

**WALTON BOARD OF ADJUSTMENT
WALTON SENIOR CENTER
BUSINESS MEETING
FEBRUARY 10, 2020
6:30 P.M.**

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

BOARD MEMBERS PRESENT:

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

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

APPROVAL OF MINUTES:

Chairman Hincks stated the Board members received copies of the minutes of the Walton Board of Adjustment meeting of May 23, 2019. He said he would pass his vote because he was not present at that meeting. He asked for a motion to approve the minutes. Mr. Turner moved they be approved as written and Mrs. Fugate seconded the motion. Chairman Hincks asked for a vote and it carried unanimously.

Mr. Ryan said that meeting involved the request of Mr. Dietz and the conditions that were imposed by the Board still have not been met. He asked if that approval should remain in place? Mr. Morgan added that Mr. Dietz still has not filed his Site Plan to make the improvements that were required and he has been told the issue will be on the Walton Code Enforcement Board agenda in March. Mr. Wilson said the Walton Board of Adjustment cannot simply revoke the approval. The Code Enforcement process needs to run its course and a determination needs to be made if a violation exists. If the Code Board determines a violation exists and it is not remedied the applicant could potentially file an appeal and that matter would come back to the Walton Board of Adjustment at that point.

AGENDA ITEMS:

1. Request of **Riegler Blacktop, Inc.** for two Variances. The variances would (1) reduce the rear landscaping buffer yard requirement from 80' to 25' and (2) reduce the road frontage requirement from 500' to 235' to allow a proposed development to have two access points on Mullen Drive. The approximate 2 acre site is located on the northeast side of Mullen Drive and is located between 130 and 142 Mullen Drive, Walton, Kentucky and is currently zoned Industrial One (I-1).

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

Mr. Hincks asked if there was a rear entrance out of the residential part of the subdivision? Mrs. Fugate said there was not. Mr. Morgan said there may be one in the future. Mrs. Fugate said the two big traffic generators are Best Sanitizers and Fields Welding. Best Sanitizers is open from 7:00 A.M. to 3:30 P.M. and Fields Welding has lots of tractor trailers that go in and out.

Mr. Hincks asked if the applicant would like to make a presentation? Mr. John Lange said he was an attorney and was representing Riegler Blacktop and Tempflex Industrial Solutions. Mr. Lange said Mr. Morgan had pretty much presented their position on this. The 80' or 40' buffer pretty much makes the site unworkable. In addition, other rear yard buffer Variances have been approved on the same side of the street in the subject subdivision. They are asking for two access points because the lot is fairly narrow. They think more safety issues would be created if the site was limited to one access point. There is also good site distance from the access points. Tempflex will only have a few tractor trailer deliveries throughout the week. Mr. Daniel Rice, with Boone County Public Works indicated that he had no issues with the site having two access points. They believe they meet the Variance criteria that are listed in the Staff Report.

Mr. Hincks said it sounds like there will be a minimal amount of deliveries. He asked if those deliveries will be made in semi trucks or something smaller? Mr. Lange said it would be a combination of semi trucks and smaller trucks.

Mr. Sedor asked what will be manufactured on site? Mr. Jon Eaton said he was the owner of Tempflex. They manufacture expansion joints for the power industry. These expansion joints are needed because duct work heats up and moves and machinery moves.

Mr. Lange added that Tempflex is an an existing business and they are looking to move from Erlanger to Walton.

Mr. Morgan asked how many employees the business has? Mr. Eaton said he currently has 4 employees and could potentially add 1 or 2 more.

Mr. Sedor asked why they are leaving Erlanger? Mr. Eaton replied they are leasing a building in Erlanger but would own the subject property.

Mr. Turner asked what the expansion joints are made of? Mr. Eaton replied Teflon and fiberglass insulation.

Mrs. Fugate asked how many semis they would have? Mr. Eaton said they might have 2 or 3 in a week.

Mr. Hincks asked what normal business hours were? Mr. Eaton replied 7:00 A.M. to 3:30 P.M. Monday - Friday.

Mr. Turner asked how far the driveways are from the property lines? Mr. Morgan replied said the plan shows both driveways are 10' from the property lines.

Mr. Turner said a daycare was approved next door. He asked where they permitted the playground? Mr. Morgan reviewed the location that was approved. Mrs. Fugate said they haven't built the playground in that location yet. They are currently using an area up against the side of the building. Mr. Tuner asked how far away the approved location was from the common property line? Mr. Morgan approximated that it was 30' from the property line. Mr. Ryan asked for confirmation that landscaping would be required along the side property lines of the Tempflex lot. Mr. Morgan replied that was correct.

Mrs. Fugate asked if the Tempflex driveways would be wider than the daycare driveways? Mr. Morgan responded they would be wider to accommodate semi trucks. Mrs. Fugate asked if lighting would be addressed at the Site Plan stage? Mr. Morgan said it would be.

Mr. Sedor asked how Riegler Blacktop is associated with the project? Mr. Lange said they are the project manager and Dan Riegler is a Professional Engineer.

Mr. Turner asked if the applicant had any objection to planting more evergreen trees and fewer deciduous trees in the rear buffer? This condition was imposed on some of the other Variance approvals in the subdivision. Mr. Lange said they could accept that as a condition.

Mr. Hincks asked if anybody else in the audience wanted to speak regarding the application? There was no response.

Mr. Hincks asked if the Board had any more comments or if somebody wanted to make a motion? Mr. Ryan asked if the Board needed to word a condition requiring the heavier evergreen tree mix in the rear buffer? Mr. Morgan said they would and could look at the subdivision history section of the report for guidance. It could be worded that at least half of the required trees in the rear buffer yard have to be an evergreen species.

Mrs. Fugate asked if the proposal was to allow Buffer Yard B plantings? Mr. Morgan said the proposal is to allow Buffer Yard B plantings in a 25' wide buffer yard. The condition, if the Board goes with it, would require at least half of the required trees to be an evergreen species.

Mr. Turner made a motion to approve the request with the following condition:

- 1. The rear buffer yard shall be 25' in width and contain Buffer Yard B plantings. 50% of the required trees shall be an evergreen species.**

Mr. Sedor asked if they should word another condition requiring Buffer Yard A along the front and side property lines? Mr. Morgan said they can but it will be required anyway by the Zoning Regulations. Mr. Turner said it should not be added if it's a code requirement.

Mrs. Fugate asked if all the properties in the subdivision should have landscaping? Mr. Morgan said they should and he probably needs to have the Zoning Enforcement Officer investigate.

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

OTHER

Mr. Morgan asked if the Board wanted to elect officers since it was the first meeting of the year? Currently Mr. Hincks is Chairman, Mr. Turner is Vice-Chairman, and Mrs. Fugate is Secretary/Treasurer. Mr. Ryan made motion to keep the officers the same and Mr. Hincks seconded the motion. Mr. Hincks called for the vote and it carried unanimously.

ADJOURNMENT

Mr. Hincks asked for a motion to adjourn. Mr. Turner so moved and Ms. Fugate seconded the motion. The motion carried by unanimous consent and the meeting adjourned at 7:01 P.M.

APPROVED

David Hincks
Chairman

Attest:

Todd K. Morgan, AICP
Senior Planner, Zoning Services