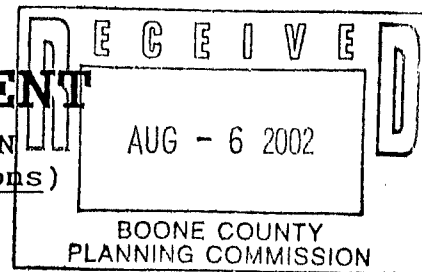


APPLICATION FORM ZONING MAP AMENDMENT

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)



SECTION A (To be completed by applicant)

1. Name of Project ARLINGHAUS
2. Location of Project Kentucky Highway 18 - 3829 & 3939
3. Total Acreage of Site 291± acres
4. Current Zoning of Site Agricultural Estate (A-2)
5. Proposed Zoning (Classification being requested) Suburban Residential One (SR-1)
6. Proposed Uses (please specify each use) Single Family Detached Housing

7. Names of Applicant(s) Raymond Erpenbeck Consulting Engineers, PLLC
Phone Number 727-4200 Fax No. 342-5852
8. Address of Applicant(s) 4205 Dixie Highway
Elsmere KY 41018
City State Zip
9. Name of Property Owner(s) Arlinghaus Builders & Jerry L Arlinghaus et al
Phone Number 341-8766 Fax No. 344-7983
10. Address of Property Owner(s) 142 Barnwood Drive
Edgewood KY 41017
City State Zip
11. Proposed Building Intensities (please specify) 2.5 units per acre

12. Are there any existing buildings on the site? yes
How many? 15
13. Deed Book 698, 714, 772 Page No. 98, 76, 03 Group No. 2028
14. Are you also applying for:
NO Conditional Use Permit
NO Dimensional Variance
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 with in the last several months:
No Boone County Water and Sewer District
N/A Florence Water and Sewer Commission
No Union Light Heat and Power
NO Cincinnati Bell
No Owen County Rural Electric
No Boone County Public Works Department

(over)

EXHIBIT

“A”

STAFF REPORT

Request of Raymond Erpenbeck Consulting Engineers PLLC (applicant) for Arlinghaus Builders, Jerry L. Arlinghaus, et al (owners) for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for an approximate 291 acre area located at 3829 and 3939 KY 18, Boone County, Kentucky. The request is for a zone change to allow detached single family residences.

September 25, 2002

REQUEST

This request is for a zone change from Agricultural Estate (A-2) to Suburban Residential One (SR-1) to allow a subdivision for detached, single family residences. The site is located at 3829 and 3939 KY 18, which is on the south side of KY 18, approximately 800 feet west of Griesser Farm Road. The site is composed of three parcels which total approximately 291 acres. The proposal is for a subdivision to allow detached, single family residences.

The submitted Concept Development Plan illustrates individual lots, but notes that "all street & lot layouts are preliminary; final street location shall be determined during preliminary plat and improvement plan phase." Both the Concept Development Plan and application form state that the proposed density is 2.5 dwelling units per acre. Based on 291 acres, approximately 727 total dwelling units are proposed. (NOTE - a revised plan that was submitted shortly before the hearing includes a small area in the eastern most part of the site that could be developed as part of the 727 total units or be attached to an adjoining parcel thereby reducing the total number of units based on the 2.5 units/acre figure; this revised plan also includes a pool facility). The individual building lots generally measure 70 feet in width by approximately 140 feet in depth (9,800 square feet), although the lots in cul-de-sac areas and those which adjoin curves in the streets are larger.

A north-south running boulevard style main road is proposed. The intersection of this road with KY 18 is the only access point on Burlington Pike, and the south end of this road is proposed to dead end at the east property line in the south part of the property as a future street connection (an additional local street connection is proposed to the same adjoining property from the north). No lot access is proposed on this main road. Two local street connections are proposed to the property which borders the subject site to the west, and a local street connection is proposed in the northern part of the subject site to the property which borders to the east (a total of five street connections to adjoining properties are proposed).

The individual phases are served by a series of local streets which branch from the main north-south road. These local streets are characterized by curvilinear roadways, many of which end in cul-de-sacs. Several open space areas are proposed around the site, including along the KY 18 frontage, along a major overhead power easement which runs across the site in a southeast to northwest manner, around an existing pond, and in several valley areas. Public water and sanitary sewer services are proposed.

SITE HISTORY

The current Agricultural Estate (A-2) zone for the property was adopted through the 1980 Boone County Zoning Map that was prepared by KZF, Inc.

ADJACENT LAND USES AND ZONING

The land uses and zoning adjacent to the site include the following:

- A. A combination of agricultural uses and single family residences on estate style lots are located along both sides of KY 18 in the vicinity of the site (A-2). The Baptist Convalescent Center/Griesser Farm complex is located further to the east/northeast along the south side of KY 18 (SR-1/PD), and single family residences on relatively smaller lots along the KY 18 frontage are located further to the west in the Vice Lane vicinity (RS).
- B. A subdivision of single family residences on estates lots (Emerald Glen Estates/Emerald Drive) is located immediately to the east and connects to East Bend Road (RSE and A-2); other estate type tracts are located along East Bend Road, to the immediate north and south of Emerald Glen Estates (RSE). Undeveloped farm tracts are located to the immediate northeast and southeast (areas north and south/southwest of Emerald Glen Estates; A-2).
- C. A combination of agricultural uses and wooded areas are located to the south, with intermittent single family residences further to the south along Possum Path Road (A-2).
- D. A combination of agricultural uses and wooded areas are located to the west (A-2).

SITE CHARACTERISTICS

As noted above, the site contains approximately 291 acres. The site also has approximately 1,500 feet of frontage on KY 18. The topography of the site is rolling, with some valley areas being relatively steep. The difference between the highest and lowest points on the site is approximately 110 feet (approximately 880 el. in the center of the site and approximately 770 el. along the KY 18 frontage and the creek valley along the east property line). The site has both open pasture and wooded areas, and contains three clusters of buildings. The site contains several farm ponds, and has several intermittent blue line streams (across the KY 18 frontage, along the east boundary, and one that runs through the northern part of the site in a generally north-south manner). The site contains a high tension power line and several smaller overhead lines. Public water is located at the west end of the Griesser Farm tract and sanitary sewer is located at the Allen Fork pump station (by Hidden Creek Subdivision). Soil types on the site include Jessup silt loam (JeB, JeD) and Rossmoyne silt loam (JeB, JeD).

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2000 Boone County Comprehensive Plan's Future Land Use Map designates the site for "Suburban Residential" uses. The Suburban Residential classification is described as "single family housing of up to four units per acre. This classification also includes any low density or estate residential developed as a formal subdivision."

The Land Use Element text makes the following statements that relate to the overall area:

- A. Burlington proper will continue to experience growth-related pressures. The influence of residential subdivisions in the surrounding areas, and the associated traffic, will necessitate improved traffic controls and management, particularly at KY 18 and KY 338 . . . ("Burlington Area," pg. 169).
- B. This section of Boone County contains parts of the Woolper Creek valley and the extensive Developmentally Sensitive areas associated with the creek. This section should nevertheless experience some population growth as the Burlington area changes from a rural community to a suburban community. This is due largely in part to the sanitary sewer pump station and mains on KY 18. The suburban growth around Burlington will be substantial, causing KY 18 and Idlewild Road to serve as higher volume collector roads. New subdivisions should locate in close proximity to Burlington proper. Any new subdivisions should develop internal road networks rather than using the existing roads as primary access; this will avoid congestion and allow adequate space for necessary road improvements. Road connections

between KY 18 and Idlewild Road, between KY (18) and East Bend Road, and between Idlewild Road and Bullitsville Road should be made. Parts of the Woolper Creek valley should be preserved and included as part of the tourism/recreation potential of the area. To provide an appropriate entrance to the potential large western Boone County tourism area, KY 18 west of Burlington should maintain a rural appearance through unique subdivision design. The balance of land in the western part of this section should remain largely undeveloped or in agricultural uses, and suburban development should stay in the immediate watershed of the KY 18 pump station . . . ("Burlington Area," pp. 170 - 171).

The Land Use Element provides the following general comments that relate to the proposal:

- A. Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined. . . . ("Utilization of Existing Vegetation and Topography," pg. 158).
- B. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments. Developments proposed adjacent to planned or established greenbelts should provide pedestrian access where appropriate. . . . ("Buffering," pg. 159).
- C. Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways.

Developments along major roadways in Boone County must include landscaping and/or the use of berms between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing uses ("Landscaping," pg. 159).

- D. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, and provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system. . . . ("Access Management," pg. 159).
- E. Developments in Boone County must be designed, where appropriate, to improve the County's transportation network system of roadway classification and function must be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets. The traditional grid system can provide an alternative to typical suburban design. Parallel and frontage roads should be used to minimize impacts of individual sites on collector and arterial roadways. Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths, but should provide connections to adjoining uses where appropriate. Public open space and recreation sites should be connected by bicycle and pedestrian paths where appropriate . . . ("Transportation and Pedestrian Network," pp. 159 - 160).
- F. Developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. . . .

Neo-traditional residential and commercial development should be encouraged to provide quality development that blends with the natural or historic character of parts of Boone County . . .

The proper application of these guidelines help, in part, to achieve an overall objective of this Comprehensive Plan. This goal states that proper future growth management for Boone County is implemented. As a minimum, proper design and development must include the consideration and application of the above guidelines. . . ("Designs, Signs, and Historic Preservation," pg. 160).

The Population Element outlines population projections based on the Ohio-Kentucky-Indiana Regional Council of Government's (OKI) transportation analysis zones. The population for the zone in question (823) is expected to increase from 6,305 in the year 2000 to 8,418 in 2010, and to 9,436 in 2020 (pp. 27-30).

The Environment Element provides the following comments that relate to this proposal.

- A. Overall, land planning in Boone County should enable the developable lands to be developed at a higher density, thus reducing the need to develop the developmentally sensitive areas. This would be the most effective way of preserving the environmental characteristics of the rural portions of the county, while reducing the air pollution within the region and making mass transit more feasible and effective. In 1995, the Comprehensive Plan included the observation that in Boone County there was almost three times as much undeveloped land, not including developmentally sensitive, as there was developed land. The conclusion was that unless development occurs in a low density form, there should be ample developable land to allow continued growth within Boone County beyond the 25 year planning horizon. In the five years since the last update, however, development has occurred at a lower density than proposed in the 2020 Land Use Plan, as well as at lower densities than permitted by the existing zoning. This means that Boone County development will affect more acreage than shown on the 2020 Land Use Map. This also means that since overall development densities show no sign of significant increase, the Land Use Element must include the examination of additional development areas outside the 2020 Land Use Map urban areas if the county's growth is to continue for the planning horizon . . . ("Tools for Land Conservation," pg. 48).

The Housing Element provides the following comments that relate to this proposal.

- A. The major reason for Boone County's rapid population growth is in-migration. Often the higher income or new population locates in the developing rural areas of the

county. While this is practical because they are the ones who can afford an estate lifestyle and cost of transportation over greater distances, this spatial phenomenon maintains social divisions between the different segments of society. A variety of housing opportunities within the established urban areas and within developing areas would encourage some of the higher income residents to reside there and thus lessen the isolation of different segments of society. Therefore, single-family housing should remain an ingredient of the urban areas instead of being targeted only for rural or suburban areas . . . ("Population Needs," pg. 82).

- B. Although single-family homes are by far the most numerous, they are decreasing in their percentage of total Boone County housing. Most new construction of single-family housing will take place on the outer rings of growth. The Union area has a high percentage of single-family housing. Seventy six percent of all units in Union were constructed between 1970 and 1990. Large lot areas, including Union, will see multi-family construction, although this higher density development should occur close to highway arterials and urban services, and be sensitively developed in terms of building height, setbacks, mass, and visual impact. Throughout Boone County, high density developments should be close to thoroughfares to achieve a gradation of densities and land uses outlined in the Future Land Use Plan . . . ("Housing Types," pg. 82).
- C. High density residential areas should be located sufficiently near and with convenient access to major streets, highways, and shopping and public facilities. A progression of densities of residential uses from high (multi-family) to low (single family) shall be encouraged. Where traditional progressions of high to low net density are not possible, an appropriate and attractive visual transition should be achieved. This could include existing vegetation, or new landscaping and/or fencing. Existing vegetation (such as wooded fence rows) should be retained as much as possible to provide buffer strips. This serves a dual purpose in that woodland is becoming relatively scarce in the eastern uplands of the county, and these areas buffer different land uses. Housing densities should vary within the established developed areas, which is in agreement with the objective of land use selection based on housing densities rather than housing types . . . ("Housing Densities," pg. 84).
- D. The design of true open space housing development should be strongly encouraged, as an alternative to the conventional subdivision divided entirely into ownership lots. To accomplish this, densities within portions of a site can be increased while the overall intensity on the site can remain basically the same. Topography, vegetation, and public improvement costs reduction should be incentives for open space design. Provision should be made in the zoning and

subdivision regulations for true open space design to occur under existing zoning. By increasing densities and clustering on portions of a site, these planned developments will preserve green space and/or provide space for public facility or recreation opportunities. The overall intensity of units per acre on the total site becomes the issue to consider when evaluating public services and relationship to the Future Land Use Map. All residential developments should be designed to preserve natural site features wherever possible . . . ("Open Space Subdivision Design," pg. 85).

- E. The undeveloped land on the southwest quadrant of KY 18 and KY 237 would be an excellent site for a transit-oriented, mixed-use planned development. New subdivisions throughout the west Florence and Burlington areas should provide interconnections between their developments and adjacent developments to promote safe and easy transportation access. Overall, the KY 18 corridor represents a prime opportunity to promote high density residential uses in a transit corridor ("Geographic Housing Issues, Florence-Burlington Area," pg. 87).

The Agriculture Element provides the following comments that relate to this proposal.

- A. It is apparent that future development of the county's rural areas will occur in residential, industrial, and commercial terms. This plan calls for farmland conversion to occur through logical urban expansion. In order to protect those who want to continue to farm in urbanizing areas, tax structures, planning efforts, Purchase of Development Rights (PDR), incentive programs, and utility expansions should be designed to enable those uses to continue.

New residential developments in agricultural areas should be closely correlated to adequate infrastructure. When this type of development does occur, compact efficient land use development patterns should be encouraged to assure the availability of lands in the county for agricultural use. New residential development is further addressed in the Housing Element . . . ("Recommendations," pg. 103).

The Transportation Element provides the following comments that relate to this proposal.

- A. . . . future proposed residential development in Boone County will primarily continue as a system of cul-de-sacs connected to local streets, which then connect to collector streets (in both small and large subdivisions). In other large scale developments, more Planned Unit Developments (PUDs) and Cluster Subdivisions with "pods" connecting to internal collector streets have been approved. Both of these models of residential development will continue to assure that the primary means of transportation for residents will be by automobile ("Planned Unit Developments - A New Prototype for Residential Development," pg. 152).

- B. If Boone County continues to develop in this same low-density, dispersed form of development, which only accommodates travel by the automobile, it would almost certainly guarantee chronic traffic congestion, increased air pollution problems and a waning quality of life for residents of the county ("The Future: Integrating Transportation and Land Use," pg. 153).

The 2000 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements.

- A. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- B. Proper design principles shall be applied in development ("Overall," Objective 3).
- C. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed ("Overall," Objective 4).
- D. Boone County shall strive to achieve a diversity and balance in land use. Land use and zoning decisions shall strive to balance the rights of landowners with the rights of the general public ("Overall," Objective 6).
- E. The needs of Boone County's population base are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- F. New development or redevelopment within Boone County is designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are maintained and enhanced. Development within Boone County preserves and promotes a better quality of life ("Environment," Goal).
- G. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each site's existing physical assets are used. Residential development design in particular shall minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ("Environment," Physical Objective 2).
- H. Existing vegetation shall be considered as both an important site characteristic and a community resource . . . ("Environment," Social Objective 4).

- I. A broad range of housing opportunities shall be provided which meet the needs and desires for all household types . . . ("Housing," Objective 1).
- J. Housing supply in Boone County shall be balanced against present and planned commercial, industrial and primary and secondary education bases . . . ("Housing," Objective 4).
- K. In order to offer the citizens of Boone County maximum choice in living environment, residential development shall be judged primarily on density, impact on infrastructure, and development design with only secondary consideration given to the type of dwelling unit . . . ("Housing," Objective 5).
- L. The interior street system of new residential developments shall insure continuity with adjacent built or planned neighboring areas. Residential developments shall be encouraged to provide interconnections between sections of their developments and with adjacent developments to promote safe and easy transportation access and a sense of neighboring interaction. Based on certified traffic analysis, collector and sub-collector streets shall be evaluated to determine design without individual lot or driveway access. Lot and home buyers shall have access to approved plans regarding future connections. The interior street system shall also coordinate with and continue the evolving multi-modal transportation system (pedestrian and bicycle facilities, mass transit stops) . . . ("Housing," Objective 8).
- M. New or redeveloped residential areas shall be designed to establish clearly defined neighborhoods with a mix of retail, public, and recreational uses. Established neighborhoods shall be protected and enhanced and deteriorated neighborhoods shall be regenerated . . . ("Housing," Objective 9).
- N. Clustering (increasing net density while not altering overall usable density) shall be promoted by appropriate incentives in order to preserve green space, scenic views, other identified significant site features, and land for public facilities or recreation. The usability of green space must be carefully reviewed, and the provision of green space shall not in itself guarantee an increase of density. Clustered housing, or Open Space Subdivisions shall be permitted not only in planned developments, but in appropriately designed subdivisions under conventional zoning . . . ("Housing," Objective 12).
- O. Residential developments shall be encouraged to plan and build in a manner which is compatible not only with the general housing density and design planned for the area but also with the existing conditions of the site, including the suitability of adjoining lands for appropriate access, and significant site features . . . ("Housing," Objective 13).

- P. Where existing infrastructure, services and the public school system are not adequate, developers shall phase construction to facilitate the provision of these items to support their developments . . . ("Housing," Objective 14).
- Q. Adequate recreation facilities and programs are provided, significant natural features and historic sites are preserved, and open space for public use is provided. . . . ("Recreation and Open Space," Goal).
- R. Greenways or greenbelts located along creek valleys or abandoned county roads shall be promoted as a possible linear park system that would serve the multiple purposes of recreation, ecological conservation and alternative transportation. Development of public hunting areas shall be investigated . . . ("Recreation and Open Space," Objective 8).
- S. Preservation of agricultural land, in the face of potential development, shall be evaluated based on the overall economic, environmental, social, infrastructure, and rural landscape characteristics of the area . . . ("Agriculture," Objective 3).
- T. New infrastructure systems shall be built to definite planned and balanced capacities and for definite urban and rural forms . . . ("Public Services and Facilities," Objective 2).
- U. Priorities for growth within any individual infrastructure system shall be based on the predicted needs of specific areas as prescribed by the future land use projections of this plan. No infrastructure system shall commit the county to excessive growth by the system's expansion . . . ("Public Services and Facilities," Objective 3).
- V. Priority shall be given towards maintaining, protecting and improving the capacity and safety of the existing road system . . . ("Transportation," 1st Goal, Objective 11).
- W. New connector streets shall be developed where needed and feasible thus lessening the total dependence on arterial streets. Existing connector streets shall be improved where needed . . . ("Transportation," 2nd Goal, Objective 2).
- X. Proper access to adjoining property shall be provided and/or retained when a property develops or redevelops . . . ("Transportation," 2nd Goal, Objective 3).
- Y. The incremental effects of developments on the transportation system shall be evaluated and provided for . . . ("Transportation," 3rd Goal, Objective 4).

STAFF COMMENTS

1. The Planning Commission and Fiscal Court will need to determine whether the proposal is in agreement with the Comprehensive Plan. As discussed above, the Future Land Use Map designates the site for Suburban Residential uses, which is single family housing of up to four units per acre and any low density or estate residential developed as a formal subdivision - this means that the estate lot type subdivisions in the general area can technically fall within this classification. (NOTE - a revised plan provided shortly before the Public Hearing labels the eastern most corner of the site as "area reserved for future development"; if this area is divided from this tract for attachment to a neighboring tract, the overall number of units would be reduced based on the 2.5 unit/acre density requested - the applicant's intent for this area should be explained at the Public Hearing).

The Land Use Element discussion of this area is fairly extensive. The Burlington Area text (pp. 170 and 171) notes that this area should experience some population growth "due largely in part to the sanitary sewer pump station and mains on KY 18." This section also states that "suburban growth around Burlington will be substantial, causing KY 18 and Idlewild Road to serve as higher volume collector roads. New subdivisions should locate in close proximity to Burlington proper. Any new subdivisions should develop internal road networks rather than using the existing roads as primary access; this will avoid congestion and allow adequate space for necessary road improvements." Among other connections, the Land Use Element states that a road connection should be provided between KY 18 and East Bend Road; the main road proposed in the current application will serve this purpose when it is extended in the future. The discussion on this area closes by stating "to provide an appropriate entrance to the potential large western Boone County tourism area, KY 18 west of Burlington should maintain a rural appearance through unique subdivision design. The balance of land in the western part of this section should remain largely undeveloped or in agricultural uses, and suburban development should stay in the immediate watershed of the KY 18 pump station." In short, the Comprehensive Plan acknowledges that suburban growth will occur in parts of this overall area, but it must be cognizant of infrastructure capabilities and be designed in a manner which helps to maintain or reinforce the rural character. The Goals and Objectives also emphasize the importance of infrastructure through the Housing, Public Services and Facilities, and Transportation objectives, and state that phasing a development may be necessary in order for a given project to receive adequate infrastructure ("Housing," Objective 14).

Further, the Population Element forecasts a substantial increase in population for the traffic zone in question, although the population forecast is for the zone at large and should not, in and of itself, be construed to endorse a particular land use or

density on a specific parcel. The governing bodies will also need to consider whether the current zoning is inappropriate and the proposed zoning is appropriate, and whether there have been changes of an economic, physical, or social nature not anticipated in the comprehensive plan that substantially alter the area's character.

2. Staff is concerned with the design of the project and how this design relates to the surrounding environment. As outlined immediately above, the Comprehensive Plan states that the area along KY 18 west of Burlington should maintain a rural appearance. Because the current rural environment is generally characterized by the topography, intermittent rural pastures, and wooded hillsides (versus post and rail fences and regularly spaced deciduous trees seen in other rural parts of the County), Staff initially suggests that: A) the entire road frontage area be maintained as an undeveloped open space or, B) the existing residence and surrounding vegetation on the frontage lot that is part of this application, and the open space along the road frontage of the main farm, both be maintained (the basic approach used by the nearby Baptist Convalescent development is one example of maintaining open space along KY 18). As the visual break from the road is the first ridge south of KY 18 (basically the depth of the adjoining frontage lots at the northwest corner of the site and the wooded area adjacent to the northeast corner of the site; average depth from the road is approximately 700 feet across the frontage lot), a wooded tree line could be provided across this ridge area with access through the open space provided by a functional collector road as requested by Greg Sketch, P.E., L.S., Boone County Engineer in the attached memorandum (collector road re width, depth, geometrics, etc.; this memorandum also discusses traffic and storm water concerns). Although a collector road is required by the Subdivision Regulations, Staff recommends that this road have "farm lane" style design features such as no curb and gutter, minimal apparent cut and fill, trees placed closer to the road surface, etc. - there are several examples of this type of "lane" in the general area. To reinforce the existing rural character, hay or other types of production could occur in the open space area along KY 18.

With some exception, home lots are generally proposed along the entire perimeter of the development. Due to the fundamental visual and land use differences between the smaller, suburban style lots proposed and the agricultural/rural residential uses which exist around this site, Staff suggests that the treatment for each specific boundary be examined in detail. Even though the adjoining land uses have similar, low density characteristics with one another, the boundaries vary in character as they adjoin working farmland, an estate residential subdivision, and wooded areas. Staff's initial recommendation is to maintain a portion of the tree cover around the site's boundaries where it exists (such as the initial 50' as an example - larger amounts may be necessary where dictated by topography), and

to pull back the individual lots from the site boundaries where such tree cover does not exist.

A number of open spaces have been proposed around the site, particularly in areas where the topography is more challenging. While Staff supports this basic concept, it should be taken at least another step closer to being an Open Space subdivision per the newly adopted zoning regulations and as endorsed by the Housing Element (or at least by using basic cluster techniques if not an "Open Space" Subdivision per se; otherwise, the development may appear as a collage of 700 plus overlapping roof tops from both the road and adjoining areas). In addition to maintaining the more challenging topography on the site, this would entail conserving major areas of tree cover and possibly incorporating one or more of the existing farm ponds into the development design. Of particular importance to Staff is the conservation of the wooded area that is in the approximate center of the northern part of the site (just south of the frontage lot that is part of this application - this area contains the intermittent blue line stream). Retention of this area would help maintain the rural character of the site, reinforce the visual break from KY 18 discussed above, and provide an amenity for the residents (the main collector road could run through it if the amount of disturbance was reasonable). Also of importance is the wooded area in the southern-most part of the site (along the eastern, approximate two thirds of the south property line). This area should be considered for conservation due to the existing tree cover, topography, and greenway potential. It is Staff's understanding that this area is near/at the headwaters of Middle Creek and that it could be incorporated into a larger greenway scheme, such as by providing a trail head. Potential destinations along such a greenway include Middle Creek Park and Boone Cliffs.

Also relative to amenities, community facilities in general, have not been outlined in the application or on the plan. Based on the size and location of the development, community/recreation facilities should be provided around the site (both formal facilities such as a pool and clubhouse and/or trails and the wooded park area already mentioned; NOTE - a revised plan provided shortly before the Public Hearing includes a pool facility). Staff requests that the applicant be prepared to discuss this issue with the Zone Change Committee.

3. Staff is concerned with potential traffic impacts associated with the development for a number of reasons. First, no traffic impact analysis was provided for the project. Based on the proposed number of dwelling units, the fact that KY 18 is a two lane rural section road, geometric issues associated with KY 18, potential peak hour level of service issues, as well as the potential problems identified in the Comprehensive Plan for the KY 18/KY 338 intersection, Staff highly recommends that a traffic study be provided for the Zone Change Committee to consider. The

Kentucky Transportation Cabinet has commented that both left and right turning lanes will be required into the development (this same basic concern is shared by Staff and the Boone County Engineer). Depending on the conclusions drawn in the traffic analysis, both left and right turn lanes onto KY 18 from the proposed collector road may be necessary. KTC also expressed some caution in the placement of the proposed intersection and the design of the corresponding improvements (refer to attached e-mail from Carol A. Callan, P.E., KTC District 6). Safety concerns with this intersection were also expressed by the Burlington Fire Protection District (refer to attached letter from Captain Shaun Klaserner).

A number of street connections to adjoining, undeveloped properties have been shown on the Concept Development Plan. Based on the characteristics of the adjoining properties and the applicable provisions of the Subdivision Regulations and the Comprehensive Plan, it is Staff's conclusion that these connections are both warranted and appropriate as proposed. As discussed above, the main collector road is designed to be continued as the (or one of several?) KY 18/East Bend Road connection discussed in the Comprehensive Plan. The road as proposed could reasonably be extended to serve this purpose.

4. Several agencies have expressed concerns regarding adequacy of available infrastructure. First, Sanitation District #1 has stated that there is limited capacity at the Allen Fork pump station and that it is possible that the District will need to limit or stop additional flow into the pump station before the Western Regional Treatment Plant is on line (refer to attached letter from Gary W. Aman, Project Manager). Additionally, Boone County Schools have commented that the District can not accommodate the demands that this development would create currently or in the near future, with the recommendation that the project not move forth at the present time (refer to attached letter from Bryan Blavatt, Superintendent, for specific issues). Due to these reasons, the governing bodies must decide whether the infrastructure necessary for the proposed development will be adequate based on the applicant's anticipated build-out schedule - this schedule will need to be explained at the Public Hearing. If it is determined that the infrastructure will not be adequate, the governing bodies need to decide whether an appropriate phasing schedule can be created, or whether approval of this application just is not timely due to infrastructure inadequacies.
5. Phil Trzop of the Boone County Water District has stated that the development will be served by an extension of a 12 inch main across the site's KY 18 frontage as well as a 12 inch main in the right-of-way for the internal collector road.

6. Both the Boone County Engineer and the Kentucky Transportation Cabinet have expressed the need for adequate storm water controls, as outlined in the previously mentioned correspondence.
7. The Burlington Fire Protection District has commented that the proposed subdivision will not affect their service ability as a fire department, but that the District has sent a letter to the developer requesting a possible donation of property in the development for a sub-station to serve the potential service demand that the immediate area, including this development, may create (refer to previously referenced Klaserner letter).

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Boone County Fiscal Court in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3, "Amendment" of the Boone County Zoning Regulations and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will not need to be amended if this request is approved.

Respectfully submitted,



Kevin T. Wall, AICP CDT
Director, Zoning Services

Attachments:

- location map
- aerial photo w/ zoning
- Future Land Use Map excerpt
- topographic map
- 9/5/02 memorandum from Greg Sketch, P.E., L.S., Boone County Engineer
- 9/4/02 letter from Captain Shaun Klaserner, Burlington Fire Protection District
- 9/20/02 e-mail from Carol A. Callan, P.E., KTC District 6
- 9/9/02 letter from Gary Aman, Project Manager, Sanitation District #1
- 9/17/02 letter from Bryan Blavatt, Superintendent, Boone County Schools
- application materials including Concept Development Plan

Traffic Impact Study Arlinghaus Subdivision KY 18, Boone County, Kentucky



25 September 2002

Prepared For:

Raymond Erpenbeck Consulting Engineers, PLLC
4205 Dixie Highway
Elsmerc, Kentucky 41018

Prepared By:

Edwards
AND **Kelcey**

5533 Fair Lane
Cincinnati, Ohio 45227
513.272.5533
www.ekcorp.com

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- Provided at the rear of this report.

Appendices

- Appendix A – Existing Traffic Volume Counts
- Appendix B – Level of Service Analysis

Introduction

The purpose of this report is to summarize the results of a technical analysis conducted to assess the traffic needs and degree of impact of a proposed 725-lot subdivision by Arlinghaus builders. The proposed site is located on KY 18 approximately two miles west of KY 338 in Burlington. Figure 1 shows the location of the proposed site development.

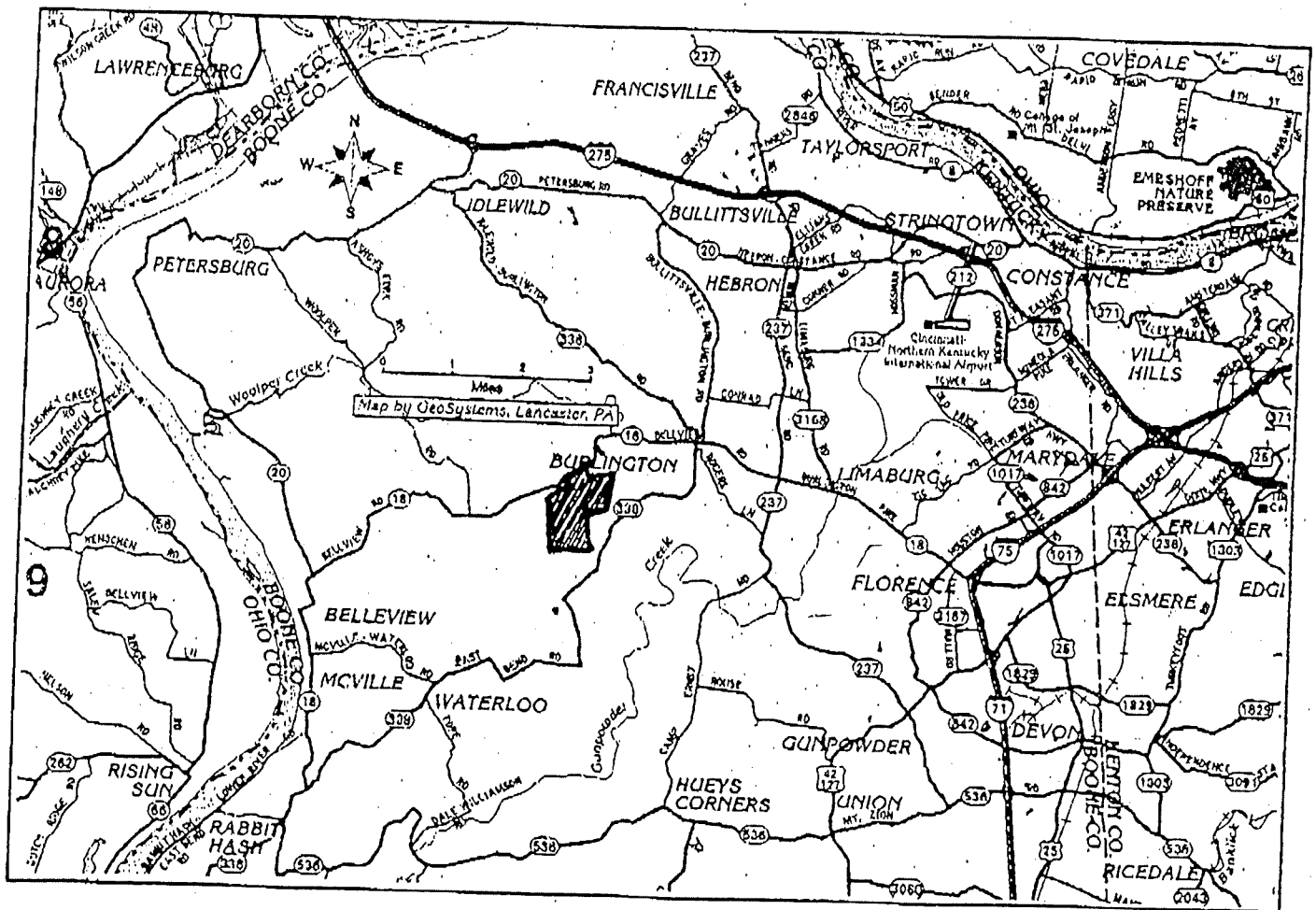


FIGURE 1
VICINITY MAP

Included in the study and summarized in this report is an analysis of circulation, safety and traffic volume capacity. Traffic volume counts, turning-movement counts, field observations and measurements were included in the work tasks.

The overall objective of this report is to define the recommended traffic-related infrastructure improvements (on-site/off-site), through the application and use of the traditional traffic engineering measures that will mitigate the impacts created by this development.

- 1) A Concept Plan by Erpenbeck Engineers dated August 2002;
- 2) Contact with Mr. Kevin Wall, Director of Boone County Planning Commission Zoning Services regarding requirements for the traffic impact analysis.
- 3) Site reconnaissance, traffic counts and field observations conducted by Edwards and Kelcey, Inc. (EK), formerly Pflum, Klausmeier & Gehrum Consultants, Inc. (PKG);
- 4) Reference to the Institute of Transportation Engineer's (ITE) Trip Generation Manual, Sixth Edition;
- 5) The Highway Capacity Software (HCS 2000) for signalized and unsignalized intersections (Release 4.1a); and
- 6) The application of accepted and normal traffic safety and engineering standards.

Project Description

The proposed single-family subdivision development is located on 291± acres of land approximately two (2) miles west of the City of Burlington. The primary access to the subdivision is on the south side of KY 18. The Concept Plan shows five future possible connections to adjacent properties.

The existing land use of the property is A-2, Suburban Density Residential. The proposed zoning is SR-1 with a proposed density of 2.5 dwelling units per acre. The total number of lots anticipated is 725 with a phased construction period of 10 to 15 years.

Figure 2 provided at the back of this report illustrates the Concept Plan for the Arlinghaus subdivision.

Existing Traffic Conditions

KY 18 between Burlington and the Site is a two-lane rural roadway. A twenty-four hour traffic count taken on KY 18 at the proposed subdivision entrance point indicated a weekday volume of 3,678 vehicles per day. The speed limit on this section of KY 18 is unposted and therefore is 55 miles per hour.

At the request of the Boone County Planning staff, manual turning movement counts were also conducted at the intersection of KY 18 and KY 338 in Burlington. This intersection is presently 4-way stop controlled with overhead flashing lights. The posted speed limit on each of the intersection legs is 35 miles per hour. The counts were conducted during the morning 7:00 to 9:00 AM period and the evening 4:00 to 6:00 PM peak period.

Figure 3 illustrates the existing peak hour turning movements at the KY 18/KY 338 intersection. Appendix A contains the actual count data.

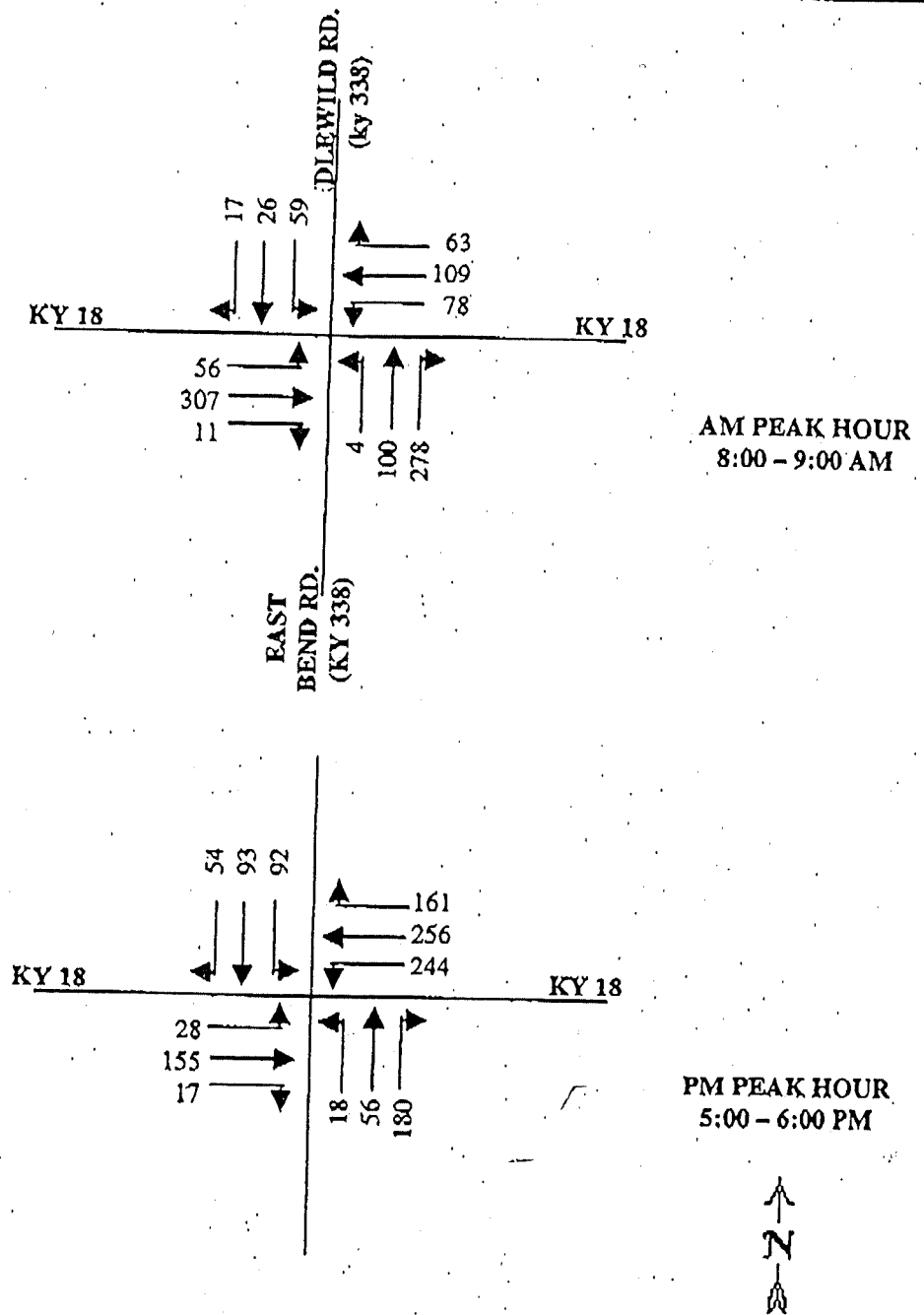


FIGURE 3
EXISTING TRAFFIC VOLUME
AM & PM PEAK HOURS
KY 18 AND KY 338

Traffic Forecast of the Development

The total number of trips to be generated by the proposed development during an average weekday was estimated using empirical data consistent with similar types of proposed land uses. The Institute of Transportation Engineer's (ITE) Trip Generation Manual, Sixth Edition, was used as a basic source of reference. A summary of trip generation is shown in Table 1 for build-out conditions of the proposed 725 lot Arlinghaus subdivision.

**TABLE 1
FORECAST TRIP GENERATION
ARLINGHAUS SUBDIVISION**

ITE Land Use & Code	Weekday 50% in 50% out	AM Peak			PM Peak		
		In	Out	Total	In	Out	Total
Single Family Housing #210	6414	129	388	517	410	230	640

Trip Distribution/ Assignment

Because of the location of this subdivision on the west side of the County, the analysis assumed that 95 percent of the Site generated trips would be to and from the east.

Figure 4 illustrates the existing traffic plus site development trips assuming a total build-out condition in the AM and PM peak hours.

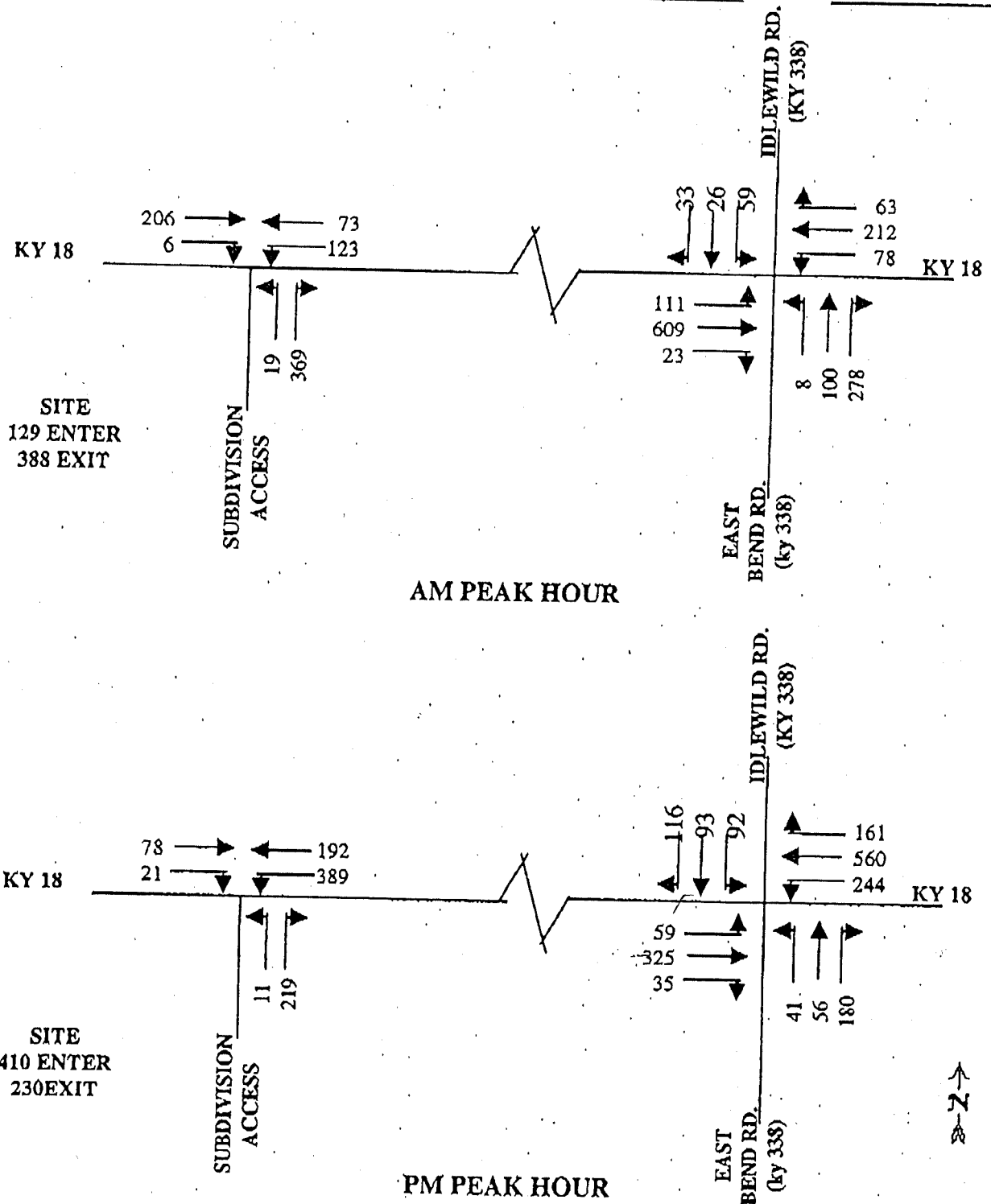


FIGURE 4
 EXISTING PLUS SITE BUILD-OUT
 AM - PM PEAK HOUR TRAFFIC DISTRIBUTION

Traffic Operations Analysis

Level of Service (LOS), defined in the most recent update to the Highway Capacity Manual (HCM), is a function of average delay encountered by the motorist. Release 4.1a of the Highway Capacity Software (HCS 2000) was used in this study. Delay, of course, is a measure of driver discomfort, frustration, fuel consumption and the cost of lost travel time. Levels of service are given in terms of average delay per vehicle for signalized and unsignalized intersections. It is important to note that the resulting Level of Service values are different for the signalized and unsignalized conditions.

Typically, the analysis of the traffic operation at roadway intersections is analyzed under the Level of Service (LOS) concept. Analysis of the existing and opening day unsignalized intersection conditions under the HCS program was accomplished to illustrate the impact of the proposed project.

An analysis of the proposed new subdivision road intersection with KY 18 indicates the following level of service/delay conditions in the AM and PM peak hours at build-out.

	AM		PM	
	<u>LOS</u>	<u>Delay</u>	<u>LOS</u>	<u>Delay</u>
WB left/thru	A	8.0	A	8.4
NB left/right	C	15.2	B	12.0

At the present time the intersection of KY 18 and KY 338 in Burlington is a four-way stop controlled intersection. Under existing traffic conditions during the AM and PM peak hours, individual approach legs are operating with somewhat long delays. The addition of the proposed subdivision build-out traffic will increase these delays. Table 2 shows the level of service and delay values for each of the intersection approaches under existing and build-out conditions.

**TABLE 2
LEVEL OF SERVICE COMPARISON
KY 18 & KY 338**

INTERSECTION APPROACH	EXISTING TRAFFIC				BUILD-OUT TRAFFIC			
	AM PK HR		PM PK HR		AM PK HR		PM PK HR	
Eastbound	D	25.08	C	16.36	F	328.51	F	117.04
Westbound	B	13.68	E	46.08	D	25.69	F	496.61
Northbound	C	21.45	C	17.01	E	36.72	E	35.56
Southbound	B	12.28	C	19.02	C	15.55	E	43.07
Total Intersection	C	20.10	D	30.40	F	168.50	F	281.12

Appendix B contains the actual level of service analysis for each of the proposed retail access drives.

Conclusions and Recommendations

The level of service analysis for the proposed build-out subdivision entrance indicates acceptable conditions without auxiliary turn lane on KY 18, however, the safety aspects related to the 55 mph travel speeds dictate that a westbound auxiliary left-turn lane be provided. The requirement for a separate left-turn lane is also defined by the Kentucky Transportation Cabinet (KYTC) access permit requirements.

It is recommended that a westbound left-turn lane be provided on KY 18 at the subdivision entrance. Typical standards indicate that this lane should provide 250 feet of storage and 164 feet of deceleration length including a 50-foot diverging taper.

The intersection of KY 18 with KY 338 in Burlington will receive the majority of the subdivision's traffic during the AM and PM peak hours. Currently this intersection is operating as a four-way stop with minor delays. The future build-out traffic will significantly increase the delays. Typically residential traffic is peak hour oriented and does not meet the signal warrant conditions for an 8-hour day that is normally used by KYTC. Analysis of the Peak Hour warrant indicates that this warrant would be met during both the AM and PM following the subdivision build-out.

Figure 5 illustrates the Peak Hour Warrant conditions for the existing and future AM and PM project traffic.

Figure 4C-3. Warrant 3, Peak Hour

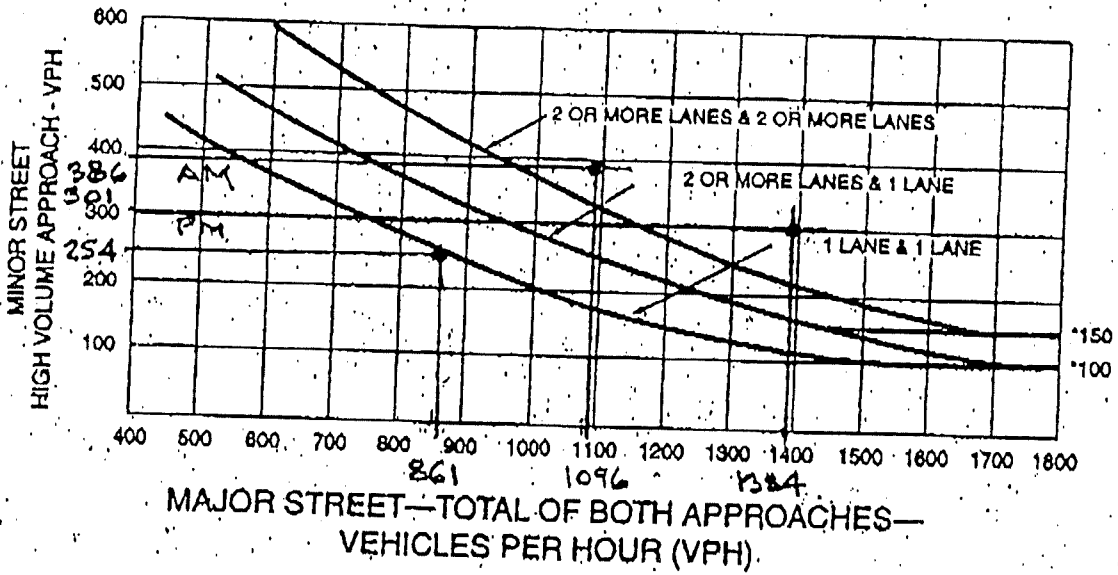
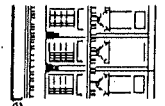
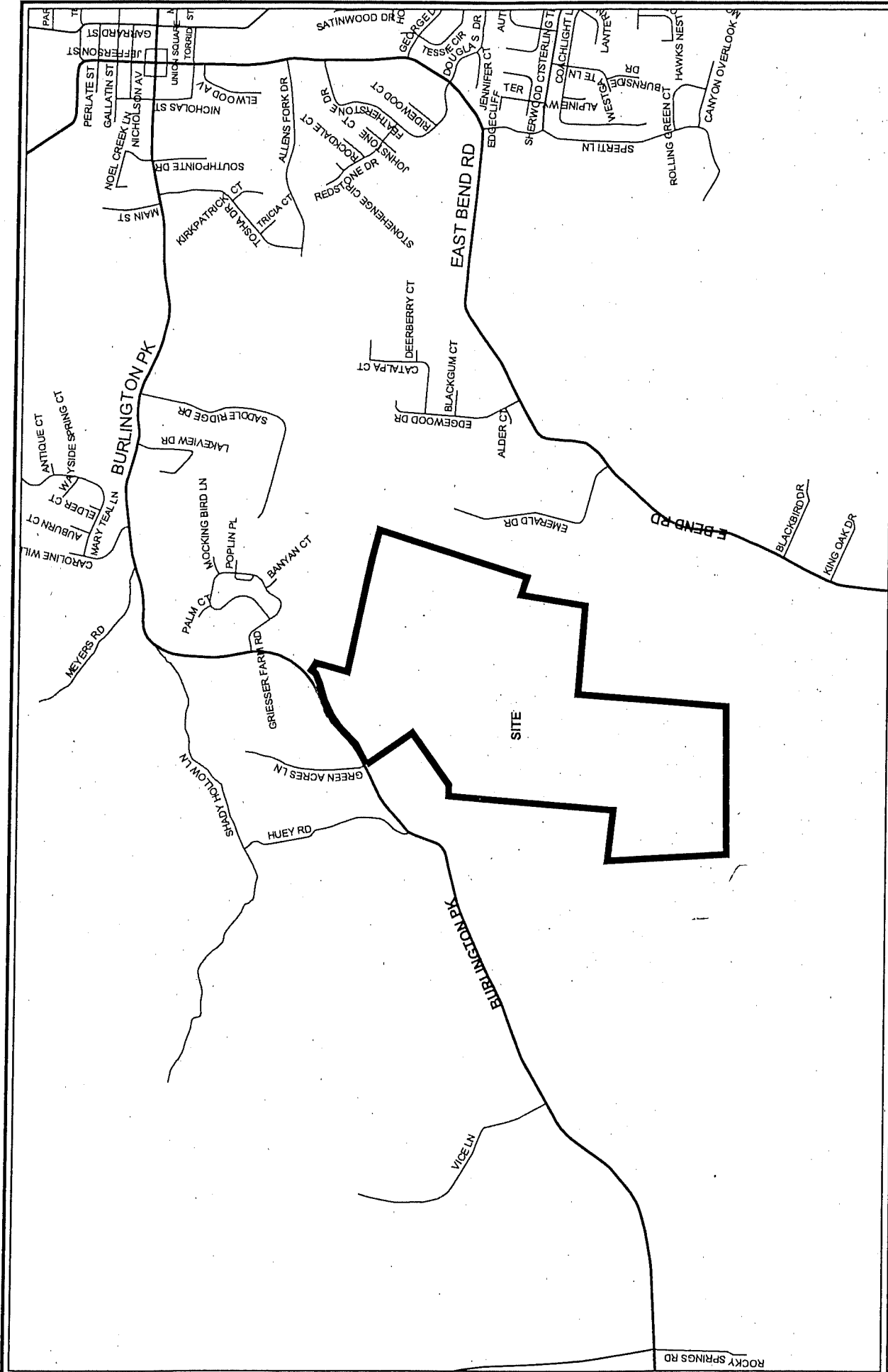


FIGURE 5
 PEAK HOUR SIGNAL WARRANT

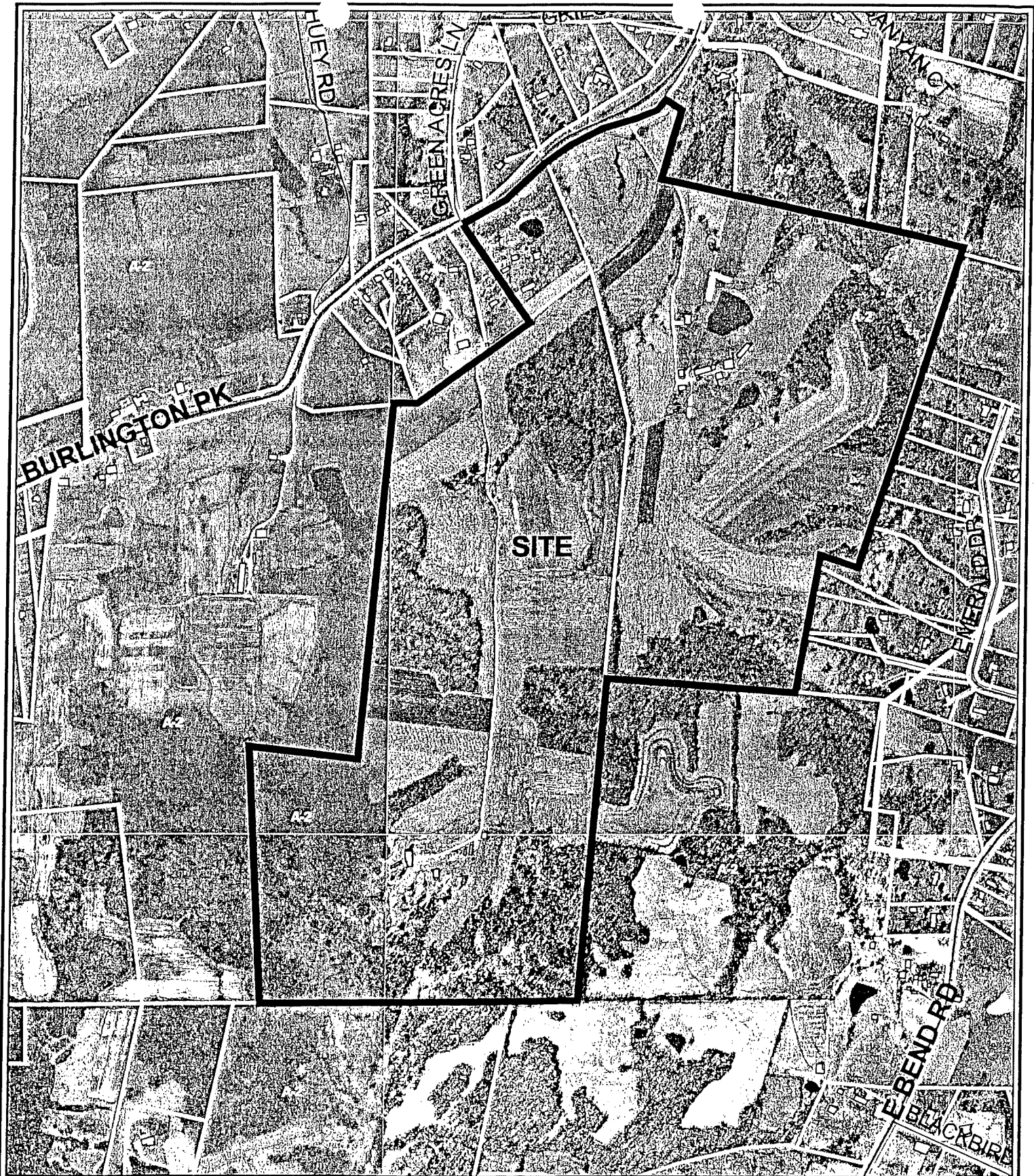
A visual survey of the proposed access road intersection with KY 18 indicates that the available sight distance to the west may be reduced by the existing vegetation along the roadway. It is recommended that this existing vegetation be cleared to assure good sight distance for vehicles exiting the subdivision



1800 Feet
0
1800

1 inch equals 1800 feet
Produced by the
Boone County Planning Commission
GIS Services Division
August 27, 2002

Location

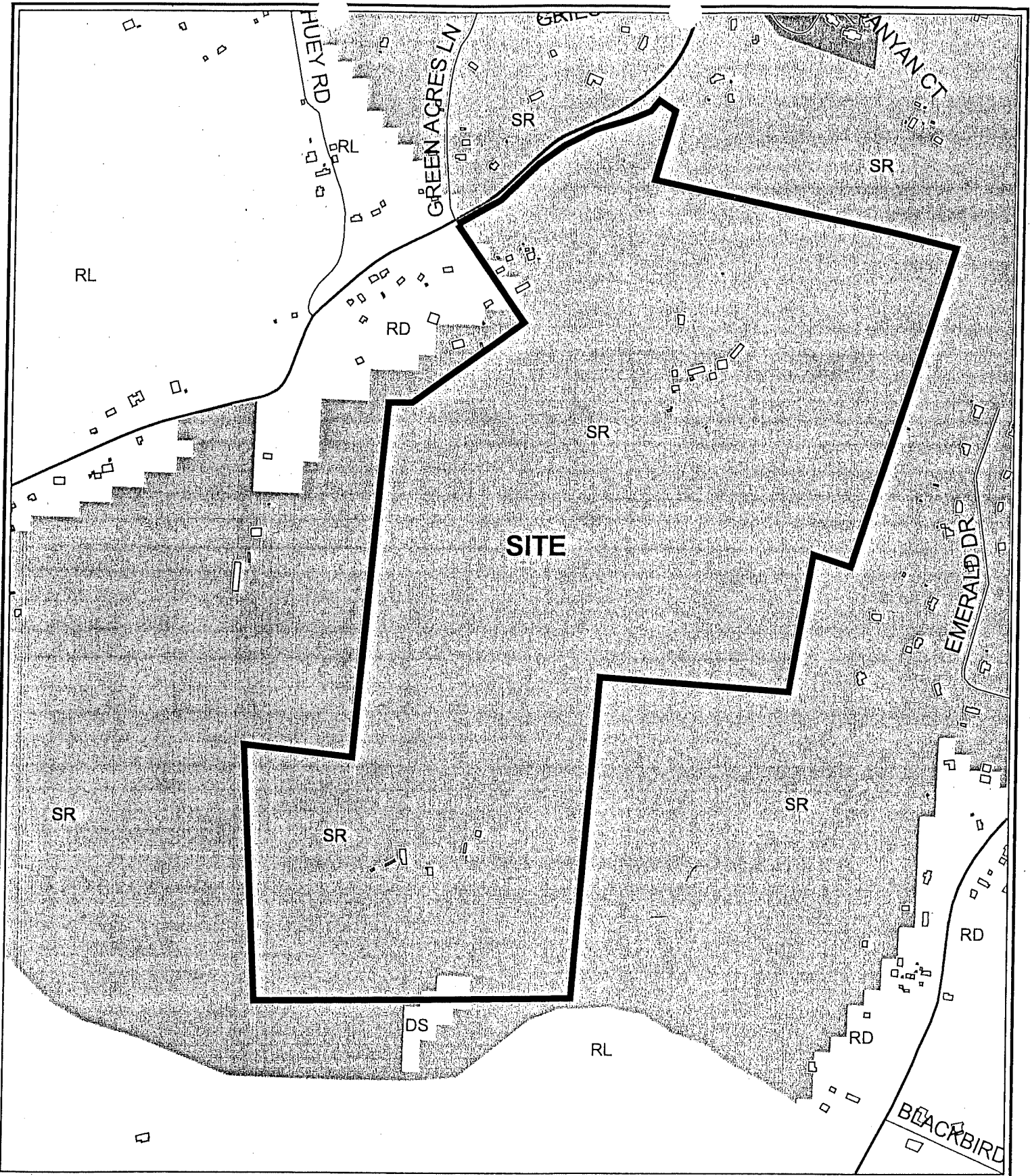


Zoning



1 inch equals 800 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 August 27, 2002





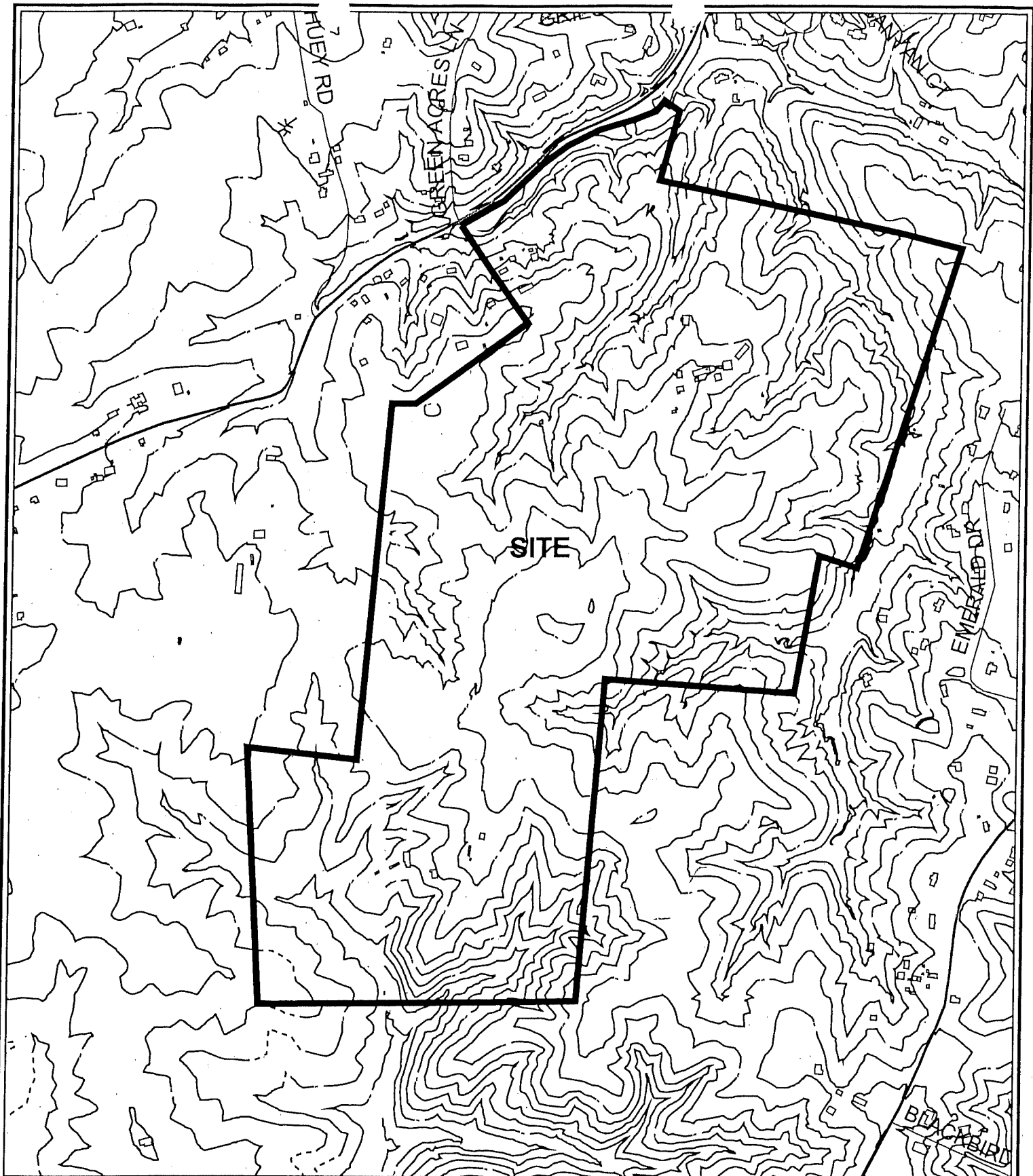
Future Land Use

800 0 800 Feet



1 inch equals 800 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 August 27, 2002





Topography

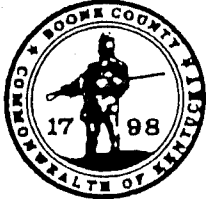
800 0 800 Feet



1 inch equals 800 feet

Produced by the
Boone County Planning Commission
GIS Services Division
August 27, 2002





Boone County Public Works Department

5645 Idlewild Rd.
Burlington, KY. 41005

Gary W. Moore
County Judge-Executive

Gregory V. Sketch, PE, PLS
County Engineer

Phone: (859) 334-3600
Fax: (859) 334-3598
www.boonecountyky.org

James E. Parsons
County Administrator

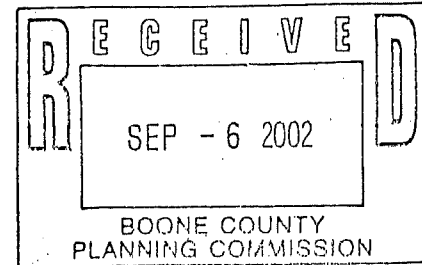
MEMORANDUM

TO: Kevin Wall, Director, Zoning Services
Boone County Planning Commission

FROM: Greg Sketch, PE, PLS
Boone County Engineer

RE: **Proposed Arlinghaus Zone Change**

DATE: September 5, 2002



This is in response to your request for input concerning the request for a zone change of a 291 acre tract along Burlington Pike, KY 18. The request is to change the zone from agricultural (A-2) to residential (SR-1) to allow development of a residential subdivision. The proposal raises two concerns.

My first concern would be the traffic generated by the development. However, because Burlington Pike is a State maintained right-of-way, an encroachment permit meeting the required specifications must be obtained from the Kentucky Transportation Cabinet. I would strongly suggest turn lanes be added to Burlington Pike considering the possible number of lots within the development. Assuming that all the streets within in the development will be County maintained, I am requesting the main thoroughfare be built to collector street specifications and have no individual lot access.

Secondly, always having a concern for storm water run-off, I am requesting that an overall storm water management plan for the entire subdivision be submitted with the preliminary plat application and the method of run-off calculation will be determined by the County Engineer. This will assure that the post-development run-off not exceed the pre-development at each drainage channel exiting the site with all detention facilities functioning.

Thank you for the opportunity for input in this matter.

c: Jim Parsons, Boone County Administrator



Burlington Fire Protection District

6050 Firehouse Drive

PO Box 264

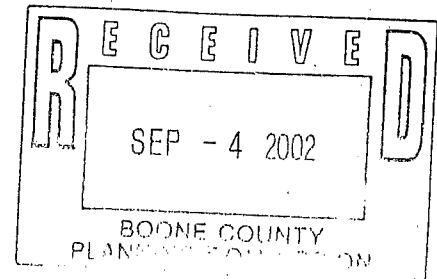
Burlington, Kentucky 41005-0264

Phone: (859) 586-6161 Fax: (859) 586-6178

David E. Biddle, Fire Chief

September 4, 2002

Kevin Wall, Director, Zoning Services
Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005



Dear Sir,

This letter is being sent to you in response to a request you made for written comments regarding the Arlinghaus zone change application for property located at 3829 Burlington Pike within the Burlington Fire Protection District. Below you will find my comments:

1. After driving out to the property and looking over where the main entrance/exit road will enter Burlington Pike. I feel that the entrance/exit is in a very bad location unless extensive clearing a brush along the roadway is performed. From the entrance/exit looking west the sight range currently is only about 250 to 500 feet; this is not enough distance when you consider that fully loaded dump trucks travel Burlington Pike at all hours of the day, with most exceeding the posted speed limit.
2. No matter where the entrance/exit for this subdivision is built a turn will be needed in both directions. Some people may question a turn lane from eastbound Burlington Pike now, but let's for once plan for the future. If you were turning into the subdivision from eastbound Burlington Pike would you not like to have a turn lane? Consider a fully loaded dump truck barreling down upon you at 45 MPH.
3. Will the main street into the subdivision be similar to Hanover Boulevard, serving as a possible link between Burlington Pike and East Bend Road?

In closing I would like to say that this subdivision will in no way affect our service ability as a fire department. The fire district has sent a letter to Arlinghaus requesting a possible donation of property in this subdivision for a sub-station to serve the potential demand for service that this subdivision and others that may be built in this area will place on our department. If you should have any questions feel free to give me a call at 859-586-6161 Monday through Friday from 8AM to 4PM.

Yours in Service,



Shaun D. Klaserner
Captain

Cc: file

Kevin Wall

From: Carol.Callan@mail.state.ky.us
Sent: Friday, September 20, 2002 9:19 AM
To: kwall@boonecountyky.org
Cc: BillF.Madden@mail.state.ky.us; Ed.Thompson@mail.state.ky.us
Subject: Arlinghaus Zone Change, 3829 Burlington Pike

Kevin,

I have reviewed the Concept Plan for this proposed development with Ed Thompson in our office. KYTC will require that both left and right turning lanes be provided into the development. A concern is the geometrics of KY 18: having sufficient space to provide the left turn lane and provide adequate sight distance. We believe that there is a hairpin turn on KY 18, east of the entrance, not shown on the Concept Plan, that may cause some design difficulties. This may require adjusting the proposed entrance slightly to the west. However, too far to the west and there is an "s" curve shown, that will also cause some sight distance problems. We believe that the speed limit on KY 18 in this vicinity is 55 mph. Provision of the turn lanes & associated tapers must meet design standards associated w/ the corresponding speed limit. We suggest that this be considered promptly as we believe, but are not certain, that earth is already being moved at the site.

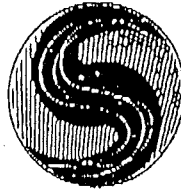
KYTC's other concern is associated with drainage. The Concept Plan does not show proposed grades nor provision of detention basins. This site has many streams and ponds located upon it, which will be either rerouted or eliminated. The grading changes on this property needs to consider the impact to adjacent properties, especially those who are located downstream of this development. It is a frequent complaint that we hear at the Dept. regarding the negative (and costly) damage caused by upstream developments.

Myself, and others here at KYTC, are available for further discussion on these issues with either you or the developers. I iterate the importance of an optimal location for the entrance of this development as it relates to the geometry of KY 18.

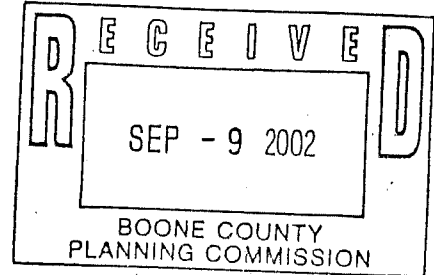
Regards,

Carol A. Callan, P.E.
KYTC - District 6
421 Buttermilk Pike
P.O. Box 17130
Covington, KY 41017
859-341-2707 x272
859-341-3661 (fax)

SANITATION



DISTRICT No. 1



December 28, 2001

Mr. Joe Arlinghaus
Arlinghaus Builders, Inc.
142 Barnwood Drive
Edgewood, KY 41017

Re: Arlinghaus Property on
KY 18, Boone County

Dear Mr. Arlinghaus:

This letter will confirm that the Allen Fork Pump Station can serve the above referenced property. There is limited capacity that is available at this pump station. Before final approval is granted to connect to the sanitary sewer, the Sanitation District will need to review and approve the expected flow amount from this project.

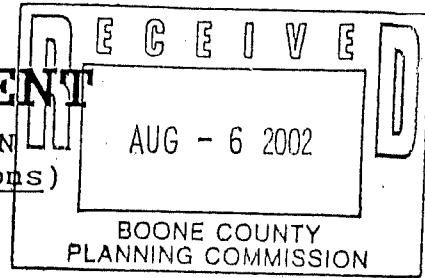
If you need additional information or have any questions, please do not hesitate to contact us.

Sincerely,

Gary W. Aman
Project Manager

APPLICATION FORM
ZONING MAP AMENDMENT

BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)



SECTION A (To be completed by applicant)

1. Name of Project ARLINGHAUS
2. Location of Project Kentucky Highway 18 - 3829 & 3939
3. Total Acreage of Site 291± acres
4. Current Zoning of Site Agricultural Estate (A-2)
5. Proposed Zoning (Classification being requested) Suburban Residential One (SR-1)
6. Proposed Uses (please specify each use) Single Family Detached Housing
7. Names of Applicant(s) Raymond Erpenbeck Consulting Engineers, PLLC
Phone Number 727-4200 Fax No. 342-5852
8. Address of Applicant(s) 4205 Dixie Highway
Elsmere KY 41018
City State Zip
9. Name of Property Owner(s) Arlinghaus Builders & Jerry L Arlinghaus et al
Phone Number 341-8766 Fax No. 344-7983
10. Address of Property Owner(s) 142 Barnwood Drive
Edgewood KY 41017
City State Zip
11. Proposed Building Intensities (please specify) 2.5 units per acre
12. Are there any existing buildings on the site? yes
How many? 15
13. Deed Book 698, 714, 772 Page No. 98, 76, 03 Group No. 2028
14. Are you also applying for:
NO Conditional Use Permit
NO Dimensional Variance
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 with in the last several months:
No Boone County Water and Sewer District
N/A Florence Water and Sewer Commission
No Union Light Heat and Power
NO Cincinnati Bell
No Owen County Rural Electric
No Boone County Public Works Department

(over)

ZONING MAP AMENDMENT
APPLICATION
PAGE 2

No	Kentucky Transportation Cabinet
N/A	City of Florence Public Services Department
No	Boone County Building Department
No	Northern Kentucky Health District
No	U.S. Soil Conservation Service
No	Local School District
No	Local Fire District
X	Other: Sanitation District No. 1

18. Project Jurisdiction/Location
 Unincorporated Boone County
 Florence
 Walton Union

19. Applicant's Signature [Signature]
 Property Owner's Signature ARLINGHAUS BUILDERS INC
Jerry Arlinghaus By Robert Schuster, Vice Pres.

Jerry Arlinghaus - P.O.A. for Anna Arlinghaus, Constantine Arlinghaus, Connie & Terry Dangle, James & George & Helen Arlinghaus
 SECTION B (To be completed by BCPC Staff) John Arlinghaus, Albert & Linda Arlinghaus

1. Date Received 8-6-02
 2. Fee Received \$4068.00 R# 32311 9-12-02
 3. Check what has been submitted: \$16.00 R# 32843

Application _____ Fee
 Legal Description
 Concept Development Plan
 Address of Adjoining Property Owners
 Number of copies of plan received**

4. Is application complete? _____ Yes _____ No

5. Staff Reviewer KEVIN WALL

6. Committee Chairman DAVE ZIMMER

7. Scheduled Public Hearing Date 9/25/02

8. Boone County Planning Commission Action:
 Approval
 Approval with Conditions
 Denial

9. Other: _____

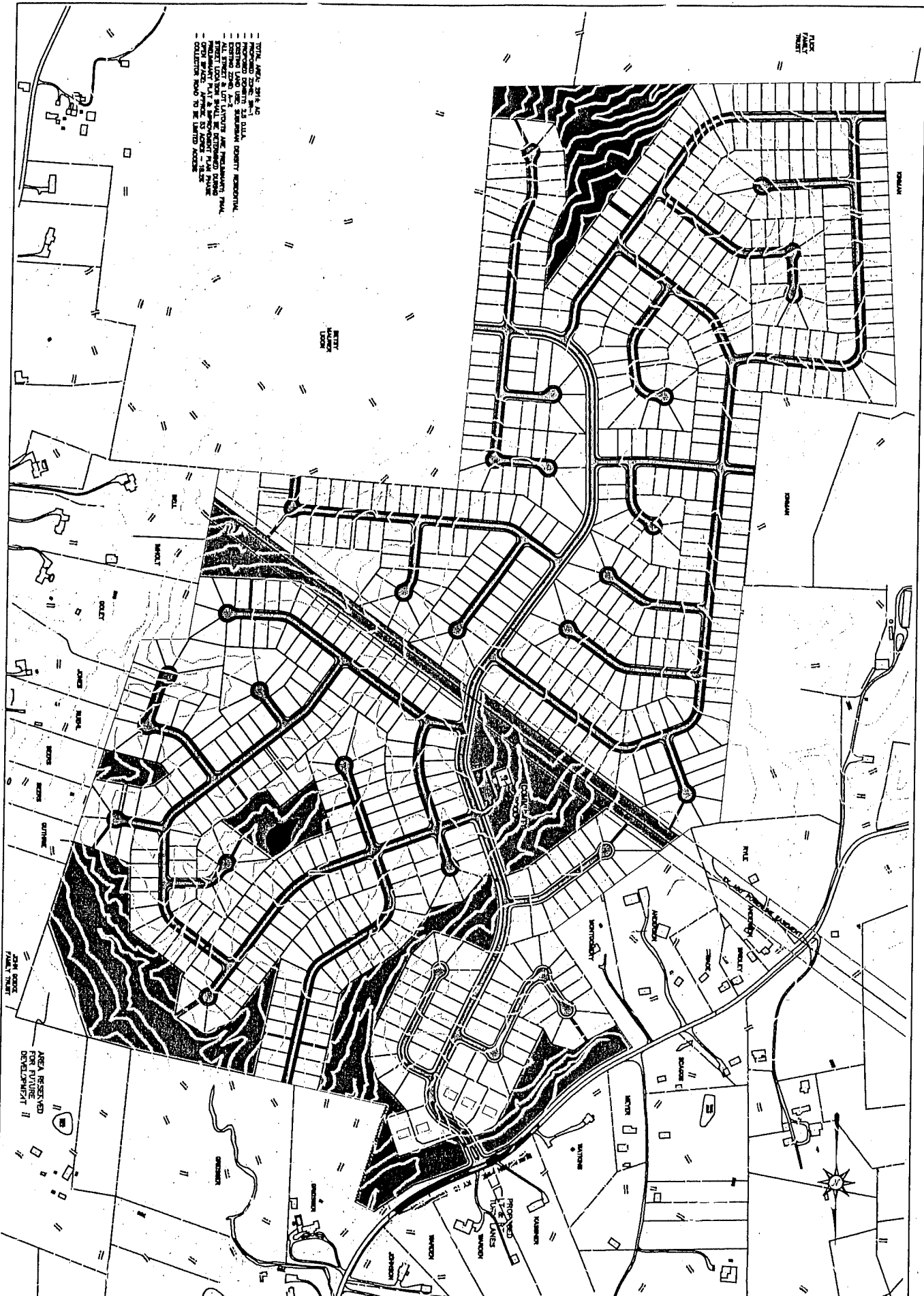
** Five (5) Copies Are Required

Boone County Planning Commission
 2995 Washington Street
 Burlington, Kentucky 41005
 (606) 334-2196 Phone
 (606) 334-2264 Fax

NOTE: See Boone County Planning Commission for Zoning Map Amendment Fee.
 An application consists of all fees paid in full, submitted drawings and a completed application form.

DATE
DRAWN
BY

- TOTAL AREA 287.14 AC
- PROPOSED DEVELOPMENT 24.50 AC
- EXISTING 262.64 AC
- EXISTING 260 AC VAC. SUBDIVISION DOBENT RESUBMITTAL
- ALL STREET & LOT LAYOUTS ARE PERMANENT FINAL
- PERMANENT PAVEMENT & CURBS SHALL BE CONSTRUCTED TO MEET ALL CITY SPECIFICATIONS
- CURB & GUTTER SHALL BE 18" HIGH
- COLLECTION ROAD TO BE LIMITED ACCESS



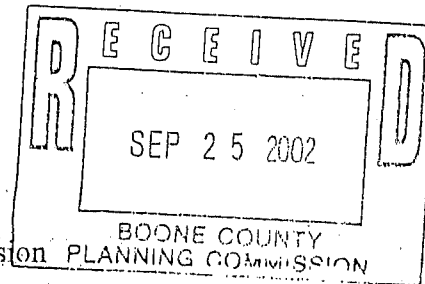
SHEET OF CONCEPT PLAN DATE 11/17/2007 DRAWN BY G. J. HARRIS CHECKED BY J. L. HARRIS PROJECT NO. 2114	DEVELOPER: ARLINGHAUS BUILDERS INC. 142 BARNWOOD DRIVE EDGEWOOD, KENTUCKY	ENGINEERS: RAYMOND ERPENBECK CONSULTING ENGINEERS, PLLC 4205 DIXIE HIGHWAY ELSMERE, KENTUCKY ENGINEERS PLANNERS SURVEYORS	SCALE 1" = 200' DESIGNED BY NAME DRAWN BY G. J. HARRIS CHECKED BY J. L. HARRIS FILE NO. PROJECT NO. 2114
	DESCRIPTION CONCEPT PLAN		

BRYAN A. BLAVATT
Superintendent of Schools

8330 U.S. 42
Florence, KY 41042
Phone: (859) 283-1003
Fax: (859) 282-2376
www.boone.k12.ky.us

BOONE COUNTY SCHOOLS

September 23, 2002



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

Dear Kevin:

Randy Poe and I recently met with the developers of the Concept Development Plan regarding our letter to you last week.

It was a productive conversation, which helped to begin the dialogue concerning the school system's belief that immediate development in that area would be a problem for our schools. I am encouraged that with continuing conversation and the possible commitment by the developers to delay immediate construction and move towards a very slow "build out" could make the plan pliable. This letter is sent to you to indicate only that we are encouraged that a possible long-term proposal could be reached which would receive our support.

If you have any further questions, please feel free to call me.

Sincerely,



Bryan Blavatt

BB/kt

Public Hearing Item No. 2:

Commission Members Present: Mr. Barlow, Mr. Caddell, Mr. Hicks - Chairman, Mr. Knock - Temporary Presiding Officer, Mrs. Poston - Vice Chairperson, Mr. Ries, Mr. Schwenke, Mrs. Wilson - Secretary/Treasurer, and Mr. Zimmer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Todd Morgan, AICP, Planner; and Mr. Kevin Wall, AICP, CDT - Director, Zoning Services.

Legal Counsel Present: Mr. Larry Dillon

The Chairman introduced the last item on the Agenda:

2. Applicant: **Ray Erpenbeck Consulting Engineers PLLC for Arlinghaus Builders, Jerry L. Arlinghaus et al (owners)**

Request: **Zoning Map Amendment**

The request of **Ray Erpenbeck Consulting Engineers PLLC (applicant) for Arlinghaus Builders, Jerry L. Arlinghaus et al (owners)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for an approximate 291-acre area at 3829 and 3939 KY 18, Boone County, Kentucky. The request is for a zone change to allow detached single-family residences.

Staff Member Kevin Wall presented the Staff Report which included a Power Point presentation (see Staff Report). He noted letters received after the Staff Report was completed from Sanitation District No. 1 (see Exhibit 1) and Boone County Schools (see Exhibit 2).

The Chairman asked for the applicant's presentation.

Mr. Bob Schroder, Vice President, Arlinghaus Builders, stated that the property is partially owned by Arlinghaus Builders and by other family members not directly affiliated with Arlinghaus Builders (Connie Arlinghaus, Jerry Arlinghaus, and Butch Arlinghaus). Mr. Schroder provided packets of information to the Commissioners and submitted a packet for the record (see Exhibit 1).

Mr. Costello stated that copies will be made of the packet and it will be available in the Staff Office.

Mr. Schroder stated that Arlinghaus Builders is one of the largest developers and builders in Boone County and has been in the area for about twenty years. They only build in Northern Kentucky and are the developer of North Pointe, Hanover Park, Silver Creek, and other subdivisions. He stated that included in the packet is a collection of pictures taken in their subdivisions showing entrance signs and amenities, individual homes, and neighborhoods. Arlinghaus Builders does not normally sell lots to other builders and plans to be the exclusive builder in this subdivision. This subdivision will be similar to Hanover Park subdivision -- the entrance will be comparable and the homes will be comparable. He stated that they put a lot more brick on the homes than a lot of other builders -- they are "move up homes", not low-income housing. He stated that this will be a twelve to fifteen year project. He stated that approximately 500 homes have been built in Hanover Park and 250 are yet to be built. Until Hanover Park is completed, the number of homes built in this development will be low. Probably no one will occupy a house in this subdivision until 2004 and then it will be 12 -- 15 years to total build-out. They have discussed this building expectation with Bryan Blavatt, Superintendent of Boone County Schools. Mr. Schroder stated that there will be a new elementary school and a new high school in Boone County in the next few years and by the time this development starts to have an impact, they expect those schools to be built. They do not know when those schools will be built and the Superintendent did not know when they would be built. He stated that they are willing to work with the School District to come up with a phasing schedule. They will discuss this with the Committee. They do not want to overwhelm the schools, but with the phasing schedule it should not be too much of a problem.

Mr. Ray Erpenbeck, Dixie Highway, Elsmere, Kentucky, state that there is a 2 ½ - 3 acre tract reserved for future development. He noted the ridge of the undeveloped tract and stated that if that area is cut off when the parcel develops, it will force hillside development to the east. They thought it was appropriate to hold it aside to see what develops in the future. He stated that the Comprehensive Plan lists Future Land Use Development Guidelines, which they have addressed. Reviewing written comments included in the handout (Exhibit 1), Mr. Erpenbeck stated that **(1) Utilization of Existing Vegetation and Topography** -- The total site is in the restrictive development area. Instead of maximizing the site and leveling the entire site, they set aside approximately fifty three acres (18.2% of the entire site) for open space. He reviewed the drawing showing the proposed cul-de-sacs that will abut the green space. He stated that pedestrian access is provided to the green spaces. The intent is to leave the green spaces as natural areas and they will not be maintained as a park. They hope to maintain as much vegetation in those areas as they can. **(2) Buffering** -- Mr. Erpenbeck indicated where they have set aside approximately 6 ¾ acres of open space along KY 18 to keep the rural atmosphere. He stated that the closest house to the road will be about 200 feet and the average will be closer to 300 feet. They have maintained a substantial separation between KY 18 and the houses. The six larger lots (1 ½ acre) coming into the community blend to what is across the road and the cost of those houses will be similar to or more than the existing houses on the north side

of KY 18. They are trying to blend the development in with the community. There are all large lots on the east side (Emerald Glen subdivision). He stated that the plat shows where the houses exist and how they related to the proposed development. He indicated the closest house (389 feet from the property line) and stated that the average distance is more than 400 feet from the property line. In that area, there is a natural ravine and buffer between the proposed development and the existing houses. The developer will maintain the existing treeline along the property line. **3) Landscaping** – They will maintain almost seven acres of open space at the entryway and there will be extensive entry walls and monument walls. There will be a landscaped island to provide a compatible intersection and maintain the rural atmosphere. **4) Stormwater Management** – Mr. Erpenbeck noted letters from County Engineer Greg Sketch and from KDOT (attached to Staff Report). He stated that they will build a series of retention/detention facilities to meet or exceed the regulations. Exact location is to be determined. **5) Access Management** – Mr. Erpenbeck indicated the five access points they have provided to the undeveloped areas. He stated that they have provided a collector boulevard as the main access road to the development. They will provide a connection to East Bend Road when the adjacent property develops. He stated that as the area develops, there will be an opportunity for excellent networking of all future developments for good movement of traffic. They will provide right and left turn lanes as required by KDOT which meet the requirements and specifics. **6) Transportation and Pedestrian Network** – Mr. Erpenbeck indicated the proposed collector road that will provide main collection of all the traffic from the development and ultimately connect to East Bend Road. He stated that sidewalks will be provided throughout the development. They anticipate sidewalks being required along the connector boulevard and will provide them. He indicated the area where the community pool will be centrally located. He stated that they have met all of the items specified as Guidelines for Future Development. He stated that the Land Use Map calls for this area to develop up to four units per acre and they are asking for 2.5 units per acre, which would provide an ultimate development of 727 lots (the drawing shows 724 lots). He stated that there have been several zone changes approved in the area at 2.77 and 3.0 units per acre, and they are considerably below those numbers. He stated that the Land Use Plan indicates that suburban growth around Burlington will be substantial and they are within two miles of the intersection at the Courthouse. The Land Use Plan also states that new subdivisions should be located in close proximity to Burlington, which they are. It also states that new subdivisions should develop internal road networks, and they have done that by providing the collector road. He referred to the Sanitation District's letter (see Exhibit 2) regarding the current upgrading of the Allens Fork Lift Station, which is currently pumping 840 gpm, and being increased to 1200 gpm to allow 500 – 600 additional homes to go into the lift station before they do anything else. The letter also states that Sanitation District No. 1 is investigating alternate measures to increase the capacity of the plant if it is needed before the Western Regional Sewage Treatment Plant is completed in 2008. He stated that they are not limited to the additional 500 – 600 homes because they will have a plan shortly that will

enable them to further increase the capacity of the pumping station – but they do not want to spend the money until they know they need the capacity. Mr. Erpenbeck stated that the proposed map amendment should be approved as they have complied with the 2000 Boone County Comprehensive Plan.

Mr. Jack Gehrum, 5533 Fair Lane, Cincinnati, OH stated that they completed the Traffic Study today and have provided draft copies in the packets (see Exhibit 1). He stated that they looked at existing conditions and existing traffic counts. They talked with Staff to be sure they were looking at any concerns Staff may have. Several concerns were identified in the Staff Report and have been addressed in the Traffic Study. He stated that with a major access on KY 18 and because of safety concerns, they agree to turn lanes. A left turn lane with adequate decel is required. Level of Service at the intersection at build-out is “C” coming out of North Bend Road and “B” for movements going in. They also looked at sight distance. At the proposed location, there are a lot of trees along the side of the road (looking west) and the recommendation to achieve adequate sight distance is to cut back some of the trees and bushes. They also looked at the intersection of KY 18 and KY 338, which is a four-way stop controlled intersection. Level of Service is “D” because of the movements during peak period. As they begin to add traffic from this development and before they get to build out, there will be service delays at the intersection and it is important to work with KDOT and get the intersection signalized. This concluded the applicant’s presentation.

The Chairman asked if there was anyone else present who wished to speak in favor of the request. Mr. Costello stated that there are several people who want to make general comments.

Mr. Gary Griesser, 3793 Burlington Pike, immediately to the east of the main entrance, stated that he has a small farming operation and is concerned about the fences being cut and pushed down. He questioned what provisions will be made for him to continue his farming operation. He is dependent on the creeks throughout his property and does not have any ponds. He wants to be sure that the water that begins on this development does not affect the water that comes to his property.

Mr. Bob Maurer, 6979 East Bend Road, stated that their farm is the area where the main feeder road deadends and they border the site for about four-fifths of a mile. He asked that they leave the treeline alone when they develop the property. If they remove the trees, they need to put in a five-foot chainlink fence to keep dirt bikes off of his farm. He stated that the Planning Commission did a study on the county buying development rights and if that had happened, it is possible that this property could have been purchased as a farm operation and it would not be developed as a subdivision. If purchasing development rights is what is wanted, then elected officials need to be told because when it was mentioned to them their comment was that they had not heard anything about it from the people. He stated that this is a good plan and will take several years to build out. If the

housing is cut in half, it will build out quicker – but then there will be another farm down the road that will go through another zone change because the subdivision has moved on. He feels that the development should go as planned. He would rather see deer and turkey than houses, but that will not happen. He stated that Arlinghaus Builders builds a good subdivision and if they have to be bordered by a subdivision, he would rather see this go forward.

Mr. Tim Gavin passed when called.

Mr. Richard Meacham, 5710 Vice Lane, stated that he purchased his home recently because of the rural setting. Since he moved in, a subdivision has gone in further up KY 18. The traffic is atrocious on Camp Ernst Road. He stated that the Comprehensive Plan says to maintain the rural setting. They could keep the zoning the way it is and build houses on two-acre lots as opposed to this high density subdivision at four units per acre.

Mr. Steve Cantrall, 6545 Emerald Drive, stated that he wants the treeline to be more than a narrow line and is in favor of the fifty-foot treeline as proposed by Mr. Wall.

Mr. Jim Guthrie passed when called.

Ms. Cindy Johnson, 3824 Burlington Pike, does not want to see this beautiful property chopped up for seven hundred houses. She is concerned about adequate schools and would like to see the information about the schools in writing. She would like to see the subdivision be two or more acre lots to blend in with the housing across the street. She asked if the turn lanes will take frontage from their properties. She has 1.24 acres and her mother-in-law has 5+ acres. She would like to see the property developed with one house on two or three acres.

Mr. Dave Flick passed when called.

Mr. Mike Cassidy, 5769 Vice Line, a resident for about sixteen years, is against this request and wants the property maintained as A-2 or changed to A-1 which would be one unit on two acres – where is that type of development in Boone County? He stated that at 6:15 PM he was on Rogers Lane turning right on Camp Ernst Road to Pleasant Valley Road and there was a one quarter mile traffic backup – and there will be another 1400 cars on KY 18. He did research through the insurance industry, the Water District, Sewage Department, and U.S. Census. He does not take this request lightly and his children went out over the weekend with flyers to let people know what they are up against. He questioned how many additional cars would be introduced to KY 18. The approximate seven hundred additional students will have to go someplace. He stated that seven hundred additional students enrolled in Boone County Schools this year. He stated that there is not a development in Boone County that took fifteen years to develop. Five hundred homes were developed in Hanover Park in three years and there are

two-hundred-fifty more to go, which will not take much more than a year and a half. He questioned why anyone would believe that it will take twelve to fifteen years to build an additional 727 homes – they build homes as fast as they can. He is concerned about traffic on Camp Ernst Road and KY 237. He is concerned about the traffic from this development and neighboring developments. A traffic light will not resolve the problems on Camp Ernst Road or KY 18. He spoke to representatives of the Board of Education, the Fire Department, and Burlington Elementary and not one person told him this was a good idea for Boone County. He stated that Bryan Blavatt's letter specifically said that the schools cannot handle this. Mr. Cassedy stated that it took twelve years to put the expansion on Burlington Elementary. His children had to climb over desks because of the overcrowding, which is a fire violation. KY 18 is not built for the traffic. The gravel trucks have been here for over thirty years and have every right to have their business there – the gravel trucks will be in trouble with the substantial amount of traffic on KY 18. He stated that the pumping station cannot handle another 500 – 600 homes and eventually when there is a need they will build it – but it does not work that way and the schools had a need for years to expand Burlington Elementary and it finally came about and it is near or at capacity. He stated that seven hundred students is another school. He stated that five or six years ago, Staff provided a report that said we were to build one additional school per year – but we have not done that. He stated that A-2 is one unit for every two acres and only allows about 150 homes – which is the way to slow down some of the problems in the county. Boone County does not need this development. He stated that they can make more money if they get it changed to SR-1, which benefits a few. He asked that the request be tabled as the residents did not get the Staff Report and the Traffic Report, and the packet made available to the Commissioners was not made available to him. They will not be able to make another presentation after they have had time to study the packet. Mr. Costello provided Mr. Cassedy with a packet. Mr. Cassedy stated that a comment was made that the request was in agreement with the Comprehensive Plan. He stated that A-2 is in agreement with the Comprehensive Plan and there is nothing in the Comprehensive Plan that says it has to be changed to SR-1 – it can be left as A-2. There could be a nice development there in A-2. He stated that Bob Maurer could sell his property since it is at the point of the new connector and walk away just as Arlinghaus will do and not have to return and put up with the mess that will be there. He stated that East Bend Road is already congested and needs improvement. The schools cannot handle it and KY 18 cannot handle it. It will not take 12 –15 years to phase in the development. He stated that development needs to be at a slower pace than SR-1. He asked that the request be denied.

Mrs. Cam Kassner, 3876 Burlington Pike, directly across from the site, stated that the traffic on KY 18 would be terrible. When she comes out of her driveway, there is a car right on the back of her and you cannot see that way very well. She stated that the 6+ acres of green space on Burlington Pike is a creek bed and there needs to be room for the creek to overflow.

Mr. Mark Mitchell, 6073 Tosha Dive, stated that they moved to Burlington because of the setting and the education. They are concerned about the student/teacher ratio. He questioned how KY 18 can be widened. He stated that remembering the Fair will give an idea of what the traffic will be like. He stated that the road cannot be widened unless houses that have been there for a long time are taken. He asked the Planning Commission to look forward to the next 50 – 75 years.

Ms. Donna Treukamp passed when called.

Mr. Robert Wheeler, 4275 Burlington Pike, a resident for about thirty years, lives about one mile west of this property. He stated that the county does not have the infrastructure for this type of development. He wants the zoning kept as it is and not have the mass density. He stated that they do not want to end up with another Camp Ernst Road.

Ms. Cindy Potter, 6266 Saddle Ridge, about one mile east of the proposed development, stated that it is difficult now to get out of Saddle Ridge and with another 1400 cars daily going past her road, it will be very dangerous. She stated that you cannot see looking west even when the trees are trimmed because of the curve in the road. Turning east, the cars and gravel trucks are right on the back of your car and it is dangerous. She is concerned about her son who will be driving soon. The development will ruin the beauty of the western part of Boone County and she asks that the request be denied.

Mr. Mark Schlemmer, 4747 Burlington Pike, two miles west of the site, stated that the county is growing fast and the city of Burlington is unique with its small town feel. Going out KY 18 further west you get to the Scenic Byway – it is amazing to have that in a county growing so fast with industrial parks. He stated that we should try to preserve the rural setting. This development is not appropriate to the existing setting.

Ms. Christina Meacham, 5710 Vice Lane, wants a good environment for her children to grow up in. She wants the property to stay A-2. She stated that whether you come down KY 18 or East Bend Road, it still comes to the same four-way stop.

Ms. Sandy Toole, 5778 Vice Lane, stated that there is already a water issue here. There are not enough school bus drivers now. The road cannot be widened. She can take her children to school at 7 AM, but leaving at 7:10 AM they are late. She stated that there are another 250 homes to be built in Hanover Park and another sixty or more in another subdivision, plus the retirement community – the additional traffic is not just these 727 homes. She asked the Commissioners to look at what this will be like in fifty years and what the children will be left with. She wants the zoning to be A-2 or A-1.

Ms. Sue Steele, 4520 Burlington Pike, west of the proposed subdivision, stated that the trucks go very fast through there and a lot of children will get hurt. She stated that her son has had to change teachers at school because they had to split the classrooms due to the overcrowding. There is a subdivision coming in now. She stated that the fish in Camp Ernst Lake are deformed, which she believes is caused by the runoff of fertilizers at Hanover Park. She stated that the frontage they are giving is a creek and last spring it almost went up to the road.

Ms. Jeanne Hille, 6102 Tosha Drive, questioned how she will get out of her street when the traffic backs up. She works at Burlington School and sees the overcrowding. She does not think the kids from South Pointe are counted because it is apartment living and they are transient. She would like the property to stay zoned as it is. She agreed with the comments made by Mr. Cassedy.

Mr. William (Bill) Moore, 6108 Saddle Ridge, stated that there is a time to say "enough is enough". He stated that maybe 1% or 2% of the people who come out of the subdivision will go west away from Burlington. He stated that this is a good developer and he would like to have the development without the zone change. He stated that they are past capacity at the schools. He stated that a stop light at the four-way stop is a joke when you are talking about 1500 – 2000 cars a day. Many zone changes from A-2 to SR-1 have already been approved and maybe it is time to stop.

Ms. Mary Swiggum, 9540 Lower River Road, Rabbitt Hash, stated that she travels KY 18 everyday into Burlington and at 7:10 AM people are stuck. She stated that traffic should be a main concern. There is no property to take in Burlington to widen the road – so people are stuck with a two-lane road and the bottleneck. She is part of a water quality testing group and there are already a lot of existing problems. With heavy rain, the water has been up to the road. She is concerned about adding homes without proper retention ponds – it is a different water table and watershed and those things should be in place first. Infrastructure is lacking and has to be there first.

Mr. Bob Georgia, 5725 Vice Lane, is opposed to the project and the zone change. He saw what uncontrolled growth did in Los Angeles and he does not want that here. He is concerned about pollution going into Middle Creek and into Woolper Creek. He stated that the entrance to the site is on a curve and it is very dangerous there with the fast moving gravel trucks. He stated that part of the Twenty-Five Year Plan is to preserve Boone County in its present scenic state. KY 18 is designated a scenic highway because of the natural beauty of the area and allowing high-density housing would not preserve this unique character.

Mr. Tom Rabe, 5856 Vice Lane, stated that there is a sign that says *Scenic Tour* heading down KY 18. If he was coming to Boone County to take the scenic tour and had to drive through nine miles of business and residential areas, he would turn back. This is a beautiful county and we need to keep it that way.

Mr. Trent Bridley, 3995 Burlington Pike, a resident for 40+ years, stated that George Finke has property he wants to develop, which will be another two hundred homes or more. He stated that they have not had water out this way and want to keep their cistern water – let Cincinnati keep their city water. He stated that there will be a lot of accidents with the high density of traffic on KY 18. If an ambulance is needed, it will take awhile to get there. He stated that the development only has one entrance and if there is a big fire, there is no way for people to get out. There should be two access roads – and they will both be on a curve.

Ms. Roberta Jones, 6609 Emerald Drive, stated that if people have problems with KY 18 and try to take East Bend Road in bad weather, they will be in for a surprise. She referred to the letter from the Sanitation District and asked when the Western Regional Sewage Treatment Plant will go into service. Mr. Costello responded that it is in litigation and the estimate in the letter is 2008. Ms. Jones asked if the developer begins building in 2004 and the sanitation facilities are not available, will they will build their own sewage treatment plant on the property? Mr. Schroder responded that their understanding is that the new treatment plant will be operating in 2008. If the pump station runs out of capacity and the new treatment plant is not built, they will not build homes. The homes will all have public water, sewer, and natural gas. If they get halfway through and there is no more capacity in the pump station or treatment plant, they will not build any more houses. Ms. Jones asked if the federal government encourages every county in the U.S. to have a certain amount of development within a certain amount of time catering to certain groups of people. Mr. Costello responded that the federal government has no role in local planning. The Commonwealth of Kentucky allows counties and cities to do planning. We have a joint city and county Planning Commission which is charged by law with coming up with a Master Plan for the community. Ms. Jones stated that unlimited growth is not the way to go. She stated that Boone County is always playing catch-up – if a new school is being built, it is to accommodate the overgrowth that exists and they are never in a position to take care of tomorrow's children. She is concerned about the schools, traffic, noise, air pollution and odor pollution. They do not want to smell a sewage treatment plant. She stated that the people are opposed to the kind of development that the Planning Commission continues to approve.

Ms. Carol Woods, 6251 Saddle Ridge, is concerned about the schools and her property value. She stated that the visibility is bad coming out of Saddle Ridge and the state will not cut the trees. The county finally cut them, which gives them a few feet where they can see down KY 18, which might be the difference between life and death. She is concerned about the school bus getting out of there. She stated that the road is not adequate and if an adequate road cannot be developed, this should not be approved. George Finke also has property to be developed. Ms. Woods agreed with her neighbors. She stated that she took

around a petition (not submitted) because someone is going to be killed there. It is not safe to have that much traffic on the road.

Ms. Genny Guthrie, 6519 Emerald Drive, a resident for twenty-five years, stated that they have open space on the side and in the back and have enjoyed the atmosphere there. She likes seeing the deer in the back. She asked that the number of lots be reconsidered. She stated that they can build a subdivision with a house on two acres. Larger lots would blend in better with the subdivision that borders the property and keep it more country. She is concerned about the sewer.

Mr. Gary Gamm, 5904 Vice Lane, stated that his son was air-carried from an accident on KY 18 and he challenges the Traffic Study. He stated that there are about fifteen homes on Vice Lane and he knows of four people on the road who were in accidents on KY 18 east of this site. Outside the courthouse at 5:30 PM on a weekday the traffic is terrible. He asked that the property be kept the way it is.

Ms. Donna Moore, 6108 Saddle Ridge, stated that this is too much too fast. She works in the emergency room at a hospital and the vast majority of people that come in have been in accidents on KY 18. It is a bad road and it cannot handle the additional cars.

The Chairman asked if there was anyone else present who wished to speak either for or against the request. There being no response, he asked if there were any comments or questions from the Commissioners.

Mrs. Poston questioned the build-out time of Hanover Park. Mr. Schroder responded that Hanover Park was started in 1996 and is two-thirds finished. It has been there for about six years and will not be completely finished for three or four years. Mrs. Poston asked how far the houses are set back on Rogers Lane. Mr. Schroder responded that some are forty or fifty feet, and the rest are probably about sixty feet. Mrs. Poston asked if they intend to do the same kind of berming and screening (pine trees) as they did on Rogers Lane. Mr. Schroder responded that Rogers Lane is right at eye level, but these houses will be higher and further away. They will not put a lot of pine trees there. Mrs. Poston asked the Committee to look closely at the screening on KY 18 and at the landscaping.

Mrs. Poston referred to the pumping station and questioned capacity for this development and the remaining houses in other developments. Mr. Wall responded that he believes it is five hundred for everyone and not allocated to this development. He believes it is a "first come – first served" basis. He will check on this and bring the information to the Committee. Mr. Wall stated that he believes Hidden Creek is about half finished. Mr. Costello stated that Staff will provide information to the Committee on all the developments in the area.

Mrs. Wilson questioned the number of zone changes in a three-mile radius in the last one to two years. Mr. Wall responded that there was Griesser Farm in 1998-99, Morgan's Crossing in the last year or two, Hidden Creek in 1995 and there is an addition, Arborwood started in 1994 and is mostly large lots, Crossroad Estates (Arlinghaus development) off East Bend Road is either A-1 or A-2. Mr. Schroder stated that there are less than twelve houses in that subdivision and there are nineteen lots.

Mrs. Wilson agreed with the concerns about a fire and questioned a second entrance. Mr. Schroder responded that there is not a lot of road frontage. Mr. Erpenbeck stated that it would be physically possible to provide a second entrance. He stated that typically KDOT prefers one, but they can look at this. Mrs. Wilson asked that the information be brought to Committee.

Mr. Knock asked if KY 18 from this site to the new construction is in the Six-Year Plan. He asked if there is any consideration further down the road and if the applicant has approached the state. Mr. Schroder responded that they have not talked to the state about the widening of KY 18. He stated that there has been talk about a bypass road, but that information is the same as what the Planning Commission knows. They have not talked to the state about it. Mr. Costello stated that there is nothing in the Six-Year Plan. He stated that Staff looked at the possibility of a bypass road as part of the Burlington Town Plan, but there is a problem with designating a bypass road as a truck route and making trucks take the new road. Mr. Knock asked why the applicant did not approach the state. Mr. Schroder responded that they think the road is adequate and that the traffic light will help tremendously. They talked to the state several years ago about improving KY 237 – but the state moves slowly. He stated that typically roads follow growth and if the houses are there, there will probably be road improvements.

Mr. Zimmer questioned how many units are planned in North Pointe. Mr. Schroder responded that it is approved for up to 1,250 units. Mr. Zimmer stated that one of the things that made North Pointe work was that there was an elementary school. Having the school zone reduced the speed of the traffic and changed the traffic pattern out there. He asked if there was any consideration of the donation of property for an elementary school. Mr. Schroder responded that they do not feel that for every development they need to donate land for a school. He stated that there are other options, such as selling land for a school and phasing, but they did not plan to donate land to the school district.

Mr. Zimmer stated that the entrance on KY 18 is not what a traffic engineer would like to see for alignment. He questioned straightening KY 18 from Green Acres Road to the end of this property. Mr. Schroder responded that they plan to put in two turn lanes, but had not considered straightening the road. Mr. Zimmer stated that it will be discussed at Committee level. Mr. Schroder stated that they are limited by the creek. Mr. Zimmer stated that they can deal with the creek.

Mr. Zimmer questioned a Level of Service analysis that fails to identify that they need a turn lane. Mr. Gehrum responded that the need for a turn lane is at a safety level, not a capacity level. He stated that if he gets satisfactory capacity, he has no need to continue on – but he talked about the issue of safety and that is where the recommendation is for turn lanes. Mr. Zimmer stated that he questions the level of competency that says there will be Level of Service “F” once the development is fully occupied. Mr. Gehrum responded that that is correct if it is left as a four-way stop. Mr. Zimmer stated that they need to extend the traffic analysis up to KY 18. Level of Service “F” is not acceptable. Mr. Gehrum responded that they would improve it by providing signalization. Mr. Zimmer stated that this will be discussed in Committee.

Mr. Zimmer stated that he does not see a boulevard road except for the first two hundred feet. He questioned the median. Mr. Erpenbeck responded that “Boulevard Road” refers to a road with limited access that is landscaped and designed to function without side interference.

Mr. Zimmer stated that he is concerned about water runoff. He asked the applicant to expand the drawing for the Committee and show the headwall for Middle Creek, and the lake on the west side of the power line. Mr. Wall stated that the lake is on the adjoining property. Mr. Zimmer stated that he is concerned that all of the water will run into the lake. He would like to know how they are going to deal with the runoff in a manner in excess of the requirements.

Mr. Zimmer questioned the speed limit on KY 18 at Saddle Ridge. Mr. Wall believes it is 45 MPH. He will check the speed limit and where the speed changes and provide the information to the Committee. Mr. Zimmer asked that Staff also obtain the accident report over a reasonable period of time for that stretch of KY 18.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on October 2, 2002 at 5:00 PM in the Fiscal Courtroom on the second floor. This item will be on the Agenda for the Business Meeting on October 16, 2002 at 7:30 PM. Mr. Zimmer asked that one of the applicants be told that the Committee cannot hear both items at 5:00 PM.

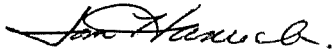
The Chairman closed this Public Hearing at 10:25 PM.

APPROVED:



Mark Hicks, Chairman

Attest:



Jan Hancock, Recording Secretary

Exhibits –

1. Packet of information submitted by the applicant
2. Letter from Gary Aman, Project Manager, Sanitation District No. 1, to Raymond Erpenbeck, P.E., dated September 24, 2002.
3. Letter from Bryan Blavatt, Superintendent, Boone County Schools, to Mr. Kevin Costello, dated September 23, 2002.

2000 BOONE COUNTY COMPREHENSIVE PLAN

“FUTURE LAND USE DEVELOPMENT GUIDELINES”

The 2000 Boone County Comprehensive Plan has established general development guidelines for Future Development.

The Applicant has complied as follows:

(1) Utilization of Existing Vegetation and Topography

“Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County has a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined.” (Page 158).

The Applicant is providing approximately 53 acres of green /open space or 18.2% of the total site. This has enabled the Applicant to maintain many of the wooded areas and valleys, thus eliminating the need to level the entire site. Appropriate wooded areas and stream valleys will remain as open space within the development.

(2) Buffering

“Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments. Developments proposed adjacent to planned or established greenbelts should provide pedestrian access where appropriate. Specific greenbelt studies should be conducted that examine Boone County’s stream valleys and prominent wooded areas as permanent buffers or community separators. Natural green space benefits the community as well as encouraging developers to create innovative developments through clustering of buildings and impermeable area.” (Page 159)

The Applicant has provided significant buffering along KY 18 by maintaining the natural habitat that presently exists. This natural habitat area contains approximately 6.75 acres. This natural habitat area will provide a significant separation between KY 18 and the new homes to be built within this development. The closest house to KY 18 would be approximately 200 feet with most of the houses having a separation of 300 feet or more.

Appropriate wooded areas and stream valleys have been set-aside as open/green space. These areas total approximately 53 acres or 18.2% of the site.

The homes within Emerald Glen Subdivision are all located a significant distance from the proposed development. The closest house is approximately 389 feet with one house being over 700 feet away. The average distance is approximately 420 feet. See attached plat.

There exists a wooded green belt and a creek valley on these lots between the existing houses and the proposed development. In addition, the developer will maintain the existing tree line along the common property line between Emerald Glen Subdivision and the proposed development.

(3) Landscaping

“Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways. The amount of heat absorbed by impervious cover from sun radiation is decreased by landscaping, which reduces energy costs. Landscaping also helps to purify the air of harmful pollutants reducing health impacts.”

“Developments along major roadways in Boone County must include landscaping and/or the use of berms between the development and the right of way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses.” (Page 159)

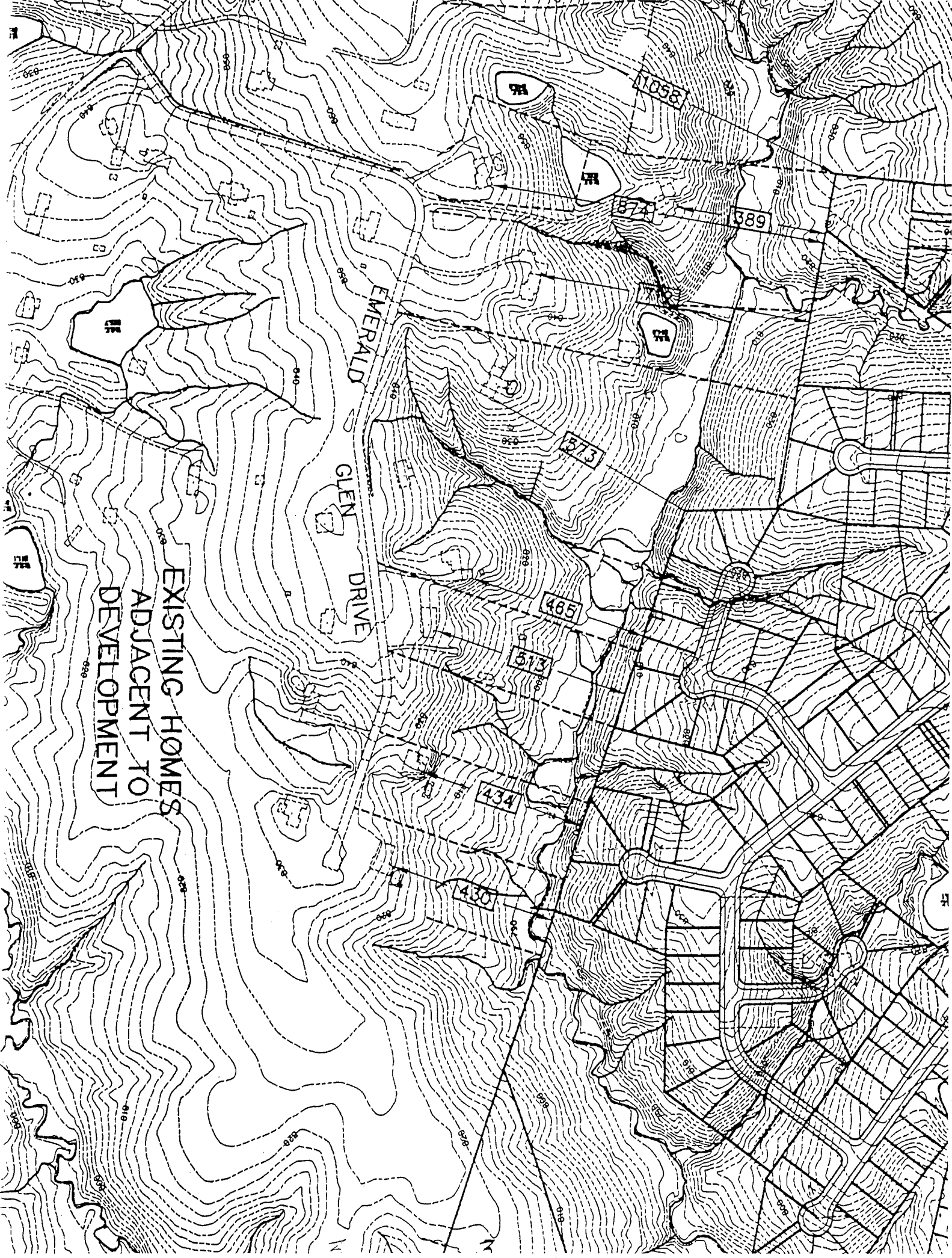
A fully landscaped entryway with major monument type walls, structures, and islands will be constructed at this entrance from KY 18.

The development of lots has been held back a significant distance from KY 18 in order to maintain the natural habitat that exist and the natural drainage way that flows parallel to KY 18. This natural habitat area contains approximately 6.75 acres.

The lots proposed at the entrance from KY 18 and fronting on the proposed collector/boulevard street will be ½ acre lots. These lots will contain houses that are similar or larger in size and cost to those houses located on the north side of KY 18.

EXISTING HOMES
ADJACENT TO
DEVELOPMENT

EMERALD DRIVE
GLEN DRIVE



(4) Storm Water Management and Erosion Control

“Developments in Boone County must recognize the potential impacts of storm water runoff. Developments must design and incorporate adequate provisions for the channelization and control of the rate of storm water flow on and from the site. Further, control and mitigation practices for erosion associated with developments must be provided. At a minimum, developments must seed and mulch all graded areas and provide siltation controls. Storm water management and erosion control measures must be concurrent with site work in order to be effective.” (Page 159)

This development will contain a series of detention/retention facilities all of which will comply with storm water detention regulations of Boone County.

The exact locations will be determined at the development phase. This will enable the Applicant to properly locate and size each detention/retention facility.

All requirements for erosion and sedimentation control will be complied with.

(5) Access Management

“Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, and provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collector/boulevards should not be used for direct access to lots, rather a system of local streets should feed into the collector/boulevard and arterial system.” (Page 159)

The Applicant has taken into consideration improvements that will accommodate new developments and travel patterns within the area. Five (5) major connections are provided to adjacent undeveloped properties. These connections will permit a networking of future streets that will help protect the existing roadway network.

The main roadway will be a boulevard type collector/boulevard roadway with limited access. This collector/boulevard road will permit traffic to flow with a minimum of interference.

The extension of this collector/boulevard road through the adjacent properties, when they develop, will provide a connection to East Bend Road.

The collector/boulevard road will function in the same manner as Hanover Drive-connects East Bend Road to Rogers Lane, Oakbrook Drive-connects KY 18 to Pleasant Valley Rd. Wetherington Boulevard-connects US 42 to Mt. Zion Road. Triple Crown Drive-connects Richwood Road to Frogtown Road.

KY 18 will be improved at the entrance to this development by the construction of left and right hand turn lanes. These improvements will be constructed in compliance with all Kentucky Department of Transportation Regulations and Specifications.

(6) Transportation and Pedestrian Network

“Developments in Boone County must be designed, where appropriate, to improve the County’s transportation network system of roadway classification and function must be used in the planning for and designing of new developments. Collector/boulevard roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector/boulevard roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets. The traditional grid system can provide an alternative to typical suburban design. Parallel and frontage roads should be used to minimize impacts of individual sites on collector/boulevard and arterial roadways. Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths, but should provide connections to adjoining uses where appropriate. Public open space and recreation sites should be connected by bicycle and pedestrian paths where appropriate.” (Page 159-160)

The Applicant has given a great deal of consideration to the transportation and pedestrian network within and adjacent to this development.

The entire development is centered around a collector/boulevard roadway with very limited access. This collector/boulevard road will be connected to adjacent properties; this will permit its ultimate extension to East Bend Road.

In addition, four (4) other streets are extended to adjacent undeveloped properties. This will provide for a proper network of streets as adjacent properties develop.

Sidewalks will be provided along all streets including the collector/boulevard street. All the open/green spaces have direct pedestrian access from within the development area.

A community pool will be provided within this development, as shown.

(7) Design, Signs, and Historic Preservation

“Developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a

development or corridor. Overhead utility lines should be placed underground wherever possible, and junction boxes screened from public view. Neo-traditional residential and commercial development should be encouraged to provide quality development that blends with the natural or historic character of parts of Boone County. This Comprehensive Plan encourages the restoration, renovation and/or adaptive re-use of historically significant structures in Boone County.”

The Applicant has given a great deal of consideration of the aesthetic impact this development will have.

The 6.75 acres of open space and its natural habitat will maintain the existing rural atmosphere along KY 18. This rural atmosphere will be continued throughout the development and along the fully landscaped collector/boulevard road.

In summary, as stated in the closing statement of the “Future Land Use Development Guidelines”, we believe that we have fully complied with all the guidelines to achieve the goals stated for the proper future growth management for Boone County.

COMPREHENSIVE PLAN SUMMARY

LAND USE MAP

The 2000 Boone County Land Use Map has the Applicants land classified as "Suburban Residential" (SR). This classification is defined as "single family housing of up to four units per acre."

Recent zone changes in the area have permitted densities of 2.77 and 3.00 units per acre. This development is well below those densities.

The application and concept plan is setting the maximum density at 2.5 units per acre. This is well below (37.5%) the maximum density permitted in the Suburban Residential (SR) Land Use classification.

LAND USE PLAN

The 2000 Boone County Comprehensive Plan has this site in the Burlington area. (Page 169) It is further defined as being located in the Woolper Creek Valley area. (Page 170)

This section further states, "The suburban growth around Burlington will be substantial."

It further states, "New subdivisions should locate in close proximity to Burlington property." This site is located less than 2 miles west of Burlington.

"Any new subdivision should develop internal road networks rather than using the existing roads as primary access."

The Applicant has provided a major collector/boulevard road through the site with potential to connect to East Bend Road and has provided connections to adjacent undeveloped lands. This will permit development of an internal road network as adjacent properties develop.

SANITATION DISTRICT NO. 1

The Sanitation District No. 1 has provided a letter to the Applicant, dated September 24, 2002, outlining their current upgrading and possible future improvements to the Allen Fork Pump Station. (copy attached)

This letter can be summarized as follows:

The Allen Fork Pump Station is presently being upgraded by the Sanitation District No. 1.

This upgrade will increase the capacity of this pump station to 1200 gallon per minute (gpm). This is an increase of capacity of 360 gpm.

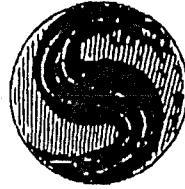
This additional 360-gpm capacity will provide enough additional flow to permit between 500 and 600 additional homes to be connected.

In addition, the Sanitation District No. 1 is currently investigating other options that will allow for additional capacity at this station.

Thus there are no short-term limitations on capacity for this site. The Sanitation District is anticipating additional upgrades if the Western Regional Sewage Treatment Plant is not placed in operation before the current upgrade reaches capacity.

The Sanitation District currently expects to place the Western Regional Sewage Treatment Plant in operation in the year 2008.

Therefore, the Applicant does not expect any long-term shortages on capacity.



September 24, 2002

Raymond Erpenbeck, P.E.
Raymond Erpenbeck Consulting Engineers, PLLC
4205 Dixie Highway
Elsmere, KY 41018

Re: Arlinghaus Zone Change Application

Dear Mr. Erpenbeck:

This letter will confirm our phone conversation concerning the capacity of the Allen Fork Pump Station. The current upgrade to the station will result in a capacity of 1200 gpm with two pumps operating. The current measured capacity of the station with two pumps operating is 840 gpm.

Because of the delay in the completion date of the new Western Regional Sewage Treatment Plant, it is expected that this station will need additional capacity to serve the expect growth tributary to the station. The district is currently investigating options that will allow for additional capacity at the station. Depending upon the growth rate, it is possible that the District will need to limit or stop additional flow to the pump station.

If you have any questions or need additional information, please do not hesitate to contact us.

Sincerely,

Gary W. Aman
Project Manager

DEVELOPMENT PHASING

This development will be phased in over a period of 12 – 15 years. This phasing will control the impact on the existing infrastructure and schools.

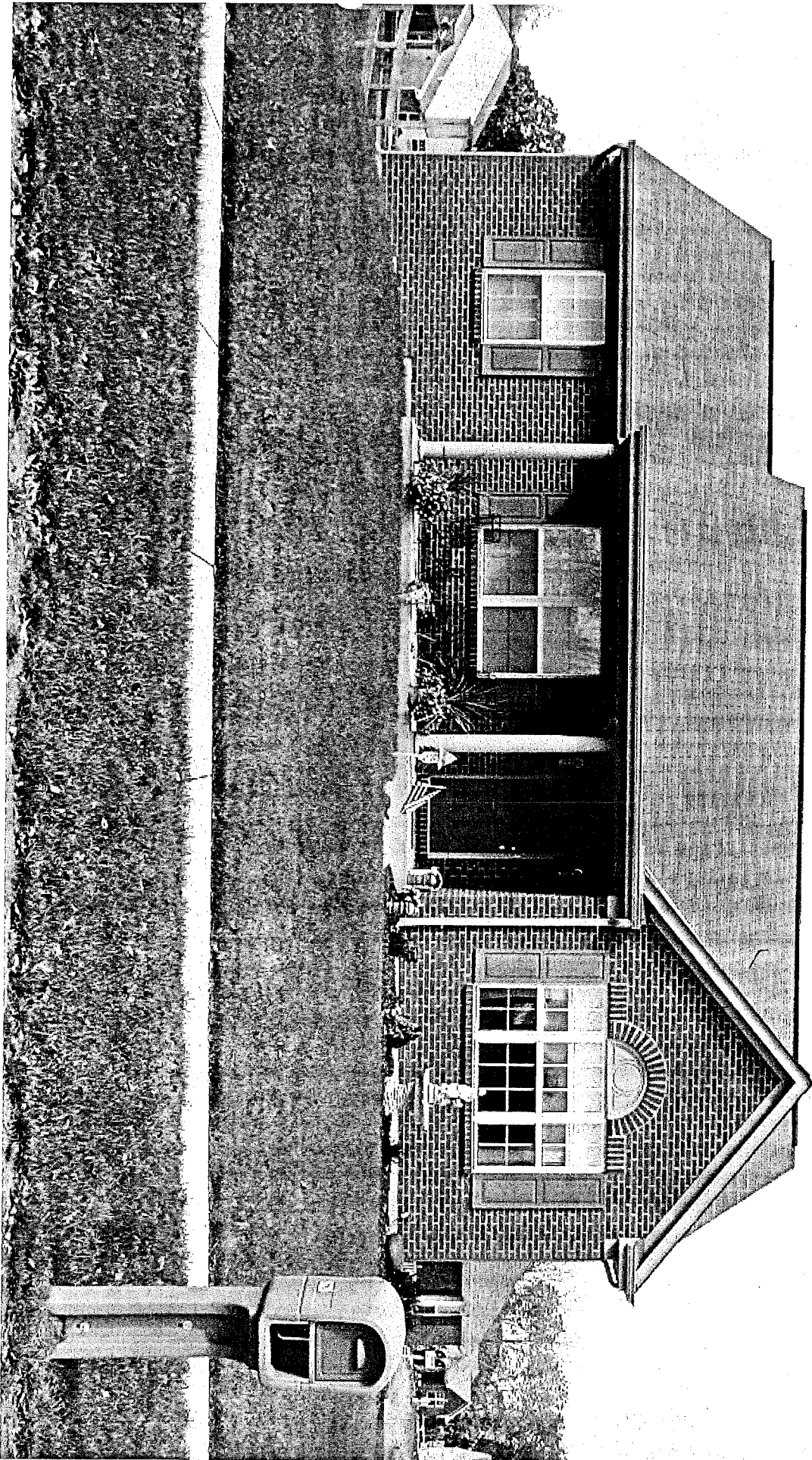
The Applicant has met with Mr. Bryan Blavatt, Superintendent of the Boone County School and his staff to discuss the affect of this project on the Boone County Schools. The Applicant will be meeting with Mr. Blavatt in the near future to further discuss the phasing of this development and its affect on the Boone County Schools. The results of these discussions will be provided to the Boone County Planning Commission.

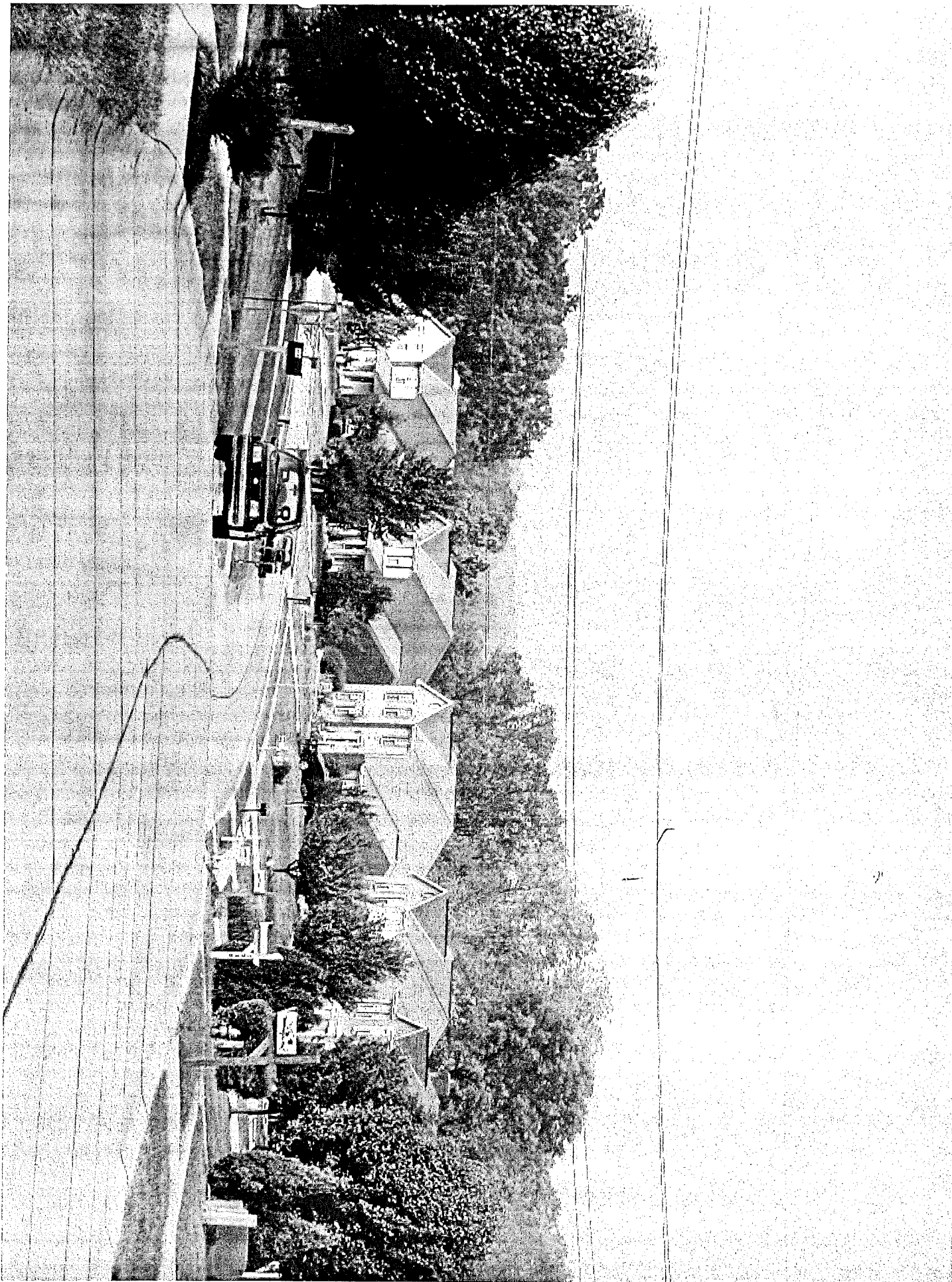
TRAFFIC

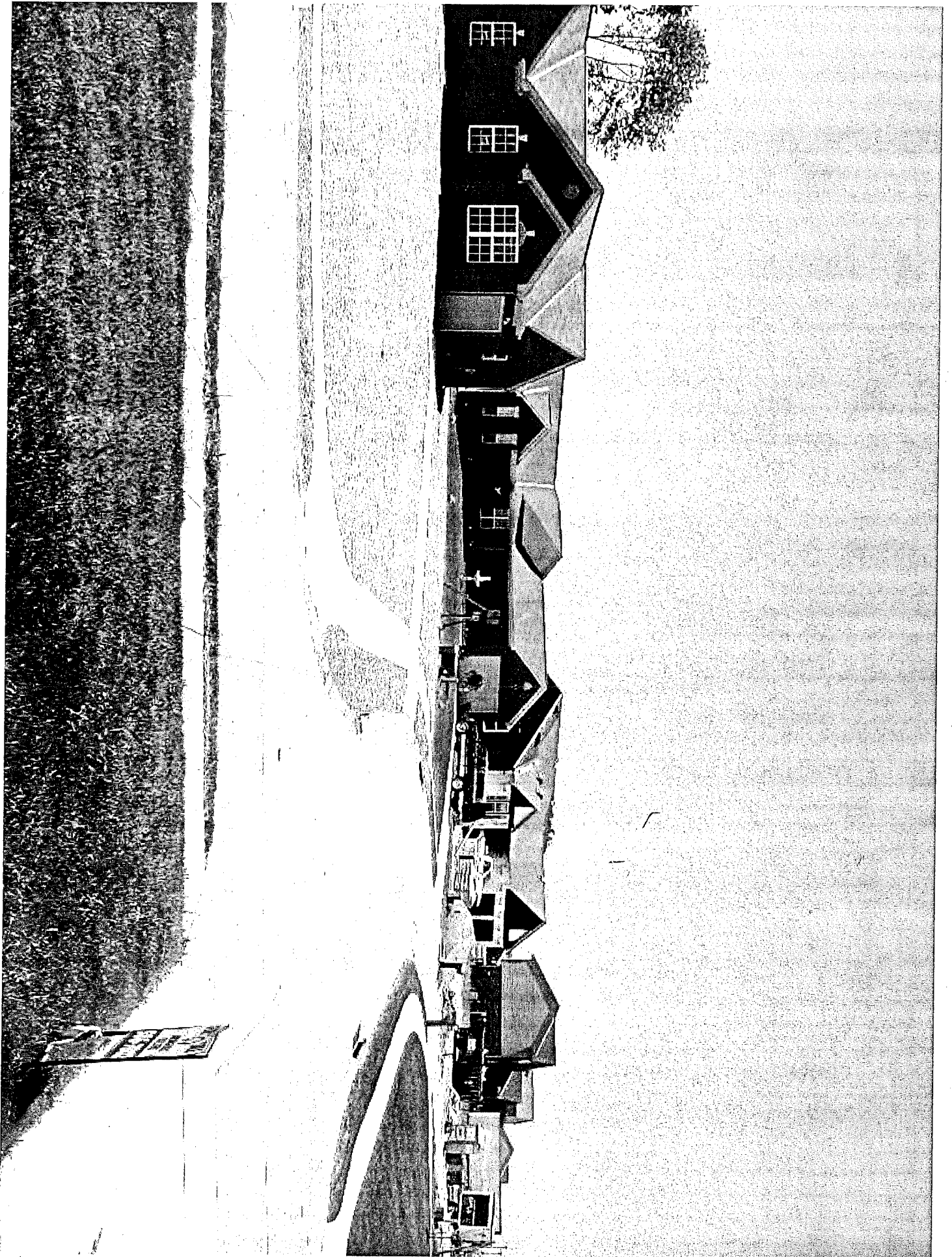
The Applicant has had a traffic study prepared for this development. This study has been presented to your staff.

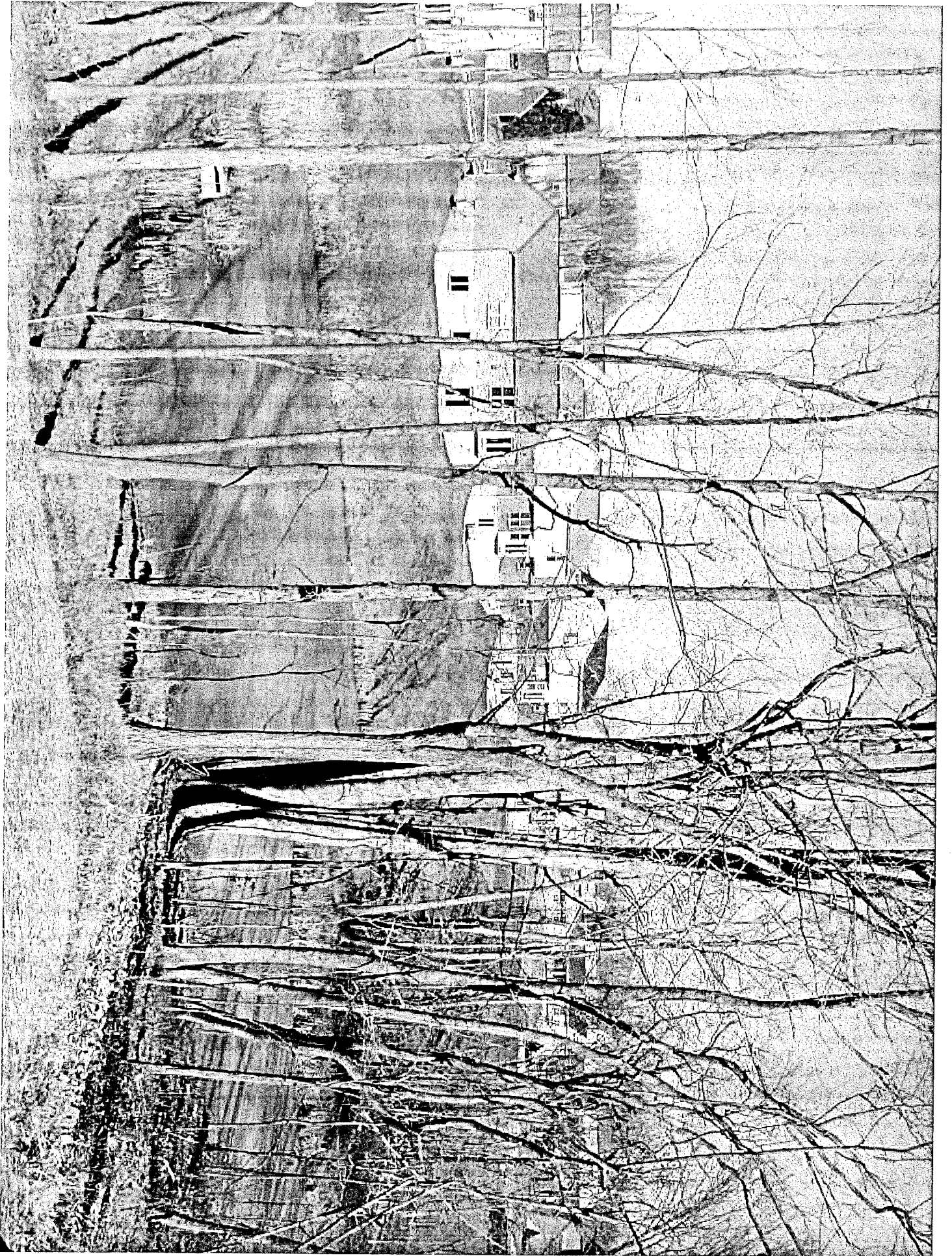
SUMMARY

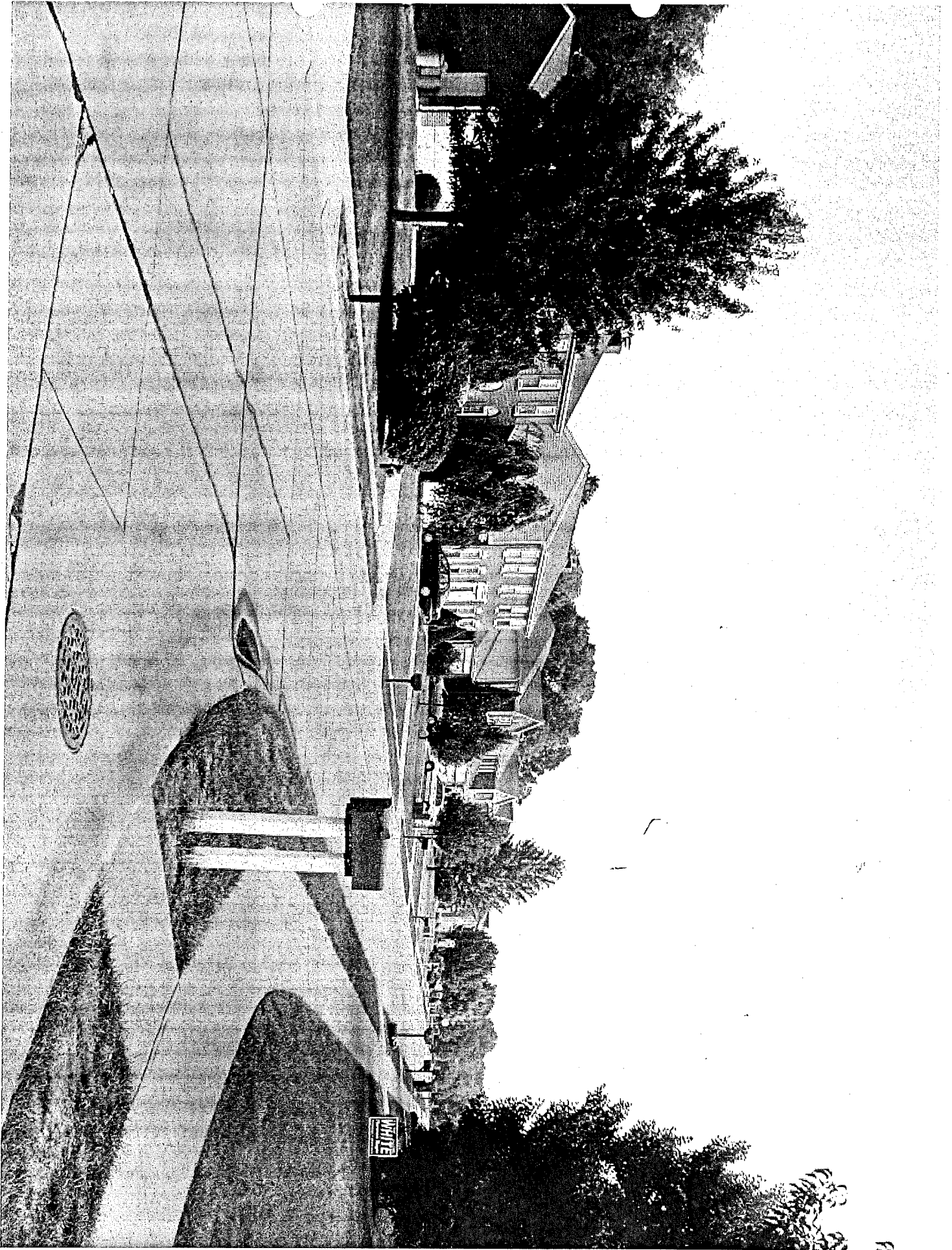
Based on the evidence presented at this public hearing, the requested map amendment is in agreement with the adapted 2000 Boone County Comprehensive Plan and therefore must be approved.

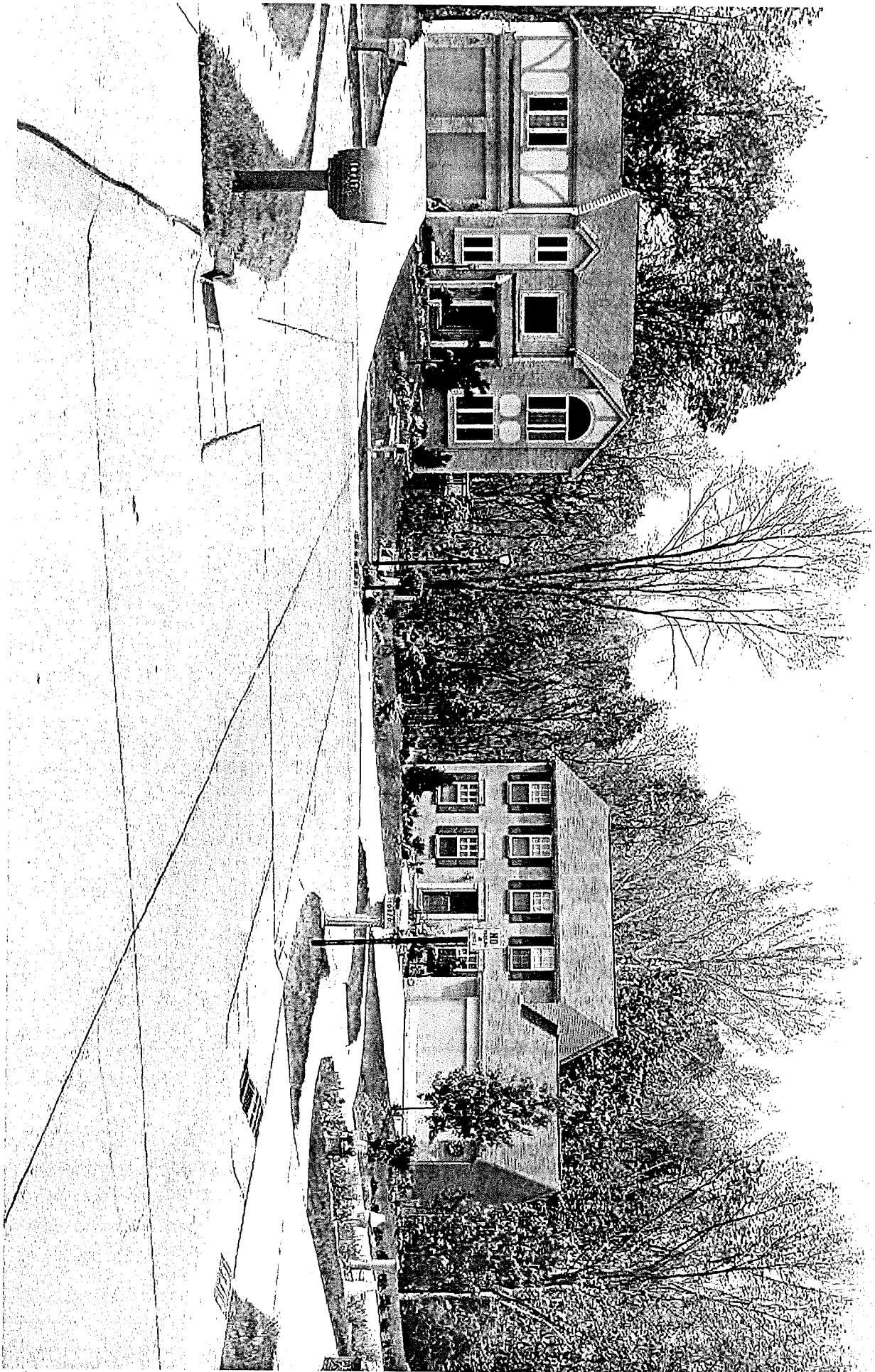


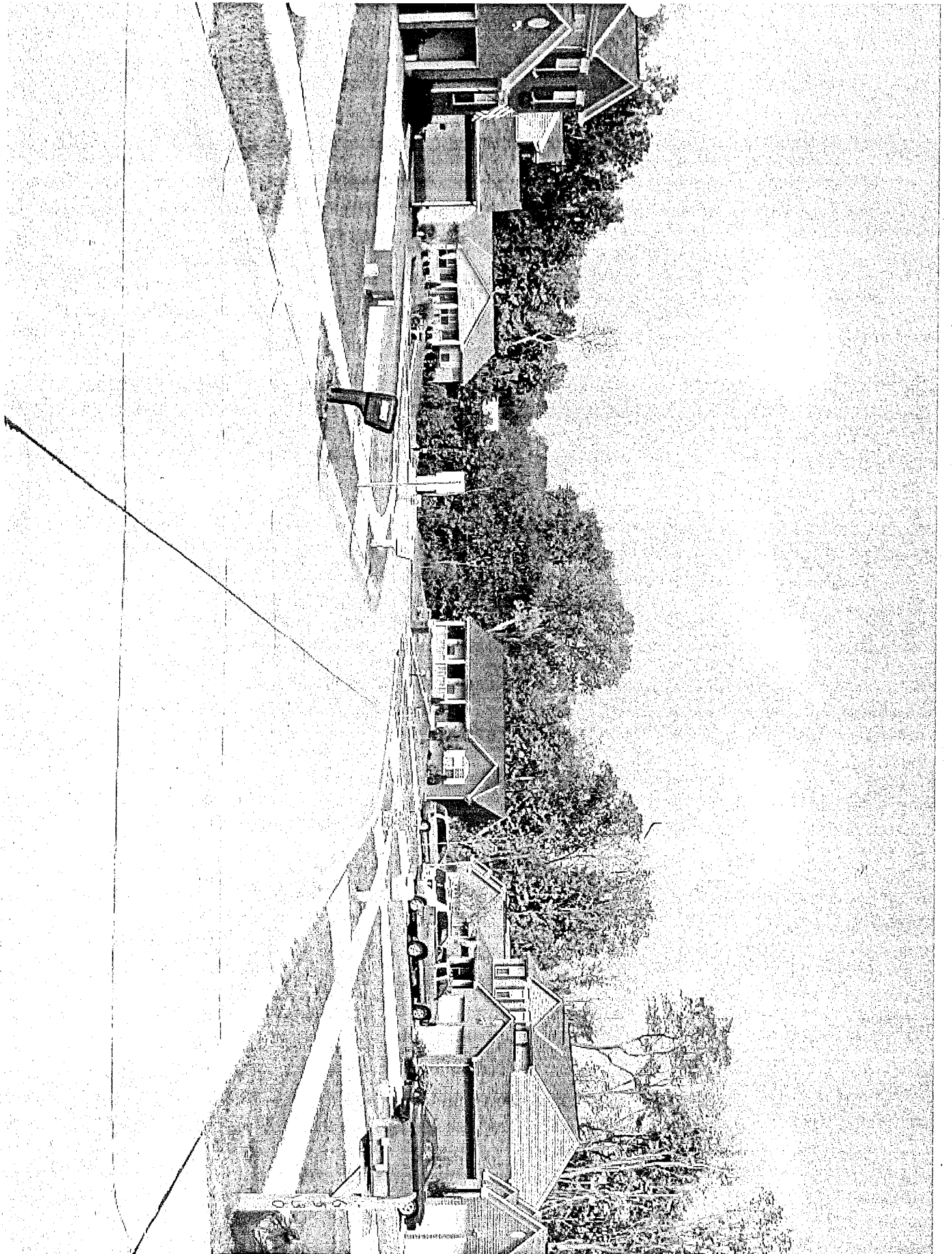


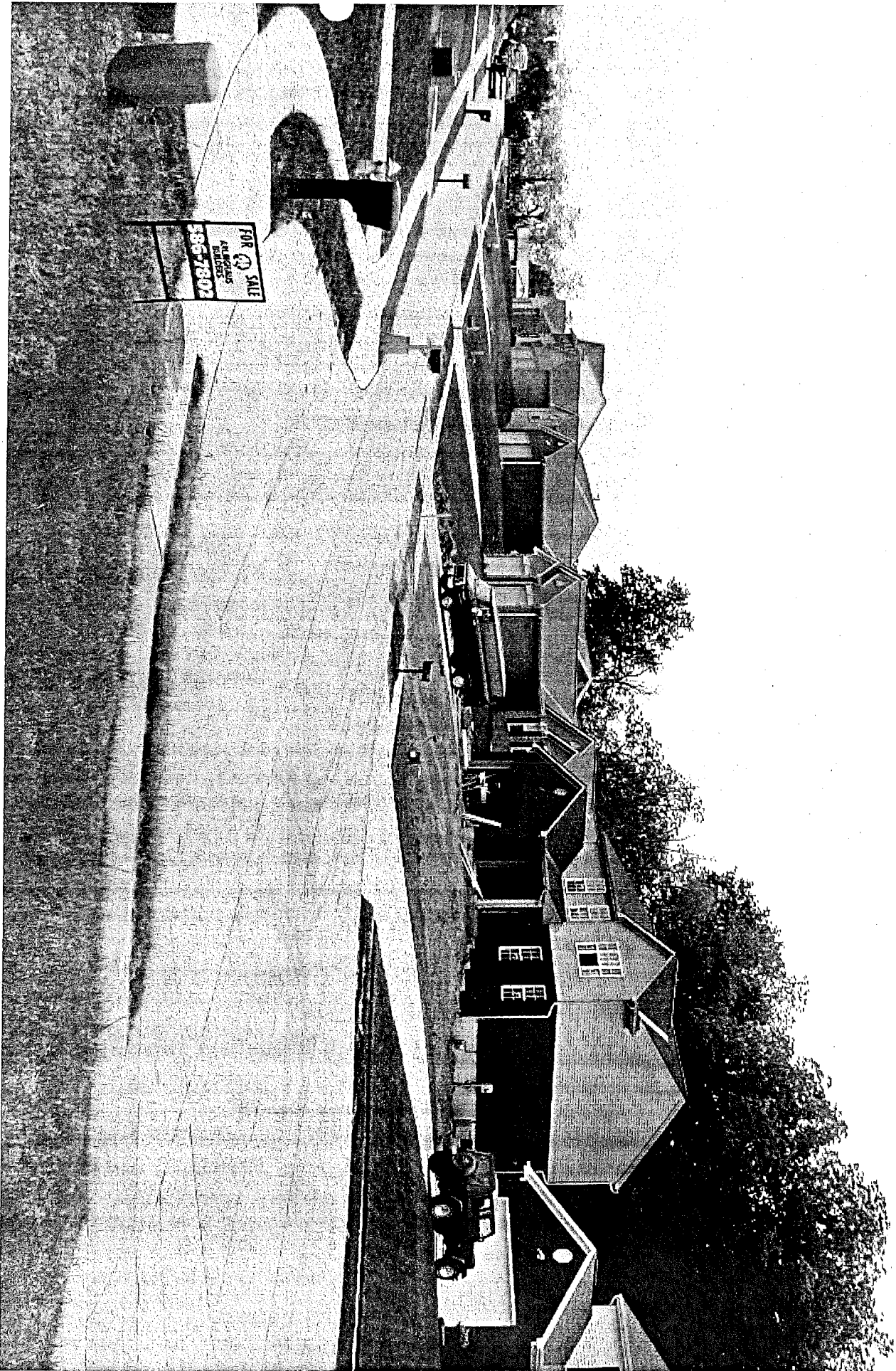


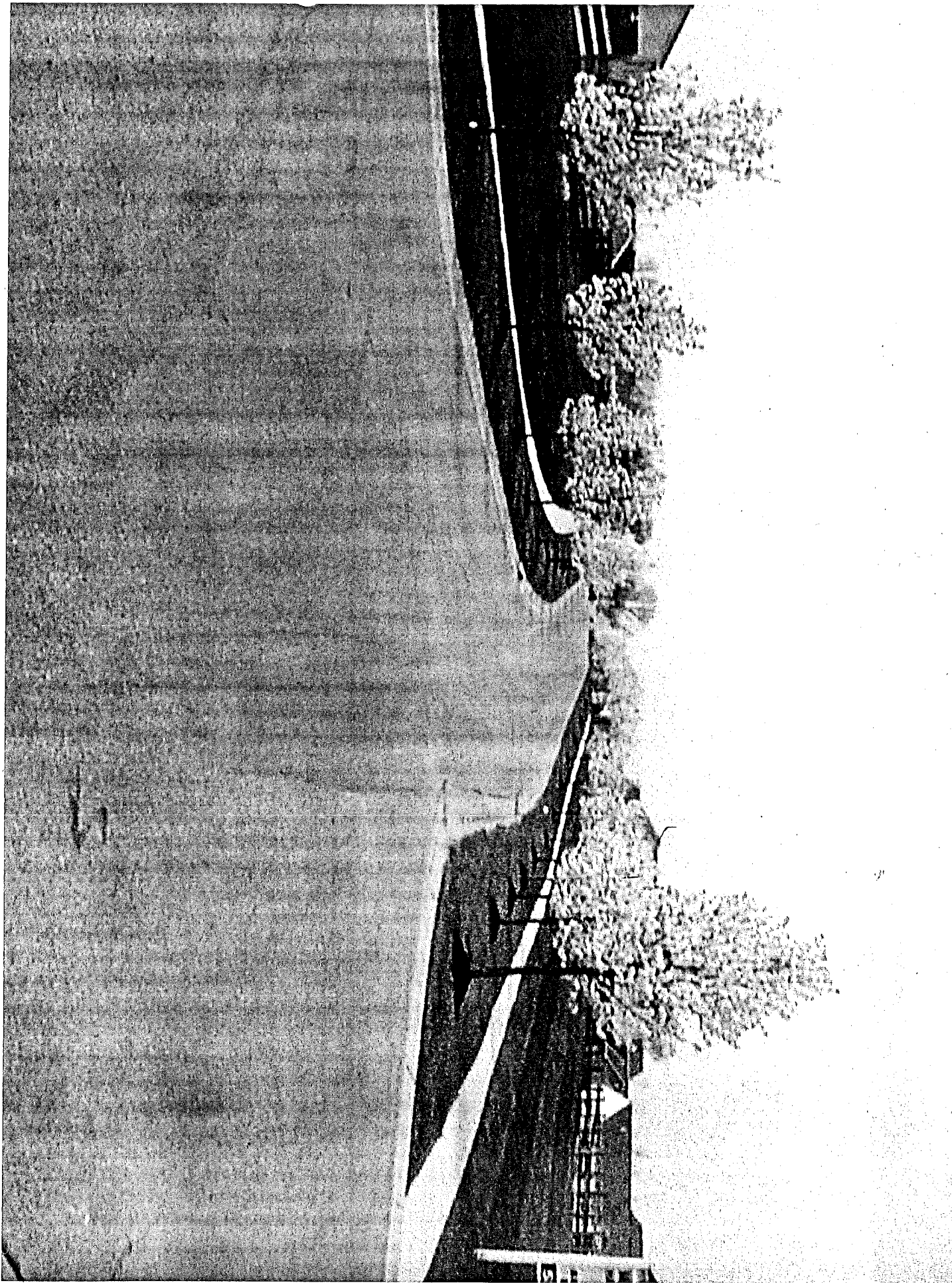








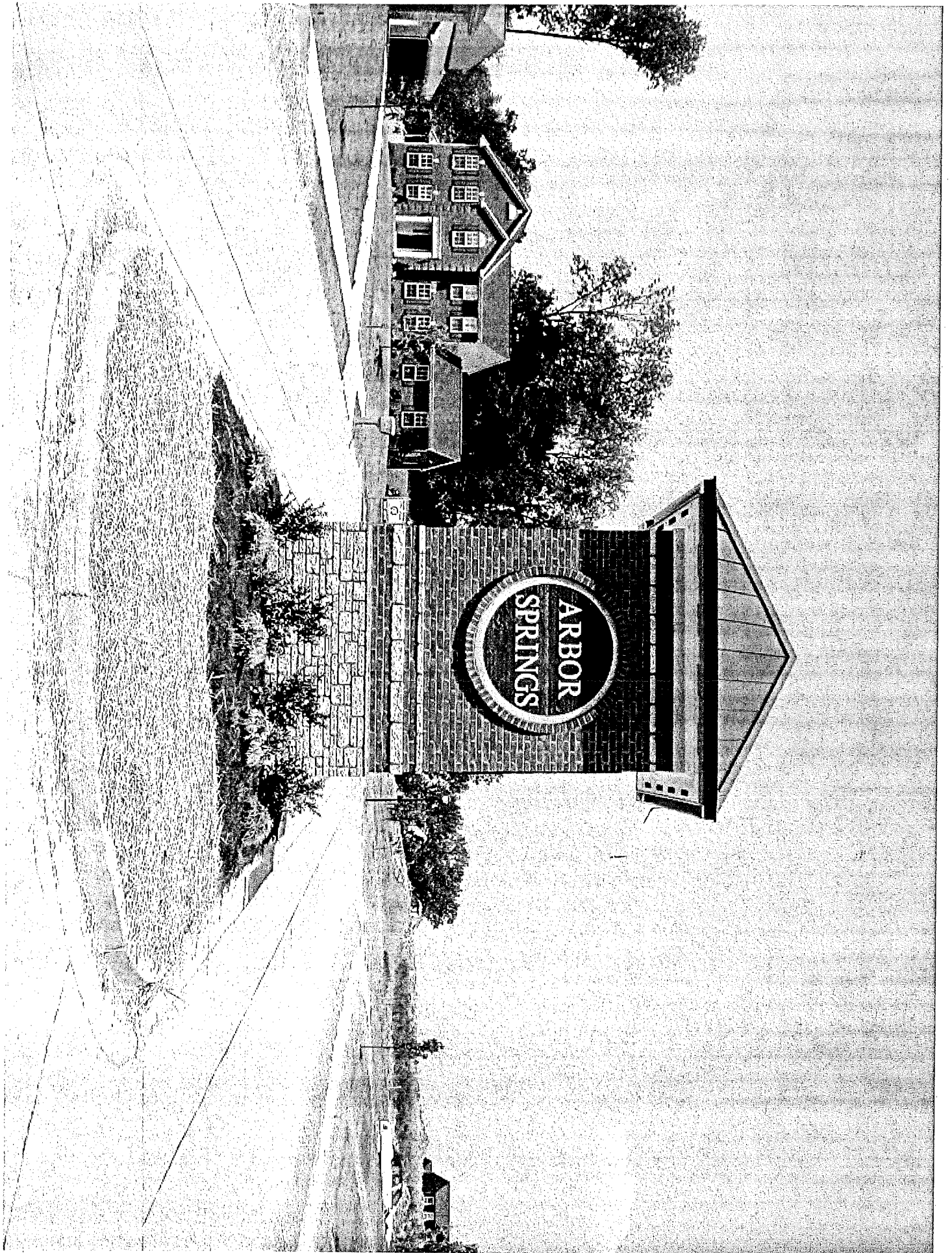


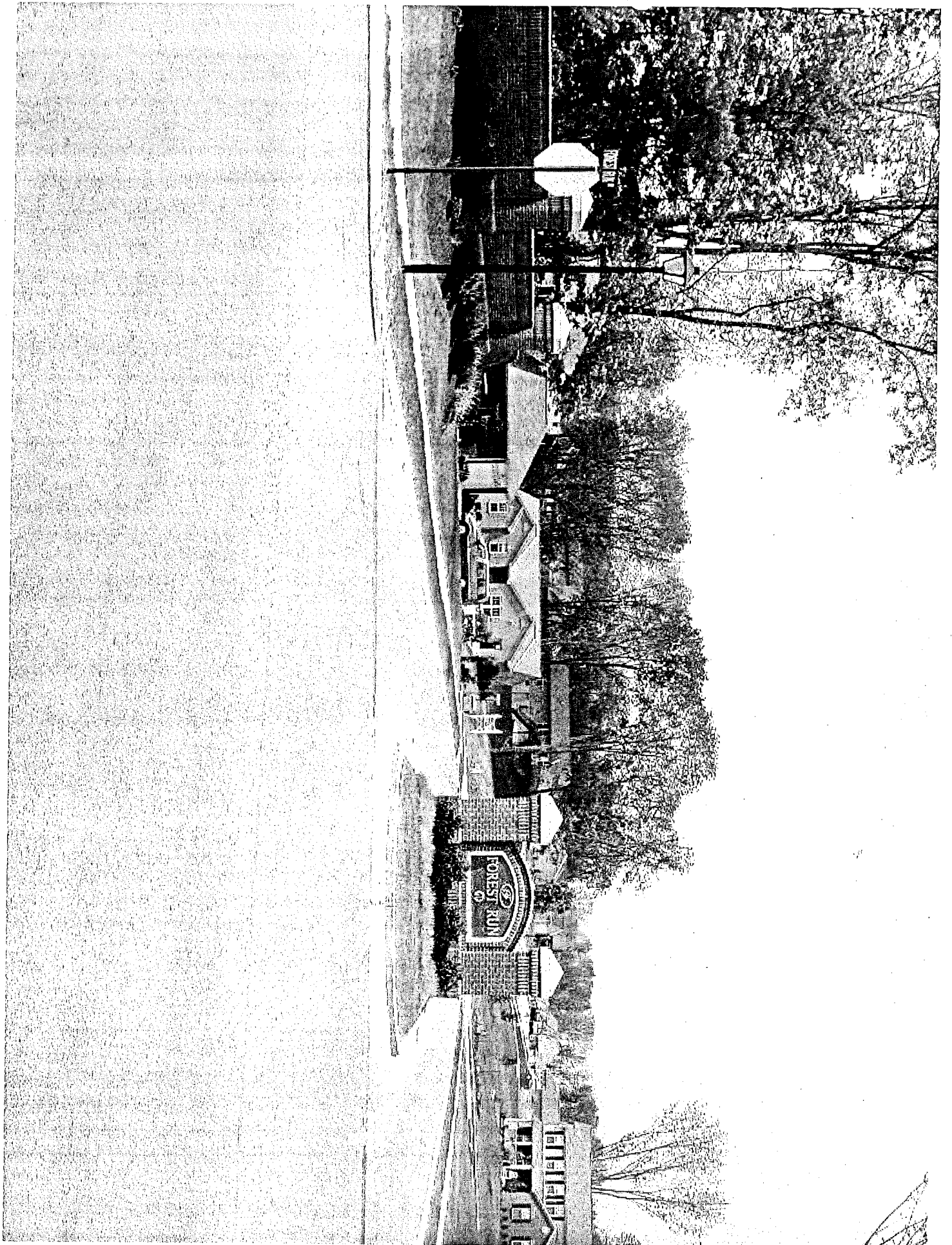


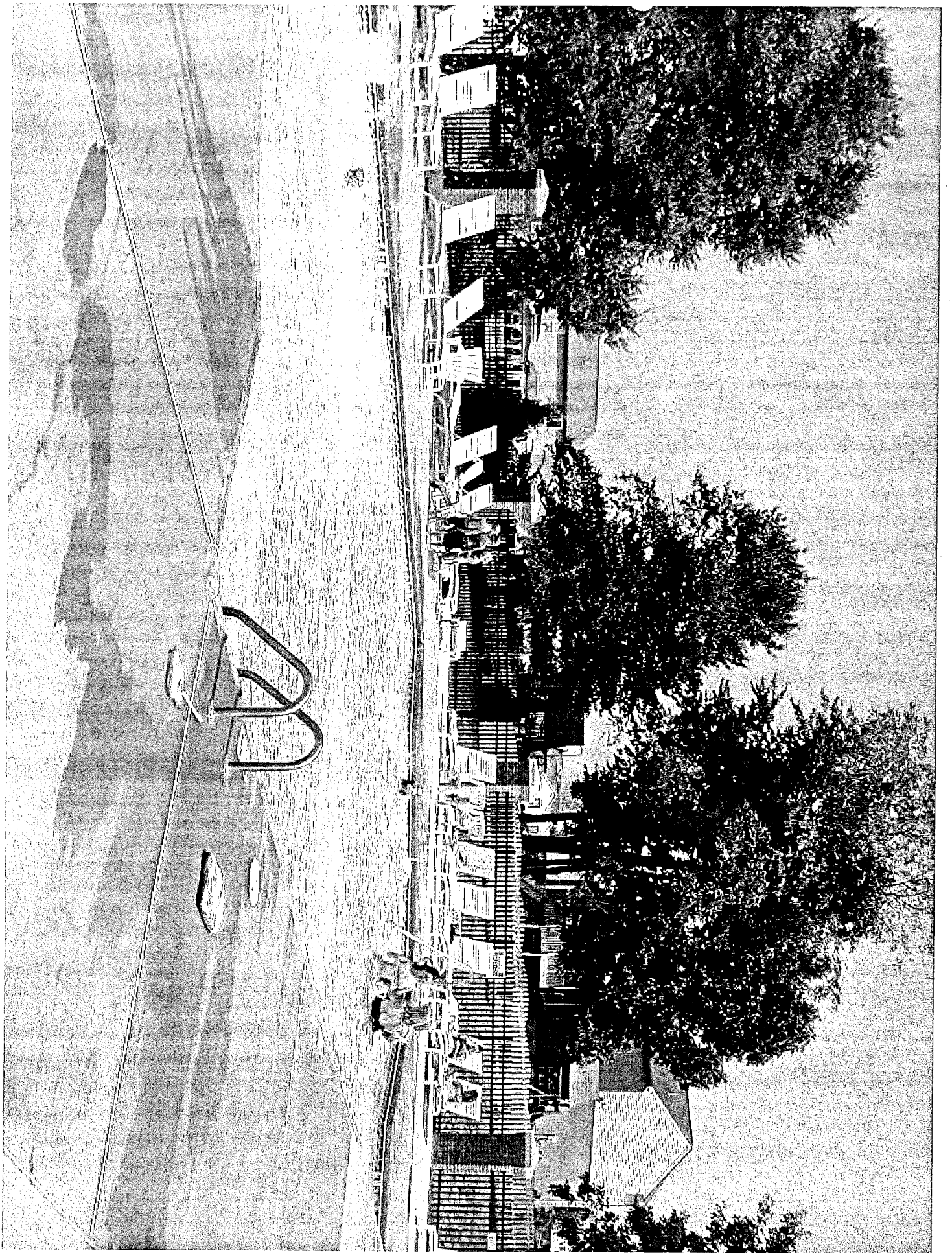


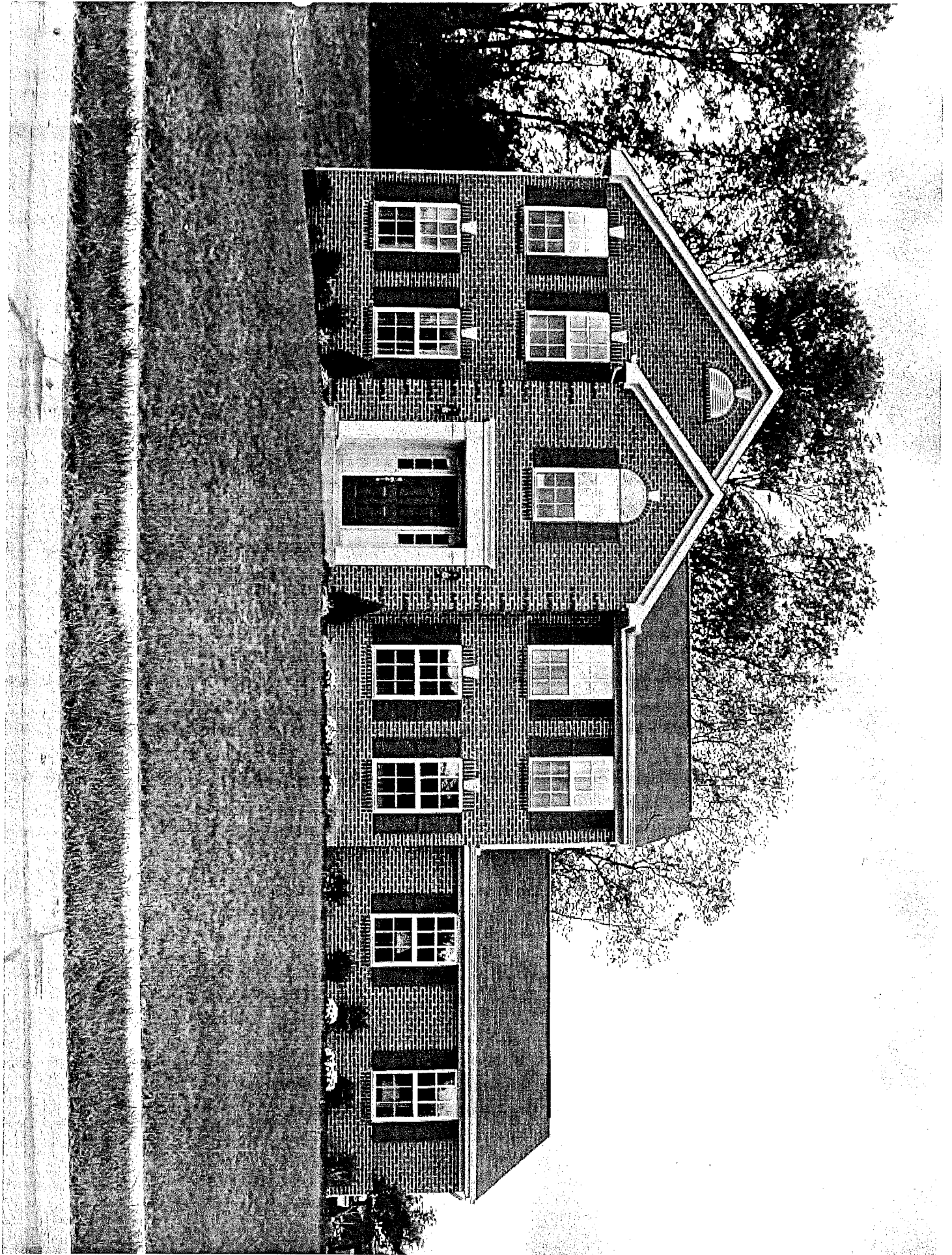
NORTH POINTE

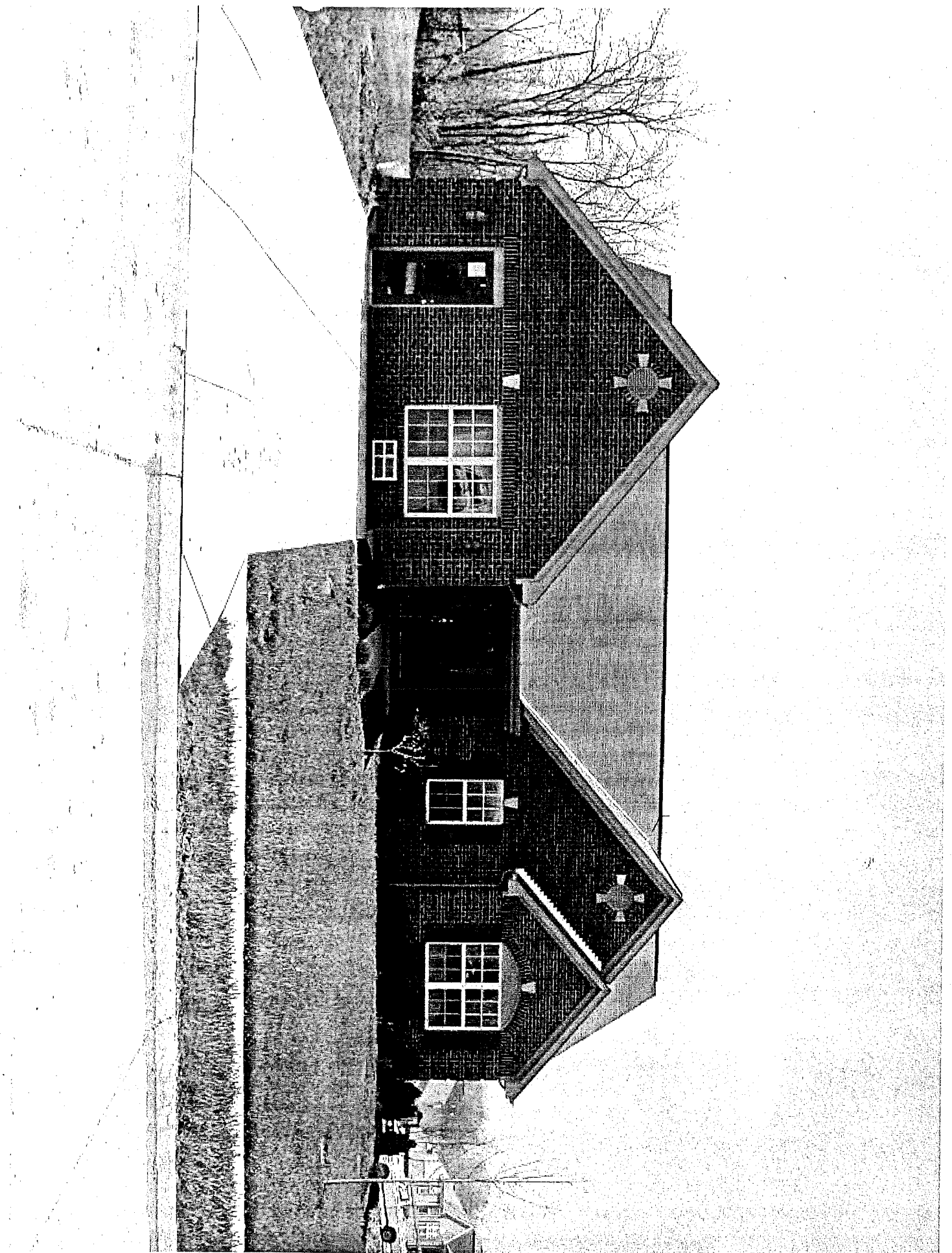


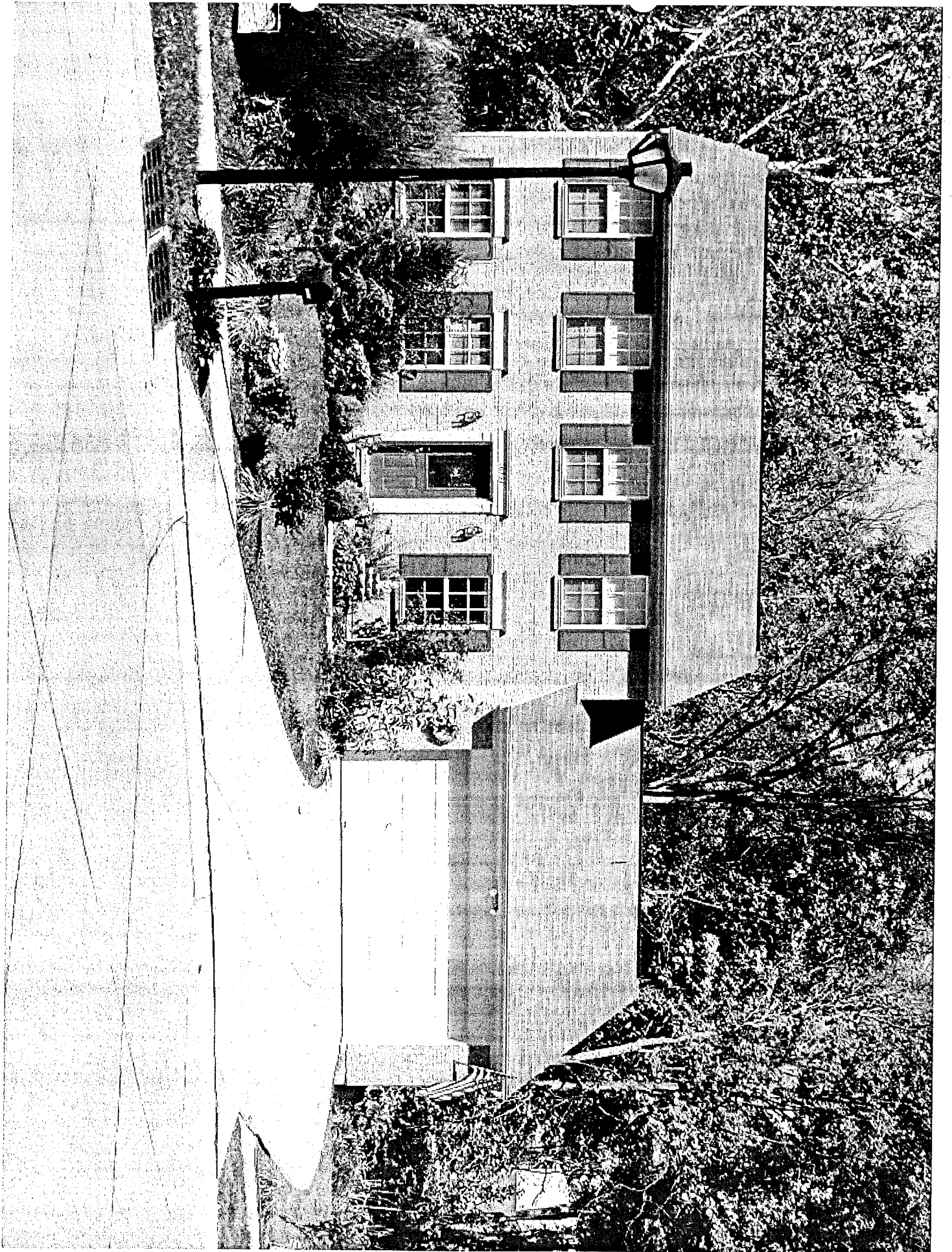












Arlinghaus Builders

Arlinghaus Builders is locally owned and operated, and is currently developing sites and building homes in several locations throughout Northern Kentucky. The corporation is owned by Joe Arlinghaus, a native of the area who resides in Edgewood, Kentucky. Joe is an active participant in the business, managing the development of each Arlinghaus community and the construction of the individual homes. Every job is important to Joe, as he feels a responsibility to each family making the decision to live in one of his homes.

The entire staff strives to give homeowners the best possible value for the housing dollar spent. We are small enough to offer personal service, and we are large enough to get the job done. Our history has proven this. Our future is built on the stability, success, and growth of the past.

Arlinghaus Builders began building homes in 1975. Today we are building in nine locations with several more communities scheduled to open soon. In 2002, we will build about 175 homes in Boone County. We maintain model homes in five of the communities and have grown to be one of the largest homebuilders in Northern Kentucky and Greater Cincinnati.

We have enclosed photos of several neighborhoods, homes, entrances, etc. which we built, and which are similar to what we are proposing for the new development in Burlington.



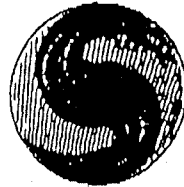
ARLINGHAUS BUILDERS

Homes Built The Way They Should Be.

142 Barnwood Drive
Edgewood, Kentucky 41017
TEL (859) 341-8766
FAX (859) 344-7983

For more information on Arlinghaus Builders, send e-mail to:
info@arlinghausbuilders.com

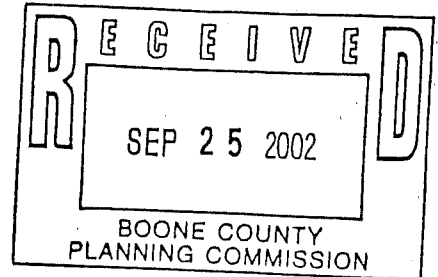
SANITATION



DISTRICT No. 1

September 24, 2002

Raymond Erpenbeck, P.E.
Raymond Erpenbeck Consulting Engineers, PLLC
4205 Dixie Highway
Elsmere, KY 41018



Re: Arlinghaus Zone Change Application

Dear Mr. Erpenbeck:

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If you have any questions or need additional information, please do not hesitate to contact us.

Sincerely,

Gary W. Aman
Project Manager

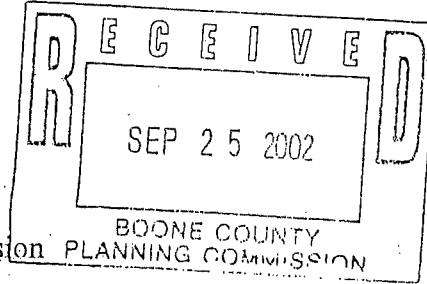
BRYAN A. BLAVATT
Superintendent of Schools

BOONE COUNTY PLANNING COMMISSION
Date: 9/25/02 - Public Hearing # 2 - Exhibit # 3

Florence, KY 41042
Phone: (859) 283-1003
Fax: (859) 282-2376
www.boone.k12.ky.us

BOONE COUNTY SCHOOLS

September 23, 2002



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

Dear Kevin:

Randy Poe and I recently met with the developers of the Concept Development Plan regarding our letter to you last week.

It was a productive conversation, which helped to begin the dialogue concerning the school system's belief that immediate development in that area would be a problem for our schools. I am encouraged that with continuing conversation and the possible commitment by the developers to delay immediate construction and move towards a very slow "build out" could make the plan pliable. This letter is sent to you to indicate only that we are encouraged that a possible long-term proposal could be reached which would receive our support.

If you have any further questions, please feel free to call me.

Sincerely,

Bryan Blavatt

BB/kt

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
January 15, 2003
7:00 P.M.**

Mr. Mark Hicks, Chairman, called the meeting to order at 7:04 PM.

COMMISSION MEMBERS PRESENT:

Mr. Randy Barlow
Mr. Kim Bunger
Mr. Mark Hicks, Chairman
Mrs. Janet Kegley
Mr. Richard Knock, Temporary Presiding Officer
Mr. Don McMillian
Mr. Randy Poe
Mrs. Susan Poston, Vice Chairwoman
Mr. Charlie Reynolds
Mr. Bob Schwenke
Mr. Earl White
Mrs. Lisa Wilson, Secretary/Treasurer
Mr. David Zimmer

COMMISSION MEMBERS NOT PRESENT:

Mr. Arnold Caddell
Mr. Robert Newman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Mr. Kevin Wall, AICP, CDT – Director, Zoning Services
Ms. Jan Hancock, Secretary

The Chairman introduced the first item on the Agenda:

1. Zoning Map Amendment

The request of Raymond Erpenbeck Consulting Engineers PLLC (applicant) for Arlinghaus Builders, Jerry L. Arlinghaus et al (owners) for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for an approximate 291-acre area at 3829 and 3939 KY 18, Boone County, Kentucky. The request is for a zone change to allow single-family residences.

Staff Member Kevin Wall presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). The applicant has signed the letter agreeing to the conditions.

Mr. White moved by resolution to Boone County Fiscal Court that the request be approved based on the Committee Report. Mrs. Kegley seconded the motion .

The Chairman asked if there was any discussion.

Mrs. Poston stated that she was not at the Committee Meeting when the vote was taken, and she will vote against the request. She stated that the storm sewer is still an issue. It is not known exactly what the regulations coming from the Federal government will be. She questioned the interpretation of "unique subdivision design" – she does not see this design as being "unique" since it looks like all of the other subdivisions. She does not see that the development maintains a rural appearance through unique subdivision design. She stated that the sewers are questionable and she does not know what "the foreseeable future" means – when will the sewers come on line and this development can go forward full force. She stated that the roads are an issue. She feels that the proposed development is before its time. A lot has been done to craft the development, but it needs more work.

Mr. McMillian commended the Committee for Condition #4 which requires the houses closest to KY 18 to face the roadway. He stated that in some subdivisions, the backs of the houses face the main collector road without berms or screening.

Mr. Barlow questioned the enforcement of Conditions #1 and #6. Mr. Costello responded that conditions subject to the zone change process would be enforced by Staff. The Preliminary Plat and Improvement Plan may be subdivided into phases and that is when Staff will check to make sure they are meeting Condition #1. There is a timetable involved with Condition #6 and Staff will be consistently checking with the School District. He provides a report to the School District every month regarding the number of houses that are being reviewed and where they are located.

Mr. Knock questioned Condition #3 that "one or more lakes shall be constructed if permitted by the applicable state and federal agencies". Mr. Wall responded that the applicant has agreed to follow the standards under The Clean Water Act and the

Water Quality Regulations for the entire development when they come out later this year, but it is not known at this time if the lakes will be permitted since damming up a creek for detention may change the biology of the creek. Mr. Knock questioned how much research Staff has done regarding what the federal government may eventually do in this area. He asked if it is Mr. Wall's professional opinion that the lakes will not be permitted. Mr. Wall responded that he does not know what the standards will be and relied upon input from the County Engineer. Mr. Knock asked if the developer can side-step the condition because he does not like the standard. Mr. Wall responded "no".

Mr. Reynolds asked if there is a Site Plan showing the changes that were made in the conditions. Mr. Wall responded "no" and stated that the conditions are a level of detail and do not change the substance of the plan. Mr. Reynolds stated that the lakes might change the plan. Mr. Wall agreed. Mr. Costello stated that a copy of the Concept Plan that was presented at the Public Hearing is available for review.

Mr. Barlow stated that the Committee discussed the future regulations, which may prevent the applicant from building on some of the property in the back. He questioned if that would change the density of the plan or if the plan would stay in place and there would be fewer units. Mr. Wall responded that Condition #1 refers to the total number of units (727) and Condition #2 refers to providing the open space as shown on the Concept Plan – and the applicant will have to work within those parameters. He stated that there could be a reduction in the number of lots. Mr. Barlow asked if the applicant would be entitled to fifty lots in the front to get the total number of lots if they have to eliminate fifty lots because of the storm water regulations. Mr. Wall responded that they would have to meet the lot width standards (55 feet in SR-1) and provide the open space. If they can rearrange the lots and meet those parameters, then they can do that – but if they cannot meet some aspect of the Concept Plan or the conditions, they would need to come back through the process.

Mr. McMillian asked if the streets are wide enough for school buses and Transit Authority buses to turn around. Mr. Wall responded that it should not be a problem on the collector road. Mr. McMillian stated that there is no turn-around and questioned if the cul-de-sac are large enough. Mr. Wall responded that school buses do not generally go down cul-de-sacs. He stated that the Update of the Subdivision Regulations looks at longer cul-de-sacs with turnarounds for school buses. He stated that the applicant could be asked if he would be agreeable to increasing the radii for a school bus turnaround for a certain length cul-de-sac, which is in the Update of the Regulations.

Mrs. Poston asked, if they would have 75 acres that is not usable for housing, could it be used for open space? Mr. Wall stated that Mrs. Poston was referring to the comments about losing fifty acres for the lakes. Mrs. Poston agreed and asked if that area could be counted as open space. Mr. Wall responded that the open space the applicant has agreed to is shown on the plan – the open space is what is shown on the plan. Mrs. Poston asked if the boundaries might be moved a bit based on the final engineering. Mr. Wall responded "yes" but noted that if the change is

fundamentally different and not following the plan, it would not be permitted. They need to follow the Concept Plan.

Mr. Zimmer stated that he was a member of the Committee and he will vote against the Committee's recommendation. He stated that the 2000 Boone County Comprehensive Plan Future Land Use Map indicates this site for suburban residential uses – but there is nothing in the Comprehensive Plan that says that is tomorrow – it is a long horizon. He believes the future is not now. He stated that if the sanitary sewer improvement on KY 18 was substantial enough to take care of this application, we would not be phasing it and trying to use Hanover Park. He does not feel that the sewers are adequate. The infrastructure is not in place. He stated that the traffic consultant has concluded that the signalized intersection at KY 18 and the courthouse is Level C, and at buildout it will be Level F – which is not a reasonable mitigation of the traffic impacts. The traffic impacts might be mitigated at the entrance to this subdivision on KY 18, but the traffic impacts a larger area than that. He stated that this parcel is surrounded on all sides with A-2 zoning. The reason for creating a ten-foot buffer zone between this property and the neighboring properties is because it would be SR-1 in the middle of A-2 – which is not good planning. He stated that there is no phasing to the project – limiting the number of units to one hundred is not phasing – it is accommodating the fact that the sewers are not capable of handling the effluent. He stated that seventy five acres of this parcel drains into Middle Creek. This will be the first major development on Middle Creek and we do not even know how to control the water – this is getting ahead of the Clean Water Standards that are being established. The development is way before the “future” indicated in the Comprehensive Plan.

Mrs. Wilson stated that she thought the applicant provided a list showing the phasing for each year. Mr. Costello responded that the applicant did that and the Committee decided that a figure of one hundred units was sufficient until the full sewer is there. Mr. Zimmer stated that there was no condition for phasing in the proposal if adequate sewer was provided. The development is phased only by the fact that the sewers are not adequate to handle what is being built. Mr. Knock responded that if the sewers are there, the phasing is not necessary. If the sewers are inadequate, then phasing will be imposed by the lack of infrastructure. He stated that the Planning Commission has no control over the bureaucrats dragging their feet and when the streams will be evaluated. He stated that the Planning Commission needs to move ahead with these issues to force the bureaucrats to do what they should be doing – and the same is true with not having the rules and regulations available. Mr. Zimmer responded that he came on the Planning Commission to provide his ability to help plan, not to force bureaucrats and politicians into action.

Mr. White stated that his understanding from the representative of the Sanitation District was that they would be monitoring this and, at any time they saw fit, they would put a moratorium on development until everything was upgraded. The Sanitation District assured the Committee that they could handle what is out there now in addition to this project.

There being no further discussion, the Chairman asked for a roll call vote on the motion made by Mr. White, which found Mr. Barlow, Mrs. Kegley, Mr. Schwenke, Mr. White, Mr. Knock, Mrs. Wilson, and Chairman Hicks in favor. Mr. McMillian, Mr. Reynolds, Mr. Zimmer, and Mrs. Poston were opposed. Mr. Bunger passed his vote. Mr. Poe was not present and did not participate. The motion carried with seven votes in favor, four votes opposed, and one passed vote.

Mr. Poe returned to the meeting at this time.

2. Wireless Communications Facility

The request of Holland N. McTyeire, V for AT&T Wireless Services, Inc. (applicant) for Beker Holding Company, Inc. (owner) for a Uniform Application for a wireless communications facility at 7575 Empire Drive, Boone County, Kentucky. The property is located in an Industrial Two (I-2) zone.

Chairman Hicks stated that a letter was received from the applicant requesting deferral of this request to the February 19, 2003 Business Meeting at 7:30 PM. The Committee Meeting will be on February 19, 2003 at 6:00 PM in this room. Mr. White so moved. Mrs. Wilson seconded the motion and it carried unanimously.

NEW BUSINESS:

**Agenda Item
No.**

3 Zoning Map Amendment

The request of Tim Reese (applicant) for Jim Prickett, Tim Mahoney, and Charlotte DeVroomen (owners) for a Zoning Map Amendment from Rural Suburban (RS) to Suburban Residential One (SR-1) for an approximate 10.5 acre tract at 1056 Mt. Zion Road, Union, Kentucky. The request is for a zone change to allow a subdivision for single-family residences.

Mr. Reynolds moved to schedule a Public Hearing for the above item on February 26, 2003 at 7:00 PM. Mrs. Wilson seconded the motion and it carried unanimously.

4 Zoning Map Amendment

The request of Raymond Erpenbeck Consulting Engineers (applicant) for Mark Stallings Builder Inc.(owners) for a Zoning Map Amendment from Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for a 5.12 acre tract on the south side of Cardinal Way between the properties at 1922 North Bend Road and 1933 Cardinal Way, Boone County, Kentucky. The request is for a zone change to allow a subdivision for single-family residences.

EXHIBIT
"B"

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: David Zimmer, Chairman

DATE: January 15, 2003

RE: Request of **Raymond Erpenbeck Consulting Engineers PLLC (applicant)** for **Arlinghaus Builders, Jerry L. Arlinghaus, et al (owners)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for an approximate 291 acre area located at 3829 and 3939 KY 18, Boone County, Kentucky. The request is for a zone change to allow detached single family residences.

REMARKS:

We, the Committee, recommend approval of the above referenced request based on the following findings of fact and with the following conditions.

FINDINGS OF FACT

The Zone Change Committee has spent a great deal of time and effort in reviewing this proposal. In addition to attending and reviewing the record of the September 25, 2002 Public Hearing for this application, the Committee has conducted three working Committee meetings. These working public meetings included in-depth discussions and evaluation of the impacts of the request on the area and infrastructure, including roadway and traffic impacts, and effects on the public school and sanitary sewer systems - these issues were raised at the September 25, 2002 Public Hearing for this request. The developer has demonstrated through the phasing and land commitments in the conditions of approval that both the school and sanitary sewer systems can adequately absorb the demands of the proposed development. The Committee also reviewed concerns and comments which were presented by both the public and the Planning Commission's staff; the Committee has concluded that the proposal, along with the agreed conditions, adequately and appropriately address these concerns and comments.

The Committee has concluded that the proposed Zoning Map Amendment is in agreement with the 2000 Boone County Comprehensive Plan. Specific facts that support this conclusion include the following.

- A. The 2000 Boone County Comprehensive Plan's Future Land Use Map designates the site for "Suburban Residential" uses. The Suburban Residential classification is described as "single family housing of up to four units per acre. This classification also includes any low density or estate residential developed as a formal subdivision." The proposal is for a development of detached single family residences with a density of 2.5 dwelling units per acre.

Raymond Erpenbeck Consulting Engineers/
Arlinghaus Builders, Jerry L. Arlinghaus et al
3829 & 3939 KY 18
January 15, 2003

- B. The Land Use Element ("Burlington Area," pp. 169 - 171) acknowledges that Burlington proper will continue to experience growth related pressures, that the Burlington area will change from a rural to a suburban community, and that suburban growth around Burlington will be substantial. The proposal involves a suburban style residential subdivision that is within the Burlington area, and that is within a specific area planned for this type of development. The Land Use Element also acknowledges that this growth will occur largely in part due to sanitary sewer improvements on KY 18, and that KY 18 will serve as a higher volume collector road due to this substantial growth in the Burlington area. Based on up to date information provided by Sanitation District #1, current pump station capacity issues for the Allen Fork pump station are short-term and will be resolved in the foreseeable future. Additionally, the Committee has reviewed the requested traffic analysis provided by the applicant's consultant and has concluded that traffic impacts from the development can be reasonably mitigated. In short, the Comprehensive Plan anticipates suburban development and the accompanying impacts on infrastructure in the general area, in addition to anticipating suburban density residential development for this particular site.
- C. The Land Use Element states "any new subdivisions should develop internal road networks rather than using the existing roads as primary access; this will avoid congestion and allow adequate space for necessary road improvements. Road connections between KY 18 and Idlewild Road, between KY (18) and East Bend Road, and between Idlewild Road and Bullitsville Road should be made." The proposed development has one main collector road which runs from KY 18 to an adjoining property near East Bend Road. There will be no other access onto KY 18 and no individual lot access onto this internal collector road. This collector road is designed to be extended to East Bend Road as a KY 18/East Bend Road connection sought by the Land Use Element.
- D. The Land Use Element further states "to provide an appropriate entrance to the potential large western Boone County tourism area, KY 18 west of Burlington should maintain a rural appearance through unique subdivision design." The submitted Concept Development Plan illustrates a reserved open space area along the KY 18 frontage and the property owners have agreed to a condition which requires the homes on the lots closest to KY 18, which adjoin the main collector road, to face KY 18 versus being oriented toward the interior of the subdivision. Although the proposed development is not a "cluster" or "open space" style subdivision, it does contain a number of open space areas both within and around the perimeter of the site - this basic concept is advocated by both the Housing Element and the Goals and Objectives.

Raymond Erpenbeck Consulting Engineers/
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- E. The Population Element outlines population projections based on the Ohio-Kentucky-Indiana Regional Council of Government's (OKI) transportation analysis zones. The population for the zone in question (823) is expected to increase from 6,305 in the year 2000 to 8,418 in 2010, and to 9,436 in 2020 (pp. 27-30). Therefore, the Comprehensive Plan has anticipated a substantial increase in resident population for the general area in question.
- F. The Housing Element ("Housing Densities," pg. 84) states "where traditional progressions of high to low net density are not possible, an appropriate and attractive visual transition should be achieved. This could include existing vegetation, or new landscaping and/or fencing. Existing vegetation (such as wooded fence rows) should be retained as much as possible to provide buffer strips." In the conditions outlined below, the property owners have agreed to maintain such vegetative strips where they exist, and where they do not, such vegetative strips shall be installed where the development adjoins existing residences.
- G. The Housing Element ("Geographic Housing Issues, Florence-Burlington Area," pg. 87) further states that "new subdivisions throughout the west Florence and Burlington areas should provide interconnections between their developments and adjacent developments to promote safe and easy transportation access." The Concept Development Plan indicates a total of five future road connections to adjoining properties surrounding the project site to facilitate these interconnections.
- H. Based on the Concept Development Plan and the agreed conditions outlined below, the Committee has concluded that the proposal is in general agreement with the "Future Land Use Development Guidelines" on pages 158 to 160 of the Land Use Element and the Comprehensive Plan Goals and Objectives.

The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2000 Boone County Comprehensive Plan. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owners have signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The developer shall not construct more than one hundred (100) total units which will use the Allen Fork pump station per year (100 units total for both Hanover Park and the subject site together) until the current capacity problems associated with the pump station are resolved. Based on the information provided in the zone change application, the development shall contain a maximum of 727 dwelling units.

Raymond Erpenbeck Consulting Engineers/
Arlinghaus Builders, Jerry L. Arlinghaus et al
3829 & 3939 KY 18
January 15, 2003

2. In addition to the permanent open space areas delineated on the Concept Development Plan, a ten foot (10') wide conservation/buffer easement shall be provided around the perimeter of the development. All existing fence lines/tree lines shall be maintained within the 10 foot easement. For areas of the proposed development that adjoin existing residences on abutting lots and where such fence lines/tree lines do not exist, trees from Buffer Yard B as outlined in Article 37 of the Zoning Regulations shall be installed within the 10 foot easement (this provision does not require the installation of trees along portions of the perimeter which adjoin areas that are strictly agricultural and that do not contain existing residences).
3. Storm water in the approximate 75 acre portion of the site which is within the Middle Creek water shed shall be over-detained within a permanent detention facility(ies). One or more lakes shall be constructed if permitted by the applicable state and federal agencies. The post development outlet shall be at least twenty percent (20%) less than the pre development rate for each given storm, and all storm sewer flow within this water shed shall pass through the detention facility(ies). Sedimentation basins shall be constructed before any grading occurs in this water shed, and one or more sedimentation basins shall be constructed at the low point on the site before the flow enters Middle Creek. The developer shall, at their expense, follow the forthcoming Clean Water Act standards for the entire development.
4. The houses on the lots closest to KY 18 and which adjoin the main collector road (northern-most lots along the collector road; two lots on the east side of the proposed road and three lots on the west side of the proposed road) shall face KY 18.
5. Left and right turn lanes from KY 18 into the site shall be constructed with the first phase of the development. Additionally, a larger radii (50') shall be provided at the KY 18/main collector road intersection to facilitate proper stacking for right turns out of the development onto eastbound KY 18.
6. A school site shall be made available to the Boone County Board of Education per the terms outlined in 12/3/02 letter from Bryan Blavatt, Superintendent (attached). The final terms for the transfer of this school site shall be subject to an agreement between the developer/property owners and the Board of Education.

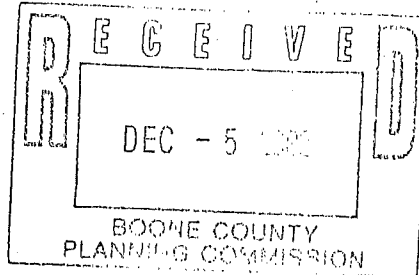
A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change Committee Vote.

BRYAN A. BLAVATT
Superintendent of Schools

8330 U.S. 42
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BOONE COUNTY SCHOOLS

December 3, 2002



Mr. Kevin Costello
Boone County Planning
& Zoning Commission
2995 Washington Street
Burlington, KY 41005

Dear Mr. Costello:

This letter is an update in regards to our conversations with Arlinghaus Builders about their zone change request.

We met with representatives from Arlinghaus Builders and it was a very productive conversation. It furthered dialog between Arlinghaus Builders and the Boone County School System toward a workable solution for a slow phase development. Arlinghaus Builders will provide us with a minimum of 13 acres, at cost for an elementary school, based on a 5-year option to purchase beginning with the initial construction.

This letter is being sent to indicate that if this is part of the condition of the zoning change, we could make the zone change workable.

If you have questions in regard to this matter, feel free to call.

Sincerely,

Bryan Blavatt
Superintendent

Public Hearing Item No. 2:

Commission Members Present: Mr. Barlow, Mr. Caddell, Mr. Hicks - Chairman, Mr. Knock - Temporary Presiding Officer, Mrs. Poston - Vice Chairperson, Mr. Ries, Mr. Schwenke, Mrs. Wilson - Secretary/Treasurer, and Mr. Zimmer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Todd Morgan, AICP, Planner; and Mr. Kevin Wall, AICP, CDT - Director, Zoning Services.

Legal Counsel Present: Mr. Larry Dillon

The Chairman introduced the last item on the Agenda:

2. Applicant: Ray Erpenbeck Consulting Engineers PLLC for Arlinghaus Builders, Jerry L. Arlinghaus et al (owners)

Request: Zoning Map Amendment

The request of Ray Erpenbeck Consulting Engineers PLLC (applicant) for Arlinghaus Builders, Jerry L. Arlinghaus et al (owners) for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for an approximate 291-acre area at 3829 and 3939 KY 18, Boone County, Kentucky. The request is for a zone change to allow detached single-family residences.

Staff Member Kevin Wall presented the Staff Report which included a Power Point presentation (see Staff Report). He noted letters received after the Staff Report was completed from Sanitation District No. 1 (see Exhibit 1) and Boone County Schools (see Exhibit 2).

The Chairman asked for the applicant's presentation.

Mr. Bob Schroder, Vice President, Arlinghaus Builders, stated that the property is partially owned by Arlinghaus Builders and by other family members not directly affiliated with Arlinghaus Builders (Connie Arlinghaus, Jerry Arlinghaus, and Butch Arlinghaus). Mr. Schroder provided packets of information to the Commissioners and submitted a packet for the record (see Exhibit 1).

Mr. Costello stated that copies will be made of the packet and it will be available in the Staff Office.

Mr. Schroder stated that Arlinghaus Builders is one of the largest developers and builders in Boone County and has been in the area for about twenty years. They only build in Northern Kentucky and are the developer of North Pointe, Hanover Park, Silver Creek, and other subdivisions. He stated that included in the packet is a collection of pictures taken in their subdivisions showing entrance signs and amenities, individual homes, and neighborhoods. Arlinghaus Builders does not normally sell lots to other builders and plans to be the exclusive builder in this subdivision. This subdivision will be similar to Hanover Park subdivision -- the entrance will be comparable and the homes will be comparable. He stated that they put a lot more brick on the homes than a lot of other builders -- they are "move up homes", not low-income housing. He stated that this will be a twelve to fifteen year project. He stated that approximately 500 homes have been built in Hanover Park and 250 are yet to be built. Until Hanover Park is completed, the number of homes built in this development will be low. Probably no one will occupy a house in this subdivision until 2004 and then it will be 12 -- 15 years to total build-out. They have discussed this building expectation with Bryan Blavatt, Superintendent of Boone County Schools. Mr. Schroder stated that there will be a new elementary school and a new high school in Boone County in the next few years and by the time this development starts to have an impact, they expect those schools to be built. They do not know when those schools will be built and the Superintendent did not know when they would be built. He stated that they are willing to work with the School District to come up with a phasing schedule. They will discuss this with the Committee. They do not want to overwhelm the schools, but with the phasing schedule it should not be too much of a problem.

Mr. Ray Erpenbeck, Dixie Highway, Elsmere, Kentucky, state that there is a 2 ½ - 3 acre tract reserved for future development. He noted the ridge of the undeveloped tract and stated that if that area is cut off when the parcel develops, it will force hillside development to the east. They thought it was appropriate to hold it aside to see what develops in the future. He stated that the Comprehensive Plan lists Future Land Use Development Guidelines, which they have addressed. Reviewing written comments included in the handout (Exhibit 1), Mr. Erpenbeck stated that **(1) Utilization of Existing Vegetation and Topography** -- The total site is in the restrictive development area. Instead of maximizing the site and leveling the entire site, they set aside approximately fifty three acres (18.2% of the entire site) for open space. He reviewed the drawing showing the proposed cul-de-sacs that will abut the green space. He stated that pedestrian access is provided to the green spaces. The intent is to leave the green spaces as natural areas and they will not be maintained as a park. They hope to maintain as much vegetation in those areas as they can. **(2) Buffering** -- Mr. Erpenbeck indicated where they have set aside approximately 6 ¾ acres of open space along KY 18 to keep the rural atmosphere. He stated that the closest house to the road will be about 200 feet and the average will be closer to 300 feet. They have maintained a substantial separation between KY 18 and the houses. The six larger lots (1 ½ acre) coming into the community blend to what is across the road and the cost of those houses will be similar to or more than the existing houses on the north side

of KY 18. They are trying to blend the development in with the community. There are all large lots on the east side (Emerald Glen subdivision). He stated that the plat shows where the houses exist and how they related to the proposed development. He indicated the closest house (389 feet from the property line) and stated that the average distance is more than 400 feet from the property line. In that area, there is a natural ravine and buffer between the proposed development and the existing houses. The developer will maintain the existing treeline along the property line. **3) Landscaping** – They will maintain almost seven acres of open space at the entryway and there will be extensive entry walls and monument walls. There will be a landscaped island to provide a compatible intersection and maintain the rural atmosphere. **4) Stormwater Management** – Mr. Erpenbeck noted letters from County Engineer Greg Sketch and from KDOT (attached to Staff Report). He stated that they will build a series of retention/detention facilities to meet or exceed the regulations. Exact location is to be determined. **5) Access Management** – Mr. Erpenbeck indicated the five access points they have provided to the undeveloped areas. He stated that they have provided a collector boulevard as the main access road to the development. They will provide a connection to East Bend Road when the adjacent property develops. He stated that as the area develops, there will be an opportunity for excellent networking of all future developments for good movement of traffic. They will provide right and left turn lanes as required by KDOT which meet the requirements and specifics. **6) Transportation and Pedestrian Network** – Mr. Erpenbeck indicated the proposed collector road that will provide main collection of all the traffic from the development and ultimately connect to East Bend Road. He stated that sidewalks will be provided throughout the development. They anticipate sidewalks being required along the connector boulevard and will provide them. He indicated the area where the community pool will be centrally located. He stated that they have met all of the items specified as Guidelines for Future Development. He stated that the Land Use Map calls for this area to develop up to four units per acre and they are asking for 2.5 units per acre, which would provide an ultimate development of 727 lots (the drawing shows 724 lots). He stated that there have been several zone changes approved in the area at 2.77 and 3.0 units per acre, and they are considerably below those numbers. He stated that the Land Use Plan indicates that suburban growth around Burlington will be substantial and they are within two miles of the intersection at the Courthouse. The Land Use Plan also states that new subdivisions should be located in close proximity to Burlington, which they are. It also states that new subdivisions should develop internal road networks, and they have done that by providing the collector road. He referred to the Sanitation District's letter (see Exhibit 2) regarding the current upgrading of the Allens Fork Lift Station, which is currently pumping 840 gpm, and being increased to 1200 gpm to allow 500 – 600 additional homes to go into the lift station before they do anything else. The letter also states that Sanitation District No. 1 is investigating alternate measures to increase the capacity of the plant if it is needed before the Western Regional Sewage Treatment Plant is completed in 2008. He stated that they are not limited to the additional 500 – 600 homes because they will have a plan shortly that will

enable them to further increase the capacity of the pumping station – but they do not want to spend the money until they know they need the capacity. Mr. Erpenbeck stated that the proposed map amendment should be approved as they have complied with the 2000 Boone County Comprehensive Plan.

Mr. Jack Gehrum, 5533 Fair Lane, Cincinnati, OH stated that they completed the Traffic Study today and have provided draft copies in the packets (see Exhibit 1). He stated that they looked at existing conditions and existing traffic counts. They talked with Staff to be sure they were looking at any concerns Staff may have. Several concerns were identified in the Staff Report and have been addressed in the Traffic Study. He stated that with a major access on KY 18 and because of safety concerns, they agree to turn lanes. A left turn lane with adequate decel is required. Level of Service at the intersection at build-out is “C” coming out of North Bend Road and “B” for movements going in. They also looked at sight distance. At the proposed location, there are a lot of trees along the side of the road (looking west) and the recommendation to achieve adequate sight distance is to cut back some of the trees and bushes. They also looked at the intersection of KY 18 and KY 338, which is a four-way stop controlled intersection. Level of Service is “D” because of the movements during peak period. As they begin to add traffic from this development and before they get to build out, there will be service delays at the intersection and it is important to work with KDOT and get the intersection signalized. This concluded the applicant’s presentation.

The Chairman asked if there was anyone else present who wished to speak in favor of the request. Mr. Costello stated that there are several people who want to make general comments.

Mr. Gary Griesser, 3793 Burlington Pike, immediately to the east of the main entrance, stated that he has a small farming operation and is concerned about the fences being cut and pushed down. He questioned what provisions will be made for him to continue his farming operation. He is dependent on the creeks throughout his property and does not have any ponds. He wants to be sure that the water that begins on this development does not affect the water that comes to his property.

Mr. Bob Maurer, 6979 East Bend Road, stated that their farm is the area where the main feeder road deadends and they border the site for about four-fifths of a mile. He asked that they leave the treeline alone when they develop the property. If they remove the trees, they need to put in a five-foot chainlink fence to keep dirt bikes off of his farm. He stated that the Planning Commission did a study on the county buying development rights and if that had happened, it is possible that this property could have been purchased as a farm operation and it would not be developed as a subdivision. If purchasing development rights is what is wanted, then elected officials need to be told because when it was mentioned to them their comment was that they had not heard anything about it from the people. He stated that this is a good plan and will take several years to build out. If the

housing is cut in half, it will build out quicker – but then there will be another farm down the road that will go through another zone change because the subdivision has moved on. He feels that the development should go as planned. He would rather see deer and turkey than houses, but that will not happen. He stated that Arlinghaus Builders builds a good subdivision and if they have to be bordered by a subdivision, he would rather see this go forward.

Mr. Tim Gavin passed when called.

Mr. Richard Meacham, 5710 Vice Lane, stated that he purchased his home recently because of the rural setting. Since he moved in, a subdivision has gone in further up KY 18. The traffic is atrocious on Camp Ernst Road. He stated that the Comprehensive Plan says to maintain the rural setting. They could keep the zoning the way it is and build houses on two-acre lots as opposed to this high density subdivision at four units per acre.

Mr. Steve Cantrall, 6545 Emerald Drive, stated that he wants the treeline to be more than a narrow line and is in favor of the fifty-foot treeline as proposed by Mr. Wall.

Mr. Jim Guthrie passed when called.

Ms. Cindy Johnson, 3824 Burlington Pike, does not want to see this beautiful property chopped up for seven hundred houses. She is concerned about adequate schools and would like to see the information about the schools in writing. She would like to see the subdivision be two or more acre lots to blend in with the housing across the street. She asked if the turn lanes will take frontage from their properties. She has 1.24 acres and her mother-in-law has 5+ acres. She would like to see the property developed with one house on two or three acres.

Mr. Dave Flick passed when called.

Mr. Mike Cassidy, 5769 Vice Line, a resident for about sixteen years, is against this request and wants the property maintained as A-2 or changed to A-1 which would be one unit on two acres – where is that type of development in Boone County? He stated that at 6:15 PM he was on Rogers Lane turning right on Camp Ernst Road to Pleasant Valley Road and there was a one quarter mile traffic backup – and there will be another 1400 cars on KY 18. He did research through the insurance industry, the Water District, Sewage Department, and U.S. Census. He does not take this request lightly and his children went out over the weekend with flyers to let people know what they are up against. He questioned how many additional cars would be introduced to KY 18. The approximate seven hundred additional students will have to go someplace. He stated that seven hundred additional students enrolled in Boone County Schools this year. He stated that there is not a development in Boone County that took fifteen years to develop. Five hundred homes were developed in Hanover Park in three years and there are

two-hundred-fifty more to go, which will not take much more than a year and a half. He questioned why anyone would believe that it will take twelve to fifteen years to build an additional 727 homes – they build homes as fast as they can. He is concerned about traffic on Camp Ernst Road and KY 237. He is concerned about the traffic from this development and neighboring developments. A traffic light will not resolve the problems on Camp Ernst Road or KY 18. He spoke to representatives of the Board of Education, the Fire Department, and Burlington Elementary and not one person told him this was a good idea for Boone County. He stated that Bryan Blavatt's letter specifically said that the schools cannot handle this. Mr. Cassedy stated that it took twelve years to put the expansion on Burlington Elementary. His children had to climb over desks because of the overcrowding, which is a fire violation. KY 18 is not built for the traffic. The gravel trucks have been here for over thirty years and have every right to have their business there – the gravel trucks will be in trouble with the substantial amount of traffic on KY 18. He stated that the pumping station cannot handle another 500 – 600 homes and eventually when there is a need they will build it – but it does not work that way and the schools had a need for years to expand Burlington Elementary and it finally came about and it is near or at capacity. He stated that seven hundred students is another school. He stated that five or six years ago, Staff provided a report that said we were to build one additional school per year – but we have not done that. He stated that A-2 is one unit for every two acres and only allows about 150 homes – which is the way to slow down some of the problems in the county. Boone County does not need this development. He stated that they can make more money if they get it changed to SR-1, which benefits a few. He asked that the request be tabled as the residents did not get the Staff Report and the Traffic Report, and the packet made available to the Commissioners was not made available to him. They will not be able to make another presentation after they have had time to study the packet. Mr. Costello provided Mr. Cassedy with a packet. Mr. Cassedy stated that a comment was made that the request was in agreement with the Comprehensive Plan. He stated that A-2 is in agreement with the Comprehensive Plan and there is nothing in the Comprehensive Plan that says it has to be changed to SR-1 – it can be left as A-2. There could be a nice development there in A-2. He stated that Bob Maurer could sell his property since it is at the point of the new connector and walk away just as Arlinghaus will do and not have to return and put up with the mess that will be there. He stated that East Bend Road is already congested and needs improvement. The schools cannot handle it and KY 18 cannot handle it. It will not take 12 – 15 years to phase in the development. He stated that development needs to be at a slower pace than SR-1. He asked that the request be denied.

Mrs. Cam Kassner, 3876 Burlington Pike, directly across from the site, stated that the traffic on KY 18 would be terrible. When she comes out of her driveway, there is a car right on the back of her and you cannot see that way very well. She stated that the 6+ acres of green space on Burlington Pike is a creek bed and there needs to be room for the creek to overflow.

Mr. Mark Mitchell, 6073 Tosha Dive, stated that they moved to Burlington because of the setting and the education. They are concerned about the student/teacher ratio. He questioned how KY 18 can be widened. He stated that remembering the Fair will give an idea of what the traffic will be like. He stated that the road cannot be widened unless houses that have been there for a long time are taken. He asked the Planning Commission to look forward to the next 50 – 75 years.

Ms. Donna Treukamp passed when called.

Mr. Robert Wheeler, 4275 Burlington Pike, a resident for about thirty years, lives about one mile west of this property. He stated that the county does not have the infrastructure for this type of development. He wants the zoning kept as it is and not have the mass density. He stated that they do not want to end up with another Camp Ernst Road.

Ms. Cindy Potter, 6266 Saddle Ridge, about one mile east of the proposed development, stated that it is difficult now to get out of Saddle Ridge and with another 1400 cars daily going past her road, it will be very dangerous. She stated that you cannot see looking west even when the trees are trimmed because of the curve in the road. Turning east, the cars and gravel trucks are right on the back of your car and it is dangerous. She is concerned about her son who will be driving soon. The development will ruin the beauty of the western part of Boone County and she asks that the request be denied.

Mr. Mark Schlemmer, 4747 Burlington Pike, two miles west of the site, stated that the county is growing fast and the city of Burlington is unique with its small town feel. Going out KY 18 further west you get to the Scenic Byway – it is amazing to have that in a county growing so fast with industrial parks. He stated that we should try to preserve the rural setting. This development is not appropriate to the existing setting.

Ms. Christina Meacham, 5710 Vice Lane, wants a good environment for her children to grow up in. She wants the property to stay A-2. She stated that whether you come down KY 18 or East Bend Road, it still comes to the same four-way stop.

Ms. Sandy Toole, 5778 Vice Lane, stated that there is already a water issue here. There are not enough school bus drivers now. The road cannot be widened. She can take her children to school at 7 AM, but leaving at 7:10 AM they are late. She stated that there are another 250 homes to be built in Hanover Park and another sixty or more in another subdivision, plus the retirement community – the additional traffic is not just these 727 homes. She asked the Commissioners to look at what this will be like in fifty years and what the children will be left with. She wants the zoning to be A-2 or A-1.

Ms. Sue Steele, 4520 Burlington Pike, west of the proposed subdivision, stated that the trucks go very fast through there and a lot of children will get hurt. She stated that her son has had to change teachers at school because they had to split the classrooms due to the overcrowding. There is a subdivision coming in now. She stated that the fish in Camp Ernst Lake are deformed, which she believes is caused by the runoff of fertilizers at Hanover Park. She stated that the frontage they are giving is a creek and last spring it almost went up to the road.

Ms. Jeanne Hille, 6102 Tosha Drive, questioned how she will get out of her street when the traffic backs up. She works at Burlington School and sees the overcrowding. She does not think the kids from South Pointe are counted because it is apartment living and they are transient. She would like the property to stay zoned as it is. She agreed with the comments made by Mr. Cassedy.

Mr. William (Bill) Moore, 6108 Saddle Ridge, stated that there is a time to say "enough is enough". He stated that maybe 1% or 2% of the people who come out of the subdivision will go west away from Burlington. He stated that this is a good developer and he would like to have the development without the zone change. He stated that they are past capacity at the schools. He stated that a stop light at the four-way stop is a joke when you are talking about 1500 – 2000 cars a day. Many zone changes from A-2 to SR-1 have already been approved and maybe it is time to stop.

Ms. Mary Swiggum, 9540 Lower River Road, Rabbitt Hash, stated that she travels KY 18 everyday into Burlington and at 7:10 AM people are stuck. She stated that traffic should be a main concern. There is no property to take in Burlington to widen the road – so people are stuck with a two-lane road and the bottleneck. She is part of a water quality testing group and there are already a lot of existing problems. With heavy rain, the water has been up to the road. She is concerned about adding homes without proper retention ponds – it is a different water table and watershed and those things should be in place first. Infrastructure is lacking and has to be there first.

Mr. Bob Georgia, 5725 Vice Lane, is opposed to the project and the zone change. He saw what uncontrolled growth did in Los Angeles and he does not want that here. He is concerned about pollution going into Middle Creek and into Woolper Creek. He stated that the entrance to the site is on a curve and it is very dangerous there with the fast moving gravel trucks. He stated that part of the Twenty-Five Year Plan is to preserve Boone County in its present scenic state. KY 18 is designated a scenic highway because of the natural beauty of the area and allowing high-density housing would not preserve this unique character.

Mr. Tom Rabe, 5856 Vice Lane, stated that there is a sign that says *Scenic Tour* heading down KY 18. If he was coming to Boone County to take the scenic tour and had to drive through nine miles of business and residential areas, he would turn back. This is a beautiful county and we need to keep it that way.

Mr. Trent Bridley, 3995 Burlington Pike, a resident for 40+ years, stated that George Finke has property he wants to develop, which will be another two hundred homes or more. He stated that they have not had water out this way and want to keep their cistern water – let Cincinnati keep their city water. He stated that there will be a lot of accidents with the high density of traffic on KY 18. If an ambulance is needed, it will take awhile to get there. He stated that the development only has one entrance and if there is a big fire, there is no way for people to get out. There should be two access roads – and they will both be on a curve.

Ms. Roberta Jones, 6609 Emerald Drive, stated that if people have problems with KY 18 and try to take East Bend Road in bad weather, they will be in for a surprise. She referred to the letter from the Sanitation District and asked when the Western Regional Sewage Treatment Plant will go into service. Mr. Costello responded that it is in litigation and the estimate in the letter is 2008. Ms. Jones asked if the developer begins building in 2004 and the sanitation facilities are not available, will they will build their own sewage treatment plant on the property? Mr. Schroder responded that their understanding is that the new treatment plant will be operating in 2008. If the pump station runs out of capacity and the new treatment plant is not built, they will not build homes. The homes will all have public water, sewer, and natural gas. If they get halfway through and there is no more capacity in the pump station or treatment plant, they will not build any more houses. Ms. Jones asked if the federal government encourages every county in the U.S. to have a certain amount of development within a certain amount of time catering to certain groups of people. Mr. Costello responded that the federal government has no role in local planning. The Commonwealth of Kentucky allows counties and cities to do planning. We have a joint city and county Planning Commission which is charged by law with coming up with a Master Plan for the community. Ms. Jones stated that unlimited growth is not the way to go. She stated that Boone County is always playing catch-up – if a new school is being built, it is to accommodate the overgrowth that exists and they are never in a position to take care of tomorrow's children. She is concerned about the schools, traffic, noise, air pollution and odor pollution. They do not want to smell a sewage treatment plant. She stated that the people are opposed to the kind of development that the Planning Commission continues to approve.

Ms. Carol Woods, 6251 Saddle Ridge, is concerned about the schools and her property value. She stated that the visibility is bad coming out of Saddle Ridge and the state will not cut the trees. The county finally cut them, which gives them a few feet where they can see down KY 18, which might be the difference between life and death. She is concerned about the school bus getting out of there. She stated that the road is not adequate and if an adequate road cannot be developed, this should not be approved. George Finke also has property to be developed. Ms. Woods agreed with her neighbors. She stated that she took

around a petition (not submitted) because someone is going to be killed there. It is not safe to have that much traffic on the road.

Ms. Genny Guthrie, 6519 Emerald Drive, a resident for twenty-five years, stated that they have open space on the side and in the back and have enjoyed the atmosphere there. She likes seeing the deer in the back. She asked that the number of lots be reconsidered. She stated that they can build a subdivision with a house on two acres. Larger lots would blend in better with the subdivision that borders the property and keep it more country. She is concerned about the sewer.

Mr. Gary Gamm, 5904 Vice Lane, stated that his son was air-carried from an accident on KY 18 and he challenges the Traffic Study. He stated that there are about fifteen homes on Vice Lane and he knows of four people on the road who were in accidents on KY 18 east of this site. Outside the courthouse at 5:30 PM on a weekday the traffic is terrible. He asked that the property be kept the way it is.

Ms. Donna Moore, 6108 Saddle Ridge, stated that this is too much too fast. She works in the emergency room at a hospital and the vast majority of people that come in have been in accidents on KY 18. It is a bad road and it cannot handle the additional cars.

The Chairman asked if there was anyone else present who wished to speak either for or against the request. There being no response, he asked if there were any comments or questions from the Commissioners.

Mrs. Poston questioned the build-out time of Hanover Park. Mr. Schroder responded that Hanover Park was started in 1996 and is two-thirds finished. It has been there for about six years and will not be completely finished for three or four years. Mrs. Poston asked how far the houses are set back on Rogers Lane. Mr. Schroder responded that some are forty or fifty feet, and the rest are probably about sixty feet. Mrs. Poston asked if they intend to do the same kind of berming and screening (pine trees) as they did on Rogers Lane. Mr. Schroder responded that Rogers Lane is right at eye level, but these houses will be higher and further away. They will not put a lot of pine trees there. Mrs. Poston asked the Committee to look closely at the screening on KY 18 and at the landscaping.

Mrs. Poston referred to the pumping station and questioned capacity for this development and the remaining houses in other developments. Mr. Wall responded that he believes it is five hundred for everyone and not allocated to this development. He believes it is a "first come - first served" basis. He will check on this and bring the information to the Committee. Mr. Wall stated that he believes Hidden Creek is about half finished. Mr. Costello stated that Staff will provide information to the Committee on all the developments in the area.

Mrs. Wilson questioned the number of zone changes in a three-mile radius in the last one to two years. Mr. Wall responded that there was Griesser Farm in 1998-99, Morgan's Crossing in the last year or two, Hidden Creek in 1995 and there is an addition, Arborwood started in 1994 and is mostly large lots, Crossroad Estates (Arlinghaus development) off East Bend Road is either A-1 or A-2. Mr. Schroder stated that there are less than twelve houses in that subdivision and there are nineteen lots.

Mrs. Wilson agreed with the concerns about a fire and questioned a second entrance. Mr. Schroder responded that there is not a lot of road frontage. Mr. Erpenbeck stated that it would be physically possible to provide a second entrance. He stated that typically KDOT prefers one, but they can look at this. Mrs. Wilson asked that the information be brought to Committee.

Mr. Knock asked if KY 18 from this site to the new construction is in the Six-Year Plan. He asked if there is any consideration further down the road and if the applicant has approached the state. Mr. Schroder responded that they have not talked to the state about the widening of KY 18. He stated that there has been talk about a bypass road, but that information is the same as what the Planning Commission knows. They have not talked to the state about it. Mr. Costello stated that there is nothing in the Six-Year Plan. He stated that Staff looked at the possibility of a bypass road as part of the Burlington Town Plan, but there is a problem with designating a bypass road as a truck route and making trucks take the new road. Mr. Knock asked why the applicant did not approach the state. Mr. Schroder responded that they think the road is adequate and that the traffic light will help tremendously. They talked to the state several years ago about improving KY 237 – but the state moves slowly. He stated that typically roads follow growth and if the houses are there, there will probably be road improvements.

Mr. Zimmer questioned how many units are planned in North Pointe. Mr. Schroder responded that it is approved for up to 1,250 units. Mr. Zimmer stated that one of the things that made North Pointe work was that there was an elementary school. Having the school zone reduced the speed of the traffic and changed the traffic pattern out there. He asked if there was any consideration of the donation of property for an elementary school. Mr. Schroder responded that they do not feel that for every development they need to donate land for a school. He stated that there are other options, such as selling land for a school and phasing, but they did not plan to donate land to the school district.

Mr. Zimmer stated that the entrance on KY 18 is not what a traffic engineer would like to see for alignment. He questioned straightening KY 18 from Green Acres Road to the end of this property. Mr. Schroder responded that they plan to put in two turn lanes, but had not considered straightening the road. Mr. Zimmer stated that it will be discussed at Committee level. Mr. Schroder stated that they are limited by the creek. Mr. Zimmer stated that they can deal with the creek.

Mr. Zimmer questioned a Level of Service analysis that fails to identify that they need a turn lane. Mr. Gehrum responded that the need for a turn lane is at a safety level, not a capacity level. He stated that if he gets satisfactory capacity, he has no need to continue on – but he talked about the issue of safety and that is where the recommendation is for turn lanes. Mr. Zimmer stated that he questions the level of competency that says there will be Level of Service “F” once the development is fully occupied. Mr. Gehrum responded that that is correct if it is left as a four-way stop. Mr. Zimmer stated that they need to extend the traffic analysis up to KY 18. Level of Service “F” is not acceptable. Mr. Gehrum responded that they would improve it by providing signalization. Mr. Zimmer stated that this will be discussed in Committee.

Mr. Zimmer stated that he does not see a boulevard road except for the first two hundred feet. He questioned the median. Mr. Erpenbeck responded that “Boulevard Road” refers to a road with limited access that is landscaped and designed to function without side interference.

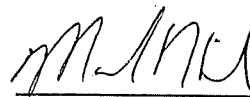
Mr. Zimmer stated that he is concerned about water runoff. He asked the applicant to expand the drawing for the Committee and show the headwall for Middle Creek, and the lake on the west side of the power line. Mr. Wall stated that the lake is on the adjoining property. Mr. Zimmer stated that he is concerned that all of the water will run into the lake. He would like to know how they are going to deal with the runoff in a manner in excess of the requirements.

Mr. Zimmer questioned the speed limit on KY 18 at Saddle Ridge. Mr. Wall believes it is 45 MPH. He will check the speed limit and where the speed changes and provide the information to the Committee. Mr. Zimmer asked that Staff also obtain the accident report over a reasonable period of time for that stretch of KY 18.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on October 2, 2002 at 5:00 PM in the Fiscal Courtroom on the second floor. This item will be on the Agenda for the Business Meeting on October 16, 2002 at 7:30 PM. Mr. Zimmer asked that one of the applicants be told that the Committee cannot hear both items at 5:00 PM.

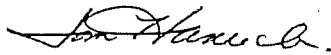
The Chairman closed this Public Hearing at 10:25 PM.

APPROVED:



Mark Hicks, Chairman

Attest:




Jan Hancock, Recording Secretary

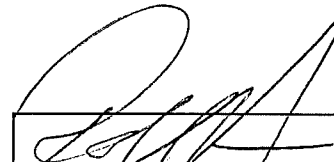
Exhibits -

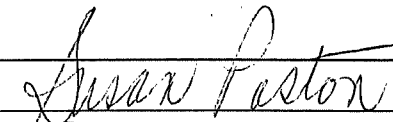
1. Packet of information submitted by the applicant
2. Letter from Gary Aman, Project Manager, Sanitation District No. 1, to Raymond Erpenbeck, P.E., dated September 24, 2002.
3. Letter from Bryan Blavatt, Superintendent, Boone County Schools, to Mr. Kevin Costello, dated September 23, 2002.

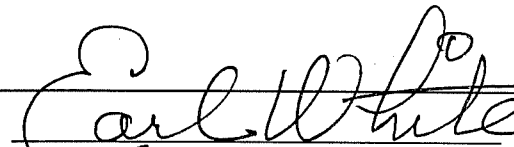
January 8, 2003

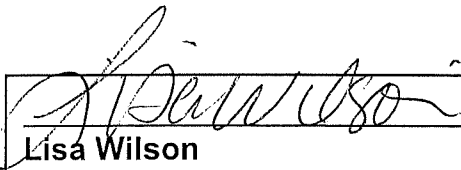
Raymond Erpenbeck Consulting Engineers/
Arlinghaus Builders, Jerry L. Arlinghaus et al
3829 and 3939 KY 18

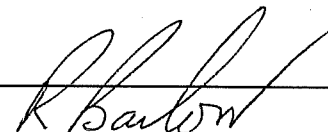

David Zimmer, Chairman
 For Project Absent
 Against Project
 Abstain Deferred


Bob Newman
 For Project Absent
 Against Project
 Abstain Deferred


Susan Poston
 For Project Absent
 Against Project
 Abstain Deferred


Earl White
 For Project Absent
 Against Project
 Abstain Deferred


Lisa Wilson
 For Project Absent
 Against Project
 Abstain Deferred


Randy Barlow (Alternate)*
 For Project Absent
 Against Project
 Abstain Deferred

Janet Kegley (Alternate)*
 For Project Absent
 Against Project
 Abstain Deferred

TOTAL: DEFERRED FOR PROJECT ABSENT
wording of Condition #3
 AGAINST PROJECT ABSTAIN

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: David Zimmer, Committee Chairman

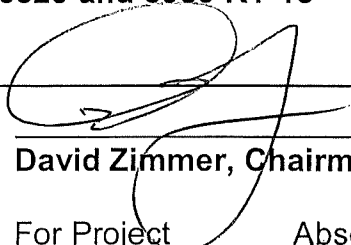
DATE: December 4, 2002

RE Request of Raymond Erpenbeck Consulting Engineers PLLC (applicant) for Arlinghaus Builders, Jerry L. Arlinghaus et al (owners) for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for an approximate 291 acre area located at 3829 and 3939 KY 18, Boone County, Kentucky. The request is for a zone change to allow detached single family residences.

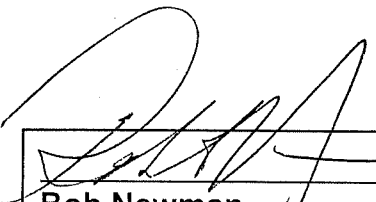
REMARKS:

We, the Committee Members were present 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.

**Raymond Erpenbeck Consulting Engineers/
Arlinghaus Builders, Jerry L. Arlinghaus et al
3829 and 3939 KY 18**

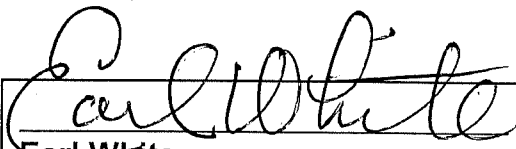


David Zimmer, Chairman
For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

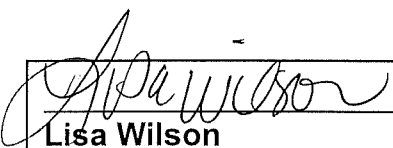


Bob Newman
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

Susan Poston
For Project _____ Absent
Against Project _____
Abstain _____ Deferred _____



Earl White
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____



Lisa Wilson
For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

Randy Barlow (Alternate)*
For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

Janet Kegley (Alternate)*
For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

TOTAL: _____ DEFERRED 3 FOR PROJECT 1 ABSENT
1 AGAINST PROJECT _____ ABSTAIN

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: David Zimmer, Committee Chairman

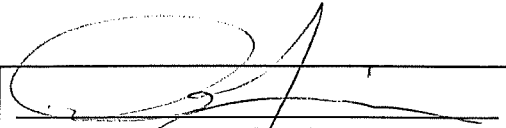
DATE: November 20, 2002

RE Request of Raymond Erpenbeck Consulting Engineers PLLC (applicant) for Arlinghaus Builders, Jerry L. Arlinghaus et al (owners) for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for an approximate 291 acre area located at 3829 and 3939 KY 18, Boone County, Kentucky. The request is for a zone change to allow detached single family residences.

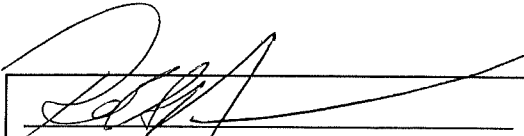
REMARKS:

We, the Committee Members were present 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.

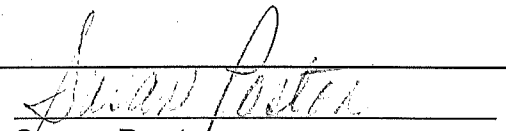
Raymond Erpenbeck Consulting Engineers/
Arlinghaus Builders, Jerry L. Arlinghaus et al
3829 and 3939 KY 18



David Zimmer, Chairman
For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred

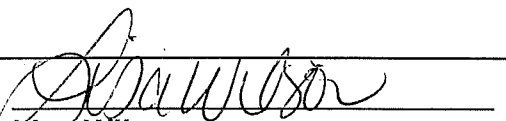


Bob Newman
For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred

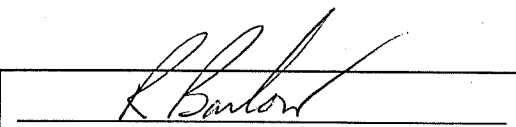


Susan Poston
For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred

Earl White
For Project ____ Absent
Against Project ____
Abstain ____ Deferred ____



Lisa Wilson
For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred



Randy Barlow (Alternate)*
For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred

Janet Kegley (Alternate)*
For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____

TOTAL: 5 DEFERRED ____ FOR PROJECT 1 ABSENT
____ AGAINST PROJECT ____ ABSTAIN

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: David Zimmer, Committee Chairman

DATE: October 2, 2002

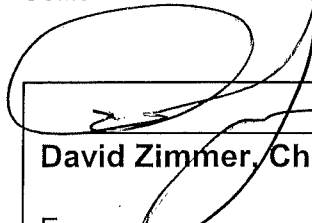
RE Request of Raymond Erpenbeck Consulting Engineers PLLC (applicant) for Arlinghaus Builders, Jerry L. Arlinghaus et al (owners) for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for an approximate 291 acre area located at 3829 and 3939 KY 18, Boone County, Kentucky. The request is for a zone change to allow detached single family residences.

REMARKS:

We, the Committee Members were present 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.

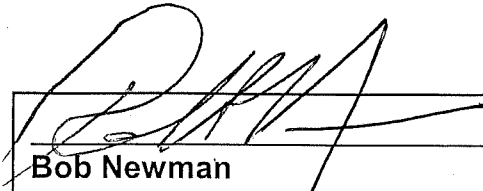
October 2, 2002

Raymond Erpenbeck Consulting Engineers/
Arlinghaus Builders, Jerry L. Arlinghaus et al
3829 and 3939 KY 18



David Zimmer, Chairman

For _____ Against _____
 Abstain _____ Absent _____
 Deferred

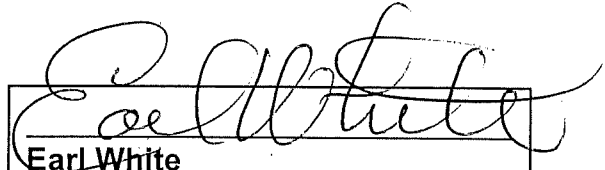


Bob Newman

For _____ Against _____
 Abstain _____ Absent _____
 Deferred


Susan Poston

For _____ Against _____
 Abstain _____ Absent
 Deferred _____



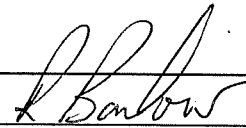
Earl White

For _____ Against _____
 Abstain _____ Absent _____
 Deferred



Lisa Wilson

For _____ Against _____
 Abstain _____ Absent _____
 Deferred



Randy Barlow (Alternate)*

For _____ Against _____
 Abstain Absent _____
 Deferred

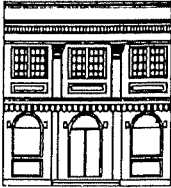
Janet Kegley (Alternate)*

For _____ Against _____
 Abstain _____ Absent _____
 Deferred _____

TOTAL: 5 DEFERRED _____ FOR _____ AGAINST _____ ABSTAIN
1 ABSENT

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

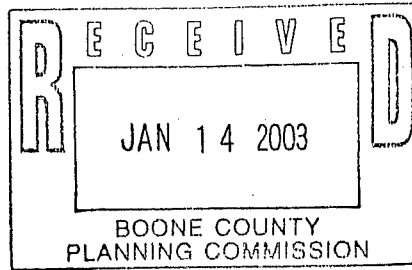
www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

January 9, 2003



Mr. Robert Schroder
Vice President
Arlinghaus Builders, Inc.
142 Barnwood Drive
Edgewood, KY 41017

FAX: 344-7983

RE: Recommended Conditions of Approval for Arlinghaus Builders Zone Change From A-2 to SR-1 for 291 Acre Site at 3829 and 3939 KY 18, Boone County, Kentucky

Dear Mr. Schroder:

The following represents the conditions of approval for the above referenced application as recommended by the Planning Commission's Zone Change Committee at their December 4, 2002 and January 8, 2003 meetings. If you, and the other property owners and authorized representative of 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 Monday, January 13, 2003.

CONDITIONS

1. The developer shall not construct more than one hundred (100) total units which will use the Allen Fork pump station per year (100 units total for both Hanover Park and the subject site together) until the current capacity problems associated with the pump station are resolved. Based on the information provided in the zone change application, the development shall contain a maximum of 727 dwelling units.
2. In addition to the permanent open space areas delineated on the Concept Development Plan, a ten foot (10') wide conservation/buffer easement shall be provided around the perimeter of the development. All existing fence lines/tree lines shall be maintained within the 10 foot easement. For areas of the proposed development that adjoin existing residences on abutting lots and where such fence lines/tree lines do not exist, trees from Buffer Yard B as outlined in Article 37 of the Zoning Regulations shall be installed within the 10 foot easement (this provision does not require the installation of trees along portions of the perimeter which adjoin areas that are strictly agricultural and that do not contain existing residences).
3. Storm water in the approximate 75 acre portion of the site which is within the Middle Creek water shed shall be over-detained within a permanent detention facility(ies). One or more lakes shall be constructed if permitted by the applicable state and federal agencies. The post development outlet shall be at least twenty percent (20%) less than the pre development rate for each given storm, and all storm sewer flow within this water shed shall

pass through the detention facility(ies). Sedimentation basins shall be constructed before any grading occurs in this water shed, and one or more sedimentation basins shall be constructed at the low point on the site before the flow enters Middle Creek. The developer shall, at their expense, follow the forthcoming Clean Water Act standards for the entire development.

4. The houses on the lots closest to KY 18 and which adjoin the main collector road (northern-most lots along the collector road; two lots on the east side of the proposed road and three lots on the west side of the proposed road) shall face KY 18.
5. Left and right turn lanes from KY 18 into the site shall be constructed with the first phase of the development. Additionally, a larger radii (50') shall be provided at the KY 18/main collector road intersection to facilitate proper stacking for right turns out of the development onto eastbound KY 18.
6. A school site shall be made available to the Boone County Board of Education per the terms outlined in 12/3/02 letter from Bryan Blavatt, Superintendent (attached). The final terms for the transfer of this school site shall be subject to an agreement between the developer/property owners and the Board of Education.

Sincerely,

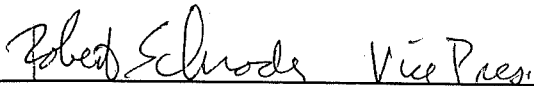


Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW/vlm

AGREEMENT

We, the property owners and authorized representatives of the owners of the aforementioned real estate at 3829 and 3939 KY 18, Boone County, Kentucky, agree to the conditions listed herein for the Arlinghaus Builders zone change application.

 Vice Pres.

Mr. Robert Schroder

Vice President and Authorized Representative for Arlinghaus Builders, Inc.

1-13-03

Date



Mr. Jerry Arlinghaus

Owner and P.O.A. for Anna Arlinghaus, Constance Arlinghaus, Connie Darpel, Terry Darpel, James Arlinghaus, JoAnn Arlinghaus, Albert Arlinghaus, Linda Arlinghaus, George Arlinghaus, and Karen Arlinghaus

1-13-03

Date

WARRANTY DEED

GROUP 2028

KNOW ALL MEN BY THESE PRESENTS:

That GEORGE B. GRIPSHOVER AND VERA GRIPSHOVER, his wife, for and in consideration of \$1.00 and other consideration paid to them by the grantee herein, the receipt of which is acknowledged, do bargain, sell, and convey to:

ARLINGHAUS BUILDERS INC, a Kentucky corporation, its successors and assigns forever, the following described real estate located in the County of Boone, Commonwealth of Kentucky, to-wit:

Address: 3829 BURLINGTON PIKE, Burlington, Ky 41005

Consisting of 125.18 acres and located about 3 miles West of Burlington on the Burlington and Bellevue Road;

Beginning at a stone a corner of Wilford Rouse (now Wm. Moore); thence North 52 3/4 West 2.22 chains to the center of the Burlington and Bellevue Pike; thence with the center of same South 53 West 3.55 chains; thence South 73 1/2 West 6.30 chains; thence South 50 West 3.21 chains to a corner in said Pike with W. T. Berkshire (now S. Allen); thence with his line South 24 East 12.21 chains to a fence post a corner with Allen and O. Smith; thence with O. Smith's line, formerly Goodridge, South 19 3/4 East 5.58 chains; thence South 12 1/2 East 8.30 chains to a Beech Tree; thence South 3 1/2 West 24.02 chains to a stone; thence South 88 1/4 East 18.24 chains to a stone a corner with Hubert White; thence with his line North 8 1/2 East 13.15 chains to a fence post a corner with B. T. Kelly (now R. Lang); thence with Lang's line South 80 East 3.57 chains to an ash tree on the bank of a branch; thence North 16 1/4 East 30.57 chains to an anchor post with White; thence with his line North 75 West 9.82 chains to a fence post a corner with Wm. Moore; thence with his line North 79 West 20.24 chains to a stone; thence North 19 East 6.80 chains to the beginning, containing 125.18 acres more or less.

This description is taken from a survey made in 1927.

The above description refers to names of current or former owners of adjacent properties, and should be interpreted as of the dates those persons did own the adjacent properties.

Subject to easements of record.

Being all of the remaining property and all of Parcel I conveyed to grantor George B. Gripshover, then single, by deed dated Decemebr 30, 1975, recorded in Deed Book 216, page 34, Boone County Clerk's records at Burlington, Kentucky. Since that date George has married Vera Gripshover who joins in this deed to release her dower and all other interest which she may have in this property.

BOOK D772

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Together with all the Privileges and Appurtenances to the same belonging. To Have and To Hold the same to the said

ARLINGHAUS BUILDERS INC, a Kentucky corporation, its successors and assigns, with the Grantors, their heirs and assigns hereby covenanting with the Grantee, its successors and assigns, that the title so conveyed is clear, free and unincumbered, and they will warrant and defend the same against all legal claims whatsoever, except for current year taxes.

IN WITNESS WHEREOF, the said grantors, GEORGE B. GRIPSHOVER AND VERA GRIPSHOVER, his wife, hereunto set their hands on this 20 day of December, 1999.

George B. Gripshover
GEORGE B. GRIPSHOVER

Vera Gripshover
VERA GRIPSHOVER

State of Kentucky
County of Kenton

The foregoing instrument was subscribed, acknowledged, and sworn to before me this 20 day of December 1999 by GEORGE B. GRIPSHOVER AND VERA GRIPSHOVER.

Robert Schuda
Notary Public Ky State at Large
My Commission expires: 10-7-2003

CONSIDERATION CERTIFICATE

This Certificate is made and entered into by the following parties:

Grantors: GEORGE B. GRIPSHOVER AND VERA GRIPSHOVER
whose address is 3007 First Street, Petersburg, Ky 41080

Grantees: ARLINGHAUS BUILDERS INC.
whose address is 142 Barnwood Dr, Edgewood, Ky 41017

The parties named above swear or affirm that the amount of \$1,485,000 is the true actual consideration for the transfer of the property described in this deed.

Signed by Grantor: George B. Gripshover Vera Gripshover
GEORGE B. GRIPSHOVER AND VERA GRIPSHOVER

Signed by Grantee: Bob Cabell For Arlinghaus Bldrs

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State of Kentucky
County of Kenton

The foregoing Certificate was subscribed, acknowledged, and sworn to before me this 20 day of December, 1999 by GEORGE B. GRIPSHOVER AND VERA GRIPSHOVER.

Robert Schroder

Notary Public Ky State at Large
My Commission expires: 10-7-2003

Commonwealth of Kentucky
County of Kenton

The above was subscribed, acknowledged and sworn to before me by an officer of Arlinghaus Builders Inc. on this 20 day of December 1999.

Robert Schroder

Notary Public, Ky State at Large
My Commission Expires: 10-7-2003

Prepared by:

Robert Schroder

Robert Schroder Attorney
1105 O'Banion Ln, Owenton, Ky 40359

BOOK D772

PAGE 3

DOCUMENT NO: 471
RECORDED ON: DECEMBER 21, 1999 11:07:55AM
TOTAL FEES: \$12.00
TRANSFER TAX: \$1485.00
GROUP : 2828
COUNTY CLERK: MARILYN K ROUSE
COUNTY: BOONE COUNTY
DEPUTY CLERK: BARBARA
BOOK D772 PAGES 388 - 398

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1998 OCT 20 P 2:30

BOOK 714 PAGE 76

JERRY W. ROUSE
BOONE COUNTY CLERK

DEED

PROPERTY TRANSFER TAX PAID \$25.00
JERRY W. ROUSE, CLERK

11-20-98

KNOW ALL MEN BY THESE PRESENTS: That George B. Gripshover and Vera Gripshover, his wife, for and in consideration of \$275,000.00 to them paid by Jerry L. Arlinghaus and Constance M. Arlinghaus, his wife; Albert H. Arlinghaus and Anna M. Arlinghaus, his wife; Albert J. Arlinghaus and Linda L. Arlinghaus, his wife; Connie S. Darpel and Terry Darpel, her husband; George A. Arlinghaus and Karen Arlinghaus, his wife; and James J. Arlinghaus and Joanne Arlinghaus, his wife, the receipt whereof is hereby acknowledged, does hereby bargain, sell and convey an undivided one-half (1/2) interest to Jerry L. Arlinghaus and Constance M. Arlinghaus, his wife, or the survivor of them, his or her heirs and assigns forever; and an undivided one-eighth (1/8) interest to Albert H. Arlinghaus and Anna M. Arlinghaus, his wife, or the survivor of them, his or her heirs and assigns forever; and an undivided one-eighth (1/8) interest to Albert J. Arlinghaus and Linda L. Arlinghaus, his wife, or the survivor of them, his or her heirs and assigns forever; and an undivided one-eighth (1/8) interest to Connie S. Darpel and Terry Darpel, her husband, or the survivor of them, her or his heirs and assigns forever; and an undivided one-sixteenth (1/16) interest to George A. Arlinghaus and Karen Arlinghaus, his wife, or the survivor of them, his or her heirs and assigns forever, and an undivided one-sixteenth (1/16) interest to James R. Arlinghaus and Joanne Arlinghaus, his wife, or the survivor of them, his or her heirs and assigns forever, the following described real estate, lying in Boone County, Kentucky, to wit:

RETURN TO:
 Mailing Address 41 Beachwood Road, Ft. Mitchell, KY 41017 Group Nos. 2028
 Present Street Address Burlington Pkcs, Burlington, KY 41005

TRACT NO. 1:

Consisting of 154.75 acres, more or less, situated about 3 miles from Burlington, on East Sand Road, bounded and described as follows: On the headwaters of Middle Creek, beginning at a stone in a line of Thomas Nead's heirs' corner with Alfred Cason; thence N 5 3/4 W 93 1/2 poles to

a stone a corner with J. J. Berkshire; thence with his line S 86 $\frac{1}{2}$ E 40.12 poles to a stone; thence N 2 E 36 poles to a stone in Berkshire's line a former corner with the said Wm. C. Goodridge; thence S 88 $\frac{1}{2}$ E 88 $\frac{1}{2}$ poles to a stone; a corner between William C. and Therus D. Goodridge and corner also of Charles S. White's purchase; thence with his line running with a hedge fence S 2 $\frac{1}{2}$ W 61.8 poles to its junction with another hedge fence; thence continuing with the former hedge S 1 W 58 $\frac{1}{2}$ poles to a stone, another corner of said Charles White's purchase in his former line; thence with said line and also a line of Thomas Need's heirs, S 86 $\frac{1}{2}$ W 117-3/5 poles to the beginning, containing 87 $\frac{1}{2}$ acres, more or less.

Also the right of passway as laid out in the partition and division of the land of Joel White, deceased, as therein described for ingress and egress from said land to the East Bend Road running through the lands of Charles B. White and Elizabeth Riddell as set out in the plat of partitions aforesaid together.

TRACT NO. 2

Beginning at a stone in the center of the Burlington and Belleview Road, a corner with John Berkshire in John White's line; thence N 72 $\frac{1}{2}$ E 9 poles; N 49 E 49 $\frac{1}{2}$ poles; N 47 $\frac{1}{2}$ E 32 $\frac{1}{2}$ poles to a stone in the center of said road; corner with said White; thence S 23 $\frac{1}{2}$ E 24 poles to a beech tree a little South of a branch; thence S 17 $\frac{1}{2}$ E 33 poles to a locust post; thence continuing with John White's line, South 96 poles to a stake in Joel White's line; thence with it West 88 $\frac{1}{2}$ poles to a stake in John Berkshire's line; thence with it North 93-2/3 poles to the beginning, containing 67 $\frac{1}{2}$ acres, more or less, but subject to legal highways.

TRACT NO. 3:

The grantors herein do hereby grant and release unto the said grantees, their heirs and assigns forever, a right of way on and over a certain parcel of land hereinafter described, for the grantees, their heirs and assigns, and their agents, servants, tenants, visitors, licensees, and all other persons for the advantage of the grantees, their heirs and assigns, at all times to freely pass and re-pass, to and from said highway to said land of the grantees herein and that the grantors herein reserve unto themselves, their heirs and assigns, and their servants, agents, tenants, visitors, licensees, and all other persons for the advantage of the grantors, may use said right of way to pass and re-pass between said highway and other portions of said land of the grantors and that the cost of maintenance of said easement shall be borne equally by the grantors and grantees, their heirs and assigns. Said easement right of way is described as follows: Located generally in Burlington #2 Precinct of Boone County, Kentucky, on the Southeast side of Kentucky State Highway #18, about 2 miles Southwest of Burlington and described particularly as follows: BEGINNING at the Southwest corner of the tract of 9.31 acres conveyed to F. O. Smith by Sam Allen (D.B. 114, page 386) in the Northwest line of the F. O. Smith farm property, said point of beginning is S 52-32 W 481.5 feet from the most Northerly corner of said Smith farm tract; thence with the Southwest line of said 9.31 acre tract N 35-45 W 728.7 feet to a point in the centerline of Kentucky State Highway #18, said point being 36.6 feet Northeast of the centerline of a box culvert; thence along the centerline of said highway N 60-00 E 30.15 feet to a point therein; thence on a line partitioning a 30 foot strip off said 9.31 acres, S 35-45 E 725.97 feet to a point in the Northwest line of said F. O. Smith farm tract; thence with said line S 52-32 W 30.01 feet to the place of beginning, containing .50 acre and subject to legal highways. The above described strip of land is a portion off the

THIS DOCUMENT WAS PREPARED BY
Eddie W. Brown
 EDDIE W. BROWN
 ATTORNEY AT LAW
 9 GIRARD STREET
 FLORENCE, KY 41042

Southwest side of said 9.31 acres which was conveyed to F. O. Smith by Sam Allen in a deed recorded in D. B. 114, page 386 of the Boone County Clerk's records at Burlington, Kentucky.

EXCEPTION:

There is excepted from the above an easement to the Ohio Valley Electric Corporation under date of February 27, 1953, and recorded in Deed Book 106 page 448 in the Office of the Boone County Court Clerk, Burlington, Kentucky.

Being the same property conveyed to George B. Gripshover and Ruth Gripshover, his wife, by F. O. Smith and Thelma L. Smith, his wife, by deed dated the 15th day of March, 1965, and recorded in Deed Book 166 page 224 of the Boone County Court Clerk's Records at Burlington, Kentucky.

See also the deed recorded in Deed Book 216 page 34 of the Boone County Court Clerk's Records whereby the said Ruth Gripshover, as a single woman, conveyed her interest in the property to George B. Gripshover as a result of a divorce decree entered in Case No. 75-376 of the Boone Circuit Court.

ALSO CONVEYED HEREWITH IS THE FOLLOWING EASEMENT:

Grantors also grant unto grantees, their heirs and assigns, a right of way and easement over a certain 125 acre parcel of land as described in Parcel I, D.B. 216, page 34, Boone County Clerk's office in Burlington, Kentucky, to be 50 feet wide, beginning at the northeast corner of the 155 acre parcel conveyed to grantees herein, and continuing along grantor's east line of the 125 acre parcel to Ky. Highway 18, subject to a survey to be done at a later date. This 50' right of way and easement shall be for access to grantees property and can be used as a public road if grantees wish. Grantees and grantors may agree at a later date to change the exact location of this 50' right of way and easement, and to share cooperatively on the cost of a bridge and road to grantees 155 acre parcel of land. If so, all changes or agreements shall be in writing.

This easement is across part of the property conveyed to the grantor in Deed Book 132 page 373 and also in Deed Book 216 page 34 of the Boone County Court Clerk's Records, at Burlington, Kentucky.

This deed is to transfer the property that was described in the contract of sale between the present grantors and the present grantees in Misc. Book 108 page 17 of the Boone County Court Clerk's Records, at Burlington, Kentucky.

Together with all of the privileges and appurtenances to the same belonging. To have and to hold the same an undivided one-half ($\frac{1}{2}$) interest to Jerry L. Arlinghaus and Constance M. Arlinghaus, his wife, or the survivor of them, his or her heirs and assigns forever; and an undivided one-eighth ($\frac{1}{8}$) interest to Albert H. Arlinghaus and Anna M. Arlinghaus, his wife, or the survivor of them, his or her heirs and assigns forever; and an undivided one-eighth ($\frac{1}{8}$) interest to Albert J. Arlinghaus and

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1998 JUN 19 A 11:35

DEED

JERRY W. ROUSE
BOONE COUNTY CLERK

16.00

RECEIVED BY JERRY W. ROUSE, CLERK
\$82.00

KNOW ALL MEN BY THESE PRESENTS: That Ruth McCormick, an unmarried widow, for and in consideration of \$182,000.00 to her paid by Jerry L. Arlinghaus and Constance M. Arlinghaus, his wife; Albert H. Arlinghaus and Anna M. Arlinghaus, his wife; Albert J. Arlinghaus and Linda L. Arlinghaus, his wife; Connie S. Darpel and Terry Darpel, her husband; George A. Arlinghaus and Karen Arlinghaus, his wife; and James J. Arlinghaus and Joanne Arlinghaus, his wife, the receipt whereof is hereby acknowledged, does hereby bargain, sell and convey an undivided one-half (1/2) interest to Jerry L. Arlinghaus and Constance M. Arlinghaus, or the survivor of them, his or her heirs and assigns forever; and an undivided one-eighth (1/8) interest to Albert H. Arlinghaus and Anna M. Arlinghaus, his wife, or the survivor of them, his or her heirs and assigns forever; and an undivided one-eighth (1/8) interest to Albert J. Arlinghaus and Linda L. Arlinghaus, his wife, or the survivor of them, his or her heirs and assigns forever; and an undivided one-eighth (1/8) interest to Connie S. Darpel and Terry Darpel, her husband, or the survivor of them, her or his heirs and assigns forever; and an undivided one-sixteenth (1/16) interest to George A. Arlinghaus and Karen Arlinghaus, his wife, or the survivor of them, his or her heirs and assigns forever, and an undivided one-sixteenth (1/16) interest to James J. Arlinghaus and Joanne Arlinghaus, his wife, or the survivor of them, his or her heirs and assigns forever, the following described real estate, lying in Boone County, Kentucky, to wit:

RETURN TO

Mailing Address 41 Beechwood Road, Ft. Mitchell, KY 41017 Group No. 2028
 Present Street Address 3939 Burlington Pike, Burlington, KY 41005

Located generally on the South side of Ky. State Highway #18 about 2 miles west of Burlington and described thus; BEGINNING at the intersection of the West line of the 35 acre farm tract conveyed to Sam Allen by Hanna Goins with the centerline of the existing pavement on Ky. Highway #18; thence with Gadd's line S-22-36 E-757.5 feet to a point; thence with a line North of a farm roadway S-52-32 W-101.5 feet to a point; thence N-35-45 W-729.8 feet to a point in the center of Ky. Highway #18, 36.6 feet East of the centerline of a box culvert; thence along the centerline of Rt. 18 with the tangents of the curves therein N-60 E-316.2 feet, N-45-3 E-344.4 feet to the place of beginning, containing 9.31 acres and subject to the right of way of

THIS DOCUMENT WAS PREPARED BY
 EDDIE W. BROWN
 ATTORNEY AT LAW
 9 GIRARD STREET
 FLORENCE, KY 41042

said Ky. State Highway #18.

Being the same property conveyed to William McCormick and Ruth McCormick, his wife, with right of survivorship by Ruth McCormick and William McCormick, her husband, by deed dated the 20th day of May, 1977 and recorded in Deed Book 230 page 284 of the Boone County Court Clerk's records at Burlington, Kentucky.

The said William McCormick died on July 6, 1993, and by virtue of the survivorship clause in the above mentioned deed the fee simple title vested in the grantor herein, Ruth McCormick.

NOTE: It is agreed between the grantor and the grantees THAT the grantor shall be permitted to reside in the residence on this property and to park a mobile home on this property rent free until June 1, 2001. However, in the event of the grantor's death during this period of time, the residence shall become the property of the grantees.

Together with all of the privileges and appurtenances to the same belonging. To have and to hold the same an undivided one-half ($\frac{1}{2}$) interest to Jerry L. Arlinghaus and Constance M. Arlinghaus, his wife, or the survivor of them, his or her heirs and assigns forever; and an undivided one-eighth ($\frac{1}{8}$) interest to Albert H. Arlinghaus and Anna M. Arlinghaus, his wife, or the survivor of them, his or her heirs and assigns forever; and an undivided one-eighth ($\frac{1}{8}$) interest to Albert J. Arlinghaus and Linda L. Arlinghaus, his wife, or the survivor of them, his or her heirs and assigns forever; and an undivided one-eighth ($\frac{1}{8}$) interest to Connie S. Darpel and Terry Darpel, her husband, or the survivor of them, her or his heirs and assigns forever; and an undivided one-sixteenth ($\frac{1}{16}$) interest to George A. Arlinghaus and Karen Arlinghaus, his wife, or the survivor of them, his or her heirs and assigns forever; and an undivided one-sixteenth ($\frac{1}{16}$) interest to James J. Arlinghaus and Joanne Arlinghaus, his wife, or the survivor of them, his or her heirs and assigns forever, with covenants of general warranty.

IN WITNESS whereof the said Ruth McCormick, an unmarried widow, hereunto sets her hand this 19th day of JUNE, 1998.


RUTH MCCORMICK

Ordinance
Of
The Boone County Fiscal Court

Ordinance No. 03-09

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, A REQUEST OF RAYMOND ERPENBECK CONSULTING ENGINEERS PLLC (APPLICANT) FOR ARLINGHAUS BUILDERS, JERRY L. ARLINGHAUS ET AL (OWNERS) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURAL ESTATE (A-2) TO SUBURBAN RESIDENTIAL ONE (SR-1) ON AN APPROXIMATE 291 ACRE SITE LOCATED AT 3829 AND 3939 KY 18, BOONE COUNTY, KENTUCKY, AS RECOMMENDED BY THE BOONE COUNTY PLANNING COMMISSION (8-4) VIA RESOLUTION NO. R-03-001-A.

WHEREAS, the Boone County Fiscal Court received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Agricultural Estate (A-2) to Suburban Residential One (SR-1) on an approximate 291 acre site located at 3829 and 3939 KY 18, Boone County, Kentucky, which is more particularly described below; and

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, 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 ORDAINED BY THE BOONE COUNTY FISCAL COURT 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 approved, with conditions, this Zoning Map Amendment being a zone change from Agricultural Estate (A-2) to Suburban Residential One (SR-1) on an approximate 291 acre site located at 3829 and 3939 KY 18, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in an Agricultural Estate (A-2) zone is more particularly described in DEED BOOKS 698, 714 and 772, PAGE NOS. 98, 76 and 03, 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 for a Zoning Map Amendment request are the findings of fact and conditions 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 Ordinance and marked as "Exhibit A".

Ordinance
Of
The Boone County Fiscal Court

Ordinance No. 03-09

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

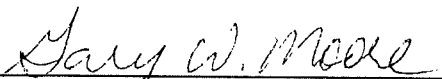
In addition to the conditions agreed to by the applicant before the Planning and Zoning Commission, this approval is subject to the additional conditions attached hereto as "Exhibit C".

SECTION III

That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.


Introduced and given First Reading on the 18th day of February, 2003.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 25th day of March, 2003, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested by the County Fiscal Court Clerk and declared to be in full force and effect.

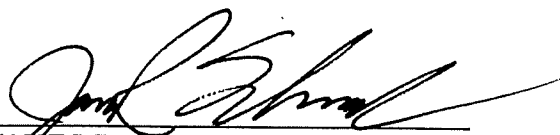


GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:



ROBYN R. COBB
FISCAL COURT CLERK



JAMES R. SCHRAND II
BOONE COUNTY ATTORNEY

4-10-03

DATE PUBLISHED

Arlinghaus Zone Change
Gripshover Property

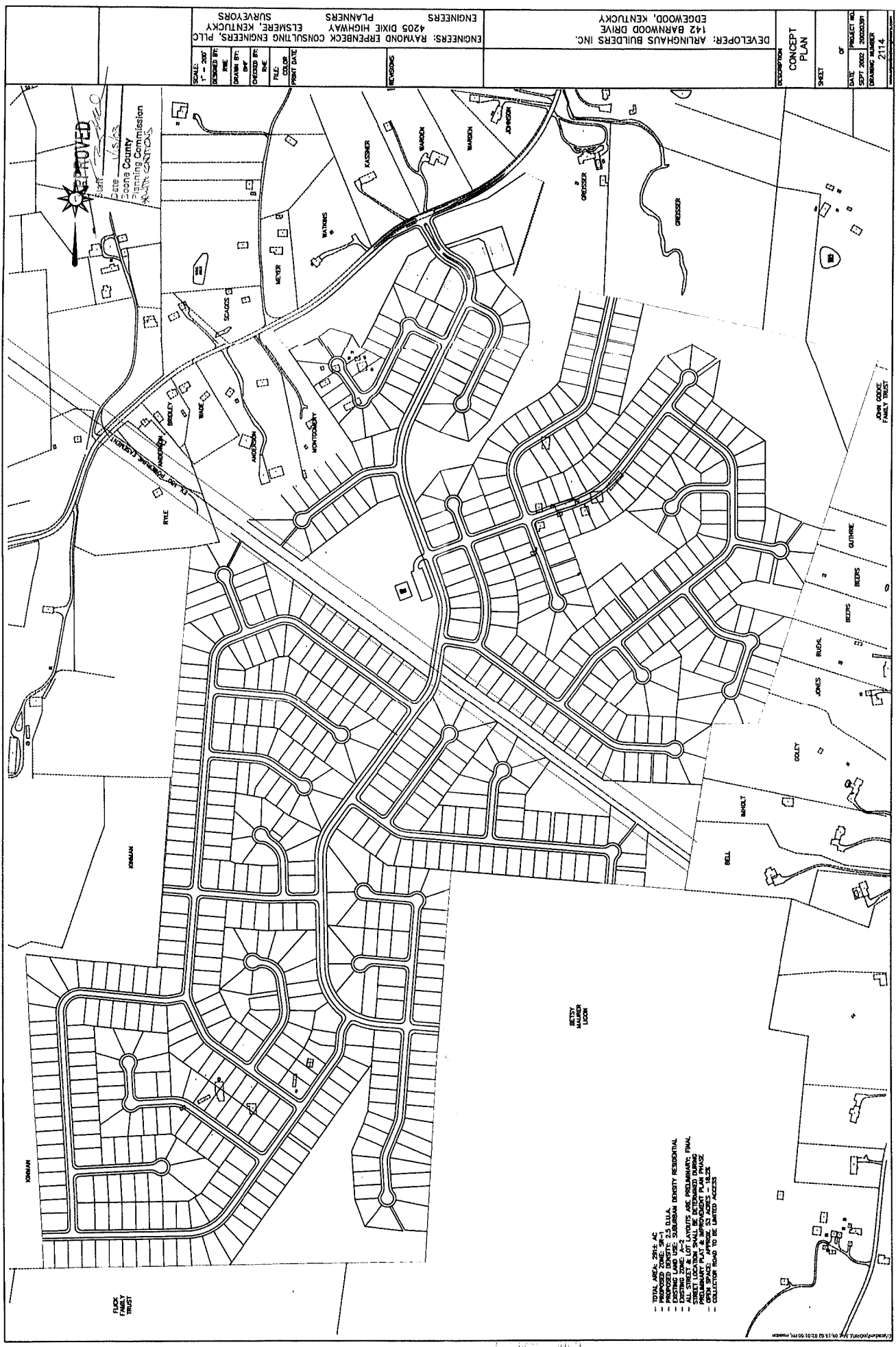
Additional Conditions of Zone Change

In addition to the conditions agreed to by the applicant before the Planning and Zoning Commission, the applicant agrees that the map amendment shall be granted subject to the additional conditions:

1. That in addition to the phasing condition regarding the capacity of the sanitary sewer system, the applicant shall complete no more than the following number of houses per year at the site subject to this zone change:

Year	Homes Completed
2003	0
2004	40
2005	75
2006	75
2007	75
2008	75
2009	75
2010	75
2011	75
2012	75
2013	55
2014	32

2. That the applicant shall install and maintain a street light at the main entrance of the development at KY 18.
3. That except for the lots at the front of the development, which will face KY 18, there will be no driveways off the main road through the development.
4. That the applicant in developing final plans for the development will work with the County to maximize the green space in the Middle Creek watershed.



DEVELOPER: ARLINGHAUS BUILDERS INC.
 142 BARNWOOD DRIVE
 EDGEWOOD, KENTUCKY

ENGINEERS: RAYMOND FRENBECK CONSULTING ENGINEERS, PLLC
 4205 DIXIE HIGHWAY
 ELSMERE, KENTUCKY

ENGINEERS: RAYMOND FRENBECK CONSULTING ENGINEERS, PLLC
 4205 DIXIE HIGHWAY
 ELSMERE, KENTUCKY

SURVEYORS

DESCRIPTION
 CONCEPT PLAN

SHEET

DATE: PROJECT NO.
 SEPT. 2002 20020301

DRAWING NUMBER
 2114

APPROVED
 State
 Boone County
 Planning Commission
 KENTUCKY

- TOTAL AREA: 284.4 AC
- PROPOSED ZONE: R-1
- EXISTING LAND USE: SUBURBAN DENSITY RESIDENTIAL
- EXISTING ZONE: R-1
- EXISTING LOT SIZES: 1/2 AC TO 1 AC
- EXISTING LOT DENSITIES: 10 TO 20 UNITS PER ACRE
- STREET LOCATIONS SHALL BE DETERMINED BY THE LOCAL GOVERNMENT
- OTHER SPACE REQUIREMENTS SHALL BE AS PER THE LOCAL GOVERNMENT
- COLLECTOR ROAD TO BE LIMITED ACCESS

FLYCK FAMILY TRUST

ADJACENT PROPERTY

METEOROLOGICAL

08/15/02 02:01:00 PM