

ORDINANCE 2020 - 13

AN ORDINANCE OF THE CITY OF WALTON, APPROVING A RECOMMENDATION OF THE BOONE COUNTY PLANNING COMMISSION TO APPROVE ZONING MAP AMENDMENTS TO REZONE PARCELS OF REAL ESTATE IN THE WALTON TOWNE CENTER, SUBJECT TO THE AGREED CONDITIONS OF APPROVAL.

WHEREAS, Steven A. Berling (applicant) for Walton Land Developers, LLC and 75 Logistics Center @ Walton Land (owners), made application for a Zoning Map Amendment from Industrial One (I-1) to Commercial Two (C-2) for a 0.4040 acre area located on the south side of Service Road, and immediately east of the property at 13160 Service Road, Walton, Kentucky; a Zoning Map Amendment from Commercial Two (C-2) to Industrial One (I-1) for a 21.4785 acre area on the west side of Wenstrup Lane and to the south of the property at 910 Wenstrup Lane and east of the properties at 13316 and 13330 Service Road, Walton, Kentucky; and a Zoning Map Amendment from Commercial Two (C-2) to Industrial One (I-1) for a 5.1707 acre area on the east side of Wenstrup Lane approximately 630 feet south of the Towne Center Drive/Wenstrup Lane intersection, Walton, Kentucky. The request is for three zone changes to allow uses permitted in the C-2 and I-1 zones; and

WHEREAS, pursuant to KRS 100.211, the Boone County Planning Commission held a public hearing on July 1, 2020, at which time the zoning map amendment was presented, and the public was given the opportunity to be heard and make comment; and

WHEREAS, at the July 1, 2020 Planning Commission public hearing, the planning staff submitted its Staff Report, a copy of which is attached hereto as Exhibit "A" and incorporated by reference. Exhibit "A" also includes a Vicinity Map which shows the three areas proposed for amendment, together with other information relative to the request; and

WHEREAS, once the record of the public hearing was officially closed, the Planning Commission's Zone Change/Concept Plan Committee met and considered the evidence, and submitted the attached Committee Report, a copy of which is attached hereto as Exhibit "B" and incorporated herein by reference; and which recommends approval requested zoning map amendments, with conditions. Exhibit "B" also includes the Minutes of the Boone County Planning Commission of July 1, 2020; and

WHEREAS, on August 5, 2020, the full Boone County Planning Commission met and voted unanimously to recommend to the City of Walton to approve the requested zoning map amendments, with conditions. Exhibit "B" also includes the letters of recommendation and the Resolution of the Planning Commission. The Exhibit attached hereto and incorporated herein by reference as "Supporting Information" contains additional information, including the Conditions of Approval which were agreed to by the applicant and property owners; and

WHEREAS, at its City Council Meeting held on November 2, 2020, the matter was discussed with the applicant, who agreed to two additional conditions of approval, which are attached hereto as Exhibit "C", and incorporated herein by reference. At the November 2, 2020 City Council Meeting, First Reading was conducted for this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF WALTON, KENTUCKY, AS FOLLOWS:

SECTION 1: The recommendation of the Boone County Planning Commission, as evidenced by the record developed in this case, and as reported and recommended in the attached Exhibits, is hereby adopted and approved; and the Exhibits and the materials constituting the record of the Planning Commission are incorporated herein by reference, together with the four conditions of approval as referenced above and incorporated herein by reference.

SECTION 2: The City does hereby change the zoning classification from Industrial One (I-1) to Commercial Two (C-2) for a 0.4040 acre area located on the south side of Service Road, and immediately east of the property at 13160 Service Road, Walton, Kentucky; from Commercial Two (C-2) to Industrial One (I-1) for a 21.4785 acre area on the west side of Wenstrup Lane and to the south of the property at 910 Wenstrup Lane and east of the properties at 13316 and 13330 Service Road, Walton, Kentucky; and from Commercial Two (C-2) to Industrial One (I-1) for a 5.1707 acre area on the east side of Wenstrup Lane approximately 630 feet south of the Towne Center Drive/Wenstrup Lane intersection, Walton, Kentucky – all subject to the Conditions of Approval which were agreed to by the applicant and property owners.

SECTION 3: The Zoning Map of the City of Walton shall be amended accordingly.

SECTION 4: This Ordinance shall be effective upon its adoption and approval according to law, and publication thereafter.

SECTION 5: All Ordinances or parts of any Ordinances in conflict therewith, to the extent of such conflict, if any, are hereby repealed.

SECTION 6: If any sentence, clause, section or part of this ordinance or the application thereof to any particular situation is, for any reason, found to be unconstitutional, illegal or invalid, the invalidity of any provision of this Ordinance shall not affect the validity of any other provisions hereof, and such other provisions shall remain in full force and effect as long as they remain valid in the absence of that provision determined to be invalid.

SECTION 7: This ordinance may be read and published in summary form.

PASSED AND APPROVED ON FIRST READING BY 3 OF 6 MEMBERS OF CITY COUNCIL (tie broken by Mayor Brown) ON THE 2nd DAY OF NOVEMBER, 2020.

PASSED AND APPROVED ON SECOND READING BY 3 OF 6 MEMBERS OF CITY COUNCIL (tie broken by Mayor Brown) ON THE 10th DAY OF NOVEMBER, 2020.

APPROVED:

GABRIEL D. BROWN, MAYOR

ATTEST:



SHARON L. STEVENSON, CITY CLERK/FINANCE

DATE OF PUBLICATION: NOVEMBER 26, 2020

EXHIBIT

“A”

STAFF REPORT

#2

Request of **Steven A. Berling (applicant)** for **Walton Land Developers, LLC and 75 Logistics Center @ Walton Land (owners)** for a Zoning Map Amendment from Industrial One (I-1) to Commercial Two (C-2) for 0.404 acre area located on the south side of Service Road, and immediately east of the property at 13160 Service Road, Walton, Kentucky (AREA 1); a Zoning Map Amendment from Commercial Two (C-2) to Industrial One (I-1) for a 21.4785 acre area on the west side of Wenstrup Lane and to the south of the property at 910 Wenstrup Lane and east of the properties at 13316 and 13330 Service Road, Walton, Kentucky (AREA 2); and a Zoning Map Amendment from Commercial Two (C-2) to Industrial One (I-1) for a 5.1707 acre area on the east side of Wenstrup Lane approximately 630 feet south of the Towne Center Drive/Wenstrup Lane intersection, Walton, Kentucky (AREA 3). The request is for three zone changes to allow uses permitted in the C-2 and I-1 zone.

July 1, 2020

REQUEST

- A. The first request is a Zoning Map Amendment changing the zoning of an approximate 0.4 acre area (AREA 1) located along the south side of Service Drive, approximately 500 feet west of Towne Center Drive, from Industrial One (I-1) to Commercial Two (C-2).
- B. The second request is a Zoning Map Amendment changing the zoning of an approximate 21.5 acre area (AREA 2) located along the west side of Wenstrup Lane, approximately 600 feet south of Towne Center Drive, from Commercial Two (C-2) to Industrial One (I-1).
- C. The third request is a Zoning Map Amendment changing the zoning of an approximate 5.2 acre area (AREA 3) located along the east side of Wenstrup Lane, approximately 900 feet south of Towne Center Drive, from Commercial Two (C-2) to Industrial One (I-1).

SITE HISTORY

- 2005 The City of Walton submitted a Zoning Map Amendment application changing a 130 acre area, including AREAS 2 and 3, from I-1 to C-2. On August 17, 2005, the Boone County Planning Commission recommended approval of the request subject to the following conditions: (1) the property owners agree to restrict pawn shops, crematoriums and funeral homes from the permitted use list; and (2) the property owners agree to allow the Zone Change Committee the opportunity to provide input regarding subdivision design (i.e., road network, lot layout, etc.) when the Preliminary Plat is submitted for review (R-05-016-A). On October 10, 2005, Walton City Council adopted Ordinance Number 2005-14, approving the request, with the two conditions.
- 2007 James W. Berling submitted a Zoning Map Amendment application for a Special Sign District for a 98 acre area, including AREAS 2 and 3. On December 19, 2007, the

Boone County Planning Commission recommended disapproval of the request (R-07-024-D). On February 11, 2008, Walton City Council adopted Ordinance Number 2008-03, approving the request.

- 2010 James W. Berling submitted a Zoning Map Amendment application changing a 7 acre area, including AREA 3, from C-2 to UR-2. On October 6, 2010, the Boone County Planning Commission recommended disapproval of the request (R-10-010-D). On January 10, 2011, Walton City Council adopted Ordinance Number 2010-09, denying the request.

APPLICABLE REGULATIONS

- A. Section 308 of the Boone County Zoning Regulations states that before any map amendment is granted, the Planning Commission and legislative body shall use the following criteria:
1. The map amendment 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 and that the proposed zoning classification is appropriate; 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.
- B. Section 1020 of the Boone County Zoning Regulations states that "the purpose of the Commercial Two district is to provide comparable shopping goods, personal and professional services, and some convenience goods required for normal living needs as well as major purchase opportunities. Districts will be located on suitable lands primarily central to regional trade areas and to some extent, the community as a whole and such districts have access from expressways or arterial roads. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces."
- C. Section 1130 of the Boone County Zoning Regulations states that "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 amounts 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."

SITE CHARACTERISTICS

A. Area 1

1. The site, containing approximately .4 acres is part of an approximate .84 acre lot. The remaining .44 acres of the lot is currently zoned C-2.
2. The site, as well as the remaining portion of the lot, is currently vacant.
3. Topographically, the site shares the same development plateau as the remaining portion of the lot.

B. Area 2

1. An intermittent blue line stream, running generally east/west, bisects the southeast portion of the site. Another intermittent blue line stream forms a western border of the site.
2. The site is vacant with the exception of mature vegetation along streambeds and ravine lines.
3. Based on a site evaluation, it appears that the site has been graded to the same, or similar, level as the area located to its north.

C. Area 3

1. The site, containing approximately 5 acres is part of an approximate 25 acre lot, all of which is currently zoned C-2.
2. The site is currently vacant and has a mature tree stand.
3. An intermittent blue line stream forms the general north border of the site.
4. From the streamline, the site rises to the south and southeast at a slope of 13% to 16%.
5. A railroad forms the eastern boundary of the site.

ADJACENT LAND USES AND ZONING

A. Area 1

North: Multi-family, Fedders Supply, vacant/undeveloped land (C-2)
South: Sparks Contractors, vacant/undeveloped land (I-1)
East: vacant/undeveloped land (C-2)
West: Sparks Contractors (I-1)

B. Area 2

North: Sparks Contractors, UC Medical, vacant/undeveloped land (I-1, C-2)
South: Vacant/undeveloped land (I-1)
East: Vacant/undeveloped land (C-2)
West: Walton Primary Care, Empire Gas, Big Tex Trailer World, vacant/undeveloped land (I-1)

C. Area 3

North: Vacant/undeveloped land (C-2)
South: Vacant/undeveloped land (I-1)
East: Railroad (C-2)
West: Vacant/undeveloped land (C-2)

RELATIONSHIP TO COMPREHENSIVE PLAN

- A. Our Boone County – Plan 2040 “2040 Future Land Use Plan” designates all three areas for Commercial uses. This designation is described as follows:

“Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc.”

- B. The following Our Boone County – Plan 2040 Goals and Objectives apply to this application:

Boone County shall strive to achieve diversity and balance in land use while protecting natural resources and natural systems (Overall Goal A, Objective 3).

Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall Goal A, Objective 4).

The needs of an aging population (e.g., access to services, transportation, and support networks) shall be acknowledged and addressed (Demographics Goal A, Objective 2).

Promote quality of life amenities to retain current residents and attract new residents in order to have a stable and diversified population (Demographics Goal A, Objective 3).

Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics Goal A, Objective 4).

An evaluation of environmental factors identified in this Plan will be part of any

development review process (Environment Goal A, Objective 1).

Employment opportunities for a highly skilled and educated workforce shall be encouraged and promoted for the residents and businesses of Boone County Economy Goal A, Objective 1).

Boone County shall seek a combination of land uses that balances revenues generated from those uses with the expenditures required to support them (Economy Goal A, Objective 8).

Compact, efficient development patterns shall be encouraged for industrial, commercial, and office uses with appropriately sized and well maintained buffer spaces between the business use and other land uses (Economy Goal B, Objective 1).

Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe access and adequate parking (Economy Goal B, Objective 3).

Industrial development shall be encouraged to locate near railroad lines, highways, the Ohio River, the Airport, and where infrastructure exists or is planned (Economy Goal B, Objective 5).

Future industrial districts should be identified in advance of residential development so that potential impacts are known and can be addressed (Economy Goal B, Objective 6).

Effective site placement, architectural design, and landscape design for industrial uses shall enable a favorable relationship with adjoining uses. Smoke, dust, noise, and odor impacts shall be kept at a minimum and site development and enforcement shall be carefully coordinated with regulatory agencies (Economy Goal B, Objective 7).

C. The following are excerpts from Our Boone County – Plan 2040:

The Walton area should continue to experience gradual commercial, residential, and industrial growth. This growth should result primarily from the Walton interchange and its location near the intersection of I-71 and I-75. Walton lies along this regional interstate corridor, between Cincinnati to the north and Louisville, Lexington, and Frankfort to the south that is generally experiencing demand for industrial development. The City of Walton is being surrounded by industrial development and zoning to the north, south, and west of the City. The extension of Mary Grubbs Highway has contributed to the growth of Walton not only in Boone County, but also into Kenton County to the east as it serves the large industrial properties just across the county line. Regarding the Walton Towne Center, the potential for a mix of uses including high density residential, commercial, office, institutional, and recreational should occur. Light industrial is most appropriate in the south portion of the property and along the CSX rail line.

The east side of the I-75 interchange at Walton is capable of additional commercial growth as appropriate levels of infrastructure become available. The area should contain commercial services that serve traffic and customers that are already on Mary Grubbs Highway, and that include interconnected driveway systems, extensive landscaping, and provide a suitable "front door" to the growing City of Walton. This especially affects the

southeast quadrant of the interchange in the Service Road area. The additional commercial development should address the coordination and limitation of access points to insure safe access at the interchange and along Mary Grubbs Highway, Stephenson Mill Road, and Walton-Verona Road. Good development design and landscaping will be important at this high visibility location. The Walton Towne Center should continue to grow, serving both local residents and interstate travelers (Land Use, Description and Purpose of Land Use Maps, 23 Walton, pages 143-144).

- D. Service Road, Towne Center Drive, and Wenstrup Lane are identified as local streets providing for two way traffic within two driving lanes. There are no sidewalks along the roadways fronting the three areas.

STAFF COMMENTS

A. Area 1

1. This area is part of the lot of the area to its east. It is topographically part of the area to its east.
2. The entire lot, including Area 1, is approximately .84 acres in size and has approximately 230 feet of frontage along Service Road.
3. The minimum lot area and frontage required for development in the I-1 zone is .46 acres and 150 feet. The minimum lot area and frontage required for development in the C-2 zone is .11 acres and 50 feet.
4. Should the planning commission and/or legislative body approve the proposed map amendment for Area 1, they should consider adding the following condition to match the requirement of the remaining portion of the lot: 'the property owners agree to restrict pawn shops, crematoriums and funeral homes from the permitted use list'.

B. Area 2

1. In evaluating the proposal for Area 2, the planning commission and legislative body should consider the following:
 - a. Development from the south, currently zoned I-1, could be problematic due to the existence of an intermittent blue line stream.
 - b. Development from the north and northeast, currently zoned C-2, appears to be reasonable and appropriate.

C. Area 3

1. In evaluating the proposal for Area 3, the planning commission and legislative body should consider the following:
 - a. Development from the north, currently zoned C-2, could be problematic due to the existence of an intermittent blue line stream.

- b. Development from the east is virtually impossible due to the existing railroad line.
 - c. Development from the south, currently zoned I-1, is problematic due to steep hillside conditions.
 - d. Development from Wenstrup Lane is problematic due to hillside conditions.
- D. During the original zoning map amendment request in 2005, there was a lengthy discussion regarding the need for commercial vs industrial land within the city. The following table provides an analysis of the number of lots/acres within the city that are currently zoned for commercial and industrial uses.

| | | |
|--|-------|-------------|
| Total Lots | 2,073 | 2,713 acres |
| Commercially Zoned Lots (C-1, C-2, C-3) | 86 | 265 acres |
| Occupied | 45 | 123 acres |
| Vacant | 41 | 142 acres |
| Industrially Zoned Lots (I-1, I-2) | 113 | 1,141 acres |
| Occupied | 46 | 264 acres |
| Vacant | 67 | 877 acres |

- E. An inter-departmental email was sent to the Boone County Building Department, Boone County Public Works, and the City of Walton requesting comments pertaining to the submitted application.
- 1. The Boone County Building Department and Boone County Public Works had no comment.
 - 2. No response was received from the City of Walton.

CONCLUSION

- A. The request for the proposed zoning map amendment needs to be evaluated by the Boone County Planning Commission and Boone Fiscal Court in terms of Kentucky Revised Statute (KRS) 100.213, Article 3 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area.

Respectfully submitted,



Michael D. Schwartz

Planner

MDS/ss

Attachments:

- *Vicinity Map
- *Aerial Map
- *Topographical Map
- *Zoning Map
- *2040 Future Land Use Map
- *Application
- *Concept Plan

Vicinity Map

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0 255 510 1,020 1,530 2,040 Feet
1 Inch = 500 feet

Boone County GIS - Putting Northern Kentucky on the Map

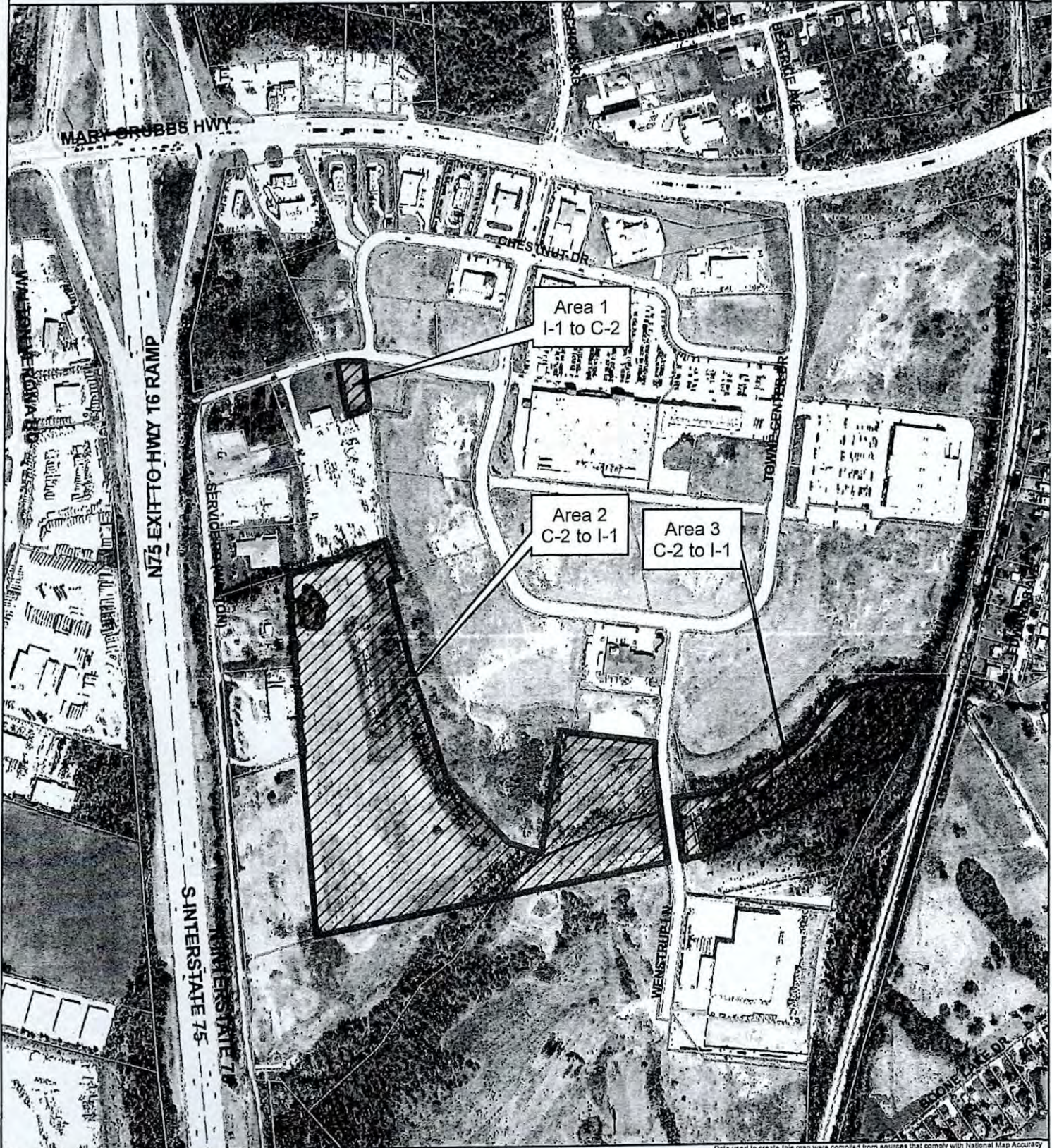


Map Created: 01/01/2018

Map File: 8.mxd
ArcMap Document *.mxd

Aerial Map

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1 inch = 500 feet



Boone County GIS

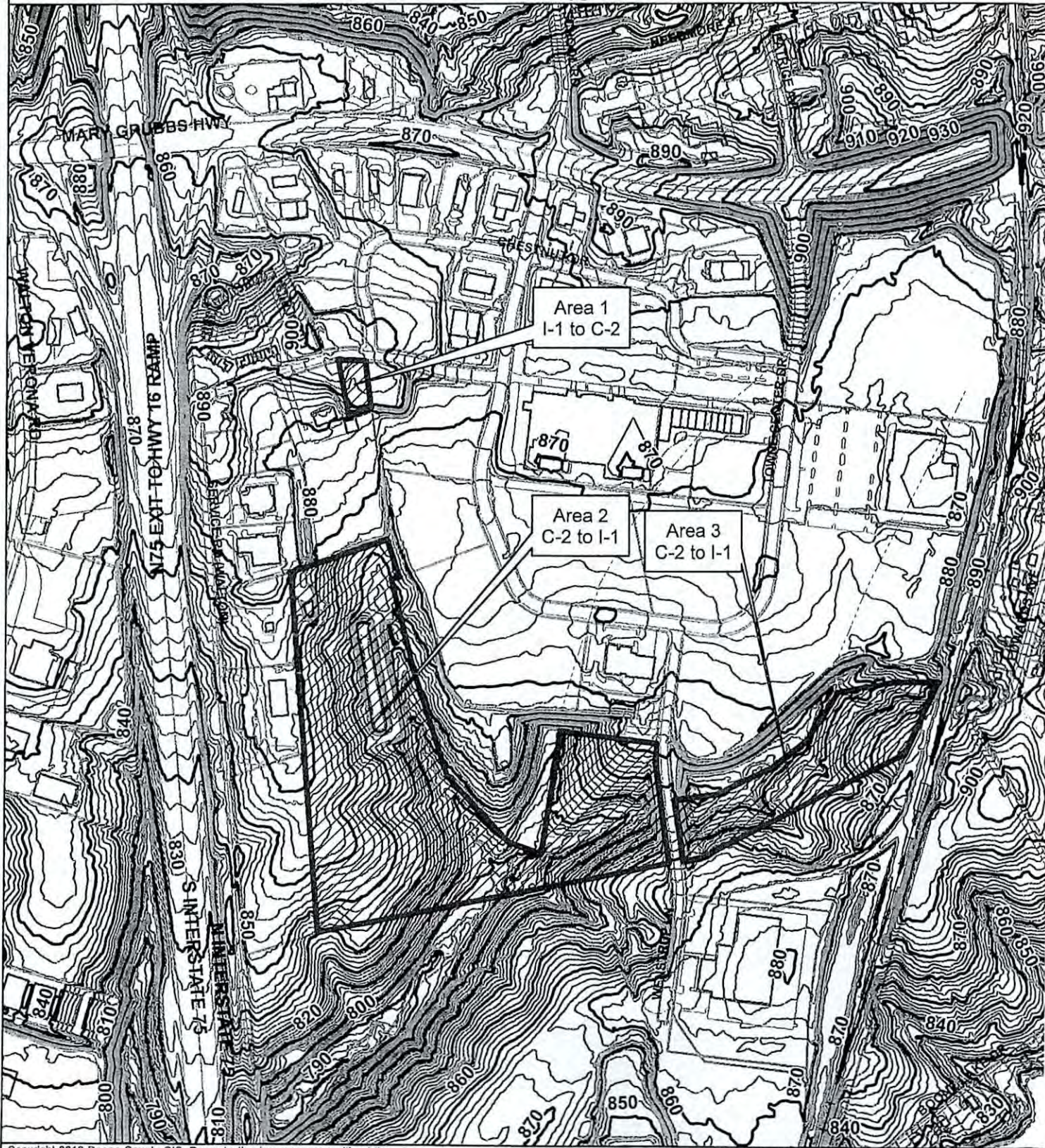
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Topographical Map

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Boone County GIS - Putting Northern Kentucky on the Map

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ArcMap Document: *.mxd

Zoning Map

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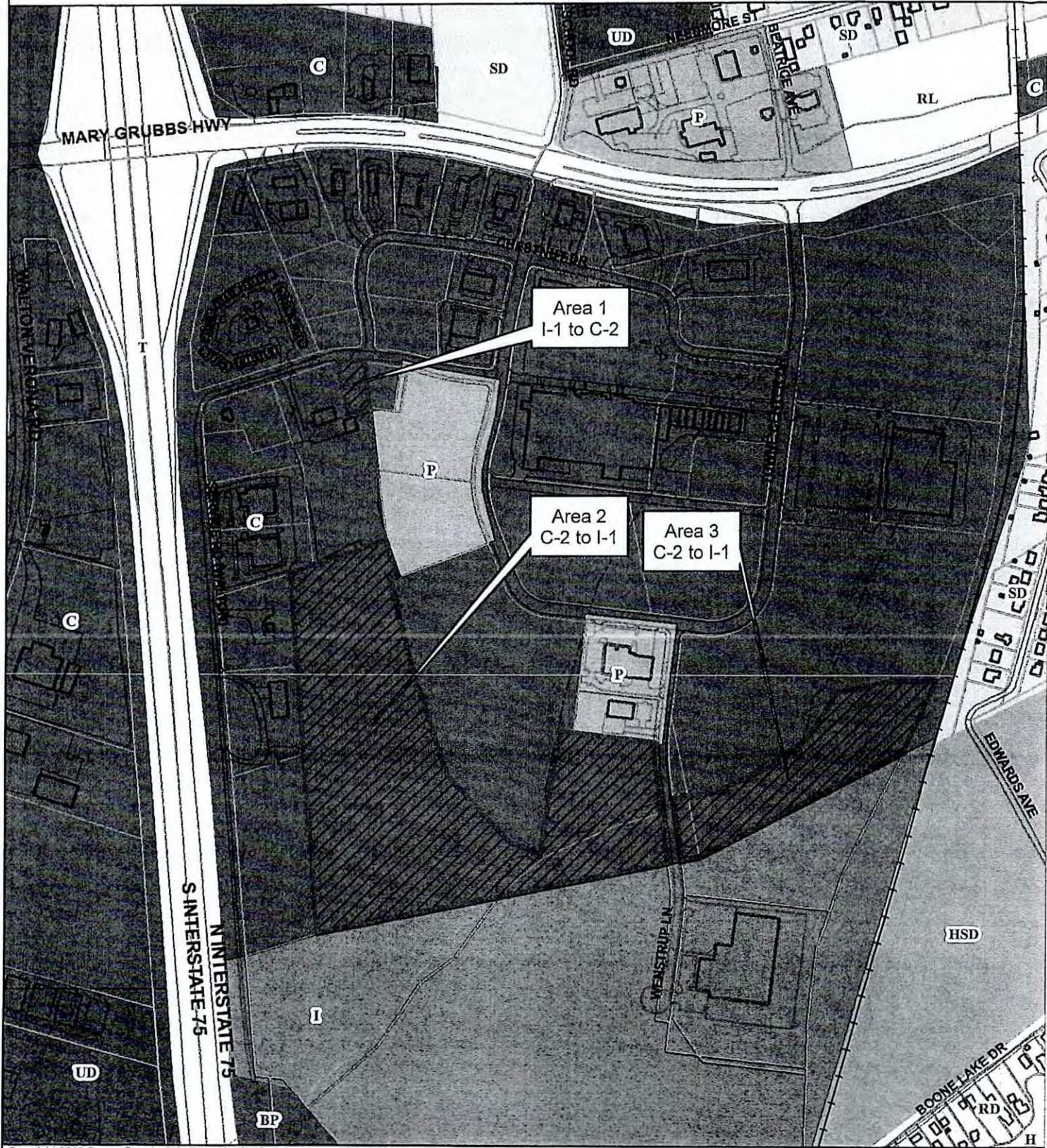
Boone County GIS - Putting Northern Kentucky on the Map



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2040 Future Land Use Map

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1 inch = 500 feet



Boone County GIS - Putting Northern Kentucky on the Map

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APPLICATION FORM

ZONING MAP AMENDMENT BOONE COUNTY PLANNING COMMISSION

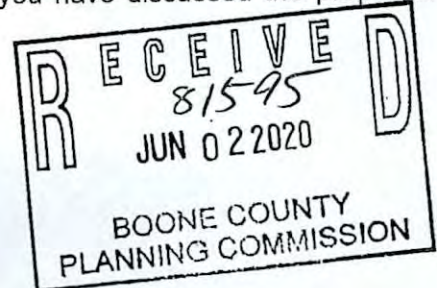
FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project Walton Towne Center
2. Location of Project Wenstrup Lane
3. Total Acreage of Site 27.0635 Acres
4. Current Zoning of Site C-2 and I-1
5. Proposed Zoning (Classification being requested) I-1 & C-2
6. Proposed Uses (please specify each use) I-1 & C-2 uses
7. Names of Applicant(s) Steven A. Berling
Phone No. 859-331-9191 Fax No. 859-344-7422 E-Mail tberling@fuse.net
8. Address of Applicant(s) 1671 Park Road - Suite One
Fort Wright Kentucky 41011
City State Zip
9. Name of Property Owner(s) Walton Land Developers, LLC and 75 Logistics Center @ Walton Land
Phone No. 859-282-6900 Fax No. 859-282-6901 E-Mail jwenstrup@fuse.net
10. Address of Property Owner(s) 2708 Amsterdam Road
Villa Hills Kentucky 41017
City State Zip
11. Proposed Building Intensities (please specify) N/A
12. Are there any existing buildings on the site? NO
How many?
13. Deed Book 900 - 908 - 1121 Page No. 685 - 481 - 88 Group No. 2082
14. Are you also applying for:
N/A Conditional Use Permit
N/A Dimensional Variance
YES
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 within the last several months:

☐ Boone County Water District
☐ Florence Public Services Dept.
☐ Duke Energy
☐ Sanitation District #1
☐ Cincinnati Bell
☐ Owen Electric Cooperative, Inc.
☐ Boone County Public Works Department
☐ Kentucky Transportation Cabinet
☐ Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)



(over)

**ZONING MAP AMENDMENT
APPLICATION
PAGE 2**

_____ Boone County Building Department
_____ Northern Kentucky Health District
_____ USDA NRCS/Boone County Conservation District
_____ KY Division of Water
_____ Local School District
_____ Local Fire District
_____ Other: _____

18. Project Jurisdiction/Location

_____ Unincorporated Boone County xxx Walton
_____ Florence _____ Union

19. **ORIGINAL Property Owner's Signature** _____
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

ORIGINAL Applicant's Signature _____
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

SECTION B (To be completed by BCPC Staff)

1. Date Received 6-2-20
2. Review Fee \$2,857.27 (RH 81595)
3. Check what has been submitted:
_____ Application
_____ Fee
_____ Legal Description
_____ Concept Development Plan
_____ Address of Adjoining Property Owners
_____ Number of Copies of Plan Received**
4. _____ Date Application is **Administratively Complete** as Defined in KRS 100.211
5. Staff Reviewer MICHAEL SCHWARTZ
6. Committee Chairman _____
7. Scheduled Public Hearing Date _____
8. Boone County Planning Commission Action:
_____ **Approval**
_____ **Approval with Conditions**
_____ **Denial** _____ Resolution #
9. Other: _____

Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountky.org - E-mail
www.boonecountky.org - Web Page

NOTE: An application consists of all fees paid in full, submitted drawings and a completed application form.

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Brad Shipe, Chairman

DATE: August 5, 2020

RE: Request of Steven A. Berling (applicant) for Walton Land Developers, LLC and 75 Logistics Center @ Walton Land (owners) for a Zoning Map Amendment from Industrial One (I-1) to Commercial Two (C-2) for 0.4040 acre area located on the south side of Service Road, and immediately east of the property at 13160 Service Road, Walton, Kentucky; a Zoning Map Amendment from Commercial Two (C-2) to Industrial One (I-1) for a 21.4785 acre area on the west side of Wenstrup Lane and to the south of the property at 910 Wenstrup Lane and east of the properties at 13316 and 13330 Service Road, Walton, Kentucky; and a Zoning Map Amendment from Commercial Two (C-2) to Industrial One (I-1) for a 5.1707 acre area on the east side of Wenstrup Lane approximately 630 feet south of the Towne Center Drive/Wenstrup Lane intersection, Walton, Kentucky. The request is for three zone changes to allow uses permitted in the C-2 and I-1 zones.

REMARKS:

We, the Committee, recommend approval of the above referenced zoning map amendment request based on the following findings of fact and with the following conditions:

FINDINGS OF FACT:

1. The proposed C-2 district, for Area 1, is consistent with the 2040 Future Land Use map, which identifies the site for Commercial uses. Uses listed in the proposed C-2 district, except as noted under condition, are consistent with this designation.
2. The proposed C-2 district, for Area 1, is appropriate since the site is part of a lot that is currently zoned C-2. The proposed C-2 district will allow the entire lot to be developed in a consistent manner.
3. The proposed condition for Area 1 is necessary and appropriate since the portion of the lot currently zoned C-2 has the same restrictions.
4. The existing C-2 district, for Areas 2 and 3, is inappropriate and the proposed I-1 district is appropriate.
5. While this basis is the same basis used in the 2005 zoning map amendment request for Areas 2 and 3, the two applications are separated by time, circumstance and viewpoint. The zoning map amendment application in 2005 contained an area of approximately 130 acres. When the determination was made that the existing industrial zone was inappropriate and the proposed commercial zone was appropriate, it was made using a macro viewpoint. The evaluation used in this current application is being made with a

micro viewpoint.

6. Given the current development pattern, existing roadway network, and current topography, access to Area 2 is most appropriate from the north or the west. Both of these areas are currently zoned I-1. As such, development of Area 2 should be consistent with the areas that access will come from.
7. A portion of Area 2 is bound by two intermittent blue line streams, existing Wenstrup Lane and the University of Cincinnati Health Air Care heli-pad. Given these existing constraints, the site is not conducive for commercial development and is more conducive to industrial development.
8. A portion of Area 2 is bound on its north by an intermittent blue line stream. This area is also part of a larger lot currently occupied by an industrial warehouse owned by 75 Logistics Center at Walton LLC and currently zoned I-1. It would be appropriate to have the entire parcel, under common ownership, to have the same zoning designation.
9. Area 3 is bound on its north by an intermittent blue line stream. The site rises from the streamline to the south and southeast at a slope of 13% to 16%. This topographical change orients the site towards the south, which is currently zoned I-1.

CONDITIONS:

1. As it pertains to Area 1, the property owners agree to restrict pawn shops, crematoriums and funeral homes from the permitted use list.
2. As it pertains to Areas 2 and 3, the property owners agree to restrict truck stops, recycling centers, fire stations, sexually oriented businesses, and crematoriums from the permitted use list.

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. Attached is the signature page for the Zone Change/Concept Development Plan Committee Vote.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Brad Shipe, Chairman

DATE: July 15, 2020

ZONING MAP AMENDMENT - Brad Shipe, Chairman, Michael Schwartz, Staff

2. Request of **Steven A. Berling (applicant) for Walton Land Developers, LLC and 75 Logistics Center @ Walton Land (owners)** for a Zoning Map Amendment from Industrial One (I-1) to Commercial Two (C-2) for 0.4040 acre area located on the south side of Service Road, and immediately east of the property at 13160 Service Road, Walton, Kentucky; a Zoning Map Amendment from Commercial Two (C-2) to Industrial One (I-1) for a 21.4785 acre area on the west side of Wenstrup Lane and to the south of the property at 910 Wenstrup Lane and east of the properties at 13316 and 13330 Service Road, Walton, Kentucky; and a Zoning Map Amendment from Commercial Two (C-2) to Industrial One (I-1) for a 5.1707 acre area on the east side of Wenstrup Lane approximately 630 feet south of the Towne Center Drive/Wenstrup Lane intersection, Walton, Kentucky. The request is for three zone changes to allow uses permitted in the C-2 and I-1 zones.

REMARKS:

We, the Committee Members were present via live video teleconference at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

Via Teleconference
Kim Bunger

For Project ☒ Absent ☐
Against Project ☐
Abstain ☐ Deferred ☐

Lori Heilman (Alternate)

For Project ☐ Absent ☐
Against Project ☐
Abstain ☐ Deferred ☐

Via Teleconference
Janet Kegley

For Project ☒ Absent ☐
Against Project ☐
Abstain ☐ Deferred ☐

Steve Turner (Alternate)

For Project ☐ Absent ☐
Against Project ☐

Via Teleconference
Rick Lunnemann

For Project ☒ Absent ☐
Against Project ☐
Abstain ☐ Deferred ☐

Randy Bessler (Alternate)

For Project ☐ Absent ☐
Against Project ☐
Abstain ☐ Deferred ☐

Via Teleconference
Kim Patton

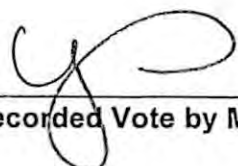
For Project ☒ Absent ☐
Against Project ☐
Abstain ☐ Deferred ☐

Katie Nolan (Alternate)

For Project ☐ Absent ☐
Against Project ☐
Abstain ☐ Deferred ☐

Via Teleconference
Brad Shipe (Chairman)

For Project ☒ Absent ☐
Against Project ☐
Abstain ☐ Deferred ☐


Recorded Vote by Michael Schwartz

TOTAL: ☐ DEFERRED 5 FOR PROJECT ☐ ABSENT
with 2 conditions
☐ AGAINST PROJECT ☐ ABSTAIN

COMMISSION MEMBERS PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Don McMillian
Mrs. Katie Nolan
Mr. Kim Patton
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Brad Shipe
Mr. Tom Szurlinski
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mrs. Lori Heilman

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Kevin P. Costello, AICP, Executive Director
Mr. Todd K. Morgan, AICP, Senior Planner
Mr. Michael D. Schwartz, Planner

Chairman Rolfsen introduced the second item on the Agenda at 7:58 p.m.

ZONING MAP AMENDMENT - Michael Schwartz, Staff

2. Request of **Steven A. Berling (applicant) for Walton Land Developers, LLC and 75 Logistics Center @ Walton Land (owners)** for a Zoning Map Amendment from Industrial One (I-1) to Commercial Two (C-2) for 0.4040 acre area located on the south side of Service Road, and immediately east of the property at 13160 Service Road, Walton, Kentucky; a Zoning Map Amendment from Commercial Two (C-2) to Industrial One (I-1) for a 21.4785 acre area on the west side of Wenstrup Lane and to the south of the property at 910 Wenstrup Lane and east of the properties at 13316 and 13330 Service Road, Walton, Kentucky; and a Zoning Map Amendment from Commercial Two (C-2) to Industrial One (I-1) for a 5.1707 acre area on the east side of Wenstrup Lane approximately 630 feet south of the Towne Center Drive/Wenstrup Lane intersection, Walton, Kentucky. The request is for three zone changes to allow uses permitted in the C-2 and I-1 zones.

Staff Member, Michael Schwartz, presented the Staff Report, which included a PowerPoint presentation. The request involves 3 different Areas. In regard to site history, the City of Walton submitted a Zoning Map Amendment application in 2005 changing a 130 acre area, including Areas 2 and 3, from I-1 to C-2. The Planning Commission recommended approval and the City of Walton adopted the Zoning Map Amendment. The primary reason for approving the zone change was that the existing I-1 zone was inappropriate and the proposed C-2 zone was appropriate. In 2007, James Berling submitted a Zoning Map Amendment application for a Special Sign District covering a 98 acre area including Areas 2 and 3. The Planning Commission recommended denial and the City of Walton overrode the Planning Commission's recommendation, thus approving the Special Sign District. In 2010, James Berling submitted a Zoning Map Amendment application changing a 7 acre area, including Area 3 from C-2 to UR-2. The City of Walton denied the application.

Mr. Schwartz showed an aerial photograph of the site. All 3 Areas subject to the Zone Change process are currently vacant. Area 1 is currently zoned I-1. The proposal is to rezone it to C-2. Area 1 is part of an approximate .84 acre lot. The other area that is currently zoned C-2 is .44 acres in size. Area 2 is currently zoned C-2. There is an intermittent blue line stream located in this area. Area 3 consists of an intermittent stream on the northern boundary and a railroad line forms the eastern boundary. Area 2 has been graded to the same level as the area to the north or towards Area 1. Area 3 is topographically challenged. It has a slope of 13-16%. The Comprehensive Plan's Future Land Use Map designates all three Areas as Commercial (C). Pages 4-6 of the Staff Report includes sections from the Comprehensive Plan that are pertinent to the subject site. There is reference to the area in the Goals and Objective section as it references the Walton Town Center area being developed for commercial uses and industrial uses to the south. Mr. Schwartz showed photographs of the 3 Areas to demonstrate the changed topography. The applicant has not provided a Concept Development Plan but just an outline of the lots and the areas to be rezoned. Mr. Schwartz noted that in the past requests, there was a discussion about how much land would be changed from industrial to commercial. On Page 7 of the Staff Report, there is a breakdown of the land zoned commercial and industrial both developed and undeveloped. He also noted the basis for acting on a Zoning Map Amendment request (see Page 2 of Staff Report). Also, there was a condition of approval on the original Zoning Map Amendment that limited some of the C-2 uses. He mentioned that the condition should be carried forward on Area 1 in order to be consistent with the original condition.

Chairman Rolfsen asked if the current zoning shows Commercial so it would be consistent with the Future Land Use Map? Mr. Schwartz responded yes. He further inquired on whether we are going against the Future Land Use Map for Area 1 if the applicant wants Industrial? Mr. Schwartz replied yes. Chairman Rolfsen asked if the request for Areas 2 and 3 would be consistent with the Future Land Use Map. Mr. Schwartz mentioned that the Board needs to consider both the map and text of the Comprehensive Plan.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation?

Mr. Steve Berling, applicant, stated that he is trying to clean up their property. All property they own along Service Road is zoned I-1. Everything they own around Town Center Boulevard is currently zoned C-2. They are requesting the zone change based on how the land lays towards the creek. They currently have lots with 2 zones. They have parties interested in purchasing the lots but they would prefer the lots to be in one zoning district. Lot 25 has 2 zoning districts. According to the submitted drawings "B" has access off Service Road. Everything along Service Road is I-1. "E" is currently owned by 75 Logistics Center. The goal is for all their property to be zoned industrial. "C" is located next to the heliport. The heliport is not a commercial type building. It is a metal building. The uses beyond the fire house become industrial. "D" is a 10 acre parcel they have for sale. It is divided by I-1 and C-2 zoning and is located on the south side of the creek. "E" is all industrial.

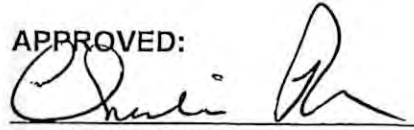
At this time Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Seeing no one, Chairman Rolfsen asked if any Board members had any questions or comments?

Mr. Bunger asked if the applicant had a known use for the property? Mr. Berling responded not at this time. It could be any of the industrial uses - maybe a small equipment company. Mr. McMillian stated that "E" is a ditch and Mr. Berling agreed that it was a ditch and a hillside that cleans up the 75 Logistics site.

Chairman Rolfsen asked the applicant if he was in agreement to extend the existing condition on Area 1. Mr. Berling agreed to continuing the condition. Mr. Lunnemann asked the applicant to review the list of permitted uses in the two zones to determine what are appropriate. Mr. Berling agreed to it.

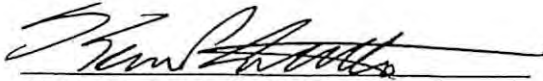
Seeing no further questions or comments from the audience, Chairman Rolfsen announced that the Committee Meeting for this item will be on July 15, 2020 at 5:00 P.M. via Live Video Teleconference. This item will be on the Agenda for the Business Meeting on August 5, 2020 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:20 P.M. in the Boone County Fiscal Courtroom.

APPROVED:

A handwritten signature in black ink, appearing to read 'Charlie Rolfsen', written over a horizontal line.

Charlie Rolfsen
Chairman

Attest:

A handwritten signature in black ink, appearing to read 'Kevin P. Costello', written over a horizontal line.

Kevin P. Costello, AICP
Executive Director



BOONE COUNTY PLANNING COMMISSION

www.boonecountyky.org/pc
www.boonecountygis.com

Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org

August 6, 2020

The Honorable Gabe Brown
Mayor, City of Walton
40 North Main Street
Walton, KY 41094

Dear Mayor Brown:

At the August 5, 2020 Boone County Planning Commission Business Meeting, the Commission, voted unanimously to recommended approval, with conditions, for the request of **Steven A. Berling (applicant) for Walton Land Development Co. LLC and 75 Logistics Center @ Walton Land (owners)** for a Zoning Map Amendment from Industrial One (I-1) to Commercial Two (C-2) for a 0.4040 acre area located on the south side of Service Road, and immediately east of the property at 13160 Service Road, Walton, Kentucky; a Zoning Map Amendment from Commercial Two (C-2) and Industrial One (I-1) for a 21.4785 acre area on the west side of Wenstrup Lane and to the south of the property at 910 Wenstrup Lane and east of the Properties at 13316 and 13330 Service Road, Walton, Kentucky; and a Zoning Map Amendment from Commercial Two (C-2) to Industrial One (I-1) for a 5.1707 acre area on the east side of Wenstrup Lane approximately 630 feet south of the Towne Center Drive/Wenstrup Lane intersection, Walton, Kentucky. The request is for three zone changes to allow uses permitted in the C-2 and I-1 zones.

For your information, the Public Hearing for this request was held on July 1, 2020, and the City of Walton should carefully review the enclosed minutes of that Public Hearing. The signed Resolution **(R-20-010-A)**, cover letter, and full packet will be forwarded to you immediately after our next Business Meeting to be held on September 2, 2020. This project is subject to the K.R.S. 100.211(7) 90 day time limitation. According to our attorney, this time limit for final action cannot be waived, as it is statutory law. The normal deadline for action to be taken by the City of Walton is **November 3, 2020**. However, because of Governor Beshear's **Executive Order 2020-257**, the 90 day time limit to act is suspended under the provisions for the Coronavirus State of Emergency and Senate Bill 150.

Sincerely,

Kevin P. Costello, AICP
Executive Director

KPC/tlb

Enclosure



BOONE COUNTY PLANNING COMMISSION

www.boonecountyky.org/pc
www.boonecountygis.com

Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org

September 2, 2020

The Honorable Gabe Brown
Mayor, City of Walton
40 North Main Street
Walton, KY 41094

Dear Mayor Brown:

This letter is written to advise you of the action by the Boone County Planning Commission in regard to the request of **Steven A. Berling (applicant) for Walton Land Development Co. LLC and 75 Logistics Center @ Walton Land (owners)** for a Zoning Map Amendment from Industrial One (I-1) to Commercial Two (C-2) for a 0.4040 acre area located on the south side of Service Road, and immediately east of the property at 13160 Service Road, Walton, Kentucky; a Zoning Map Amendment from Commercial Two (C-2) and Industrial One (I-1) for a 21.4785 acre area on the west side of Wenstrup Lane and to the south of the property at 910 Wenstrup Lane and east of the Properties at 13316 and 13330 Service Road, Walton, Kentucky; and a Zoning Map Amendment from Commercial Two (C-2) to Industrial One (I-1) for a 5.1707 acre area on the east side of Wenstrup Lane approximately 630 feet south of the Towne Center Drive/Wenstrup Lane intersection, Walton, Kentucky. The request is for three zone changes to allow uses permitted in the C-2 and I-1 zones.

At their meeting of August 5, 2020, the Boone County Planning Commission, voted unanimously to recommended approval, with conditions, for the request by **Resolution R-20-010-A**. This action was taken upon hearing the recommendations of the Committee and based on the findings of fact attached to the enclosed Resolution. The normal deadline for action to be taken by the City of Walton is **November 3, 2020**. However, because of Governor Beshear's **Executive Order 2020-257**, the 90 day time limit to act is suspended under the provisions for the Coronavirus State of Emergency and Senate Bill 150.

The approved minutes of the July 1, 2020 Public Hearing, along with the pertinent information regarding this request are enclosed. If you need any further information, please do not hesitate to call the Planning Commission office.

With Kindest Regards,

Charlie Rolfsen
Chairman

CR/tlb

Enclosures

RESOLUTION R-20-010-A

A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL, WITH CONDITIONS, FOR A REQUEST OF STEVEN A. BERLING (APPLICANT) FOR WALTON LAND DEVELOPMENT CO., LLC AND 75 LOGISTICS CENTER @ WALTON LAND (OWNERS) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM INDUSTRIAL ONE (I-1) TO COMMERCIAL TWO (C-2) FOR 0.4040 ACRE AREA LOCATED ON THE SOUTH SIDE OF SERVICE ROAD, AND IMMEDIATELY EAST OF THE PROPERTY AT 13160 SERVICE ROAD, WALTON, KENTUCKY; A ZONING MAP AMENDMENT FROM COMMERCIAL TWO (C-2) TO INDUSTRIAL ONE (I-1) FOR A 21.4785 ACRE AREA ON THE WEST SIDE OF WENSTRUP LANE AND TO THE SOUTH OF THE PROPERTY AT 910 WENSTRUP LANE AND EAST OF THE PROPERTIES AT 13316 AND 13330 SERVICE ROAD, WALTON, KENTUCKY; AND A ZONING MAP AMENDMENT FROM COMMERCIAL TWO (C-2) TO INDUSTRIAL ONE (I-1) FOR A 5.1707 ACRE AREA ON THE EAST SIDE OF WENSTRUP LANE APPROXIMATELY 630 FEET SOUTH OF THE TOWNE CENTER DRIVE/WENSTRUP LANE INTERSECTION, WALTON, KENTUCKY, AND PROVIDING THE RECOMMENDATION BE FORWARDED TO THE CITY OF WALTON, WALTON, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Industrial One (I-1) to Commercial Two (C-2) for a 0.4040 acre area located on the south side of Service Road, and immediately east of the property at 13160 Service Road, Walton, Kentucky; a Zoning Map Amendment from Commercial Two (C-2) and Industrial One (I-1) for a 21.4785 acre area on the west side of Wenstrup Lane and to the south of the property at 910 Wenstrup Lane and east of the Properties at 13316 and 13330 Service Road, Walton, Kentucky; and a Zoning Map Amendment from Commercial Two (C-2) to Industrial One (I-1) for a 5.1707 acre area on the east side of Wenstrup Lane approximately 630 feet south of the Towne Center Drive/Wenstrup Lane intersection, 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, with conditions, for the Zoning Map Amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY PLANNING COMMISSION AS FOLLOWS:

SECTION I

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions, this Zoning Map Amendment being a zone change from Industrial One (I-1) to Commercial Two (C-2) for a 0.4040 acre area located on the south side of Service Road, and immediately east of the property at 13160 Service Road, Walton, Kentucky; a Zoning Map Amendment from Commercial Two (C-2) and Industrial One (I-1) for a 21.4785 acre area on the west side of Wenstrup Lane and to the south of the property at 910 Wenstrup Lane and east of the Properties at 13316 and 13330 Service Road, Walton, Kentucky; and a Zoning

**BOONE COUNTY PLANNING COMMISSION
RESOLUTION R-20-010-A
PAGE TWO**

Map Amendment from Commercial Two (C-2) to Industrial One (I-1) for a 5.1707 acre area on the east side of Wenstrup Lane approximately 630 feet south of the Towne Center Drive/Wenstrup Lane intersection, Walton, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in both a Commercial Two (C-2) and an Industrial One (I-1) zone is more particularly described in DEED BOOKS 900, 908 and 1121, PAGE NOS. 685, 481 and 88, respectively (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

That as a basis for the recommendation of approval, with conditions, for a Zoning Map Amendment request are the findings of fact of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Resolution and marked as "Exhibit A."

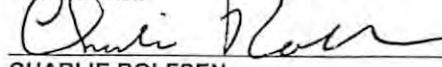
The Committee recommended approval, with conditions, for this request based on the findings of fact as set forth in the Committee Report and the Boone County Planning Commission Business Meeting minutes and marked as "Exhibit B."

SECTION III

That a copy of this Resolution recommending approval, with conditions, for a Zoning Map Amendment for a zone change from Industrial One (I-1) to Commercial Two (C-2) for a 0.4040 acre area located on the south side of Service Road, and immediately east of the property at 13160 Service Road, Walton, Kentucky; a Zoning Map Amendment from Commercial Two (C-2) and Industrial One (I-1) for a 21.4785 acre area on the west side of Wenstrup Lane and to the south of the property at 910 Wenstrup Lane and east of the Properties at 13316 and 13330 Service Road, Walton, Kentucky; and a Zoning Map Amendment from Commercial Two (C-2) to Industrial One (I-1) for a 5.1707 acre area on the east side of Wenstrup Lane approximately 630 feet south of the Towne Center Drive/Wenstrup Lane intersection, Walton, Kentucky. having jurisdiction over the property for its action on the recommendation of the Boone County Planning Commission.

PASSED AND APPROVED ON THIS 2ND DAY OF SEPTEMBER, 2020.

APPROVED:


**CHARLIE ROLFSEN
CHAIRMAN**

ATTEST:


**TREVA L. BEAGLE
MANAGER, ADMINISTRATIVE SERVICES**

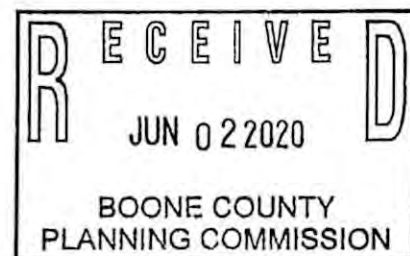
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SUPPORTING INFORMATION

LEGAL DESCRIPTION
Walton Towne Center
0.4040 Acres
Parcel "A"
Walton, Kentucky

Beginning at the northwest corner of Lot No. 25 of Section No. 1 of Walton Towne Center as recorded in Plat Cabinet No. 5 at Page 381 of the Boone County Clerk's Office in Burlington, Kentucky; thence S 11°-00'-22" E along the west line of Lot No. 25 a distance of 205.96 feet to the southwest corner of same; thence N 69°-26'-07" E along the south line of Lot No. 25 a distance of 87.00 feet to a point; thence through Lot No. 25 N 7°-03'-53" W 172.63 feet to a point in the south right of way line of Service Road as shown on said plat of Lot No. 25; thence in a westerly direction along the south right of way line of the Service Road as it curves to the left with a radius of 316.06 feet, and arc distance of 83.44 feet to the place of beginning.

Containing 0.4040 Acres.



LEGAL DESCRIPTION
Walton Towne Center
16.2724 Acres
Parcel "B"
Walton, Kentucky

Beginning at the southwest corner of Lot No.23 of Walton Towne Center, in Walton, Kentucky, as shown in Plat Cabinet 5 at page 568 of the Boone County Clerk's Records at Burlington, Kentucky; thence N 18°-34'-50" W along the west line of Lot No. 23, 143.86 feet to a point; thence S 71°-50'-07" W along the south line of Sparks Contractors Inc., as described in deed book 835 at page 514, a distance of 286.46 feet to the southeast corner of Walton Medical Properties; thence S 71°-43'-12" W along the north line of Walton Land Development, LLC 96.35 feet to the northwest corner of the same; thence S 4°-52'-50" E along the west line of Walton Land Development, LLC property S 4°-52'-50" E 679.15 feet, and S 4°-50'-02" E 679.98 feet to a corner, thence along the south line of Walton Land Development, LLC N 78°-30'-32" E 679.66 feet to a point, thence through the Walton Land Development, LLC property N 34°-47'-21" E 38.59 feet, N 50°-25'-00" E 194.16 feet, N 69°-03'-41" W 140.26 feet, N 42°-32'-48" W 343.16 feet, N 18°-43'-02" W 394.06 feet, N 14°-09'-00" W 356.39 feet and N 69°-06'-11" E 52.39 feet to the place of beginning.

Containing 16.2724 Acres.

LEGAL DESCRIPTION
Walton Towne Center
3.2433 Acres
Parcel "C"
Walton, Kentucky

Beginning at a point in the west line of Wenstrup Lane in Walton, Kentucky, said point being the southeast corner of Lot No.27 of Section No.8, of Walton Towne Center as shown in Plat Cabinet No.5 at page 745 of the Boone County Clerk's Records @ Burlington Kentucky; thence in a southerly direction along the west right of way line of Wenstrup Lane as is curves to the left with a radius of 930.40 feet, an arc distance of 141.81 feet to a point; thence S 7°-41'-39" E along the west right of way line of Wenstrup Lane 119.05 feet to a point; thence leaving Wenstrup Lane S 74°-35'-47" W 178.22 feet, and S 66°-16'-37" W 286.26 feet, and N 69°-03'-41" W 16.37 feet to the southeast corner of Lot 21 of Walton Towne Center, N 8°-25'-05" E 466.93 feet, and S 78°-19'-14" E 51.49 feet to the southeast corner of Lot No.27 of Walton Towne Center; thence S 83°-13'-01" E along the south line of Lot No.27, a distance of 308.27 feet to the place of beginning.

Containing 3.2433 Acres.

LEGAL DESCRIPTION
Walton Towne Center
5.1707 Acres
Parcel "D"
Walton, Kentucky

Beginning at the intersection of the centerline of Towne Center Drive and the center line of Wenstrup Lane in Walton, Kentucky as shown on the plat of Section No.8 of Walton Towne Center recorded in Cabinet No.5 at Page 745 of the Boone County Clerk's Records @ Burlington, Kentucky; thence S 6°-46'-59" W along the center line of Wenstrup Lane 361.87 feet to a point of curve; thence in a southerly direction along the center line of Wenstrup Lane as it curves to the left with a radius of 905.40 feet, an arc distance of 228.77 feet to a point, thence S 7°-41'-39" E along the center line of Wenstrup Lane 73.57 feet to a point; thence leaving the center line N 82°-18'-21" E 25.00 feet to the existing right of way line and the northwest corner of the 5.1707 acres parcel being described herein; thence through the land of the grantor N 82°-18'-21" E 147.00 feet, N 64°-08'-59" E 225.00 feet, N 51°-59'-19" E 165.00 feet, N 32°-50'-47" E 213.00 feet, N 79°-06'-35" E 83.74 feet, N 79°-06'-35" E 122.00 feet, and N 89°-38'-28" E 163.00 feet to a point in the west right of way line of the C.S.X. Railroad; thence along the right of way line of the C.S.X. Railroad S 23°-30'-31" W 227.89, and S 24°-42'-19" W 54.88 feet to a point; thence said railroad right of way S 62°-12'-54" W 857.09 feet to a point, and S 78°-30'-32" W 56.48 feet to a point in the east right of way line of Wenstrup Lane; thence N 7°-41'-39" W along the east right of way line of Wenstrup Lane 233.50 feet to the place of beginning.

Containing 5.1707 Acres.

LEGAL DESCRIPTION
Walton Towne Center
1.9731 Acres
Parcel "E"
Walton, Kentucky

Beginning at the intersection of the centerline of Towne Center Drive and the center line of Wenstrup Lane in Walton, Kentucky as shown on the plat of Section No.8 of Walton Towne Center recorded in Cabinet No.5 at Page 745 of the Boone County Clerk's Records @ Burlington, Kentucky; thence S 6°-46'-59" W along the center line of Wenstrup Lane 361.87 feet to a point of curve; thence in a southerly direction along the center line of Wenstrup Lane as it curves to the left with a radius of 905.40 feet, an arc distance of 228.77 feet to a point, thence S 7°-41'-39" E along the center line of Wenstrup Lane 119.05 feet to a point; thence leaving the centerline S 82°-18'-21" W 25.00 feet to the existing right of way line and the common front corner between Parcels "C" and "E", and the real place of beginning for the legal description of the perimeter of Parcel "E"; thence S 7°-41'-39" E along the west right of way line of Wenstrup Lane 191.33 feet to a point; thence leaving Wenstrup Lane S 78°-30'-32" W 644.07 feet to a point in the center of the creek; thence generally following in the center of the creek N 34°-47'-21" E 38.59 feet, and N 50°-25'-00" E 194.16 feet to a corner of Parcel "C"; thence along the south line of Parcel "C" N 66°-16'-37" E 286.26 feet, and N 74°-35'-47" E 178.22 feet to the place of the beginning.

Containing 1.9731 Acres.



BOONE COUNTY PLANNING COMMISSION

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Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org

July 17, 2020

Mr. Steven A. Berling
1671 Park Road
Suite One
Fort Wright, Kentucky 41011

RE: Recommended Conditions of Approval for Steven A. Berling (applicant) for Walton Land Developers, LLC and 75 Logistics Center @ Walton Land (owners) for a Zoning Map Amendment from Industrial One (I-1) to Commercial Two (C-2) for 0.4040 acre area located on the south side of Service Road, and immediately east of the property at 13160 Service Road, Walton, Kentucky; a Zoning Map Amendment from Commercial Two (C-2) to Industrial One (I-1) for a 21.4785 acre area on the west side of Wenstrup Lane and to the south of the property at 910 Wenstrup Lane and east of the properties at 13316 and 13330 Service Road, Walton, Kentucky; and a Zoning Map Amendment from Commercial Two (C-2) to Industrial One (I-1) for a 5.1707 acre area on the east side of Wenstrup Lane approximately 630 feet south of the Towne Center Drive/Wenstrup Lane intersection, Walton, Kentucky. The request is for three zone changes to allow uses permitted in the C-2 and I-1 zones.

Dear Mr. Berling:

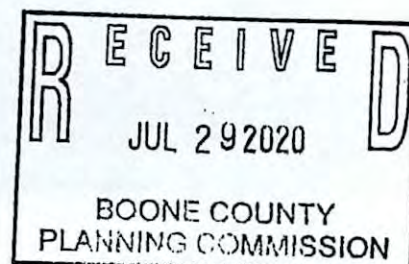
The following represents the recommended conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their July 15, 2020 meeting. If you, and the property owners agree to these conditions, please so indicate by signing in the space provided at the end of this letter and return the original letter to the Planning Commission's office by Friday, July 31, 2020.

CONDITIONS

1. As it pertains to Area 1, the property owners agree to restrict pawn shops, crematoriums and funeral homes from the permitted use list.
2. As it pertains to Areas 2 and 3, the property owners agree to restrict truck stops, recycling centers, fire stations, sexually oriented businesses, and crematoriums from the permitted use list.

Sincerely,

Michael D. Schwartz
Planner



Mr. Steven A. Berling


July 16, 2020

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MDS/ss

AGREEMENT

We, the property owners of the approximate 0.4040 acre area located on the south side of Service Road, and immediately east of the property at 13160 Service Road, Walton, Kentucky, the approximate 21.4785 acre area on the west side of Wenstrup Lane and to the south of the property at 910 Wenstrup Lane and east of the properties at 13316 and 13330 Service Road, Walton, Kentucky, and the approximate 5.1707 acre area on the east side of Wenstrup Lane approximately 630 feet south of the Towne Center Drive/Wenstrup Lane intersection, Walton, Kentucky, agree to the conditions listed herein for the above referenced Zoning Map Amendment.


Walton Land Development Company LLC (Owner)

7/28/2020
Date


75 Logistics Center At Walton LLC (Owner)

7-28-2020
Date

EXHIBIT "C"

ORDINANCE 2020 - 13

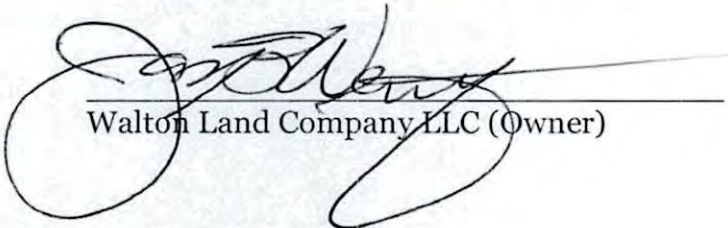
AN ORDINANCE OF THE CITY OF WALTON, APPROVING A RECOMMENDATION OF THE BOONE COUNTY PLANNING COMMISSION TO APPROVE ZONING MAP AMENDMENTS TO REZONE PARCELS OF REAL ESTATE IN THE WALTON TOWNE CENTER, SUBJECT TO THE AGREED CONDITIONS OF APPROVAL.

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In addition to the conditions of approval which were previously agreed to by the property owners in the zoning map proceedings included in Boone County Planning Commission Resolution R-20-010-A, Walton Land Company LLC (Owner) agrees to the following additional conditions of approval to be incorporated in City of Walton Ordinance 2020-13:

1. Walton Land Company LLC (Owner) agrees to restrict its real estate which is the subject of these zoning map amendments to buildings no greater than seventy five thousand (75,000) square feet; and
2. Walton Land Company LLC agrees to improve at their cost Service Road to twenty-five (25') wide from and including the frontage with the 'Big Tex' real estate, south to the place in front of Walton Land Company LLC's real estate that will serve as the entrance to their last lot. The improvements shall include pavement, curb and gutter, and storm sewer facilities, all to be constructed to comply with Boone County Subdivision Regulations.


Walton Land Company LLC (Owner)

11/5/2020
Date