

**WALTON BOARD OF ADJUSTMENT
WALTON SENIOR CENTER
BUSINESS MEETING
JANUARY 10, 2017
6:00 P.M.**

Mr. Turner, Chairman, called the meeting to order at 6:00 P.M.

BOARD MEMBERS PRESENT:

Mr. Steve Turner, Chairman
Mr. Michael Bryan
Mr. Edward Sedor

BOARD MEMBERS NOT PRESENT

Mr. Robin Baker
Mr. Thomas Luebbe

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

APPROVAL OF MINUTES:

Chairman Turner stated that the Board members received copies of the minutes of the Walton Board of Adjustment meeting of November 3, 2016. Mr. Sedor moved that they be approved and Mr. Bryan seconded the motion. Chairman Turner asked for a vote and it carried unanimously.

AGENDA ITEMS:

- 1. Request of The Woda Group for a Conditional Use Permit to allow 44 townhouse style apartments with a community building and accessory parking. The approximate 4.3 acre property is located on the north side of Service Road, to the south of Waffle House (185 Mary Grubbs Hwy.), and to the east of the I-75/Mary Grubbs Hwy. northbound exit ramp, 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. Dan Grimm, with Grimm Architecture & Design, started by submitting elevation drawings of the 8 unit building into the record (see Exhibit 1). He said the building is very similar to the 6 unit buildings. It's just a little bit wider. There are one-bedroom units on the ends. Mr. Sedor asked if the one-bedrooms at the ends were single-story? Mr. Grimm said they were. He reviewed the proposed building materials. Mr. Sedor asked where the patio doors were? Mr. Grimm said most of the units have french doors that go out to a rear patio. The units on the sides have side doors and a side yard patio.

Ms. Tammy Stansbury, with the Woda Group, said the rear elevation drawings also show that each individual tenant will have a storage area that is attached to the rear of the building. Mr. Sedor said there are only two storage areas shown. Mr. Grimm said each storage unit is split in half and serves two tenants. Mr. Morgan said the enclosed storage bump outs are not shown on the preliminary site plan. He asked if the 6 unit buildings would have them as well? Mr. Grimm said they would. Mr. Sedor asked how far the storage bump outs project? Mr. Grimm said about 5 feet. Mr. Morgan said the 8 unit building will have to be shifted further into the site to allow the storage bump outs to be constructed without a Variance. The rear of that building is currently shown at the minimum 30' setback line and the 5' storage bumps outs are not shown. Mr. Grimm said they could construct the storage bays in a line on the western side of the 8 unit building or move the building closer to the parking lot. They will get the building to meet the required 30' front yard setback. Mr. Sedor said he didn't think having all the storage units on the western side of the building was a good idea. Ms. Stansbury agreed. Mr. Grimm said they had plenty of room to pull the building further away from the street.

Mr. Sedor said there are two handicapped parking spaces shown near the one-bedroom accessible unit. He asked if any of the other units would be handicapped accessible? Mr. Grimm said some of the 3 bedrooms will be handicapped units because there is a bedroom located on the first floor. Mr. Sedor said he would like to have seen the floor plans. Mr. Grimm said they will supply them when they submit for Building Permits. Mr. Sedor asked how many handicapped accessible units there would be? Mr. Grimm said there would be a total of five. Ms. Stansbury said the state requires 2% of the units to be handicapped accessible and they are doing more than 10%.

Ms. Stansbury said they also had a trip generation study done (see Exhibit 2). The conclusion of the study reads "the proposed apartment community will generate less traffic in the peak hours than other commercial users of the site. As shown in Tables 1 and 2 the specialty retail center would generate 128 percent more traffic and restaurant uses would generate 161 percent more traffic than the proposed apartments on an average day". She added the site is zoned Commercial Two (C-2) and many commercial uses, such as restaurants, are permitted by right. Their study shows that the Average Daily Traffic for the 44 unit apartment development would be 25 trips would occur during the AM peak and 42 trips during the PM peak. The Average Daily Trips for a high turnover sit-down restaurant or specialty retail center are shown at 1,017 and 893 trips respectively.

Ms. Stansbury introduced Marilyn Harris. She is Woda Group's Regional Manager for Kentucky and Tennessee. Mrs. Harris said Walton-Verona School District's biggest concern is that they are at capacity between grades K-8. She researched all 1,008 units she managed and found that 4% of the total tenants are school age children. What that means is that many of the children that can be found in their units are very young or already in college. They also don't generally pull in people from other communities because they advertise in the subject community. They are currently in the process of leasing out two developments in Tennessee. Out of those 68 units, only 1 is being occupied by a family that came from outside the subject community. Another question the school district raised was how many families could live in a unit? Under the tax credit rules, people are limited by income. In this community, the maximum income for a four person household would be \$43,000 per year (2 people making \$10.00 per hour income full time per week). In addition,

Woda Group has occupancy standards and no more than 2 people are permitted to occupy a bedroom. So for a three bedroom unit, the maximum occupancy permitted would be 6 people and the combined income could not exceed the limit.

Ms. Harris, said upon enrollment in Walton-Verona Schools all people living in a unit must be listed on the lease documents. She said this is also a Woda Group requirement. Woda Group will also not allow anyone to be added to the lease document in the first year. Someone violating this rule would be evicted.

Another question Walton-Verona Schools had was why is a washer and dryer located in the community building when each unit has washer and dryer hookups. From their experience, they have found that 50% of their tenants have a washer and a dryer in their apartment. This is a service they offer for tenants that do not have a washer or dryer.

Ms. Stansbury said another question the school district had is why are 14 three bedrooms being proposed when the project narrative states that a lot of young professional or seniors will be living in the complex? She said their experience is that they have a hard time renting out their one bedroom units. Most people want extra space, especially if they are downsizing from a house. Ms. Harris said most people want the two-bedroom units so they have extra storage space and a place to put a guest that comes to visit.

Ms. Stansbury said it's possible that professionals can qualify to live in these units. Examples could be managers working at a department store, like Kohl's. This would especially be the case if the family is 1 person. She added this site is very attractive for multi-family housing because it is conveniently located to many amenities. She added that Mr. Morgan read off several passages from the Comprehensive Plan stating this.

Mr. Bob Storer said he was the Superintendent of Walton-Verona Independent Schools. He asked what the development would be worth when it was finished being constructed? Ms. Stansbury said it would be about a \$10,000,000 development. Mr. Frank Fugate, with the Woda Group, said they would pay their fair share of taxes and it would be based on the assessment from the PVA office.

Mr. Storer asked if they would be fencing their retention pond? Mr. Fugate asked if that was a requirement. Mr. Morgan said it is not a requirement of the Boone County Zoning Regulations. The Board could impose it as a condition if they feel it's necessary. Mr. Fugate said they fence ponds in other communities to deal with safety issues or to create a certain aesthetic. They may consider a fence for this site because of the topographic conditions. Ms. Stansbury said they will definitely put a fence up if it is a permanent pond. Mr. Fugate said they have a similar situation in Shelbyville and the basin is dry 90% of the time. As a result, they do not have a fence. Ms. Harris said they have a family community in Crossville, Tennessee and the detention basin does not have a fence around it. The detention basin is normally dry and is behind the community center. Mr. Storer asked if either of those communities were near a school? Ms. Harris responded the Crossville community is similar to this one. It is located in a commercial area, near a Lowe's, and is in the middle of a school district. The community in Shelbyville is not comparable because it is a senior development and is not located close to a school.

Mr. David Turner, with the Walton-Verona School Board, said he would like to go over the data they shared regarding the number of children that would be anticipated to come into the community. He said the applicants mentioned Linden, Tennessee and Shelbyville, Kentucky. He asked what the school district rankings were in these areas? Walton-Verona is a fairly desirable school district. As a result, he is not sure that they would only see individuals that already lived in the school district occupying these apartments. His anticipation is that this project would draw new people into the community. Ms. Harris said she cannot speak to the rankings because it was not part of the Tennessee tax credit application. She could certainly look it up.

Ms. Stansbury said she used to work with Kentucky Housing Corporation before she came to the Woda Group. She said another part of the state that has good schools is La Grange in Oldham County. When apartments were built in this community the people that moved into them were largely from the community.

Ms. Stansbury said they had a market analyst do a market study in Walton and found that there are no affordable housing units here. Everything is either market rate, public housing, or Section 8. This would be the first affordable housing in Walton. Affordable housing is where rents are below market rates. Currently, the rent of a three bedroom unit in Walton can be as high as \$1,200. Their three bedroom units would rent at \$860. She believes that the people that will move into these apartments will come from the community. They will see an opportunity to move out of substandard housing and pay less rent. They also see a lot of people that are about to lose their homes from bank foreclosures and seniors that want to downsize into their apartments. She has 30 years experience with multi family housing and has never seen a situation where an apartment complex drew a lot of new people into a community.

Mr. David Turner asked what the ratio of affordable housing to non-affordable housing was in the other communities (Linden, Crossville, Knoxville) that were mentioned. He asked if those school districts had any concerns. Ms. Harris replied that she did not indicate that those school districts had concerns. She indicated the tax credit applications from the state housing financing agency, for the Crossville and Linden projects, did not have the ranking of a school as a factor in the scoring for the award of affordable housing tax credits. The application they just got funded in Knoxville did have that as a scoring criteria. When they go to rank and review all the applications, you get points for building in a community that has a higher grade school ranking. That is now part of scoring in Tennessee and across the country. The goal is to put affordable housing in good communities.

Mr. John Wainright said he wanted to follow up on Mr. Turner's questions. Two of the cities that were mentioned were Linden and Crossville, Tennessee. Their average median housing income is \$27,000 per year. He does not think it is fair to compare those communities to Walton because the average median household income here is about \$55,000 per year. He asked how the data is correlated when the average rent in the other communities would be about \$400 per month while the rent here is \$1,200 per month. He also said that Walton-Verona Schools would be ranked higher. He asked if the average of 4% school aged children included senior citizen communities. Ms. Harris said they removed senior citizen communities from that calculation.

Ms. Stansbury said she took every general occupancy development they had in Kentucky and did a general overview of the kids. That is where she came up with 4% kids (from birth to 18). Mr. Wainwright asked what the turnover rate was in their complexes? Ms. Harris approximated 25% in the communities she manages. He said then 75% of the three year olds will be in school. Ms. Harris replied eventually. She added that the 17 and 18 year olds will also graduate out of school.

Mr. Wainwright asked what numbers they use when applying for tax credits? He asked if they use the 20% or 40% band width? Ms. Harris said they use 40/60. In order to meet the requirements, 40% of the units have to be rented to households that are at or below 60% of area median income. Mr. Wainwright asked why they do not do 20%? Mr. Harris said that would mean that 20% of the units have to be rented to households that are at or below 50% of area median income. They feel like they are opening the apartments up to a broader range of people by using the 40/60 rule. Ms. Stansbury said the reason they feel that way is that there are also Section 8 and public housing developments. Tenants in those type of communities get rental assistance. A lot of people in market rate apartments have good incomes but do not wish to have a house. What has always been missing is the middle income people. Affordable housing lets this group of people save money so they can eventually become home owners. There is currently no affordable housing in Walton. She said her son-in-law was living in Walton and was working at the airport as an aviation mechanic. When her daughter got out of nursing school and wanted to move in with him with their baby they looked at staying in Walton. They could not because there was no affordable housing. As a result, they wound up moving to Florence.

Mr. David Turner asked what percentage of the children they estimated are in the low income group versus the non low-income group. Ms. Harris said she didn't break down the data that way. They only looked at how many children they had in the communities.

Mr. Storer said he would like to ask a follow up question regarding assessed value. Assessed value and real value are two different numbers. He asked if they have an estimate of what the property will be insured for. Mr. Grimm said they haven't reached that point yet. However, the PVA office would assess the value. He estimated the project would have \$6,000,000-\$7,000,000 in construction costs and the value of the land.

Ms. Margie Stewart said she lived at 288 Edwards Avenue. She asked why the Woda Group picked the subject site and asked if they looked at any other locations? Ms. Stansbury said the subject site is desirable because of all the amenities in the area. Ms. Stewart said she knows the future library will be located in Walton Towne Center but there is also a lot of traffic. She asked if they are just sticking people anywhere because the land is available. Ms. Stansbury said it's the property's location next to amenities and the expressway that make it attractive. They are the third developer to look at the property and there will probably be more if their tax credit application isn't approved. She added that a lot of apartment developments are located along expressways. Ms. Harris said another factor is the State Housing Financing agency has gone towards looking at walkability when scoring tax credit applications. The walkability score looks at how easy is it for us to leave our car and walk to a doctor's office, supermarket, bank, church, etc, located within a mile of the project.

Ms. Stewart asked what kind of lighting was being proposed? Mr. Grimm said they would have ornamental lights that are 12 feet tall. They are residential in scale and will have down lighting.

Mr. David Turner said he sees that sidewalks will be required along the parcel frontage and will connect to Walton Towne Center Subdivision. He asked if there was any provision to provide sidewalks from Mary Grubbs Highway to the high school and middle school? Mr. Morgan said each lot in the commercial subdivision will be required to have sidewalks at the time it is built out and the Board can add a condition requiring sidewalks on the apartment lot. The Board cannot impose a condition requiring sidewalks on School Road as part of this project. The City could look at it as a special project.

Mr. Ron Mullen said this Board has approved two Conditional Use Permits for senior developments on this parcel in the last two years. He asked if there was a reason the applicant wasn't going with a senior community? All of the amenities that are there would serve seniors and would diminish the school board's concerns. Ms. Stansbury replied they had a market study done and it showed a higher need for general occupancy units. However, that doesn't mean that seniors cannot live in this development.

Mayor Carnahan asked if any of the buildings could be rented exclusively to seniors? Ms. Harris said that would be a violation of the fair housing rules. Mayor Carnahan asked if they would have a manager on-site at all times for security purposes? Ms. Harris said they have a manager on-site approximately 30-40 hours per week. They also have maintenance staff and cameras on the community center, which cover many different angles and the entrance. These cameras go to a server and they go can back and review a week of video. Mayor Carnahan asked if they have wording in their rental agreements that would allow a tenant to be removed if they become a problem? Ms. Harris responded they have language in the lease that tenants cannot disturb the peaceful enjoyment of their neighbors from enjoying their homes. They have evicted tenants under this clause. Ms. Stansbury added that they are strict who they lease to. They do credit and criminal checks and go back with other landlords for 5 years to make sure the prospective tenant has a good rental history and hasn't caused problems. They will not rent to someone that has been evicted from another development. Ms. Harris said they also do monthly inspections to make sure all the units are being maintained.

Ms. Stansbury said one difference with the Woda Group is they develop, construct, and manage all of their properties. The other developers that pursued this site had third party management companies. Third party management companies are worried about getting their money first. When you own the property you get paid last. As a result, they always make sure their properties are well maintained and kept up. They are ranked in the 10 top in the country for affordable housing developers and are located in thirteen states. They do not put up with people destroying their properties and will evict tenants quickly.

Mr. Sedor said how will monthly inspections of the units occur? Ms. Harris said the lease agreement contains that provision and they have to give the tenants 48 hours notice. They inspect every unit in their portfolio monthly to make sure everything works.

In response to a question, Ms. Stansbury said Woda Group has been in existence for 25 years. They have approximately 220 properties and 9,000 units. They have only sold a property one time.

Mr. Turner asked if there was a provision which required them to retain the property for a minimum number of years? Ms. Stansbury said when they receive tax credits they are required to own the property for 30 years. Mr. Turner asked how they were able to sell a property if they have only been in business for 25 years? Ms. Harris said because it wasn't a tax credit deal. They do have several non tax-credit properties in their portfolio. Ms. Stansbury added that they also have a preference for veterans. They will move veterans to top of any waiting list.

In response to a question, Ms. Harris said their priority will be residents of Walton. That doesn't mean they would not rent to someone from Florence if they do not have a Walton resident on their waiting list. Their waiting list indicates where prospective tenants currently live.

Mr. Morgan said he would like to add one thing. Planning Commission Staff contacted Boone County Schools to get a projection on the number of students that they would expect from an apartment complex. They informed Staff that they project 0.25 students per apartment, regardless of the unit size. So for a 44 unit apartment complex, Boone County Schools would anticipate 11 students.

Chairman Turner asked if anybody else from the audience wanted to speak at this time? There was no response. Chairman Turner asked if the Board members had any questions?

Mr. Sedor asked if residents were permitted to have pets? Ms. Harris responded that no more than 2 pets are allowed per unit and the combined weight cannot exceed 25 pounds. They do not allow any reptiles, ferrets, or pigs. There is also a \$300 non-refundable deposit per pet. They comply with all rules regarding service animals. All tenants with pets are required to clean up after them.

Mr. Sedor said he remains concerned that the floor plans are not available. Ms. Stansbury said they would have brought them if they knew somebody wanted to see them.

Mr. Morgan said they mentioned that a storage shed was going to be provided when they discussed the project last week. He asked if the plans had been updated to show the location of the storage shed? Mr. Grimm reviewed the location of the shed on the revised plan (see Exhibit 3). He said the plan also shows the fire hydrants that Walton Fire Department requested. Ms. Harris said one of the questions Mr. Morgan asked was where snow removal and lawn equipment would be stored. They will hire a local company to do lawn maintenance and snow removal.

Mr. Sedor asked how access to the community center is provided? Ms. Harris said the main part of the community center isn't open all the time. She has had people reserve it for book clubs, Bible studies, and birthday parties and the property manager opens and closes it. The fitness room has it's own access and is key coded. Mr. Sedor asked if the fitness room was 14' x 14'. Ms. Harris said it was and added it will include treadmills, elliptical machines, bicycles, free weights, and a television.

Mr. Sedor asked if they could go over disabled vehicle and recreational vehicle provisions? Ms. Harris said they are not permitted by a vehicle addendum to the lease. Tenants cannot store or maintain any such vehicles on their property. As a result, tenants are not

permitted to do oil changes in the parking lot. Cars that are non-operable would be towed at the owners expense within 24 hours. Boats and trailers are prohibited. Tenants cannot build any structures. The lease even prohibits satellite dishes from being constructed on buildings or in yards. They may allow one satellite dish if there is enough interest and all the tenants share it.

Chairman Steve Turner said the trip generation study shows the average daily traffic on Service Road is 390 trips. While he realizes that many commercial uses would be principally permitted on this site, he is still concerned about increased traffic in this area because of the width of Service Road. Ms. Stansbury indicated the 390 average daily traffic number is the traffic that is already on the road. She said the apartment would add 25 trips in the AM peak and 42 trips in the PM peak. She added that the subject property is in very close proximity to the Chestnut Drive intersection so tenants would not have to travel that far down Service Road. Chairman Turner asked how wide the road would be if it were constructed today? Mr. Morgan replied that the road would be classified as a sub-collector. They are required to have a 50' right-of-way and 28' of pavement. Service Road is about 16.5' wide where the access point is proposed. Chairman Turner asked if they should require the building to be setback further because of the condition of the road? Mr. Morgan said there would be room to widen the road in the future within the existing right-of-way. The applicant's plan shows the right-of-way is 60' wide.

Mr. Sedor said the applicant has to submit the tax credit application in the next two days to meet the deadline. Ms. Stansbury said that was correct. Mr. Sedor said that puts pressure on the Board because deferral isn't an option. He asked why they waited so long to submit the application? Ms. Stansbury said they had an issue with the seller. She wanted to submit the Conditional Use Permit back in November but the owners deferred everything to their son, who lives in Connecticut. He was very difficult to deal with. She doesn't like to do things last minute. The fact that their tax credit application is due in two days has put a lot of stress on her.

Chairman Turner said one of the comments from the Comprehensive Plan to consider is whether the existing infrastructure and public school system is adequate and if phasing of the development should be considered. He asked the applicant if the development would be built all at once. Ms. Stansbury said it would be. Chairman Turner said they were given a projected number of 11 students earlier tonight. He asked if the schools could accommodate that number of children? Mr. Storer said they are not comfortable with that number. He would like to look at their own multi-family data instead of the Boone County School District's data. He said he doesn't have that information with him tonight. Ms. Harris asked if the school that was at capacity was K-8? Mr. Storer replied that was correct. Ms. Stansbury said they have no way to tell what age any children will be at this time. Chairman Turner said they have to go with the worst case scenario. The only projection they have right now is the Boone County School projection of 0.25 students per unit (44 x 0.25 = 11 students). Ms. Harris said they also don't know if those 11 children are already located in the school district. They don't believe they will be bringing in 11 new children. That is based on their experience and statistics.

Chairman Turner asked if the Board members had any concerns about the colors of the building materials being unknown? Mr. Grimm said it will be a very conservative brick, either red or an earth tone color. The stone will probably be a limestone color. The usually use light grey siding but used white in Shelbyville because they were going for an equestrian theme. Mr. Morgan said the Board could draft conditions regarding the building material colors if they see fit. Such a condition could be handled through a Staff Design review process with the Major Site Plan application.

Mr. David Turner asked if he heard it correctly that the entire project would be built at one time? Ms. Harris replied that was correct. He asked how that fit with the Goals and Objectives from the Comprehensive Plan stating that “where existing infrastructure, services, and the public school system are not adequate, development shall be phased to coordinate with the provision of these items”. Mr. Wilson said that passage is part of the comprehensive plan and is not a zoning regulation. The Board needs to look at that passage and determine if phasing needs to be done. Ms. Stansbury said this is only a 44 unit development. She would understand a phasing condition with a bigger development.

Mr. Wainwright asked how many 1, 2, and 3 bedroom units were being proposed? Mr. Morgan responded 6 one-bedrooms, 24 two-bedrooms, and 14 three-bedrooms. Mr. Wainwright asked how many one and two-bedroom units were located in Raceland Meadows? Ms. Harris replied that Raceland Meadows is an RD 515 property and is not comparable. Mr. Wainwright asked why it was included in the computation of how many children there were. Ms. Stansbury said she took an overall view of all the properties that they have in Kentucky. Mr. Wainwright asked how many properties they have in Kentucky? Ms. Harris said they have 12 properties in Kentucky. Two of these properties are senior developments and three are RD 515 properties, which have rental assistance tied to them. Mr. Wainwright said most of the properties they are referencing only have 1 and 2 bedroom units and they are using that information to quantify how many children will be located in a community with 14 three-bedrooms and is located in a better school district. Ms. Stansbury said the overall percentage includes all the 1, 2, and 3 bedroom units.

Mr. Wainwright said a couple of their communities are shown with population that is 35% children. Ms. Stansbury said that is the overall average of their entire portfolio. The apartments with high percentages of children are typically located in Eastern Kentucky because there are very limited housing options. She did more research on the issue and broke the numbers down to school aged children. This is where she came up with the 4% school aged children figure. Mr. Wainwright asked why all the communities have playgrounds? Ms. Harris said they have playgrounds at some of the senior communities because grandchildren can come over. They try to provide playgrounds and play rooms at all their communities. This gives prospective tenants another reason to select their development.

Mr. Sedor said the applicant has been able to answer most of the questions. He said traffic seems to have been addressed. The biggest concern is the impact on the school district. Chairman Turner said one other concern he has is the proposed development is directly across from a industrial use that deals with mining equipment.

Mr. Harris said the last two Conditional Use Permit approvals on this site were for senior apartments. However, this does not mean that children could not live there. She has a property in Greenville, Tennessee that is a senior property and it has 4 children living in it. There are times when grandparents are raising their grandchildren. Ms. Paula Jolley, with Walton-Verona School Board, said the applicants for those proposals indicated there wouldn't be any children. They indicated the apartments would be limited to those aged 55 years and above. Ms. Harris said that would be against the law because you cannot discriminate against children. What that would mean would be that the head of household would have to be 55 years of age or older.

Chairman Turner asked if the approved sign in the right-of-way concerned them? Ms. Stansbury said it did not.

Mr. Bryan said that people need to live somewhere. He thinks this project is something the City of Walton needs.

Mr. Sedor said the biggest question to him remains the schools. He asked if a condition could be put on an approval that if the impact on the schools is too great that all bets are off. Mr. Wilson said he doesn't know what that condition means. The Board needs to make a decision based on the record they have.

Ms. Harris said the population growth in Walton has been exponential over the years. She asked what the Walton-Verona School Board's growth plan was now? She asked if they were building or contemplating to build a new school? She said whether they build this project or not, 44 new households will be added in Walton next year because it's a desirable community. Mr. Storer said they have a planning meeting that occurs every four years. He said they have two apartment complexes directly across from his office and he knows that they have a lot more than 0.25 students coming from those units. That is his concern. They have had steady growth. In 2016, they had 39 Building Permits. In 2015, they had 62 Building Permits. A lot of school districts are losing enrollment but they are gaining. He doesn't agree with the 0.25 student number per unit. He thinks everywhere there is a family apartment in their school district that somebody will move in there with a child that will come to school. He believes this because they are one of the top performing school districts. He said he would have the ability to run those numbers tomorrow before lunch. They also have a school board meeting on Thursday and he can present those numbers.

Ms. Stansbury asked if they were looking to expand? Mr. Storer said they need to get more kids into their preschools because of the demographic patterns here. He believes they will be building another school about 20 years out if things keep going the way they are.

Mr. Fugate with the Woda Group said the demographic data in the Staff Report indicates that the population in Boone County is projected to rise from 118,811 in 2010 to 153,933 in 2020. He would think the school district would be prepared to address this. They are only looking to add 44 apartment units. Mr. Storer said there has only been one year since 1987 that the school district hasn't had growth. Ms. Harris repeated that the future occupants very well could already live in Walton. They will not be pulling in 44 new families. Chairman Turner agreed but added the Board also needs to consider that families would be backfilling the apartments or houses that were being left. Ms. Harris said her experience is that they will not be pulling new people into the community. The projections also indicate that Boone County's population will increase by approximately 35,000 people in the next 10 years. She does not think the school will be burdened by adding 10-15 students. She doesn't think it would be fair to turn down decent, safe, sanitary, and affordable housing because of 11 students that may or not attend the schools.

Ms. Jolley said she understands that they may be getting upset at the School Board but she wants her to understand where they are coming from. She said she was with the city for several years and is now on the school board. They have had a lot of wonderful ideas presented to them over the years and some of them did not turn out as expected. As a result, they have a lot of questions. They currently have two apartment complexes across from the schools right now. Ms. Harris said she understands that. However, she believes the issue is whether they are really adding 11 new students or are they simply rehousing existing students. She said nobody can answer that question. She can tell them that they will be marketing the apartments in Walton. Most people will see a sign on the property or the construction occurring and call.

Mr. Turner asked what on-line advertising services they would subscribe to? Ms. Harris said Woda Group will advertise with someone like apartments.com. She does receive calls from people visiting these type of websites but they majority of people that call already live or work in the community. They are required by their tax credit application to advertise the property. She added that most of the properties have a very long wait list because people want to live in their communities.

Ms. Stewart asked if a bed ridden person would be allowed to reside in one of their communities? Ms. Harris responded that they do not have assisted living facilities. Residents must be able to take care of themselves.

Chairman Turner said he seems to recall an issue with the curb cut. Mr. Morgan said he provided 13 comments to the applicants when they submitted the application. One of the comments was a concern that the proposed driveway was slightly offset with the Sparks Contracting driveway. The Zoning Regulations require curb cuts to be aligned or totally offset from one another. The applicant revised their plan after receiving these comments. Chairman Turner said a condition on one of the previous apartment approvals required the curb cut to be as wide as possible so Sparks Contracting could use it to pull their heavy equipment in and out of their site. Mr. Morgan reviewed a PowerPoint slide showing where the pavement was broken up on Service Road from tractor trailers swinging onto the subject site. Chairman Turner said he would recommend a condition requiring the curb cuts to align and for the apartment curb cut to be as wide as possible. Mr. Fugate said they would be agreeable to that condition.

Chairman Turner asked if lighting would be addressed during Site Plan review. Mr. Morgan said a photometric plan would be required with the Site Plan and they would have to meet the footcandle requirements from the zoning regulations. The footcandle measurements at the property line cannot exceed 1.0. The Board should add conditions if they want to limit the height of the light poles or the placement of wall packs.

Chairman Turner asked if the Buffer Yard requirement was changed in the front yard? Mr. Morgan said he was recommending the buffer to be upgraded to Buffer Yard B.

Chairman Turner asked if they needed to address the building colors? Mr. Morgan said they should if they want certain colors or want to prohibit bright colors. Ms. Stansbury said they are held to a very high standard when they apply for tax credits. The use Energy Star appliances and windows and use green construction techniques. Mr. Morgan recommended a condition which prohibit bright colored building materials.

Chairman Turner asked if there was a provision that stopped a tenant from leasing their apartment to someone else. Ms. Harris said they have a no subleasing clause in the lease. They also require all residents that live in the unit to be listed on the lease. They verify this is being met when they do the monthly inspections. They would give a violator 24 hours to fix the situation and if they didn't they would be evicted. No one can be added to the lease except children that are born within the first 12 months.

Chairman Turner made a motion to approve the request with the following conditions:

1. The approval shall be based on the preliminary site plan and elevation drawings. Minor changes can be approved by the Zoning Administrator.

2. The rear and side facades of the 8 unit building shall be constructed with 50% brick and/or stone.
3. Buffer Yard B plantings shall be required along the front property line. Buffer Yard B is a 20' wide buffer with the following plantings required every 100 linear feet:
 - 5 Evergreen from Plant List D and
 - 6 large trees/medium/small/or evergreens from Plant List A, B, C, or D and
 - 30 shrubs from Plant List E or 15 shrubs from Plant List C
4. The dumpster enclosure shall comply with the following:
 - The rear and sides of the dumpster shall be constructed with brick that matches the buildings.
 - The gate shall be solid wood or vinyl
 - The enclosure shall be at least 1 foot taller than the dumpster being screened.
5. Freestanding signage shall be limited to a 10' tall, 100 square foot monument sign. The base of the sign shall be constructed with brick that matches the building. Building mounted signage shall be prohibited.
6. Public sidewalks shall be required along the Service Road frontage and a sidewalk connection to the development shall be required.
7. A bicycle rack shall be required near the community center.
8. Residents shall not be permitted to store disabled vehicles or recreational vehicles in the parking lot.
9. Fire hydrants shall be placed:
 - A. Approximately 90' from Service Road. The location is on the left side of the driveway as you turn into the development and is near a light pole and tree.
 - B. Approximately 250' from Service Road. The location is about 7' to 10' east of the dumpster.
10. The colors of the buildings shall be reviewed through a Staff Design Review process. Bright colored building materials shall be prohibited.
11. The proposed curb cut on Service Road shall be made as wide as possible to allow the neighboring property across the street to have better ingress and egress. The maximum permitted rural driveway width is 40 feet (see Table 32.5 of the Boone County Zoning Regulations).

Mr. Sedor seconded the motion. Chairman 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. Bryan so moved and Mr. Sedor seconded the motion. The motion carried by unanimous consent and the meeting adjourned at 8:19 P.M.

APPROVED

Steve Turner
Chairman

Attest:

Todd K. Morgan, AICP
Senior Planner, Zoning Services

Exhibits

1. Elevation drawing of 8 unit building
2. Trip generation study
3. Revised Preliminary Site Plan