

EXHIBIT "A"

STAFF REPORT

Request of The City of Walton to consider an amendment to the Walton Zoning Map as a result of the annexation of an approximate 9.3 acre tract located at 115 Walton-Nicholson Pike, Boone County, Kentucky. The request involves recommending a zoning classification for the site based upon annexation into the City of Walton. The site is currently zoned Industrial One (I-1) and is owned by Michael D. Murphy and Mark A. Catton.

January 28, 1998

Request

In accordance with Kentucky Law (KRS 81A.420(3) and KRS 100.209) the City of Walton has requested that the Boone County Planning Commission hold a Public Hearing in order to make a recommendation regarding the effect of annexation, if any, on the current Industrial One (I-1) zoning for the subject property and its relationship to the Comprehensive Plan. The approximate 9.3 acre tract is owned by Michael D. Murphy and Mark A. Catton and is located at 115 Walton-Nicholson Road, Boone County, Kentucky (See Sheet #1).

Surrounding Zoning and Land Uses (See Sheet #2)

- North: The existing Murphy-Catton facility and H & M Construction both zoned Industrial One (I-1) within the City of Walton
- East: Property owned by Robert and June Howlett, currently undeveloped agricultural land zoned Agricultural Estate (A-2) in Unincorporated Boone County
- South: Property owned by James Warren, currently undeveloped agricultural land zoned Agricultural Estate (A-2) in Unincorporated Boone County
- West: Southern Railroad and single family residences zoned Rural Suburban (RS) within the City of Walton

Site History

- May 1986 The Boone County Planning Commission recommends approval to the Boone County Fiscal Court for a Zoning Map Amendment, from Agricultural Estate (A-2) to Industrial One (I-1), and Concept Development Plan for 13.29 acres on Walton-Nicholson Road for Murphy-Catton Woodworking.
- August 1986 Site Plan approval to construct a 3,680 square foot, one story building.
- March 1988 Site Plan approval to construct a 2,208 square foot storage building.

- February 1993 The Boone County Planning Commission recommends approval to the Boone County Fiscal Court for a Change in Concept Development Plan for 4 acres of the original 13.29 acres to allow expansion of the existing storage building.
- April 1993 Annexation into the City of Walton for the northernmost 4 acres of the Murphy-Catton property.
- April 1993 Site Plan approval to construct a 14,400 square foot storage warehouse.
- June 1994 Minor Site Plan approval to allow the construction of an additional 750 square feet to the existing office building.
- November 1997 Site Plan approval to allow the construction of an additional 30,000 square feet to the existing storage warehouse.

Relationship to the Comprehensive Plan

The 1995 Boone County Comprehensive Plans' Future Land Use Map indicates the future land use for this site as Industrial. The text of the Comprehensive Plan makes a general reference to this area by stating:

"The Walton area should experience gradual commercial, residential, and industrial growth."

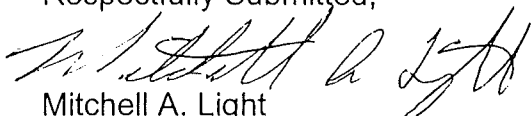
The Goals and Objectives section of the Comprehensive Plan indicate how and where industrial uses should develop:

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."

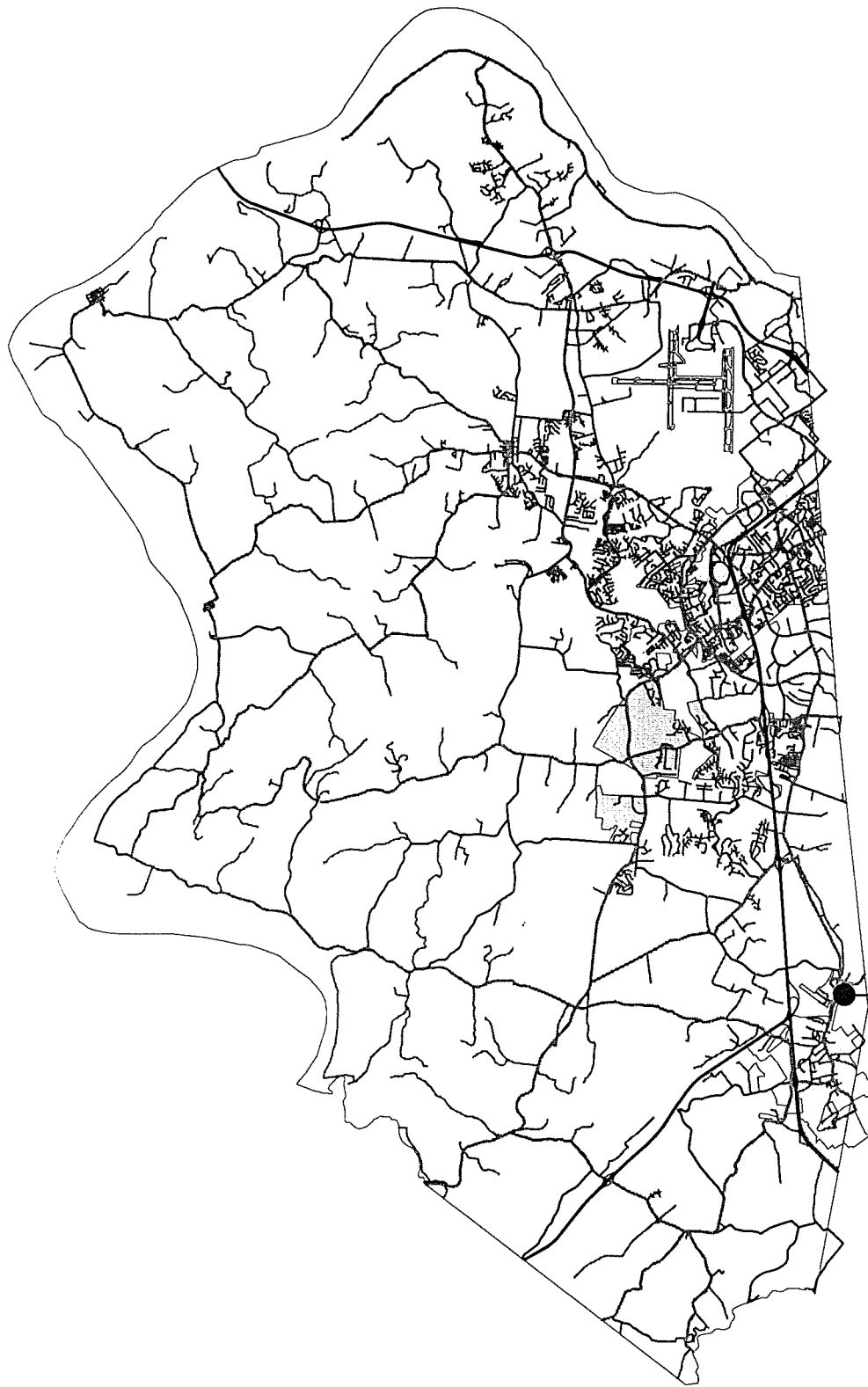
Staff Review

Staff believes that the existing zoning classification of Industrial One (I-1) on the approximate 9.3 acre tract is consistent with the Comprehensive Plan and the adjacent land uses. The annexation of the property does not necessitate a change in zoning to be in accordance with the 1995 Boone County Comprehensive Plan as they pertain to the City of Walton.

Respectfully Submitted,



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



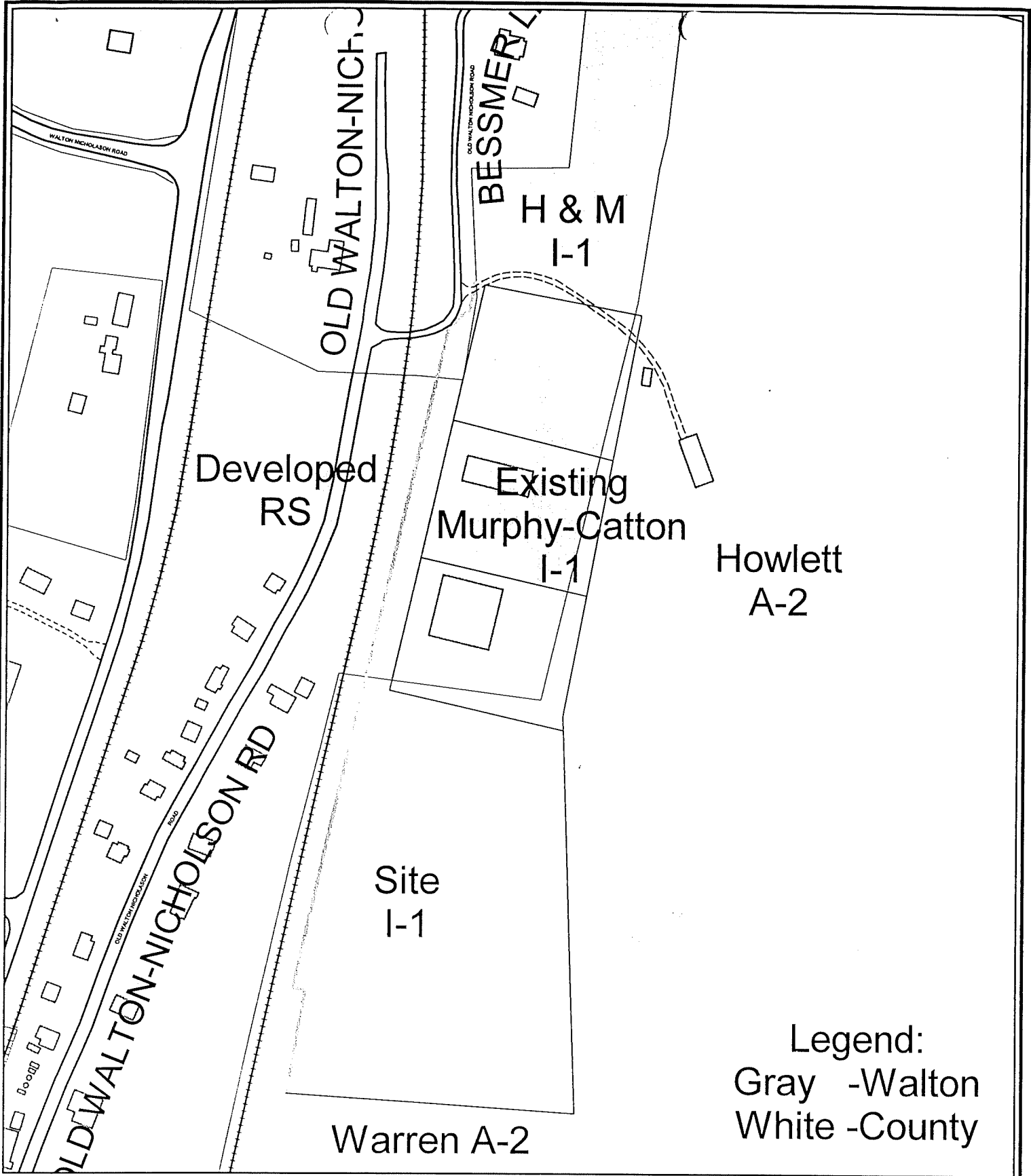
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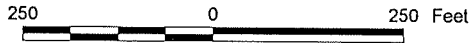
Vicinity Map Sheet #1

1 inch equals 16500 feet
Produced by the
Boone County Planning Commission
GIS Services Division
January 27, 1998

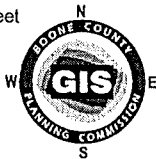




Murphy-Catton Sheet #2



1 inch equals 250 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 January 20, 1998



PUBLIC HEARING ITEM NO. 4:

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

Chairman Millay introduced the last item on the Agenda:

4. Applicant: City of Walton
Request: Zoning Map Amendment

The request of The City of Walton to consider an amendment to the Walton Zoning Map as a result of the annexation of an approximate 9.3 acre tract at 115 Walton-Nicholson Pike, Boone County, Kentucky. The request involves recommending a zoning classification for the site based upon annexation into the City of Walton. The site is currently zoned Industrial One (I-1) and is owned by Michael D. Murphy and Mark A. Catton.

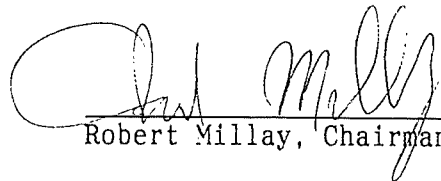
Staff Member Mitch Light presented the Staff Report which included a GIS presentation (see Staff Report).

Mr. Millay asked if there was anyone present who wished to speak in favor of the request. The property owners were present, but commented only that Mr. Light had done a good job.


There being no one else present in the audience, the Chairman asked if there were any comments from the Planning Commission. There being none, Chairman Millay stated that the Committee Meeting for this item will be on February 9, 1998 at 4 P.M.. This item will be on the Agenda for the Business Meeting on February 18, 1998 at 7:30 P.M..

The Chairman closed this Public Hearing.

APPROVED:


Robert Millay, Chairman

Attest:


Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
February 18, 1998
7:30 P.M.

Mr. Robert Millay, Chairman, called the meeting to order at 7:30 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. Terry Blades
Mr. Arnold Caddell
Mr. Don McMillian
Mr. Bob Millay, Chairman
Mr. Barry Neltner, Vice Chairman
Mr. Robert Ries
Mrs. Linda Schaffer
Mrs. Carol Smith
Mr. William Viox
Mr. Earl White, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Phil Damstrom
Mr. Mike McKinney
Mr. Ralph Rush

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Mr. Ed Coleman
Ms. Jan Hancock, Secretary
Mr. Mitch Light
Mr. Greg Sketch
Mr. Kevin Wall, AICP

Mr. McMillian asked if there was discussion with the property owners to the rear who spoke at the Public Hearing. He asked if they were satisfied with this. Mr. Coleman responded that the property owners to the rear did not speak at the Committee Meeting. They were against the request at the Public Hearing. He not spoken with them. He noted that letters (Exhibits 1 and 2) were received from 10 and 12 Scott Street.

There being no further discussion, Chairman Millay asked for a vote on the motion made by Mr. Viox which found Mr. Blades, Mr. Caddell, Mr. McMillian, Chairman Millay, Mr. Neltner, Mr. Ries, Mrs. Smith, Mr. White, and Mr. Viox in favor. Mrs. Arnett and Mrs. Schaffer were opposed. The motion carried by a vote of 9 to 2.

4. Change in Concept Development Plan

The request of Corporex Parks of Kentucky, Inc (owner) to consider a Change in Concept Development Plan for approximately 33.5 acres located along both sides of Olympic Boulevard and along the west side of Mineola Pike in Circleport 1 Subdivision, Boone County, Kentucky. The request is for a change in the approved Concept Development Plan to allow hotel, office, retail, bank, and restaurant uses in an Industrial One/Planned Development (I-1/PD) Zone.

Chairman Millay stated that Agenda Item #4 is recommended for deferral to the March 4, 1998 Business Meeting. Mr. McMillian so moved. Mr. Neltner seconded the motion and it carried unanimously.

5. Zoning Map Amendment

The request of the City of Walton to consider an amendment to the Walton Zoning Map as a result of the annexation of an approximate 9.3 acre tract at 115 Walton-Nicholson Pike, Boone County, Kentucky. The request involves recommending a zoning classification for the site based upon annexation into the City of Walton. The site is currently zoned Industrial One (I-1) and is owned by Michael D. Murphy and Mark A. Catton.

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

There being no discussion, Mr. Viox moved by resolution that the request be approved and the recommendation sent to the City of Walton. Mr. Blades seconded the motion and it carried unanimously.

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: William Viox, Chairman

DATE: February 18, 1998

RE: Request of The City of Walton to consider an amendment to the Walton Zoning Map as a result of the annexation of an approximate 9.3 acre tract located at 115 Walton-Nicholson Pike, Boone County, Kentucky. The request involves recommending a zoning classification for the site based upon annexation into the City of Walton. The site is currently zoned Industrial One (I-1) and is owned by Michael D. Murphy and Mark A. Catton.

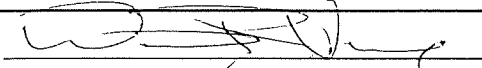
REMARKS:

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

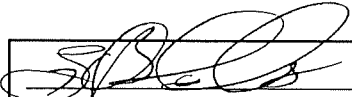
Findings of Fact

1. The adopted 1995 Boone County Comprehensive Plan and Future Land Use Map indicate that this site is to remain Industrial (I).
2. The existing zoning classification of Industrial One (I-1) is consistent with the adopted Comprehensive Plan as it pertains to the City of Walton.

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.


 Bill Viox, Chairman

For _____ Against _____
 Abstain _____ Absent _____


 Terry Blades

For _____ Against _____
 Abstain _____ Absent _____

Arnold Caddell

Arnold Caddell
For _____ Against _____
Abstain _____ Absent _____

Phil Damstrom
For _____ Against _____
Abstain _____ Absent

Barry Nelfner

Barry Nelfner
For _____ Against _____
Abstain _____ Absent _____

TOTAL: 4 FOR 0 AGAINST 0 ABSTAIN 1 ABSENT

PUBLIC HEARING ITEM NO. 4:

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

Chairman Millay introduced the last item on the Agenda:

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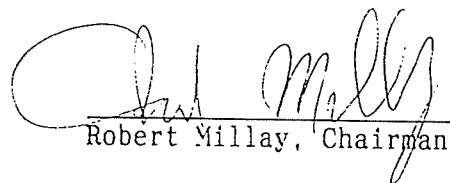
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There being no one else present in the audience, the Chairman asked if there were any comments from the Planning Commission. There being none, Chairman Millay stated that the Committee Meeting for this item will be on February 9, 1998 at 4 P.M.. This item will be on the Agenda for the Business Meeting on February 18, 1998 at 7:30 P.M..

The Chairman closed this Public Hearing.

APPROVED:


Robert Millay, Chairman

Attest:

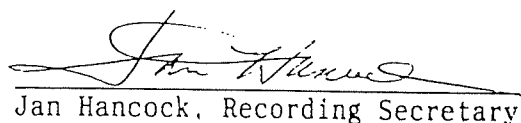
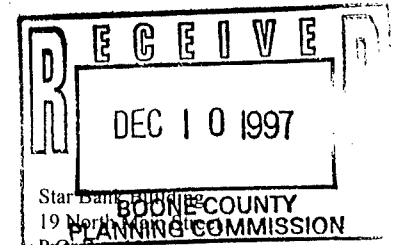

Jan Hancock, Recording Secretary

EXHIBIT "C"

DALLAS, NEACE & KOENIG
Attorneys at Law



Stephen K. Dallas P.S.C.
Robert D. Neace P.S.C.
David S. Koenig
Terry R. Edwards
Joanne F. Grogan
Linda S. Tally

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FAX: (606) 485-7730

*Kevin Wall
New Business*

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

December 8, 1997

PLEASE REPLY TO: FLORENCE

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

Re: **Michael D. Murphy and Mark A. Catton**

Dear Kevin:

Michael D. Murphy and Mark A. Catton have requested that the City of Walton annex their property which is described in Deed Book 670, Page 41, of the Boone County Clerk's Records at Burlington, Kentucky. A copy of this deed is enclosed for your review.

In accordance with KRS 81A.420(3) and KRS 100.209, the City of Walton has elected to establish the zoning for the new territory prior to the completion of the annexation. Therefore, the City of Walton respectfully requests that the Boone County Planning Commission follow the procedure outlined in KRS 100.209 to make recommendations as to the zoning regulations which will be effective for the property upon its annexation by the City.

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

Awaiting your reply,

Sincerely,

A handwritten signature in black ink that reads "Terry R. Edwards". The signature is written in a cursive style.

TERRY R. EDWARDS
Walton City Attorney

TRE:as

enclosures

cc: Mayor Phillip W. Trzop
Michael D. Murphy
Mark A. Catton