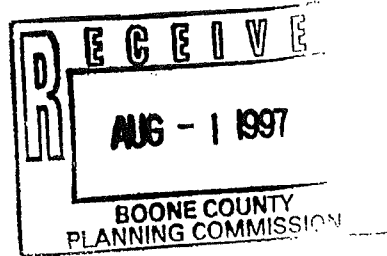


DALLAS, NEACE & KOENIG

Attorneys at Law

Stephen K. Dallas P.S.C.
Robert D. Neace P.S.C.
David S. Koenig
Terry R. Edwards P.S.C.
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Tammy H. Meade
Joanne F. Grogan
Kevin M. Callihan, Sr.



July 31, 1997

Star Bank Building
19 North Main Street
P.O. Box 187
Walton, KY 41094
PHONE: (606) 485-7727
FAX: (606) 485-7730

Star Bank Building
7992 Dixie Highway
P.O. Box 6205
Florence, KY 41042
PHONE: (606) 525-6161
FAX: (606) 525-6194

PLEASE REPLY TO: FLORENCE

Mr. Kevin T. Wall, AICP CDT
Director, Zoning Services
Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005

Re: **Zoning Map Amendment**

Dear Kevin:

Enclosed is a copy of Deed Book 522, Page 184 of the Boone County Clerk's Records at Burlington, Kentucky. As you can see, this is a parcel of property owned by Theodore Steward and Shirley Steward.

At a meeting on July 14, 1997, the Walton City Council voted to instruct me to request a zoning map amendment to I-1 for this property. Therefore, I respectfully request that the Boone County Planning Commission follow the zoning map amendment procedure provided in KRS 100 and forward the appropriate recommendation to the Mayor and City Council of the City of Walton, Kentucky.

If you have any questions regarding this matter, please contact me. Awaiting your reply,

Sincerely,

TERRY R. EDWARDS
Walton City Attorney

TRE:as
enclosure
cc: Mayor Phillip W. Trzop

EXHIBIT "A"

STAFF REPORT

Request of the City of Walton (applicant) for Theodore and Shirley Steward (owners) to consider a Zoning Map Amendment for an approximate 0.5 acre tract located at 65 High Street, Walton, Kentucky. The request is for a zone change from Suburban Residential One (SR-1) to Industrial One (I-1).

August 27, 1997

REQUEST

The property owners, Theodore and Shirley Steward, approached the Walton City Council for their assistance in requesting a Zoning Map Amendment from Suburban Residential One (SR-1) to Industrial One (I-1) for their property located at 65 High Street, Walton, Kentucky (see Attachment #1). This request was brought about due to enforcement action taken by the Boone County Planning Commission and Boone District Court. The Stewards' are not permitted to park their water trucks or any vehicles that pertain to the business at 65 High Street due to the recent decision handed down from Boone District Court (illegal expansion of pre-existing, non-conforming and in violation of their home occupation permit) which will be briefly outlined in the Site History section. No concept development plan was submitted with this request.

SURROUNDING ZONING & LAND USES

- North: The residence and non-conforming business of Theodore & Shirley Steward, 60 High Street zoned Suburban Residential One (SR-1).
 The residence of Luther & Barbara Smith, 62 High Street zoned SR-1.
 Residential property owned by Albert & Dorothy Schowalter zoned SR-1.
- East: Residential property owned by Ernest & Judy Noble, zoned SR-1.
- West: The residence of Catherine Marsh, 61 High Street, zoned SR-1.
- South: Property owned by the Goering Brothers Company being developed as the Walton Industrial Park zoned Industrial One (I-1).

SITE CHARACTERISTICS

The site consists of a large "barn", an asphalt parking area and an old semi-trailer used for storage in the back yard. The "barn" and pavement are at the same elevation as High

Street. The back yard, which is mostly grass, begins sloping down into a ravine that runs through most of the back yards on the south side of High Street creating a natural barrier between the SR-1 and I-1 zoning districts.

The pavement width of High Street is approximately 19 feet.

The High Street bridge that spans over the Southern Railroad is a one lane structure that sits elevated above the road surface to the degree that oncoming traffic cannot be detected. The Kentucky Department of Transportation (KDOT) issued in its last letter of biennial inspections of all county structures that the High Street bridge has been placed on a yearly inspection schedule (see Attachment #2). Specifically the report states:

"Stringers in span over railroad showing heavy rusting and section loss. A new load capacity analysis, with this deterioration included, will be performed. If a load posting reduction is necessary, your office, and the City of Walton, will be notified. Additionally, both wing walls of abutment #1 beginning to fail due to erosion. This structure will be placed one year substandard inspection schedule."

However, no major accidents have occurred on the bridge or due to the pavement width of High Street.

SITE HISTORY

The "barn" and property at 65 High Street have been involved in several recent zoning issues. The site's zoning history is as follows.

- 6/27/88 Letter from Tom Breidenstein, Zoning Enforcement Officer, to Mayor William King giving confirmation of Pre-Existing, Non-Conforming use of 60 High Street for automotive repair in an SR-1 zone.
- 8/9/88 Letter from Tom Breidenstein, ZEO, to Mayor King regarding the extent of the Pre-Existing, Non-Conforming status:
1. Repairs to be conducted at 60 High Street only.
 2. No outside storage of parts or disabled vehicles.
- 3/1/94 Complaint received from the City of Walton regarding storage of disabled/inoperable vehicles, miscellaneous refuse and salvage materials at 65 High Street.

- 5/4/94 Letter from Floyd Sharp, ZEO, to Mr. Steward informing him that complaints had been received regarding the use of the property at 65 High Street. The letter also stated that 65 High Street does not have the Pre-Existing, Non-Conforming status as does 60 High Street.
- 6/29/95 Letter from Floyd Sharp, ZEO, to Mr. Steward concerning a flyer advertising "Ted's Water Service", possible expansion of Pre-Existing, Non-Conforming use.
- 4/25/96 Home Occupation permit issued for office use only (not the storage of the water trucks) for Ted's Water Service at 60 High Street.
- 11/13/96 Letter from Floyd Sharp, ZEO, to Mr. Steward informing him that he was in violation of the Home Occupation permit by storing water trucks at 60 & 65 High Street.
- 3/19/97 Criminal Complaint filed to Boone District Court citing "Violation of Home Occupation approval."
- 5/7/97 Mr. Steward found guilty, given 2 years probation, and must have the trucks moved to an appropriate place for parking/storage by 6/5/97. Reviewed by the court on 8/7/97.
- 7/14/97 The Stewards' approach the Walton City Council for their assistance in a Zoning Map Amendment (see Attachment #1).
- 8/7/97 The trucks have been stored on Main Street, Walton, and Mr. Steward is in compliance with the court's ruling as of 8/7/97.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The Future Land Use Map shows the subject property as Suburban Residential (SR) which is defined in the adopted Comprehensive Plan as:

"Single Family housing of up to four units per acre. This classification also includes any low density or estate residential developed as residential."

The Land Use Element within the 1995 Boone County Comprehensive Plan refers to this area generally by stating:

"The City of Walton is being surrounded by industrial development and zoning to the north, south, and west of the City. Therefore, to ensure the integrity of the central portion of Walton, the area from the Turner Fishing Lake to Boone Lakes should have a land use designation of Suburban Residential. This would allow the central

portion of Walton to experience residential growth in response to the employment growth and utility expansion in the area. The suitability of this area for residential use is enhanced by proximity to developing recreation areas, commercial services, and the Walton-Verona schools."

The Future Land Use Development Guidelines, on page 210, of the 1995 Boone County Comprehensive Plan states the following regarding buffering and landscaping:

Buffering:

Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways to soften the visual impact. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments.

Landscaping:

Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways. The amount of heat absorbed by impervious cover from sun radiation is decreased by landscaping, which reduces energy costs. Landscaping also helps to purify the air of harmful pollutants, reducing health impacts.

The Business Activity Goal of the Business Activity Goals and Objectives section, on page 7, of the 1995 Boone County Comprehensive Plan states that, "Appropriate locations for business compatible with the surrounding area are provided in Boone County."

Objectives #1 and #2 of the Business Activity Goals and Objectives Section, on page 7, of the 1995 Boone County Comprehensive Plan state the following:

1. Industrial development shall be encouraged to locate near railroad lines, highways, the Ohio River, the Airport and on Airport owned land. Industrial districts shall be properly located in advance and thereby lessen any detrimental impact on future adjacent development.

2. Effective site placement, architectural design and landscape design for industrial uses shall be encouraged to enable a favorable relationship with adjoining uses. Industrial nuisances such as smoke, dust, noise and odor shall be kept at a minimum and site development and enforcement of such nuisances shall be carefully coordinated with necessary approvals of other regulatory agencies.

Objectives #4 and #9 of the Housing Goals and Objectives Section, on pages 8 & 9, of the 1995 Boone County Comprehensive Plan state the following:

4. Housing opportunities in Boone County shall be balanced against present and planned commercial, industrial and public school bases.
9. New or redeveloped residential areas shall be designed to establish clearly defined neighborhoods with a mix of retail, public and recreational uses. Established neighborhoods shall be protected and enhanced and deteriorated neighborhoods shall be regenerated.

STAFF CONCERNS

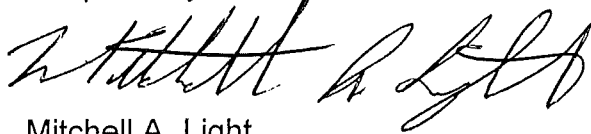
1. Staff is concerned that, if approved, due to the lot width and location of the existing structure, the adjacent SR-1 properties could not be sufficiently buffered from the I-1 uses proposed by the property owner.
2. Due to the current condition of the High Street bridge as per the State's report, staff is concerned that allowing the storage of the water trucks and possibly other vehicles could make an already dangerous situation worse.
3. If approved, other property owners on High Street adjacent to the I-1 zone may make similar requests and incrementally erode the existing and planned residential orientation of the neighborhood.
4. No concept plan or list of intended uses accompanied this request leaving the Boone County Planning Commission and City of Walton no idea as to what could happen on the site or the related impacts due to this request.
5. The property owner has not presented any evidence which demonstrates how the request fulfills any of the three criteria necessary for approving a zone change request.

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 designated to further detain 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 basic character of the area.

Respectfully submitted,



Mitchell A. Light
Asst. Zoning Administrator/Enforcement Officer

MAL/par

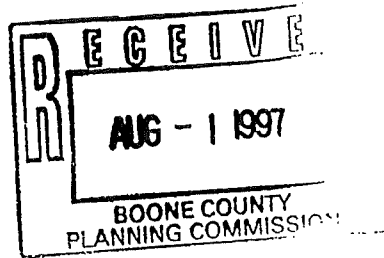
ATTACHMENTS

1. Request from City of Walton
2. Letter from Transportation Cabinet
3. Digital Ortho
4. I-1 Text from Official Zoning Regulations

DALLAS, NEACE & KOENIG

Attorneys at Law

Stephen K. Dallas P.S.C.
Robert D. Neace P.S.C.
David S. Koenig
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July 31, 1997

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Florence, KY 41042
PHONE: (606) 525-6161
FAX: (606) 525-6194

PLEASE REPLY TO: FLORENCE

Mr. Kevin T. Wall, AICP CDT
Director, Zoning Services
Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005

Re: **Zoning Map Amendment**

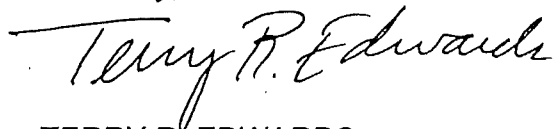
Dear Kevin:

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At a meeting on July 14, 1997, the Walton City Council voted to instruct me to request a zoning map amendment to I-1 for this property. Therefore, I respectfully request that the Boone County Planning Commission follow the zoning map amendment procedure provided in KRS 100 and forward the appropriate recommendation to the Mayor and City Council of the City of Walton, Kentucky.

If you have any questions regarding this matter, please contact me. Awaiting your reply,

Sincerely,



TERRY R. EDWARDS
Walton City Attorney

TRE:as
enclosure
cc: Mayor Phillip W. Trzop

Attachment #1





Commonwealth of Kentucky
Transportation Cabinet
Frankfort, Kentucky 40622

James C. Codell, III
Secretary of Transportation

Paul E. Patton
Governor

T. Kevin Flanery
Deputy Secretary

District Six
P.O. Box 17130
Covington, Kentucky 41017
(606) 341-2700

November 27, 1996

The Honorable Ken Lucas
Boone County Judge/Executive
Boone County Courthouse
Burlington, Kentucky 41005

Dear Judge Lucas:

Biennial inspections of all county structures, located in Boone County, were completed in November, 1996. Enclosed are copies of our inspection reports for these structures and a listing of the condition ratings guideline used for the structure evaluation.

The following require immediate attention and/or indicate changes which have occurred since previous reports.

- CR-008-5002-C00002 Longbranch Road over Longbranch Creek
This structure has been replaced. New structure inventory number will be CR-008-5002-C00055.
- CR-008-5002-C00003 Longbranch Road over Longbranch Creek
Scour repairs have been performed and appear satisfactory. Structure will be removed from substandard inspection schedule. Eight (8) ton load posting sign for eastbound traffic not required.
- CR-008-5065-C00008 Limaburg Creek Road over Limaburg Creek
Scour around substructure elements continuing to increase. Repair should be performed.
- CR-008-5124-C00010 High Street over Southern Railroad (Walton)
Stringers in span over railroad showing heavy rusting and section loss. A new load capacity analysis, with this deterioration included, will be performed. If a load posting reduction is necessary, your office, and the city of Walton, will be notified. Additionally, both wingwalls of abutment #1 beginning to fail due to erosion. This structure will be placed on a one year substandard inspection schedule.

Judge/Executive Ken Lucas
November 27, 1996
page 2

- CR-008-5329-C00026 Ashby Fork Road over Ashby Fork Creek
Drift has accumulated around pier stems and should be removed.
- CR-008-9999-C00030 Ky 8 Extension over Sand Run Creek
Heavy drift has accumulated around inlet of culvert and should be removed.
- CR-008-5128-C00033 Salem Creek Road over McCoys Fork Creek
Heavy drift has accumulated under span #2 and should be removed.

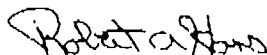
The following is a list of all bridges that require posting, (weight limits below 18 ton), and the posting status of each:

<u>BRIDGE NUMBERS/ LOCATION</u>	<u>WEIGHT LIMIT</u>	<u>POSTED</u>
CR-008-5040-C00007 Elijahs Creek Road over Elijahs Creek	13 Ton	Yes
CR-008-5205-C00017 North Cleek Road over Big Bone Creek	14 Ton	No One sign missing

In order for your county to be eligible for Federal Bridge Replacement and Rehabilitation Funds for the coming year, the bridges, as listed, must be signed for the weight limits shown. Those listed for less than 3 tons capacity must be physically barricaded. All signs and barricades must conform to the **MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES** and are available from various sign manufacturers. Upon receipt of this letter your county has 30 days to post or barricade the required structures and return a signed copy of the attached compliance form to this office.

If you have any questions, please contact Rob Hans at (606)-341-2700.

Sincerely,
J.E. Kearnes, P.E.
Chief District Engineer



Robert A. Hans, P.E.
Bridge Maintenance Engineer

RAH/slb
enclosures
cc: Frankfort Central Office
City of Walton
Superintendent, Boone County School District
Superintendent, Walton/Verona School District



**City of Walton/Steward ZMA
Attachment #3**

50 0 50 Feet



1 inch equals 50 feet
Produced by the
Boone County Planning Commission
GIS Services Division
May 18, 1980



3. Telephone, teleg^{raph}, radio and television relay, transm^{ission}g and receiving equipment provided the equipment is in direct support of the defined accessory use and does not physically or visually overpower, detract or conflict with the building design, scale or character proposed in this district;
4. Gasoline filling stations and auto repair facilities provided the use is in direct support of and primarily trades from the employees of the district;
5. Blueprinting and photocopying services;
6. Window cleaning, disinfecting and exterminating, dwelling and building services;
7. Automobile leasing or rental agencies (maximum storage of 50 vehicles);
8. Adult and child care centers.

SECTION 1124

Intensity

The maximum total intensity of all uses in an Office Two district shall not exceed 30,000 square feet of gross floor area per acre.

SECTION 1125

Minimum Size

The minimum size or extent required of an Office Two district is three (3) acres.

SECTION 1126

Minimum Standards

See Article 31 for dimensional standards. (Site Plan Review required for all permitted uses) (See Article 30)

SECTION 1130

INDUSTRIAL ONE (I-1)

The purpose of the Industrial One district is to allow different types of small to large scale light manufacturing, warehouse, distribution and related service uses, which require direct accessibility to a regional transportation system. Manufacturing operations in this district will generally not utilize unrefined raw materials, whose processing may potentially create undesirable noise, odors, dust, smoke, hazardous materials or waste or be delivered in large bulk transportation forms. Such districts are located in areas, which provide employment opportunities for community and regional labor markets. Districts will be located on suitable lands accessible from expressways and/or arterials. In addition, this zoning district allows for integrated office campus and/or industrial/warehouse developments with a business park setting, characterized by landscaped entrances, boulevard streets, large amount of green space and low building coverage ratio, multi-level buildings, constant architectural and signage theme, parking structures, and integrated pedestrian and recreation facilities. This district is also to provide for appropriate public facilities and/or services to the permitted uses identified in the district.

This zoning classification can range from a compact multi-level office development on several acres to an extensive mixed office/warehouse/distribution development that is located on many acres. This zoning classification often includes some limited commercial wholesale and retail uses intended to serve the district and constructed to blend in visually with the character of the area.

SECTION 1131

Principally Permitted Uses

Permitted are the wholesale distribution, storage, manufacturing and assembly of industrial products:

1. All principally permitted uses in an Office Two (O-2) zone;
2. Food and kindred products, including the manufacture or processing of grain, sugar, oil, fat, glues, grease, tallow, lard gelatin, vinegar, yeast, starch, dextrin, glucose and sauerkraut but excluding the primary manufacture of meat and fish, which includes the stocking and storing of live animals or garbage, offal or dead animal reduction or dumping of any tanning, curing or storage of rawhides or skins;
3. Textile mill products except primary manufacture of dyes, fibers, felt, rubber goods;
4. Apparel and other finished products made from fabrics, leather and similar materials except primary manufacture of rubber;
5. Fabricated wood products including containers, building components, structural members, but excluding the primary manufacture of wood or wood products;
6. Furniture and fixtures;
7. Paper products including envelopes, bags, boxes and containers, but excluding the primary manufacture of pulp, paper, paperboard or paper products;
8. Printing industries;
9. Pharmaceutical preparations, perfumes, cosmetics and other toiletry preparations;
10. Soaps and other detergents;
11. Fabrication of metal products except firearms and accessories, large scale machinery, and transportation vehicles;
12. Professional, scientific and controlling instruments, photographic and optical goods, watches and clocks;
13. Electric and electronic equipment;
14. Jewelry and precious metals, musical instruments and parts, toys, amusement, sporting and athletic goods, pens, pencils and other office and artists materials, brooms and brushes, lamp shades, signs and advertising displays, umbrellas, parasols and canes and other miscellaneous fabrication activities.
15. Technology and research centers including medical and hospital research establishments;
16. Educational and governmental institutions;
17. Wholesale trade of automobile accessories and parts;
18. Wholesale trade of drugs, drug proprietaries and sundries;
19. Wholesale trade of dry goods and apparel;

20. Wholesale trade of groceries and related products in enclosed facilities except animals or raw farm materials or products;
21. Wholesale trade of electrical and electronic parts;
22. Wholesale trade of hardware, plumbing, heating, equipment and supplies;
23. Wholesale trade of small machinery, equipment and supplies except transportation or farm vehicles;
24. Other wholesale trade except non-containerized or bulk raw metals and minerals, petroleum products, scrap and waste materials;
25. Laundering, dry cleaning and dyeing services including rugs, linen supply and industrial laundry services;
26. Window cleaning, disinfecting, exterminating and other dwelling and building services;
27. Refrigerated, household goods (mini-warehouses) and other general refrigerated warehousing and storage;
28. Research, development and testing services;
29. Detective and protective services;
30. Photo finishing and other photographic laboratories;
31. Electrical repair and armature rewinding services;
32. Reupholstery and furniture repairing and refinishing services;
33. Scientific research services and laboratories;
34. Building construction, general contractor, plumbing, heating, air conditioning, painting, paper handling, decorating, electrical, masonry, stonework, tile setting, plastering, carpentry, wood flooring, roofing and sheetmetal, water-well drilling, septic and other special construction trade offices, supply, storage and related activities;
35. Postal services and related storage, distribution and transfer activities;
36. Agricultural contract sorting, grading and packaging services of fruits and vegetables;
37. Motor freight terminals, public warehousing, freight garaging and equipment maintenance;
38. Freight forwarding, packing and crating services;
39. Blueprinting and photocopying services, stenographic services and other duplicating, mailing and delivering services;
40. Equipment rental and leasing services including automobiles and trucks;
41. Wholesale trade of containerized paints, varnishes, chemicals and allied products;

42. Manufacture of plastic products but not the primary manufacture of plastics;
43. Welding shops for the repair of industrial machinery and heavy equipment;
44. Truck stops;
45. Recycling centers;
46. Fire stations or fire related or protective services including rescue services.

SECTION 1132

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to the purpose of the district including:

1. Recreational uses or spaces of integral relation to the purposes of the district defined to be:
 - a. Nature preserves, wildlife sanctuaries, open spaces and other natural areas;
 - b. Historic sites, structures, monuments and other exhibits available public viewing;
 - c. Auditoriums, exhibition halls and other public or miscellaneous assembly;
 - d. Golf course and tennis courts;
 - e. Swimming beaches and swimming pools;
 - f. Picnicking, hiking areas, exercise trails and other recreational uses;
 - g. General, leisure, ornamental and other parks, spaces, trails, bikeway systems and similar uses;
 - h. Recreation/Health centers.
2. The administration management, stenographic reproductions, research, sales (including industrial retail sales, exhibit or display) and any related or integral office use or activity of the permitted use;
3. Railroad right-of-way including switching and marshaling trackage and freight terminals;
4. Marine freight terminals;
5. Employment services;
6. Signage (See Article 34);
7. Parking (See Article 33);
8. Outside storage of equipment and materials subject to appropriate screening as approved by the Zoning Administrator;
9. Food service for office, manufacturing or distribution uses.

SECTION 1133

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is provided primarily in support of and obtains its trade from the employees of the district; or b) the activity is of integral relation to the purpose of the district; c) the use, building or structure is subservient to and not of scale, nature, trade or other character which will compete, detract or conflict with the purpose and permitted uses of the district; and d) provided the arrangement of uses, buildings or structures is mutually compatible with the organization of permitted and accessory uses to be protected in the district:

1. Uses in which the primary business activity involves the following:
 - a. the storage of explosives or fireworks according to State law, gas, or petroleum;
 - b. bag cleaning;
 - c. blast furnaces, cupolas, rolling mills, coke ovens, forging, foundering, refining or smelting;
 - d. creosote treatment;
 - e. distillation of bones, coal or wood;
 - f. enameling, japanning or lacquering;
 - g. radium or radioactive elements;
 - h. crushing or other reduction or waterproofing;
 - i. the storage of chemicals;

The permission of such uses will be decided on an individual basis;

2. Poultry and small game dressing and packing;
3. Wholesale trade of non-containerized paints, varnishes, chemicals and allied products;
4. Telephone, telegraph, radio, television or other communication relay, transmitting and receiving uses, centers and equipment of a permitted use provided the structure does not physically or visually overpower, detract from or conflict with the building design, scale or character proposed in the district;
5. Gasoline filling stations and auto repair facilities;
6. Eating and drinking establishments including alcoholic beverages and with drive-thru facilities;
7. Banking and credit union services (including drive-thru facilities);
8. Labor unions and similar labor associations;
9. Nursery and child care centers;
10. Hotels and motels;

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
August 27, 1997
7:00 P.M.

PUBLIC HEARINGS

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

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

1. Applicant: City of Walton for Theodore and Shirley Steward (owners)

Request: Zoning Map Amendment

The request of the City of Walton for Theodore and Shirley Steward (owners) to consider a Zoning Map Amendment for an approximate 0.5 acre tract at 65 High Street, Walton, Kentucky. The request is for a zone change from Suburban Residential One (SR-1) to Industrial One (I-1).

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

Mr. McKinney asked for the applicant's presentation.

Mr. Theodore Steward, 60 High Street, Walton, Kentucky, stated that he is not asking for all of the 46 uses listed that could happen on the property. He does not want a junk yard. He wants to park his vehicles on the lot. He stated that when he started out on the lot in 1994, he did better than what was required by Planning & Zoning. He wants to park vehicles on the lot and that is why he purchased it. He stated that he wants part of four of the 46 uses listed. He only wants part of them because, the way they are written, if he leaves them out he will be in violation again.

Mr. Steward referred to Section 1131, Principally Permitted Uses. He read the following uses and made the following comments:

No. 11 - *Fabrication of metal products except firearms and accessories, large scale machinery, and transportation vehicles;*

He stated that the vehicles are his transportation, so he has to have part of this use. He is not going to start a factory there.

No. 17 - *Wholesale trade of automobile accessories and parts;*

He has automobile accessories and parts, but does not sell cars or trucks.

No. 23 - *Wholesale trade of small machinery, equipment and supplies except transportation or farm vehicles;*

He works on farm equipment, but if there is farm equipment on the lot, he will be in violation if it is not in the request.

No. 27 - *Refrigerated, household goods (mini-warehouses) and other general refrigerated warehousing and storage;*

He needs "storage" because the building is his storage.

No. 34 - *Building construction, general contractor, plumbing, heating, air conditioning, painting, paper handling, decorating, electrical, masonry, stonework, tile setting, plastering, carpentry, wood flooring, roofing and sheetmetal, water-well drilling, septic and other special construction trade offices, supply, storage and related activities;*

He has sheetmetal.

No. 40 - *Equipment rental and leasing services including automobiles and trucks;*

His drivers supply trucks and that is why he selected No. 40.

No. 43 - *Welding shops for the repair of industrial machinery and heavy equipment;*

He does welding.

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would have the option of applying for a Variance or a Waiver. The City of Walton has approved the new Landscaping Regulations and there is a Waiver procedure -- or they could apply for a Variance, if appropriate.

Mr. Neltner stated that there has been no indication as to how many trucks they are talking about. Mr. Steward responded "I have 9 trucks". Mr. Light stated that there are 4 water trucks and the rest are for Ted's Tire Service.

Mr. Neltner questioned how many of this size truck would fit inside the barn. Mr. Steward stated that he does not put water trucks in the barn because of the wood floor. He uses the barn for storage.

Mr. Wall responded to Mr. Neltner's first question. He stated that in the City of Walton, Buffer Yard D would be required between the I-1 and the adjoining SR-1 zone. Buffer yard D is 80 feet, and can be reduced to 40 feet if a berm, fence, or wall is provided. If they cannot make that work, they can ask for a Waiver under the landscaping provisions or for a Dimensional Variance. There are two different standards for review.

Mr. Ries agreed with the lady who commented about a precedent being set. He stated that if this is approved, then the person next door will say "why can't I have I-1?" and then the Planning Commission will have to justify why we let Mr. Steward have it and why we will not let the next person. This could open up the whole area to I-1, and that may not be what the residents want. He asked if the Staff could look at this for C-1 with a Conditional Use Permit, which would have less impact.

Mr. Light stated that they looked at C-2, but they did not have the acreage. C-1 with a Conditional Use Permit does not give them the storage or the ability to repair the vehicles. There is no minimum district size for C-1, but there is a two-acre requirement for C-2. They are asking for I-1 because the property is adjacent to I-1. The Goering property has the district size and this would be an addition to an existing I-1.

Mr. Ries asked if something could be done like what is done downtown and come in with a Conditional Use. Mr. Light stated that these types of uses are not allowed in Small Community Overlay. Mr. Ries stated that it would be a concern to the residents of the area to open it up to I-1.

Mrs. Arnett noted that Mr. Steward mentioned that the barn is used for storage. She asked if welding and repair work are done outside. Mr. Steward stated that if a vehicle does not start and needs a battery put in, or he needs to put a tire on, that is where this comes in. If he does not have it, he would be in violation if a hood was raised up. He stated that the welding would be in the bottom of the barn and there would be nothing out in the open.

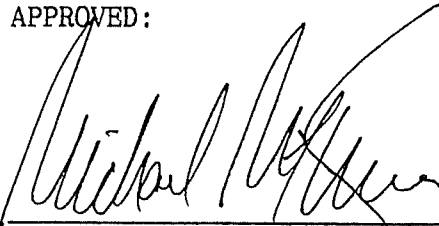
Mr. Viox stated that he drove to the site. If he understands the roads correctly, High Street runs to the county line. The slides showed that High Street turns off Main Street and goes up hill -- and you cannot see over the bridge. If you drive on, there is a residential community and some houses are being built on Jones Road. He stated that the people who live on the end of Jones Road that is in Kenton County probably use facilities in Walton -- banks, stores, etc.. It is one community with a jurisdictional boundary there. The bridge is unique with a bow-type wooden span and the arch in the bridge makes a division between the commercial area of the central part of town and a growing residential community. There could not be a berm any better than that bridge. You cannot see the residential community from downtown, or downtown from the residential community. There is a division between the residential community and the city. The road has had some improvements at the upper end, but it is more of a residential-type street. Some future development could occur down the road. He does not see commercial or industrial fitting in the neighborhood in this location.

Mr. Burch questioned the size of the lot. Mr. Light stated that it is approximately one-half acre. Mr. Burch asked if there is any zone, other than residential, that would be allowed on the site if it were not for the I-1 attached to the rear. Mr. Light advised that C-1 would work because there is no minimum district size. Mr. Burch stated that the uses would not work. He stated that there is no zone that allows the uses and fits the minimum size. Mr. Light stated that I-1 is above and beyond what Mr. Steward wants and that is why he is limiting the uses.

Mr. McKinney asked if there were any further comments. There being no response, he stated that the Committee Meeting for this item will be on September 8, 1997 at 4 P.M. in the second floor conference room. This item will be on the Agenda for the Business Meeting on September 17, 1997 at 7:30 P.M..


The Chairman closed this Public Hearing.

APPROVED:



Michael McKinney, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
September 17, 1997
7:30 P.M.

Mr. Michael McKinney, Chairman, called the meeting to order at 7:35 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. Fred Burch
Mr. Arnold Caddell
Mr. Mike McKinney, Chairman
Mr. Don McMillian
Mr. Bob Millay
Mr. Barry Neltner
Mr. Robert Ries, Vice Chairman
Mr. Ralph Rush
Mrs. Linda Schaffer
Mr. William Viox
Mr. Earl White, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Larry Brown
Mr. Phil Damstrom
Mrs. Carol Smith

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Jan Hancock, Secretary
Mr. Mitch Light
Mr. Kevin Wall, AICP

2. Zoning Map Amendment

The request of the City of Walton (applicant) for Theodore and Shirley Steward (owners) to consider a Zoning Map Amendment for an approximate 0.5 acre tract at 65 High Street, Walton, Kentucky. The request is for a zone change from Suburban Residential One (SR-1) to Industrial One (I-1).

Staff Member Mitch Light presented the Committee Report which recommended denial of the request based on the findings of fact (see Committee Report).

There being no discussion, Mr. McMillian moved to deny the request based on the Staff and Committee Reports. Mr. Burch seconded the motion and it carried unanimously.

Counselor Wilson advised that the Planning Commission's action is a recommendation to the City of Walton for their final action. The city may go along with the recommendation or override it.

6. Design Review - St. Henry High School, Donaldson Highway

Mr. Millay stated that he did not chair the committee for this request due to a contractor relationship. Mr. Viox chaired the committee.

Staff Member Kevin Wall passed around the Landscaping Plan and Building Elevations, and displayed samples of the building materials. He stated that there was a zone change in the Fall of 1994 for St. Henry High School on Donaldson Highway and this is the Design Review for that project. They are following the basic concept plan submitted in 1994. It is a 71,000 square foot, one-story building brick building with a metal roof. The framing of the doors and windows will also be of the green color shown. They have put a row of large plantings along the street frontage and maintained a lot of vegetation along the perimeter. They have added some conifers on the left-hand side next to the street to fill in the gaps in the vegetation. They have Grading Plan approval. The Technical/Design Review Committee has reviewed the application and recommends that it be approved as submitted.

Mr. Viox moved that the design of St. Henry High School be approved as presented. Mr. McMillian seconded the motion. Mr. Millay advised that he would abstain due to a contractor relationship with St. Henry High School. A vote on the motion found all voting members in favor. Mr. Millay abstained. The motion carried.

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Donald McMillian, Chairman

DATE: September 17, 1997

RE: Request of the City of Walton (applicant) for Theodore and Shirley Steward (owners) to consider a Zoning Map Amendment for an approximate 0.5 acre tract located at 65 High Street, Walton, Kentucky. The request is for a zone change from Suburban Residential One (SR-1) to Industrial One (I-1).

REMARKS:

We, the Committee, recommend denial of the request based upon the following findings of fact:

1. The approved 1995 Boone County Comprehensive Plan, Future Land Use Map shows this site as Suburban Density Residential (SR); more specifically though, the text states:

"The City of Walton is being surrounded by industrial development and zoning to the north, south, and west of the City. Therefore, to ensure the integrity of the central portion of Walton, the area from the Turner Fishing Lake to Boone Lake should have a land use designation of Suburban Residential. This would allow the central portion of Walton to experience residential growth in response to the employment growth and utility expansion in the area. The suitability of this area for residential use is enhanced by proximity to developing recreation areas, commercial services, and the Walton-Verona schools."

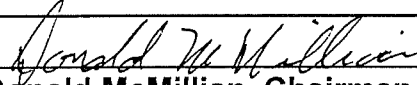
Suburban Residential (SR) is defined on page 209 in the Comprehensive Plan as:

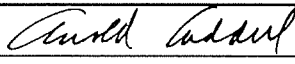
"Single Family housing of up to four units per acre. This classification also includes any low density or estate residential developed as a formal subdivision."

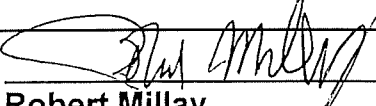
Thus, the Committee has concluded that the request is not in agreement with the Comprehensive Plan. In addition, neither the applicant nor the property owner have presented any evidence which demonstrates that the proposal is in agreement with the Comprehensive Plan.

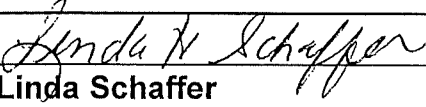
2. Neither the applicant nor the property owner provided evidence, nor has the Committee identified any evidence, which demonstrates that the existing zoning classification of Suburban Residential One (SR-1) is inappropriate and that the proposed zoning classification of Industrial One (I-1) would be appropriate.
3. Neither the applicant nor the property owner have demonstrated that there have been major changes of a physical, social or economic nature within the area which were not anticipated in the adopted 1995 Boone County Comprehensive Plan which have substantially altered the basic character of the area. Also, the Committee has not identified any major changes of an economic, physical, or social nature that have substantially altered the basic character of the area.
4. Based on findings 1, 2, and 3, the Committee concludes that this proposal does not fulfill any of the three statutory criteria necessary for a zoning map amendment.

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

	
Donald McMillian, Chairman	
For <input checked="" type="checkbox"/>	Against <input type="checkbox"/>
Abstain <input type="checkbox"/>	Absent <input type="checkbox"/>

	
Arnold Caddell	
For <input checked="" type="checkbox"/>	Against <input type="checkbox"/>
Abstain <input type="checkbox"/>	Absent <input type="checkbox"/>

	
Robert Millay	
For <input checked="" type="checkbox"/>	Against <input type="checkbox"/>
Abstain <input type="checkbox"/>	Absent <input type="checkbox"/>

	
Linda Schaffer	
For <input checked="" type="checkbox"/>	Against <input type="checkbox"/>
Abstain <input type="checkbox"/>	Absent <input type="checkbox"/>

TOTAL:	<u>4</u>	FOR	<u>0</u>	AGAINST	<u>0</u>	ABSTAIN	<u>0</u>	ABSENT
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BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
August 27, 1997
7:00 P.M.

PUBLIC HEARINGS

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

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

1. Applicant: City of Walton for Theodore and Shirley Steward (owners)

Request: Zoning Map Amendment

The request of the City of Walton for Theodore and Shirley Steward (owners) to consider a Zoning Map Amendment for an approximate 0.5 acre tract at 65 High Street, Walton, Kentucky. The request is for a zone change from Suburban Residential One (SR-1) to Industrial One (I-1).

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

Mr. McKinney asked for the applicant's presentation.

Mr. Theodore Steward, 60 High Street, Walton, Kentucky, stated that he is not asking for all of the 46 uses listed that could happen on the property. He does not want a junk yard. He wants to park his vehicles on the lot. He stated that when he started out on the lot in 1994, he did better than what was required by Planning & Zoning. He wants to park vehicles on the lot and that is why he purchased it. He stated that he wants part of four of the 46 uses listed. He only wants part of them because, the way they are written, if he leaves them out he will be in violation again.

Mr. Steward referred to Section 1131, Principally Permitted Uses. He read the following uses and made the following comments:

No. 11 - *Fabrication of metal products except firearms and accessories, large scale machinery, and transportation vehicles;*

He stated that the vehicles are his transportation, so he has to have part of this use. He is not going to start a factory there.

No. 17 - *Wholesale trade of automobile accessories and parts;*

He has automobile accessories and parts, but does not sell cars or trucks.

No. 23 - *Wholesale trade of small machinery, equipment and supplies except transportation or farm vehicles;*

He works on farm equipment, but if there is farm equipment on the lot, he will be in violation if it is not in the request.

No. 27 - *Refrigerated, household goods (mini-warehouses) and other general refrigerated warehousing and storage;*

He needs "storage" because the building is his storage.

No. 34 - *Building construction, general contractor, plumbing, heating, air conditioning, painting, paper handling, decorating, electrical, masonry, stonework, tile setting, plastering, carpentry, wood flooring, roofing and sheetmetal, water-well drilling, septic and other special construction trade offices, supply, storage and related activities;*

He has sheetmetal.

No. 40 - *Equipment rental and leasing services including automobiles and trucks;*

His drivers supply trucks and that is why he selected No. 40.

No. 43 - *Welding shops for the repair of industrial machinery and heavy equipment;*

He does welding.

Mr. Steward stated that he has no need for the other uses. He explained that if he has a vehicle on the lot that does not start and he has to get it started, he would be in violation without the use that says "minor repairs". If a vehicle has a flat tire and he has to put one on it, he would be in violation without that use. He stated that he does not intend to have a garage or a factory there. It will be a parking lot for his vehicles. Mr. Steward quoted "Gasoline

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would have the option of applying for a Variance or a Waiver. The City of Walton has approved the new Landscaping Regulations and there is a Waiver procedure -- or they could apply for a Variance, if appropriate.

Mr. Neltner stated that there has been no indication as to how many trucks they are talking about. Mr. Steward responded "I have 9 trucks". Mr. Light stated that there are 4 water trucks and the rest are for Ted's Tire Service.

Mr. Neltner questioned how many of this size truck would fit inside the barn. Mr. Steward stated that he does not put water trucks in the barn because of the wood floor. He uses the barn for storage.

Mr. Wall responded to Mr. Neltner's first question. He stated that in the City of Walton, Buffer Yard D would be required between the I-1 and the adjoining SR-1 zone. Buffer yard D is 80 feet, and can be reduced to 40 feet if a berm, fence, or wall is provided. If they cannot make that work, they can ask for a Waiver under the landscaping provisions or for a Dimensional Variance. There are two different standards for review.

Mr. Ries agreed with the lady who commented about a precedent being set. He stated that if this is approved, then the person next door will say "why can't I have I-1?" and then the Planning Commission will have to justify why we let Mr. Steward have it and why we will not let the next person. This could open up the whole area to I-1, and that may not be what the residents want. He asked if the Staff could look at this for C-1 with a Conditional Use Permit, which would have less impact.

Mr. Light stated that they looked at C-2, but they did not have the acreage. C-1 with a Conditional Use Permit does not give them the storage or the ability to repair the vehicles. There is no minimum district size for C-1, but there is a two-acre requirement for C-2. They are asking for I-1 because the property is adjacent to I-1. The Goering property has the district size and this would be an addition to an existing I-1.

Mr. Ries asked if something could be done like what is done downtown and come in with a Conditional Use. Mr. Light stated that these types of uses are not allowed in Small Community Overlay. Mr. Ries stated that it would be a concern to the residents of the area to open it up to I-1.

Mrs. Arnett noted that Mr. Steward mentioned that the barn is used for storage. She asked if welding and repair work are done outside. Mr. Steward stated that if a vehicle does not start and needs a battery put in, or he needs to put a tire on, that is where this comes in. If he does not have it, he would be in violation if a hood was raised up. He stated that the welding would be in the bottom of the barn and there would be nothing out in the open.

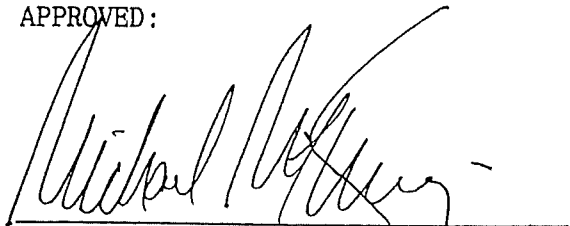
Mr. Viox stated that he drove to the site. If he understands the roads correctly, High Street runs to the county line. The slides showed that High Street turns off Main Street and goes up hill -- and you cannot see over the bridge. If you drive on, there is a residential community and some houses are being built on Jones Road. He stated that the people who live on the end of Jones Road that is in Kenton County probably use facilities in Walton -- banks, stores, etc.. It is one community with a jurisdictional boundary there. The bridge is unique with a bow-type wooden span and the arch in the bridge makes a division between the commercial area of the central part of town and a growing residential community. There could not be a berm any better than that bridge. You cannot see the residential community from downtown, or downtown from the residential community. There is a division between the residential community and the city. The road has had some improvements at the upper end, but it is more of a residential-type street. Some future development could occur down the road. He does not see commercial or industrial fitting in the neighborhood in this location.

Mr. Burch questioned the size of the lot. Mr. Light stated that it is approximately one-half acre. Mr. Burch asked if there is any zone, other than residential, that would be allowed on the site if it were not for the I-1 attached to the rear. Mr. Light advised that C-1 would work because there is no minimum district size. Mr. Burch stated that the uses would not work. He stated that there is no zone that allows the uses and fits the minimum size. Mr. Light stated that I-1 is above and beyond what Mr. Steward wants and that is why he is limiting the uses.

Mr. McKinney asked if there were any further comments. There being no response, he stated that the Committee Meeting for this item will be on September 8, 1997 at 4 P.M. in the second floor conference room. This item will be on the Agenda for the Business Meeting on September 17, 1997 at 7:30 P.M..


The Chairman closed this Public Hearing.

APPROVED:



Michael McKinney, Chairman

Attest:



Jan Hancock, Recording Secretary

CITY OF WALTON, KENTUCKY
ORDINANCE NO. 97- 19AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF THE CITY OF WALTON, KENTUCKY.

WHEREAS, Theodore and Shirley Steward have submitted an application to the City of Walton requesting a zoning map amendment to the Walton Zoning Ordinance from Suburban Residential (SR-1) to Industrial One (I-1) for approximately one half (1/2) acre located at 65 High Street ("the subject property"); and

WHEREAS, the Boone County Planning Commission conducted a public hearing on August 27, 1997, to consider the zone change request and submitted its findings and recommendations to the City Council; and

WHEREAS, the City Council has reviewed and discussed the recommendations of the Boone County Planning and Zoning Commission;

NOW, THEREFORE, the City Council of Walton does hereby ordain as follows.

SECTION I

The City finds that the property at 65 High Street ("the property") has been used in a commercial manner for at least nine years, and that vehicles have been stored, parked and repaired thereon during that time; and that the property immediately adjacent to the south of the property is now zoned Industrial One (I-1), and as a result of the rezoning of the adjacent property and said past commercial use of the property, there have been major changes of an economic, physical or social nature within the area involved, which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of the area. The City further finds that the noises, odors and hazards that typically give rise to an I-1 classification will not be created by the proposed use. Because the existing zoning classification given to the property is inappropriate, and because the proposed zoning classification is appropriate, the proposed zoning map amendment to the City of Walton Zoning Ordinance changing the zoning classification of the property from Suburban Residential One (SR-1) to Industrial One (I-1), is HEREBY GRANTED and the zoning for said property is hereby changed to Industrial One (I-1) with certain limitations as set forth below in Section II.

SECTION II

That the property shall be changed to Industrial One (I-1) with the following restrictions: that the property shall be used only for repair, storage and parking of vehicles (including water hauling trucks), for the storage of vehicle parts, automotive repair tools and equipment. Further, all repairs of vehicles at 65 High Street shall be performed inside the building located on the property. "Repairs of vehicles" shall not include changing tires or "jump-starting" vehicles.

SECTION III

Approval of the above-referenced map amendment is conditioned upon the applicant complying with setback and buffering at the subject site, as required by the Walton Board of Adjustment. If these issues are satisfactorily resolved by the Board of Adjustment, then the effective date of the map amendment will be the second reading of this ordinance.

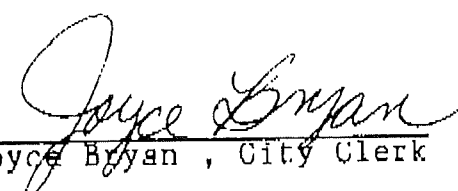
SECTION IV

That this ordinance shall be signed by the Mayor, attested by the City Clerk, recorded and published.

Read and passed at first reading on the 8TH day of DECEMBER, 1997.

Read and passed at second reading on the 9TH day of DECEMBER, 1997.

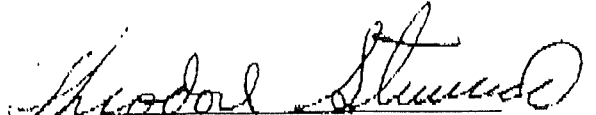

PHILLIP TRZOF, MAYOR - ~~PER~~ SECTION IV



Joyce Bryan, City Clerk

AGREEMENT

We, Theodore Steward and Shirley Steward, hereby agree to be bound by terms and conditions set forth in the City of Walton Ordinance 97- 19, which is attached hereto as Exhibit "A" and made by reference a part hereof.

Signed this 9th day of December 1997.


Theodore Steward


Shirley Steward