

**WALTON BOARD OF ADJUSTMENT  
WALTON SENIOR CENTER  
BUSINESS MEETING  
MAY 23, 2019  
6:30 P.M.**

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Vice Chairman Turner called the meeting to order at 6:30 P.M.

**BOARD MEMBERS PRESENT:**

Mrs. Caitlin Fugate  
Mr. Kevin Ryan  
Mr. Edward Sedor  
Mr. Steve Turner, Vice Chairman

**BOARD MEMBERS NOT PRESENT:**

Mr. David Hincks, Chairman

**LEGAL COUNSEL PRESENT:**

Mr. Dale Wilson

**APPROVAL OF MINUTES:**

Vice Chairman Turner stated the Board members received copies of the minutes of the Walton Board of Adjustment meeting of March 18, 2019. Mr. Ryan moved they be approved and Mrs. Fugate seconded the motion. Vice Chairman Turner asked for a vote and it carried unanimously.

**AGENDA ITEMS:**

1. Request of **Leo Dwayne Dietz** for a Change in Non-Conforming Use. The Change in Non-Conforming Use would allow a garden sales, landscaping contracting, and grounds keeping business to occupy and make improvements to the former Brinkman Oil property. The approximate 3.65 acre site is located at 257 Old Nicholson Road, Walton, Kentucky and is currently zoned Commercial Two (C-2).

Staff Member, Todd Morgan, AICP, presented the Staff Report which included a Power Point presentation (see Staff Report).

Mr. Leo Dwayne Dietz said the property is located at 257 Old Nicholson Road. He submitted a picture into the record showing what the greenhouses typically look like in the winter months (see Exhibit 1). He submitted another picture into the record (see exhibit 2) showing that they can roll boards up and let air into the greenhouses if it is warm in the winter. The boards allow the plastic to be raised about 4 feet and allows them to water the plants. He submitted eight other pictures into the record showing what the greenhouses and plant staging areas look like in non-winter months (see exhibit 3). He answered the Staff questions found in the Staff Report.

- A. **Approximately how many fleet vehicles and/or trailers can be kept on site at any given time? Will an additional area be graveled for these vehicles/trailers. If so, how large will it be?** Mr. Dietz said that additional gravel will be put down on the north side of the building to store their fleet vehicles. They will be behind a fence and gate to screen them. This is the same area where equipment and fuel tanks are stored.
- B. **The submitted plan shows that the equipment storage and fleet vehicle parking area will be fenced and gated. What type gates and fence are proposed? How tall will they be?** They are proposing to construct a 6' tall privacy fence with metal gates. The gates will be 16' wide.
- C. **What color will the building be painted? What color are the proposed garage doors?** They are planning on painting the building a sandstone color. It will match the Rose Brothers barn across the street. They are also wanting to paint a one block high pinstripe around the entire building. The pinstripe would be hunter green in color. One side of the building already has a new garage door on it. The older garage style doors side will be replaced with new white doors.
- D. **Is any building mounted or freestanding signage proposed? If so, please explain the proposal.** Brinkman Oil used to have fuel pumps sitting on a small raised concrete pad in the front parking lot. Their ultimate goal would be to use this area for a small permanent monument sign. The sign would not be illuminated.
- E. **Is any additional exterior lighting proposed? If so, please explain the proposal?** Rose Brothers already fixed the existing lights. They are not proposing any new exterior lights.
- F. **The written description indicates that decorative blooming trees are proposed along the street frontage. What type of landscaping is proposed to the sides and rear of the storage bins?** They are looking to install Emerald Green Arborvitae or Green Giant Arborvitae.
- G. **A portable toilet currently exists between the building and the Old Nicholson Road right-of-way. Staff's understanding is that this portable toilet will be removed once a bathroom is installed in the building. Is this correct?** They were under contract with Jay Lay and Sons to add a bathroom inside the building. Everything got put on hold when they realized they didn't have zoning approval to occupy the building. They will remove the portable toilet once the bathroom is complete.
- H. **Staff's understanding is that the greenhouse buildings will be kept up year around and will be wrapped in plastic in the winter months. Is this correct? Note - Staff has asked the applicant to provide a picture of this. Staff believes these structures have a temporary character and could be aesthetically unpleasing if wrapped in plastic.** Mr. Dietz indicated that he already addressed this question. He added that the greenhouses are kept up with bent fencing posts

and T posts keep them in the ground. Some of the greenhouses are wide open in the summertime and a few of them will have screen clothes on top of them. The plastic that is used in the winter is secured to the greenhouses by using 2 x 6 lumber at the bottom of the poles.

- I. **Are any other improvements proposed that are not reflected on the plan or written description?** They want to put a metal carport over the equipment pad. It would be flush against the building and would be closed on both sides to screen the equipment. Mr. Ryan asked if the carport color scheme would match the rest of the building? Mr. Dietz said it would.
- J. **Has Boone County Building Department been contacted regarding the Change in Use? If not, they need to be contacted regarding their requirements and approval process.** He said he talked with Boone County Building Department when he first moved into the building regarding the greenhouses. He has not had any discussions with them regarding the inside of the building. He will contact them if this application is approved.

Mr. Dietz said he can rework the semicircular plant display area by the street so parking doesn't back into Old Nicholson Road. There is a storm drain near the back of the island so he might have to relocate the parking to the south side of the island. The area on the plan where handicapped parking is shown is already a concrete surface. The handicapped parking stalls would be the only concrete parking stalls.

Mrs. Fugate asked what street frontage landscaping was being proposed on the north side of the property? Mr. Dietz said they are open but will install it per code. Mr. Morgan said he is recommending street frontage landscaping to be installed in the northern portion of the property. This would require 3 large trees every 100 linear feet or 5 small trees every 100 linear feet of buffer area. The Board could require these trees to be evergreens if they feel that's necessary. Mr. Dietz said they will be adding some colorful shrubs in front of the fence.

Mr. Morgan asked if the concrete bins could be used to store rock and mulch? Mr. Dietz responded that was correct. Mr. Morgan asked if it was typical for the mulch and rock to be higher than the concrete blocks? Mr. Dietz said rock is never above the block wall but the mulch can be in the summer months. Mr. Ryan asked if they would ever store salt on site? Mr. Dietz responded they wouldn't. It's stored on other properties.

Mr. Sedor asked if they were planning on putting Arborvitaes behind and to the west side of the concrete bins? Mr. Dietz said Arborvitaes are proposed in both of those areas. Mr. Sedor asked how much room there was between the proposed fence and the Old Nicholson Road right-of-way? Mr. Dietz said he believes he would have about 3 feet to install shrubbery between the fence and right-of-way line. Mr. Morgan said that is why he was recommending a hedge row in that area.

Mrs. Fugate said the inside of the building will have a register and bathroom. She asked what else would be kept inside? Mr. Dietz responded they store all their shovels, rakes, and grass seeds inside. They also have a mechanics bay where they keep tools.

Mr. Turner asked if anybody in the audience wanted to speak for or against the application?

Mr. Dan Simpson said he lived at 236 Old Nicholson Road and his property is across the street. He stated that a tractor trailer was currently parked on the property. He understands that plants have to be delivered but questioned how long the semi truck would be parked on site. Mr. Dietz responded they had straw delivered and they are in the process of unloading it. Mr. Dietz said semi deliveries are made to the site. They normally occur about 8:00 A.M. and the trucks leave as soon as they finish unloading.

Mr. Simpson said has lived in his house for over 20 years and some of the neighbors that have joined him tonight have lived on the street much longer. This street used to be the main street between Walton and Independence. At the end of the street was a railroad trestle and it was removed 30 or 40 years ago. This changed the personality of the street from a main street to a dead end residential street, with a museum at the end of it. The neighbors have worked hard to clean the street up and make it safe and presentable. There are 19 houses on the street and 3 of them are rentals. Two houses have been torn down that were in horrible condition and in his opinion there are two others that need to be torn down. The problem is that a slum lord bought the properties and moved people in. The police discovered a meth lab in one of these houses. Another renter owned a junk yard and stored approximately 20 junk vehicles on the property. The County sent them a letter and removed the vehicles. They are concerned property owners and they are looking for a good partner. He is not opposed to small business but wants the small business to be a good neighbor that enhances property values. He asked if a business is supposed to get zoning approval before they move in to a building? Mr. Morgan said that is required. He said he believes in this case there was a mis-communication. Mr. Dietz approached Walton City Council and he was under the impression that he had all necessary approvals. Planning Commission Staff later made him aware the proper process was going through this Board for a Change in Non-Conforming Use and getting a Site Plan application approved. Mr. Dietz responded that was correct.

Mr. Simpson said he hasn't gotten a good first impression of Mr. Dietz. The Walton Board of Adjustment shared the neighbors concerns about making the street look nice when they denied an excavation company from moving onto the property several years ago. Maybe Mr. Dietz will make the property look nice but that is an unknown. He likes the plan but would like to know if Mr. Dietz will follow through. The Board's decision will impact all the neighbors and their property values. He hopes that if the Board approves this, that somebody will follow through and make sure that he is doing what he needs to do. Mr. Morgan indicated that any conditions that would be imposed on a Change in Non-Conforming Use approval would be enforced by Boone County Planning Commission Staff.

Mr. Tim Rose said he is the owner of the subject property and the property across the street. He said when they bought the properties they were in really bad shape and they have cleaned them up. Mr. Dietz has been renting the property from him and he does not view it as being trashy. He thinks it helps to have something on the property versus it being a big vacant lot. He routinely had to call the police when it was vacant because people were trespassing. Since Mr. Dietz has rented the property this problem has stopped and the building has been cleaned up and the yard is mowed. The property isn't an eye sore and Mr. Dietz has just started doing the work. This is a win-win for everybody involved.

Mr. Paul Dietz said he lives at 140 Hayley Drive in Walton. The subject property has been an eyesore since he was a kid. The Brinkman Oil operation was also something that people didn't want to look at. The proposed improvements that are being proposed will make the property 100 times better. The proposal would eliminate a vacant building and parking lot and people trespassing on the lot to use drugs. The proposed building doesn't operate at night and everything is done pretty neatly. He believes the proposed business will be a great addition to the City of Walton. The business even offers free delivery service.

Mr. Christopher Hurst said he lives at 235 Old Nicholson Road, which is the adjoining property to the north. He asked Mr. Dietz what his time line was to make the improvements? Mr. Dietz said he was going to ask for a year. He is going to start by pressure washing the entire building, removing rotten boards, and painting. He also needs to talk with Boone County Building Department and determine if a larger door needs to be put in. He will also have to put in any landscaping that the Board requires and put up the rest of the greenhouses. Mr. Hurst asked what type of chemicals were being stored in the building and how they were being contained? Mr. Dietz said they use roundup for weed control around the building and 10-10-10 fertilizer for the trees and shrubs. They do not have any other pesticides or heavy chemicals. Mr. Hurst asked if they plan on having permanent fuel tanks or keeping the portables? Mr. Dietz responded that he would keep the portable tanks. Lykins has pads they leave on the property in the event that there is a spill. They are triple walled tanks and the plan is to leave them where they are now (on the edge of the concrete pad). Lykins will change out the portable tanks once every five years. Mr. Hurst asked what will happen if Mr. Dietz doesn't comply with the conditions that are imposed? Mr. Morgan responded that the Zoning Enforcement Officer would make him aware of his violations and give him a time frame to bring things in compliance.

Mr. Morgan said he wanted to make Mr. Dietz aware that the Planning Commission gives an applicant 6 months to make all Site Plan improvements from the time the business opens. He asked if that would be a reasonable amount of time? Mr. Dietz said he thinks that is enough time but isn't sure what Boone County Building Department is going to require him to do.

Mr. Hurst asked if someone will be manning the facility throughout the week? Mr. Dietz said he is usually on the property 7 days a week to take care of business, paper work, or maintenance issues. Mr. Hurst said the neighbors just want to make sure the proposal is going to be what he says it is going to be. It's concerning to them. Mr. Morgan said the neighbors are welcome to call the Planning Commission office if they see something and question whether it was permitted. Mr. Dietz said they would be further along with making improvements but they were told to put everything on hold until they had the proper approvals.

Mr. Hurst asked if the northern part of the property was going to be left as a green space? Mr. Dietz responded it would be left as is. Mr. Hurst asked what his plans were for trash disposal and if waste was brought back from job sites? Mr. Dietz said waste from job sites is taken directly to the dump. He said the only thing they could burn on site would be plants that have died. They would check with Walton Fire before burning anything to make sure it was permitted.

Mr. Hurst asked how the Zoning Enforcement process works? How many chances is he given to make thing right? Mr. Morgan said the process can vary greatly. He could be contacted and clean things up or things could end up in court. Mr. Wilson added the applicant could also come back to the Board and indicate why the designated time line to make the improvements hasn't been met. The Board could also look at a condition that would revoke the approval the improvements weren't made in a specified period of time. The revocation process would involve a second public hearing and the applicant would be given a notice and chance to explain. It wouldn't be an automatic revocation because the Board would determine if the revocation should be triggered.

Mr. Dietz said the appearance of the building and the property is a big deal to him because it reflects on him and the business. He would have already painted the building but was told to hold off until he got the proper approvals.

Mr. Turner asked if anybody else in the audience wanted to speak?

Mayor Gabe Brown said he and City Council share some of the blame for the miscommunication and the business moving in without zoning approval. He would have thought this matter would have come before this Board many months ago. He thought Mr. Dietz's plan was a good one since the time it was presented to City Council. Both he and Mr. Simpson were on City Council many years ago when the excavation company was proposed on the property and he was totally opposed to that application. The City of Walton has worked hard on cleaning up Old Nicholson Road and he takes pride in Gaines Tavern. He is fully in support of this project and he believes that City Council is too. He has no doubt that Mr. Dietz will do exactly what he says he is going to do. He also does not blame Mr. Dietz for not making more improvements, especially since he didn't have zoning approval. He understands that there is an extensive list of Commercial Two (C-2) uses that could move onto the site without this Board's approval. He remembers that the site was pretty dirty when Brinkman Oil occupied it. The City then looked at it as a potential park site but the cost to purchase it and remediate it was cost prohibitive.

Mr. Turner asked if the Board had any comments?

Mr. Ryan said he feels that it would be important for the carport to blend in with the rest of the building. He also agrees that there should be no trash brought back to the site. He likes the landscaping recommendations. Mr. Morgan asked Mr. Ryan if he was looking at Staff Comment 3D? Mr. Ryan said he was. Mr. Ryan asked if dead landscaping material had to be replaced? Mr. Morgan said it did per the Boone County Zoning Regulations.

Mr. Turner asked if they would have a dumpster on site? Mr. Dietz said they have a small dumpster (approximately 4' tall) that is the size of two trash cans and it's kept behind the concrete bins. The only trash they have is paper. Mr. Morgan said a dumpster is normally required to be enclosed with a dumpster enclosure per the Zoning Regulations. If that is something the Board wants to see they should add a condition to require it. Mr. Turner said he doesn't feel like the enclosure is necessary if it will be screened by the concrete bins and proposed landscaping. He asked if the dumpster was big enough for any dead plants. Mr. Dietz said it was. Mr. Turner said he would rather them use the dumpster for dead plants than burn them.

Mrs. Fugate said she would like to see the parking moved out of the right-of-way and to the other side of the island. Mr. Morgan said he would recommend editing Staff comment 3C so the parking could be moved to the back or side of the island.

Mr. Sedor said lighting was brought up earlier but they kind of glossed over it. He asked what type of lighting was proposed and if it would impact the neighbors? Mr. Morgan said the Board could add a condition requiring the applicant to work with Staff to resolve any lighting complaints. Mr. Sedor asked for that condition to be added to the list.

Mr. Turner asked if any of the other Board members had any objections to the hunter green stripe that would be added to the building? Mr. Morgan asked if the stripe is proposed around the entire building? Mr. Dietz said it was and would be limited to the top block (approximately 6" high).

Mr. Turner asked about the time frame to make the improvements? Mr. Morgan said the Zoning Regulations allow the improvements to be made over a 6 month period. A condition will not need to be added if the applicant follows this time line.

Mr. Turner said he believes the proposed use is a less objectionable nonconforming use. Mrs. Fugate said she agrees.

**Mr. Ryan made a motion to approve the request with the following conditions:**

- 1. Except as modified by the conditions below, the approval is based on the plan and written description that were submitted by the applicant. The Zoning Administrator can permit minor changes administratively. Major changes would need to be approved by the Walton Board of Adjustment with another Change in Non Conforming Use application.**
- 2. A carport can be constructed to cover the equipment parking pad that is located immediately to the north of the building. The carport shall have a finish that complements the rest of the building.**
- 3. No business activities shall occur in the approximate 1.45 acre area that's located to the north of the proposed equipment/truck parking driveway.**
- 4. The parking area in front of the plant display area shall be eliminated and be moved to the back or side of the island. This change will allow the applicant to put the plants closer to the street and eliminate motorists from backing into the right-of-way.**
- 5. The following landscaping and or fencing shall be required:**
  - A. Street frontage landscaping per Section 3620 of the Boone County Zoning Regulations shall be required between the storage bins and Old Nicholson Road right-of-way.**
  - B. Street frontage landscaping per Section 3620 of the Boone County Zoning Regulations shall be required between the truck/equipment parking driveway and the existing deciduous tree line in the northern portion of the site.**

- C. **Buffer Yard A plantings shall be required along the southern property line.**
  - D. **The western side of the equipment parking pad shall be screened with a 6' tall privacy fence and a continuous hedge row. The shrub species shall be selected from Plant List C of the Boone County Zoning Regulations.**
6. **The building shall be painted a beige/sand color. A 6" tall hunter green stripe may be painted around the top of the entire building as an accent. Doors can be painted or finished white or another complimentary color.**
  7. **Signage on the site shall be limited to a 4' tall, 32 square foot monument sign. The sign shall not be internally illuminated.**
  8. **All trash shall be kept inside the building or in a dumpster that is located behind the mulch and stone bins. A dumpster enclosure shall not be required if the dumpster isn't viewable from Old Nicholson Road.**
  9. **The applicant will work with Boone County Planning Commission to resolve any lighting impacts on Old Nicholson Road or adjoining properties.**
  10. **Any tractor trailer that unloads on site shall be parked in the truck parking area and shall not be remain on site for more than 5 days.**

**Mr. Sedor seconded the motion. Mr. Turner called for the vote and it carried unanimously.**

2. Request of Woda Cooper Companies, Inc. for a Conditional Use Permit. The Conditional Use Permit would allow a three-story, 60 unit senior apartment building with accessory parking. The future 4 acre lot is located on the southwest side of Towne Center Drive, immediately south of lot 23 of Walton Towne Center Subdivision, and approximately 625 feet south of the Towne Center Drive/Service Road intersection, Walton, Kentucky. The site is currently zoned Commercial Two (C-2).

Staff Member, Todd Morgan, AICP, presented the Staff Report which included a Power Point presentation (see Staff Report). He added that he received an email from Donald Ruberg, attorney for Walton-Verona Schools, and it's part of the record (see exhibit 4).

Ms. Tammy Stansbury, with Woda Cooper Companies, started by submitting a packet with plans and pictures into the record (see exhibit 5). Mr. Ryan asked if it was the same information that was in the Staff Report? Ms. Stansbury replied not all of it. She added that the Site Plan has changed a little bit. The revised plan shows a bocce court, community garden, and a gazebo. The terrace would not be covered but would include picnic tables and grills for the residents. The next page shows the floor plans for the one and two bedroom units. The next sheets show pictures from Towne Creek Crossing on Service Road. All of the one bedroom units in that development have already been leased to seniors. This shows the need for senior housing in Walton. The packet also contains pictures of another development that Woda Cooper did in Richmond, Kentucky. This development contains a similar gazebo that is being proposed at this development. Another pictures shows the storage locker that each resident gets. She provided building material samples showing the brick, stones, and hardi-plank siding materials that were



being considered (see exhibit 6).

She will submit her tax credit application on August 15<sup>th</sup> and Kentucky Housing Corporation will make an announcement sometime near the end of January. If they awarded the tax credits they will start their due diligence, close on the property the following August, and start construction about September 2020. They will not move forward on the project if the tax credits aren't awarded. However, if they don't get the credit this year they plan on reapplying next year. It makes sense for them to be here with the proximity to Town Creek Crossing. She is very successful with her applications because she used to work for Kentucky Housing Corporation and ran the housing credit program.

Ms. Stansbury said the development will have to remain a senior housing development for 30 years if they receive the credits. Technically, it could become market rate housing after 30 years. However, Woda Cooper has been in existence for 27 years and they have never sold a development. It would be very hard to turn a senior development into a family development because they will only be constructing one and two bedroom units. The chances are slim to none.

They either have to check that the development will be 55 years of age or older or 65 years of age or older when they submit their application to Kentucky Housing Corporation. Checking 55 years of age or older means that 80% of the units have to have a resident that is 55 or older but Woda Cooper requires all their units to have a resident that is 55 years of age or older. So a resident that is 68 can have her 48 year old child, who is her care giver live with her. They also see situations where grandparents get custody of their grandchildren. By Federal law they can't deny this situation or make someone move. Mr. Sedor said there isn't anything that prohibits children from living in the development if a judge signs the paperwork. Mr. Morgan asked if he could go back to her example. Could the 48 year old care giver have a child that lives in the apartment? Ms. Stansbury said she could but she has never seen that happen. Their occupancy rules say no more than 2 people can occupy a bedroom. Ms. Stansbury said they have 16 properties in Kentucky and 8 of them are senior developments. To date, they have not seen the situation which is being described. She discussed this with Mr. Ruberg on the phone yesterday.

Mr. Sedor asked who monitors the age limits? Ms. Stansbury said they are tied to a lot of regulations because of the housing credits. Their investors, Kentucky Housing Corporation, and their housing and management staffs regulates it. They are inspected as least once a year by all of them and someone 55 years of age or older has to live in a unit. She added that they also give preference to veterans and they are put on the top of waiting lists.

Mr. Ryan asked if the building will have an elevator? Ms. Stansbury replied that she thinks the building will have 2 elevators because its 3 stories tall. Mr. Ryan asked if the building height met code? Mr. Morgan replied the maximum building height permitted in a C-2 zone is 50'. Mr. Ryan asked how tall the buildings were in Towne Creek Crossing? Ms. Stansbury replied they were 2 story buildings. Mr. Sedor asked how tall this building would be? Mr. Morgan replied the elevations show it will be about 34' tall.

Mr. Sedor and Mr. Ryan asked some questions regarding the building materials. Ms. Stansbury replied the dark shading on the elevations is the brick, the medium shading is the stone, and the light shading is fiber cement siding.

Mrs. Fugate asked if the main entrance had double doors or a sliding door? Ms. Stansbury said it's a double door and they have a security system on all of their senior developments. All residents will have a key fob and guests have to be buzzed in. She added that the

building has trash chutes and laundry rooms. Each unit also has washer and dryer hookups, walk in showers, and emergency pull cords in case someone falls and is injured.

Ten percent of the units will be handicapped accessible.

Mrs. Fugate asked if the rent is set or if it's income based? Ms. Stansbury said Kentucky Housing does adjustable rents. As a result, they can go up to 80% of the area median income or down as low as 40% of the area median income. The rents are then based on the income average and are below the market rate. They pay water, sewer, and trash and the tenant pays electric and cable.

Mr. Sedor asked if someone could use Section 8 vouchers? Ms. Stansbury said they cannot refuse a Section 8 voucher if someone has one and they meet all of their other requirements.

Mr. Sedor asked if they have any concerns about the heliport being in such close proximity to the site? The residents will hear it. Ms. Stansbury said she was at Towne Creek Crossing the other day and the helicopter went by. She believes most of the residents will be entertained by the helicopter. She believes the impact will be similar to the railroad tracks and trains. Most residents will get used to the noise levels.

Mr. Turner asked if the fire department had any comments? Captain Charlie Alexander, with Walton Fire Protection District, said they received the preliminary plan and didn't have a lot concerns. They will want the access point and driveways analyzed to make sure their ladder truck and ambulances can navigate the site. They will also want to verify there aren't any overhead obstructions, like awnings, to contend with. Their biggest question is the offset between the building and the parking stalls. Their ladder truck has about a 65' reach and they want to make sure they can reach the upper floor of the building from the parking lot. They will look at these things in more detail when a Major Site Plan application is submitted for review. Their last request is that any handicapped accessible unit be marked on the outside of the building so they can quickly identify them if they can't get inside the building in an emergency. The marking could be a placard or window sticker.

Mr. Turner asked if everything Captain Alexander brought up would be covered during Site Plan review? Mr. Morgan said the Board could add a condition about marking the outside of the handicapped units if they feel it's necessary. The Planning Commission wouldn't require it because it's not part of the Zoning Regulations.

Mr. Sedor wanted to make the applicant aware that there isn't a complete sidewalk network to Kroger or the fire department. Mr. Morgan said sidewalks will be required on each lot at the time they develop.

Mr. Turner asked if anybody else wanted to speak? Mr. Allen Miller said he was with UC Health and they operate the helicopter air care pad to the southeast of the site. They have no position of the Conditional Use Permit application. They just wanted to remind the Board and applicant that they have been operating in the subdivision for about a year. He introduced Bob Francis, who is their aviation site manager. Mr. Francis said that they operate 24 hours a day and 7 days week. He submitted a letter in the record that was written by Julie Shaw (see Exhibit 7). The letter indicates that they had 500 take offs and landings from the facility in the last year. They normally come in from the north and circle around to evaluate winds before landing. The height of the senior apartment building does not concern them but there will be noise impacts. They have established a great partnership with Walton Fire Department.

Mr. Don Ruberg said he was the attorney for Walton-Verona Board of Education. Walton-Verona Schools supports this Conditional Use Permit but would like the Board to make it expressly clear that it's contingent upon it being senior citizen housing. They are aware that there may be some students that come into the school district with it being a senior citizen apartment development. They would like to see the development come back through the Conditional Use Permit application process if the use was ever proposed to be changed from senior citizen apartment housing to general population apartments.

Mayor Brown said he and City Council support this application. They feel there is a great need for senior housing in Northern Kentucky and Kentucky as a whole. Studies show that the need for senior housing will only continue to grow. He has met with representatives from Woda Cooper and visited some of their facilities and they are a well run business.

Mr. Turner asked if the Board had any more questions?

Mr. Ryan asked Ms. Stansbury if she considered the noise levels to be a non-issue? Ms. Stansbury said it is a non-issue. They have other developments near railroad tracks.

Mr. Turner asked for a motion?

**Mrs. Fugate made a motion to approve the request with the following conditions:**

- 1. The approval shall be based on the revised plans and elevation drawings that were submitted at the 5/23/19 Walton Board of Adjustment meeting. Minor changes can be approved by the Zoning Administrator.**
- 2. The permitted monument sign shall have a masonry base that matches the building.**
- 3. The sides and rear of the dumpster enclosure shall be constructed with masonry and match the building.**
- 4. The lowering of the age limitation for the development (at least one person in an apartment unit required to be 55 years of age or older) shall be subject to another Conditional Use Permit application before the Walton Board of Adjustment.**
- 5. The applicant shall be required to work with Walton Fire Department and come up with an exterior emergency marking system to show the location of all handicapped apartment units.**

**Mr. Ryan seconded the motion. Mr. Turner called for the vote and it carried unanimously.**

#### **OTHER**

No other business was discussed.

**ADJOURNMENT**

Mr. Turner asked for a motion to adjourn. Mr. Ryan so moved and Ms. Fugate seconded the motion. The motion carried by unanimous consent and the meeting adjourned at 8:55 P.M.

**APPROVED**

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**Steve Turner  
Vice Chairman**

**Attest:**

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**Todd K. Morgan, AICP  
Senior Planner, Zoning Services**

- Exhibit 1 - Picture submitted by Leo Dwayne Dietz
- Exhibit 2 - Picture submitted by Leo Dwayne Dietz
- Exhibit 3 - Eight (8) Pictures submitted by Leo Dwayne Dietz
- Exhibit 4 - Letter from Donald J. Ruberg
- Exhibit 5 - Packet submitted by Tammy Stansbury
- Exhibit 6 - Photos of Building Material Samples
- Exhibit 7 - Letter from Julie Shaw