoning Map Amendment

The request of Raymond Erpenbeck Consulting Engineers (applicant) for ERPS, Inc., Thomas D. Erpenbeck, and Catherine E. Erpenbeck (owners) for a Zoning Map Amendment on a 321-acre site located on both sides of U.S. 42 and to the east of Union Village Subdivision, Florence, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) to Residential Planned Development (RPD), Office One/Planned Development (O-1/PD), and Commercial Two/Planned Development (C-2/PD) in order to allow a mixed-use residential/commercial development, Plantation Pointe - North.

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

Mr. Burch moved by resolution to the City of Florence that the request be approved based on the Staff and Committee Reports. Mr. Millay seconded the motion.

Mrs. Schaffer stated that at the Public Hearing Mr. Erpenbeck agreed to the condition that all of the residential areas, except Area 5, would be owner-occupied. This is not in the conditions and she would like to see it included.

Mr. Erpenbeck stated that he was agreeable to the condition.

Mr. Burch so amended his motion, seconded by Mr. Millay. Mr. Costello stated that the Committee Report will be amended to reflect the additional condition.

The Chairman called for a vote on the amended motion and it carried unanimously.

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Fred Burch, Chairman

DATE: July 17, 1996

RE: Request of **Craig Erven and Donald Bzdyl (applicants)** for **Ronald and Brenda Tackett (owners)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Industrial One (I-1) and a dimensional Variance for an approximate four acre site located at Chandler Drive and KY 1292, Walton, Kentucky. The request is for a zone change to allow a light industrial facility.

REMARKS:

We, the Committee, recommend approval based on the following Finding of Fact:

Finding of Fact:

1. The proposed industrial facility is in conformance with the 1995 Boone County Comprehensive Plan and Future Land Use Map.

The Committee explored the possibility of extending the sanitary sewer main north between Chandler Drive and the lake, but after consulting with Mayor Trzop and David Whitacre, City Engineer, the plan is to cross Chandler Drive and extend the sanitary sewer north when a Zoning Map Amendment for lot 8 has been requested.

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

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 _____

Barry Neltner

For _____ Against _____
Abstain _____ Absent

Robert Millay

Robert Millay

For _____ Against _____
Abstain _____ Absent _____

TOTAL: 4 FOR 1 AGAINST _____ ABSTAIN 1 ABSENT

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
May 22, 1996
7:00 P.M.

PUBLIC HEARINGS

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

Mr. William Viox, Chairman, called the meeting to order at 7:10 P.M.. Following an explanation of the Public Hearing process, Chairman Viox advised that the Committee meetings for the items to be heard this evening will be on June 10, 1996 at 4 P.M. in the second floor Conference Room of the Administration Building and these items will be on the Agenda for the Business Meeting on June 19, 1996 at 8 P.M..

The Chairman introduced the first item on the Agenda:

1. Applicant: Craig Erven and Donald Bzdyl for Ronald and Brenda Tackett (owners)

Request: Zoning Map Amendment

The request of Craig Erven and Donald Bzdyl (applicants) for Ronald and Brenda Tackett (owners) for a Zoning Map Amendment from Suburban Residential One (SR-1) to Industrial One (I-1) and a dimensional Variance for an approximate four-acre site at Chandler Drive and KY 1292, Walton, Kentucky. The request is for a zone change to allow a light industrial facility.

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

The Chairman asked for the applicant's presentation.

Mr. Craig Erven, President and a partner in the company, stated that Amprotech is a manufacturer of pollution control systems for industry. They are an assembly company and have outside fabricators who build the large steel vessels and equipment that they do final assembly on. They are primarily an engineering design company. They do turnkey design and construction of industrial waste treatment systems for heavy metals and toxic materials, but they do not receive any of these materials into their plant -- they are simply an assembly operation. He stated that they occasionally store some of the large tanks outside on a pad for a week or two, and they may add a pad in the future. He stated that they have no

outside storage requirements for materials. The building they are proposing should serve their needs for the next 5 - 6 years. The plan includes 5,000 square feet of manufacturing and 2,000 square feet of office. The factory has an 18' interior height, for an approximate 20-foot overall height. Since the finished floor inside the plant is 13 feet below Beaver Road, the building will only be seven feet above the road. The side of the factory facing Beaver Road will be concrete block with architectural steel above it.

Mr. Erven reviewed their landscaping plan and stated that they plan to landscape behind the entire length of the fence on Beaver Road. He stated that the reason for the Variance request is that the land slopes down towards the lake, and if they were to move the building down another 25 feet for the 50-foot setback, the turn-in and turn-around for the trucks would go into the lake -- making this an unusable site for them.

Chairman Viox asked if the lake will be a detention area for the site. Mr. Erven responded "yes" and added that some of the land around the lake is extremely steep -- especially along Chandler Road -- and they do not want to mow it. He stated that they are looking at rock and ripwrap or Crown Vetch. They will be talking to the landscaping people to see what they can use so that they do not have to mow there and it will not be unsightly.

Chairman Viox asked if there were any questions of Mr. Erven.

Mr. Ries stated that he is concerned about the visibility from the road in regard to the materials setting outside. He asked where they would be on the site. Mr. Erven advised that nothing will be visible from Chandler Drive or Beaver Road. The materials will be on the lake side of the building and east of the offices. The office is L-shaped and they will be in the pocket where the drive-in door is. They will only be out there for staging because at times they cannot get all of the materials in at one time.

Mr. McMillian questioned the construction of the building. Mr. Erven advised that it will be concrete block with architectural detail. It will be beige with a darker brown stripe across the roof line -- it will be split faced block that is painted.

Mr. Neltner asked if they could consider turning the Phase II expansion at a right angle to Phase I so that the building could be set back further from the roadway to allow the standard landscaping area.

Mr. Erven stated that their designer looked at all of the possible building arrangements and this is the only one he found that would fit on the site. He stated that he personally does not know much about excavating and designing and could not answer the question beyond that. He stated that they did question expanding the building -- although they do not have plans for Phases II and III at this time, they need them to be part of the overall plan in case they need to expand. They have expanded three times already and they cannot keep moving. He stated that business is good and they need the capability to expand. He would be glad to have their builder address the question at a future meeting.

Mr. McMillian questioned the location of the doors. Mr. Erven advised that the door going into the office is on the west side by the lake. There is a drive-in truck door where the trucks can back in from the lake side and there is a four-foot level dock next to it. There is a main door in the plant and the office door.

Chairman Viox asked if there was anyone else present who wished to speak.

Mr. Rob Zwick stated that he was present with a few of the other area residents. They are not opposed to the rezoning, but are concerned because the original subdivision out there did not come for a Public Hearing and they had some concerns with some of the things in the subdivision -- including the lack of sidewalks and it being a triangular shaped piece of ground with I-71 on one side, Beaver Road on one side, and I-75 on the other side and there being no way to sewer it except to pump the sewage. They would like to see a sewer easement left for that area. He stated that they had some concerns regarding the lighting and signage for this proposal, and it sounds like the height will not be an issue. They do not want to be flooded by the lights. He stated that it is a state highway there, but they would like the Planning Commission to get with the state. It is a narrow road and Bavarian uses the road to get to the dump. He stated that with the increased truck traffic and 52' - 54' trailers, the edges of the road are deteriorating and some trucks have had to pull off the road and have gone 2' - 3' into the yards to avoid hitting each other. They would like the Planning Commission to address these issues.

Chairman Viox asked if there were any further comments.

Mr. Neltner referred to Sheet #3 and stated that the industrial park is basically all around this outlot. He questioned if the owner of the lot was not willing to sell when the rest of the subdivision was developed.

Mr. Light advised that this area was changed in the 1991 update so that the front 400 feet remained residential and the rear became industrial. The front 400 feet is SR-1. He stated that the lot across Chandler Drive could come in in the future. Mr. Costello advised that in the 1985/1986 update or the 1990/1991 update there was a house on this property and when the area was looked at as part of the update, it was determined that there were a number of houses still in existence along that road. There was a 400-foot boundary on both sides of the road for the residential zone to remain intact -- but in the future, the land use would indicate industrial. He believes the Tacketts purchased the property, but it was to remain residential because of the existence of the residences at that time. The Land Use Plan talked about keeping it residential and there was no industrial in that area. Also, the City of Walton wanted to expand their industrial park. He stated that it came after Clarion was built just down the road.

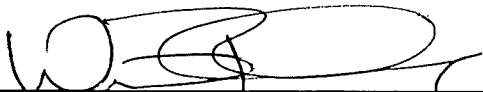
Mr. McMillian asked if the residences are in the city. Mr. Zwick responded "no" and stated that when the area was annexed it was just the industrial subdivision. He stated that the residents were surprised that it was still SR-1 in the front along Beaver Road and thought the zoning had already been changed.

In response to a question from Mr. McMillian, Mr. Light advised that the industrial park is served by city sewer.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on June 10, 1996 at 4 P.M. in the second floor conference room. This item will be on the Agenda for the Business Meeting on June 19, 1996 at 8 P.M. .

The Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

Boone County Recorder - 9-19-96

CITY OF WALTON, KENTUCKY
ORDINANCE NO. 1996-14

AN ORDINANCE OF THE CITY OF WALTON, KENTUCKY APPROVING AND ADOPTING A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL FOR A REQUEST OF CRAIG ERYEN AND DONALD BZDYL (APPLICANTS) FOR RONALD AND BRENDA TACKETT (OWNERS) FOR A ZONING MAP AMENDMENT AND VARIANCE, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM SUBURBAN RESIDENTIAL ONE (SR-1) TO INDUSTRIAL ONE (I-1) FOR AN APPROXIMATE 4 ACRE SITE GENERALLY LOCATED AT CHANDLER DRIVE AND KY 1292, WALTON, KENTUCKY.

WHEREAS, the City of Walton, Kentucky is a legislative body member of the Boone County Planning Commission, a joint county-wide planning unit or commission established under Chapter 100 of the Kentucky Revised Statutes; and,

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and a Variance, and such Zoning Map Amendment being a zone change from Suburban Residential One (SR-1) to Industrial One (I-1) for an approximate 4 acre site generally located at Chandler Drive and KY 1292, Walton, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the City of Walton, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval from the Zoning Map Amendment and Variance; and,

WHEREAS, the City of Walton, Kentucky has received a Resolution of the Boone County Planning Commission recommending approval for this request; and,

WHEREAS, the City of Walton, Kentucky deems it necessary to enact this ordinance to preserve and protect the health, safety and convenience of the inhabitants of the City of Walton, Kentucky, pursuant to the City of Walton's legal authority, including but not limited to KRS Chapter 100;

NOW, THEREFORE, be it ordained by the City of Walton, Kentucky as follows:

SECTION ONE

The request for a Zoning Map Amendment and Variance for the real estate which is more particularly described below is hereby approved and adopted, this Zoning Map Amendment being a zone change from Suburban Residential One (SR-1) to Industrial One (I-1) for an approximate 4 acre site generally located at Chandler Drive and KY 1292, Walton, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Suburban

Residential One (SR-1) zone and a Variance is more particularly described in DEED BOOK 406, PAGE NO. 267 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION TWO

As a basis for the approval and adoption of this Zoning Map Amendment and Variance request, the finding of fact of the Boone County Planning Commission as set forth in its minutes and official records for this request are hereby incorporated by reference as if fully set out in this Ordinance and marked as "Exhibit A".

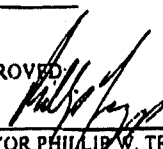
The Committee recommended approval for this request based on the finding of fact as set forth in the Committee Report and marked as "Exhibit B".

FIRST READING: SEPT 09 1996

SECOND READING: SEPT 12 1996

PUBLICATION DATE: _____

APPROVED


MAYOR PHILLIP W. TRZOP

ATTEST:


ANN LEAKE, CITY CLERK