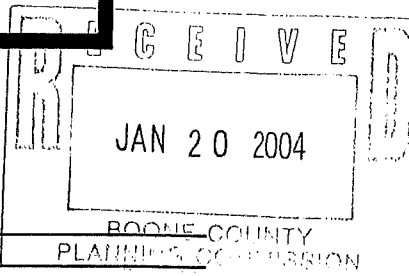


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APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project Buffalo Trace
- 2. Location of Project Chambers Road
- 3. Total Acreage of Site 53.2476
- 4. Current Zoning of Site A-2
- 5. Proposed Zoning (Classification being requested) RS/PD and A-2/PD
- 6. Proposed Uses (please specify each use) Residential, Agriculture, Recreation and open space
- 7. Names of Applicant(s) Erpenbeck Consulting Engineers, Inc.
Phone Number 859-727-4200 Fax No. 859-342-5852
- 8. Address of Applicant(s) 4205 Dixie Highway
Elsmere KY 41018
City State Zip
- 9. Name of Property Owner(s) See Attached List
Phone Number _____ Fax No. _____
- 10. Address of Property Owner(s) _____
_____ City State Zip
- 11. Proposed Building Intensities (please specify) 2.42 units per acre
- 12. Are there any existing buildings on the site? yes
How many? 1 house & 9 out buildings (barns/sheds)
- 13. Deed Book 847, 854 Page No. 112, 634 Group No. 2071, 4472
- 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 within the last several months:

- Boone County Water District
- Florence Water and Sewer Dept.
- Cinergy/U.L.H.&P. Co.
- Sanitation District #1
- Cincinnati Bell
- Owen County Rural Electric
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- City of Florence Public Services Department
- Boone County Building Department

(over)

PROPERTY OWNERS

- 1. Paul J. Kahmann Family Limited Partnership**
P.O. Box 975
Union, KY 41091
- 2. Alumni Development, LLC**
242 Boltz Lake Road
Dry Ridge, KY 41035

EXHIBIT

“A”

STAFF REPORT

Request of **Erpenbeck Consulting Engineers, Inc. (applicant)** for **Paul J. Kahmann Family Limited Partnership and Alumni Development, LLC (owners)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Agricultural Estate/Planned Development (A-2/PD) for 8.9 acres of the site, and from Agricultural Estate (A-2) to Rural Suburban/Planned Development (RS/PD) for 44.3 acres of the site, both for 53.2 acres located at 692 and 728 Chambers Road, Boone County, Kentucky. The request is for a zone change to allow detached single family residences.

February 25, 2004

REQUEST

This application is for a Zoning Map Amendment for 53.2476 acres located as 692 and 728 Chambers Road, Boone County, Kentucky. A change from Agricultural Estate (A-2) to Agricultural Estate/Planned Development (A-2/PD) is requested for 8.9 acres in the northeast corner of the site and a change from Agricultural Estate (A-2) to Rural Suburban/Planned Development (RS/PD) is requested for the remaining 44.3 acres.

A Concept Development Plan and a narrative booklet were submitted with this request. The proposed A-2/PD section of the development would be for a "gentleman/s farm" and would have one 0.926 acre building site; this area is accessed by a cul-de-sac within the larger development and from an existing off-site drive. The remainder of the development uses a basic cluster design with 128 lots. The building lot clusters are organized around the following four common open space areas:

"Community Commons" - This is a 2.892 acre open space area along Decker Lane that includes a retention lake/water feature near the Chambers/Decker intersection.

"Bison Park" - This is a 3.351 acre open space area along Chambers Road which extends northward in between lot clusters.

"Vista Park" - This is a 2.613 acre open space area along the central section of the east property line, adjoining the "Worley" property.

"Lakeview Park" - This is a 1.362 acre open space in the center of the northern section of the development which includes a small lake.

The open space areas are proposed to be maintained by an HOA. Landscape concepts were provided for each of the open space areas.

One access point to the site is proposed in the approximate center of the Chambers Road frontage (approximately 550' from the Chambers/Decker intersection as measured from edge of pavement to edge of pavement). No individual lot access is proposed from either Chambers Road or Decker Lane. The proposed street system is a series of cul-de-sacs which branch from a generally north-south main route. No street connections to adjoining properties are proposed.

Five larger lots that are set behind the "Community Commons" open space are proposed to face Decker Lane. These lots shall exceed 19,000 square feet and have a minimum lot frontage of 90 feet, and will be accessed from the rear by the main road within the development. The remaining lots have no set lot area, but will have a lot frontage that is between 55 and 70 feet and a lot depth that is between 130 and 180 feet; the average lot is 60 feet wide with a depth of at least 140 feet. Four of the five larger lots facing Decker Lane are proposed to have a front yard setback of approximately 85 feet; due to an asymmetrical configuration, the fifth lot will have a smaller front yard setback but will maintain a consistent building line with the other four lots. The five larger lots will have minimum rear yard setbacks of 40 feet, and a minimum side yard of 5 feet, with the total of both sides being at least 20 feet. The setbacks proposed for the remaining lots are 30 foot front and rear yards, and 5 feet for each side yard (10' total).

The overall development has 129 building lots with an overall density of 2.43 dwelling units per acre for the entire 53.2 acres. The "formal" open space areas total 10.218 acres, or approximately 19 percent of the entire site. Including the "agricultural" portion of the "gentleman's farm" in the proposed A-2/PD area of the development, the total open space is 18.218 acres, or approximately 34 percent of the entire site. Both public water and sanitary sewer service 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. A Zoning Map Amendment from A-2 to SR-1 for approximately 35 acres of the current site was submitted in 2002. This proposal was for a conventional suburban style subdivision with 94 lots (2.66 dwelling units per acre). The Planning Commission recommended denial of the application on November 6, 2002, and it was withdrawn before the Fiscal Court took any action.

ADJACENT LAND USES AND ZONING

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

- A. A combination of agricultural uses and detached, single family residences on estate style lots are located to the east between the subject site and I-75 (A-2).
- B. A farm is located to the south across Chambers Road, and subdivisions with estate style lots are located on the south side of Chambers Road both to the southeast (Bedingers Landing/Gaines Way) and to the southwest (Richwood Country Estates/Hutton Drive) (A-2).
- C. A subdivision with estate style lots is located immediately to the north and west (Richwood Country Estates/Decker Lane/Aylor Lane), and a farm and additional detached single family residences on estate style lots are located further to the west both along Chamber Road and within another formal subdivision (Boh Subdivision/Suncrest Drive) (A-2).

SITE CHARACTERISTICS

As noted above, the site contains approximately 53 acres. The lot has approximately 880 feet of frontage on Decker Lane and approximately 1,220 feet of frontage on Chambers Road. The site contains one residence and several agricultural buildings. With the exception of the front yard area for the residence, virtually the entire site is cleared and is used as a pasture. The topography of the site is gently rolling from north to south, with an elevation change of approximately 92 feet from the northern part of the site to the Chambers Road frontage. An intermittent blue line stream is located at the extreme southeast corner of the site at Chambers Road (runs largely on adjoining property), and a blue line stream is located off-site along the south side of Chambers Road. Public water mains adjoin the site along both Chambers Road and Decker Lane, and sanitary sewer exists in the immediate Chambers Road area. Soil types on the site include Jessup silt loam (JeB, JeC, JeD), Nicholson silt loam (NiB), and Nolin silt loam (No).

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. Development to the southwest of the Richwood interchange must continue the Grand National Boulevard connection to Chambers Road. Triple Crown Subdivision provides an important road connection between Richwood Road and Frogtown Road. Other connections between Richwood Road and Frogtown Road need to occur. The southwest quadrant of I-75 and Frogtown Road, adjacent to the new Frogtown-Richwood Connector Road, should develop as High Suburban Density residential to provide a logical transition of density and a buffer between the major roadways and single family development to the west. However, this area should not include a continuation of the existing mobile home park. Any attached housing in this area must be designed to complement adjacent single-family residential ("Richwood West," pp. 166 and 167).
- B. Improvements are needed to the Richwood interchange and to Richwood Road to increase capacity. Commercial development around the interchange is expected to remain and expand to serve local residents, in addition to highway-related services. Intrusive highway related services should not impact the low density residential uses on the west, and be limited to the east side of I-75 . . . ("Richwood Area," pg. 167).

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 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 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. 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).

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. 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 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 (887) is expected to increase from 5,973 in the year 2000 to 8,402 in 2010, and to 9,459 in 2020 (pp. 27-30).

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. 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).
- M. 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).
- N. 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).
- O. 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).
- P. 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).
- Q. 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).
- R. 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).
- S. Proper access to adjoining property shall be provided and/or retained when a property develops or redevelops ("Transportation," 2nd Goal, Objective 3).

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 nearby estate lot type subdivisions can technically fall within this classification. The Land Use Element discussion of this area is largely limited to the planned extension of Grand National Boulevard southward to Chambers Road; such an improvement minimally infers that growth beyond a low density agricultural environment is anticipated. The Housing and Agriculture Elements discuss that single family developments will tend to develop on the outer rings of growth, and that "new residential developments in agricultural areas should be closely correlated to adequate infrastructure." The Goals and Objectives also stress the importance of adequate infrastructure.

Additionally, 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. The Comprehensive Plan is also discussed in the submitted Concept Development Plan booklet.

2. Staff offers the following comments regarding the standards set forth in Section 1514 "Planned Development Standards" of the Boone County Zoning Regulations. Concept Development Plan proposals in Planned Developments are to be primarily evaluated against these criteria.

1. Mixed Use Development and Pedestrian Orientation: Although the proposal can not be accurately depicted as "mixed use" in a true sense, it does involve a combination of detached single family residences, open spaces, and what Staff describes as "minor" agriculture for the proposed A-2/PD section of the development. These are all land uses that exist in the immediate area, although not at the suburban residential density that is proposed (i.e., overall proposed density of 2.43 dwelling units per acre versus one unit per two acres maximum inherent in the surrounding A-2 zone). Regarding pedestrian orientation, sidewalks and pedestrian routes are proposed along all streets and through the common open spaces.

2. Compatibility of Uses: The Concept Development Plan uses a number of measures to increase compatibility between this site and the adjoining areas. These include the permanent common open spaces, the proposed landscaping, the "gentleman's farm" area within the A-2/PD area, and the relatively wider and larger lots that face Decker Lane but are accessed from within the subdivision itself. All of these aspects exceed the normal requirements for a conventional residential subdivision. When considering these attributes of the proposal, Staff contends that the key question for the governing bodies is whether the proposed design plan coupled with the proposed density appropriately relates to the surrounding environs (using the Comprehensive Plan as the guiding force). A key factor relative to this question is an acknowledgement of the "tighter" interior spatial relationship of the proposed development versus the estate style subdivisions and lots existing in the area (i.e., closer building spacing is inherent in the cluster approach and more density). An example of this issue is the proposed transitional lots proposed along Decker Lane - while they are an intermediate step in size and frontage between the adjoining A-2 lots and the cluster style lots within the proposed subdivision (and will face Decker instead of inward which would have left the rear yards as the "public" face), they do not entirely replicate the spatial qualities of the adjoining A-2 lots and residences.

Also regarding compatibility, the Concept Development Plan outlines uses that are normally permitted in the A-2 zone which are proposed to be prohibited in the A-2/PD section (includes duplexes, churches, RV/trailer camps, and mobile homes - mobile homes are prohibited in the A-2 zone regardless). Due to the wider range of uses permitted in the A-2 zone, the proximity to the formal "subdivision" portion of the proposed development as well as Richwood Country Estates, and due to the fact that the Future Land Use Map designates the area for Suburban Residential uses, the governing body should evaluate the A-2 use list further and consider limiting additional uses which may be inappropriate, particularly because they would access the A-2/PD area through the subdivision itself if permitted. Staff's initial suggestion would be to limit the uses to "one single family residence and appropriate accessory uses, and agricultural uses as defined by KRS 100."

3. Open Space: This standard states that "useable open space(s), in an amount over and above setback areas and open areas required by the underlying zone, shall be provided." The proposal does include substantial open space in both formal park type areas and the agricultural area as shown on the submitted Concept Development Plan. The "substantial" characterization is evidenced by the fact that the total open space in the overall development is 18.218 acres (common open space areas and the agricultural portion of the "gentleman's farm" combined), or approximately 34 percent of the entire site. In order to assure clear access to the open space areas, Staff recommends that the walks into these areas which run between building lots be hard surfaced like a standard subdivision sidewalk and that the access strips be delineated from the private lots with ornamental fencing and entry features near the street. The applicant should consider ways of making the entry areas to the open spaces wider in several location.

4. Multi-Modal Transportation System: Walkways have been discussed under numbers 1 and 3 above. Additionally, the provision of a formal bus stop could be considered per any instructions of Boone County Schools.

5. Preservation of Existing Site Features: This standard states "existing topography, significant tree cover, and water courses and water bodies shall be largely preserved and incorporated into the project design, where appropriate and consistent with the remainder of this article." The site is largely open pasture with a fairly continuous slope from the north end of the site down to Chambers Road at the south. In short, the topography and the blue line stream which runs along the southeast corner of the site, and some of the existing tree cover to a lesser degree, are the features which this standard seeks to preserve. These three features are maintained, along with other attributes, in the proposed open space shown on the Concept Development Plan (are outlined in detail on page 5 of the Concept Development Plan narrative). Staff anticipates that notable earth work will be necessary to develop portions of the active development area as currently shown.

6. Landscaping: Landscape concepts have been provided for each of the common open space areas and the streetscape for the main road into the development. Additionally, the Concept Development Plan proposes to require at least one shade or evergreen tree in both the front and rear yard of each lot (proposed landscaping is discussed in detail on pages 10 and 11 of the Concept Development Plan narrative). As a comprehensive landscaping proposal has been provided and is not normally required for subdivisions for detached single family residences, Staff has no basic issue with the quantity or range of plant materials proposed. Rather, Staff has recommendations for several design issues including:

A.) The provision of regularly spaced "street tree" type plantings should be considered along Chambers Road, arranged among the existing trees which straddle the right-of-way line. This would help to reinforce a "pasture" scheme and relate to other properties along the road. Relative to this issue, the landscape concepts use the term "heritage" trees - this term needs to be explained.

B.) A post and rail type fence could be considered along the Chambers Road frontage and along the interior lines of the site boundary (such fencing already exists around several parts of the site; this type of fencing along Decker Lane would tend to disrupt visual continuity with the existing subdivision and is not recommended).

C.) Substantial plantings should be considered for the portion of the open space area along Decker Lane that abuts the proposed cul-de-sac lots. Staff recommends that a grove of hardwood trees be provided along Decker Lane with a background of mixed evergreens adjoining the cul-de-sac lots.

7. Architecture: The Concept Development Plan narrative makes basic commitments that there will be a developer run design review process and that there will be no bi-level homes in the development, but basic design components, materials, etc., are not discussed. In order to assure a consistent level of design quality, guidelines or prototypes could be submitted to the Zone Change Committee as part of this process, or to Staff or the Committee through the Preliminary Plat process. The Orleans Subdivision is an example of this approach - as a condition of the zone change approval, design guidelines/prototypes are approved by Staff through the Preliminary Plat process for each phase.

8. Historic and Prehistoric Features: Staff is not aware of any such features on the subject site.

9. Signage: The Concept Development Plan narrative states that monument style markers of brick or stone which meet the size and style requirements of the zoning regulations shall be provided at the entryway into the development. As this standard seeks the use of monument style signs, Staff has no comments on this standard.

10. Transportation Connections and Entry Points: Due to the recent subdivision of the adjoining property to the east, there are no remaining opportunities for street connections to adjoining properties. The entry point is proposed to be demarcated with the signage discussed immediately above.

11. Conformance with Comprehensive Plan: The Comprehensive Plan is discussed above.

3. Staff has examined the project relative to basic traffic issues. While Staff has not identified any factor which would cause a change in level of service or cause any operational problems related to traffic due to the number of proposed lots, the increased traffic activity will tend to affect the character of the roadway and adjoining properties, particularly at the proposed intersection with Chambers Road. A letter from William F. Madden, P.E., T.E.B.M. for Traffic with the Kentucky Transportation Cabinet dated 2/6/04 is attached. In short, this letter states that an Encroachment Permit application needs to be submitted and that the review will consider all work that will have an effect on the Chambers Road right-of-way.
4. The Boone County Water District has commented that public water service is available to the site (1/29/04 letter from Keith Feldhaus, Project Coordinator, is attached).

5. Staff has requested written comments on the proposal from Sanitation District #1, Boone County Schools, and Walton Fire District. Such written comments have not been received as of this writing. Any written comments received from these agencies will be forwarded to the Zone Change Committee for review. Greg Sketch, P.E., PLS, Boone County Engineer, has stated that his office has no comments on this proposal.

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, the requirements of Article 15 "Planned Development District" of the 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,

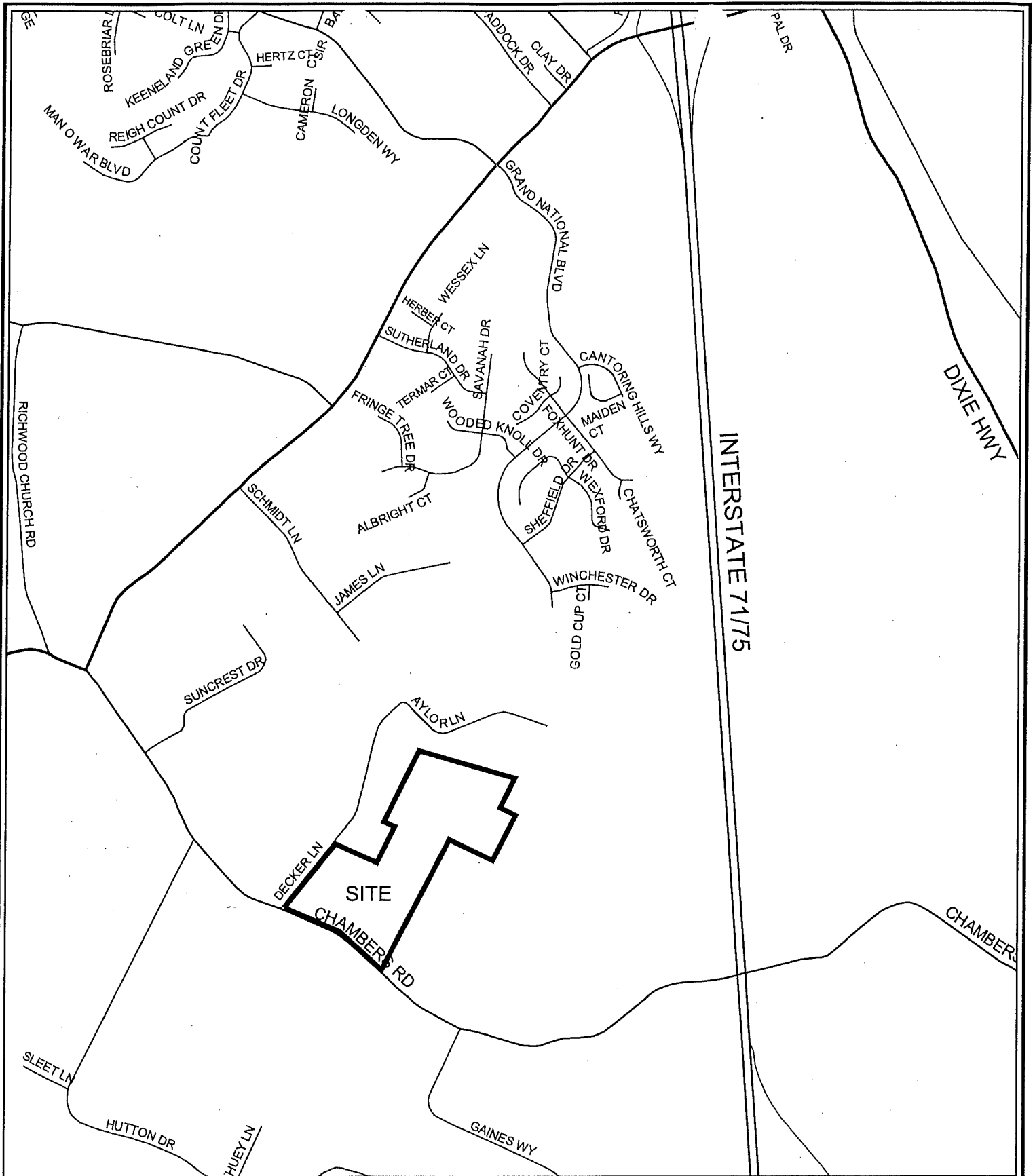


Kevin T. Wall, AICP CDT
Director, Zoning Services

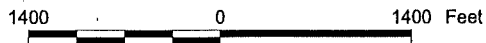
KTW/pr

Attachments:

- location map
- aerial photo w/zoning
- Future Land Use Map excerpt
- topographic map
- 2/6/04 letter from William F. Madden, P.E., T.E.B.M. for Traffic with the Kentucky Transportation Cabinet
- 1/9/04 letter from Keith Feldhaus, Project Coordinator, Boone County Water District
- application materials including Concept Development Plan
- comments from area residents

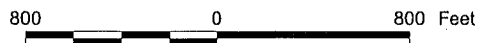
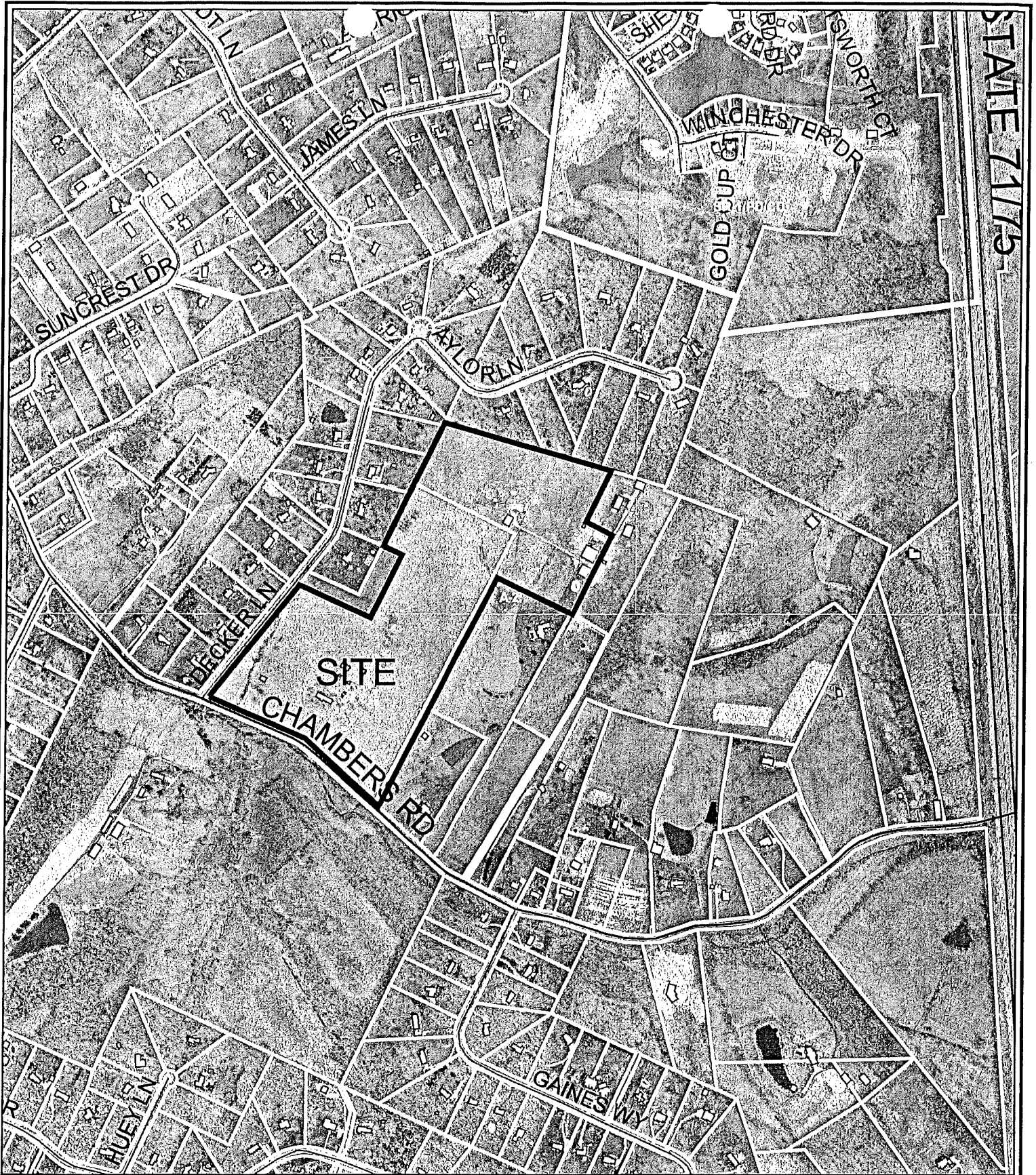


Location



1 inch equals 1400 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 January 26, 2004

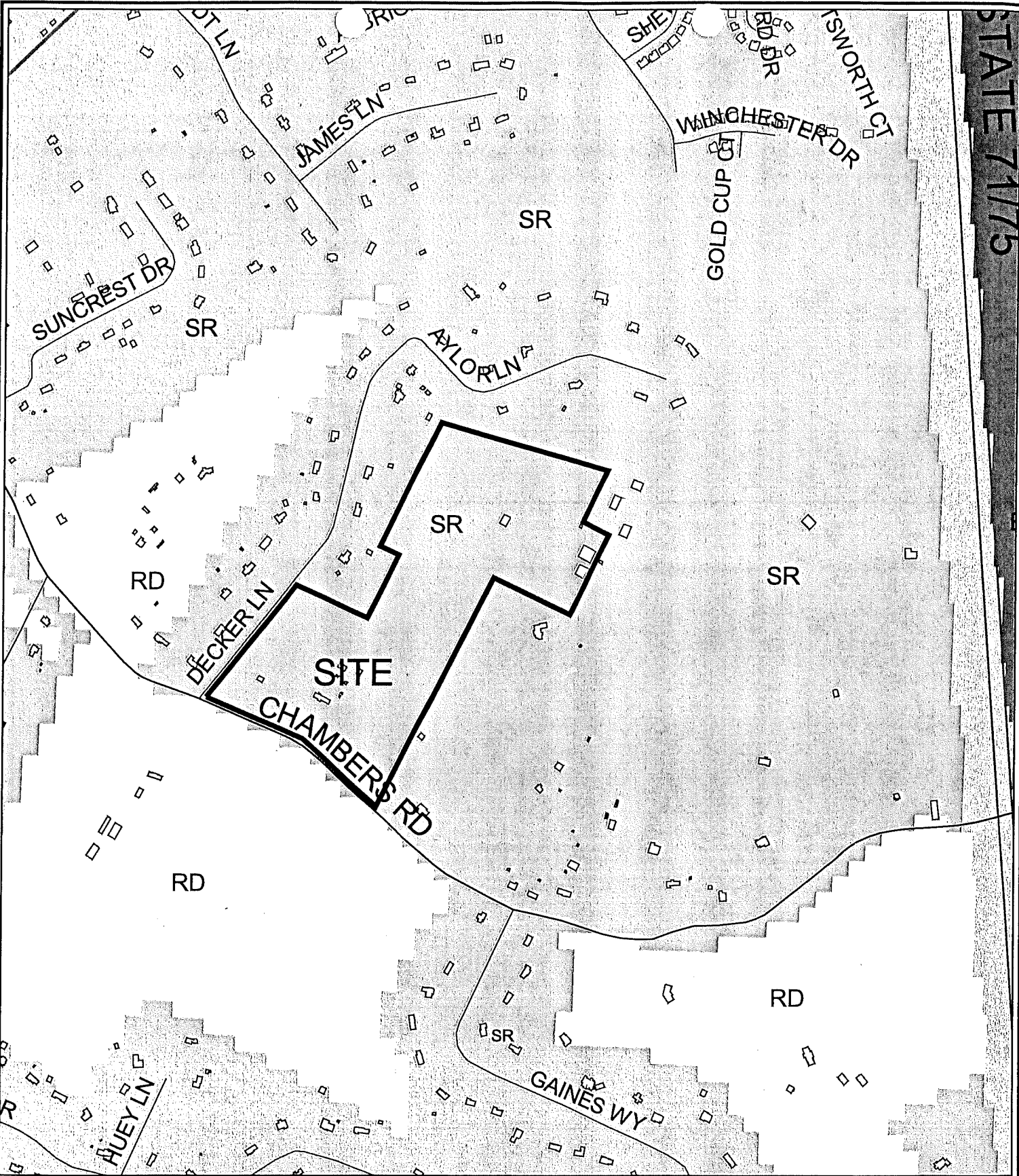




1 inch equals 800 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 January 26, 2004



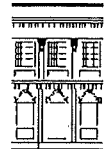
Zoning



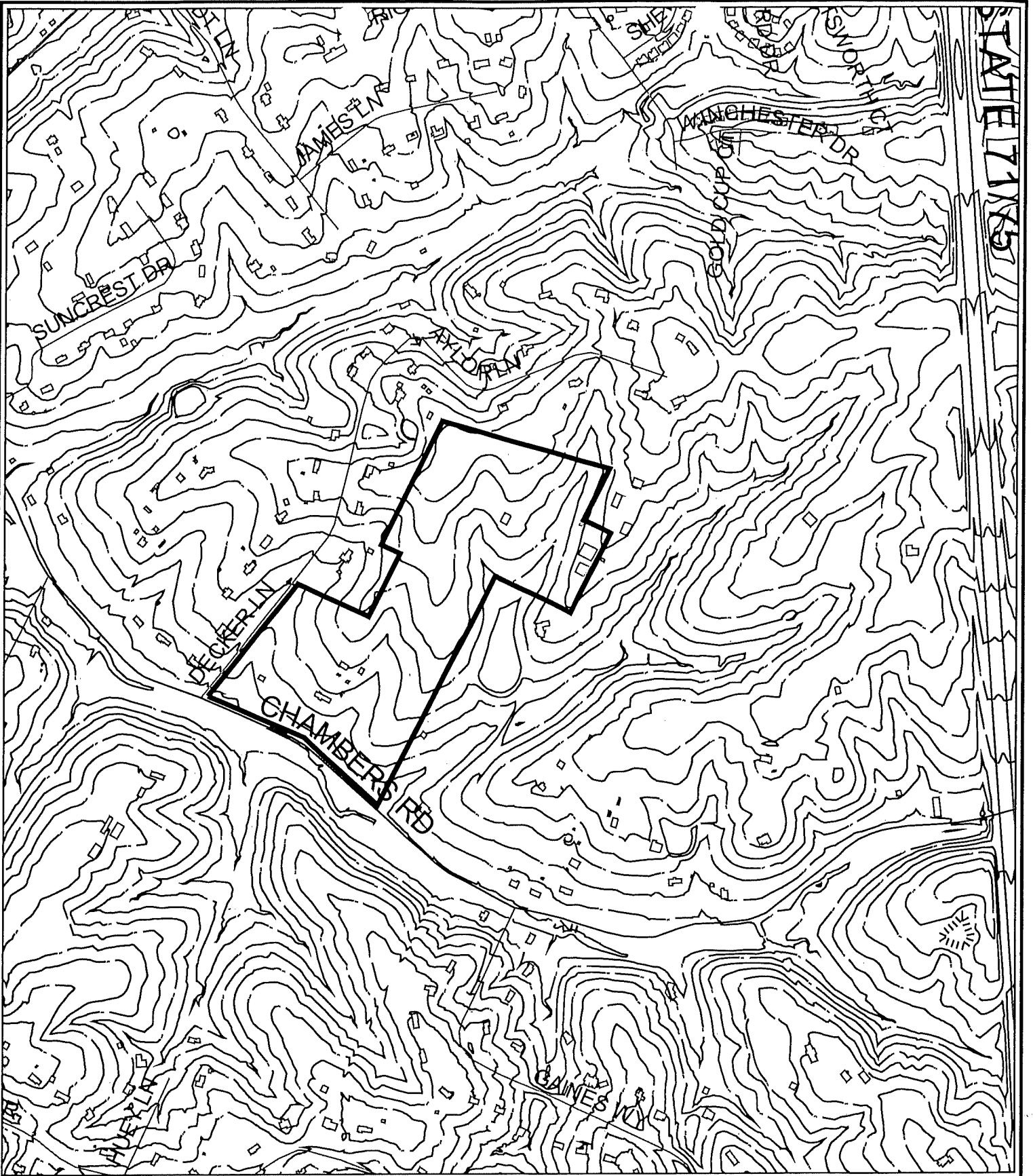
Future Land Use



1 inch equals 800 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 January 26, 2004

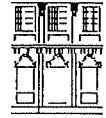


STATE 71X5



Feet

1 inch equals 800 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 January 26, 2004



Topography

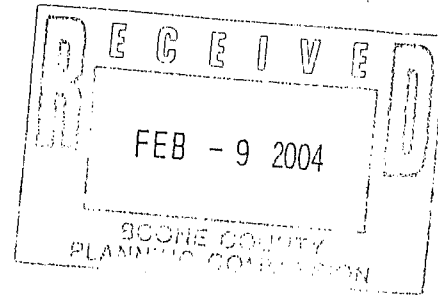


Maxwell C. Bailey
Secretary of Transportation

Commonwealth of Kentucky
Transportation Cabinet
Department of Highways, District Six
421 Buttermilk Pike, P. O. Box 17130
Covington, Kentucky 41017
859-341-2700, (Fax) 859-341-3661

Ernie Fletcher
Governor

February 6, 2004



Boone Co. Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

ATTENTION: Kevin T. Wall, AICP
Director, Zoning Services

RE: Buffalo Trace Development
KY 2951 - Chambers Lane
BOONE COUNTY

Dear Sir,

This letter is in response to your letter dated January 23rd, 2004 regarding the Zoning change for Buffalo Trace Development on KY 2951 "Chambers Lane" in Boone County.

The Department requires that an Encroachment Permit and plan for the entrance to KY 2951 "Chambers Lane" be forwarded to this office for review. The review will consider all work that will have an effect on the right-of-way for KY 2951 "Chambers Lane".

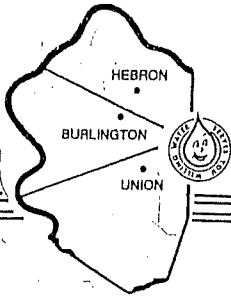
Should you have any questions, or need additional information, please contact this office.

Sincerely yours,

Samuel H. Beverage, P. E.
CHIEF DISTRICT ENGINEER

William F. Madden, P. E.
T.E.B.M. FOR TRAFFIC

ECT/dlt
Enc.

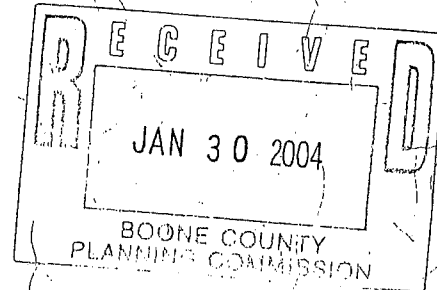


BOONE COUNTY WATER DISTRICT

2475 BURLINGTON PIKE
BURLINGTON, KY 41005
859/586-6155
FAX: 586-5016
WWW.BOONEWATER.COM

January 29, 2004

B.O.L.D HOMES
P.O. BOX 975
Union, Kentucky 41091



Re: Buffalo Trace

Helen Patrick,

The Boone County Water District has available and will provide potable water to your Proposed Development off of Chambers Road.

The District welcomes you as new a customer. If we may be of further service, please let us know.

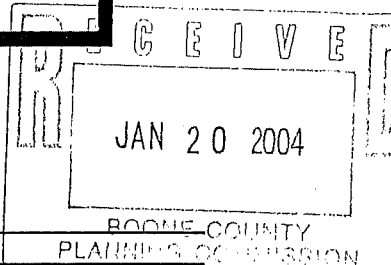
Sincerely,

Keith Feldhaus, Project Coordinator

CC: Phil Trzop, District 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 Buffalo Trace
2. Location of Project Chambers Road
3. Total Acreage of Site 53.2476
4. Current Zoning of Site A-2
5. Proposed Zoning (Classification being requested) RS/PD and A-2/PD
6. Proposed Uses (please specify each use) Residential, Agriculture, Recreation and open space
7. Names of Applicant(s) Erpenbeck Consulting Engineers, Inc.
Phone Number 859-727-4200 Fax No. 859-342-5852
8. Address of Applicant(s) 4205 Dixie Highway
Elsmere KY 41018
City State Zip
9. Name of Property Owner(s) See Attached List
Phone Number _____ Fax No. _____
10. Address of Property Owner(s) _____
_____ City State Zip
11. Proposed Building Intensities (please specify) 2.42 units per acre
12. Are there any existing buildings on the site? yes
How many? 1 house & 9 out buildings (barns/sheds)
13. Deed Book 847, 854 Page No. 112, 634 Group No. 2071, 4472
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 within the last several months:

- Boone County Water District
- Florence Water and Sewer Dept.
- Cinergy/U.L.H.&P. Co.
- Sanitation District #1
- Cincinnati Bell
- Owen County Rural Electric
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- City of Florence Public Services Department
- Boone County Building Department

(over)

ZONING MAP AMENDMENT
APPLICATION
PAGE 2

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

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

19. Applicant's Signature Raymond E. ... President
Property Owner's Signature Daniel J. ... Managing General Partner
by James W. Rabmann, Attorney-in-Fact
Paul J. Kahmann Family Limited Partnership

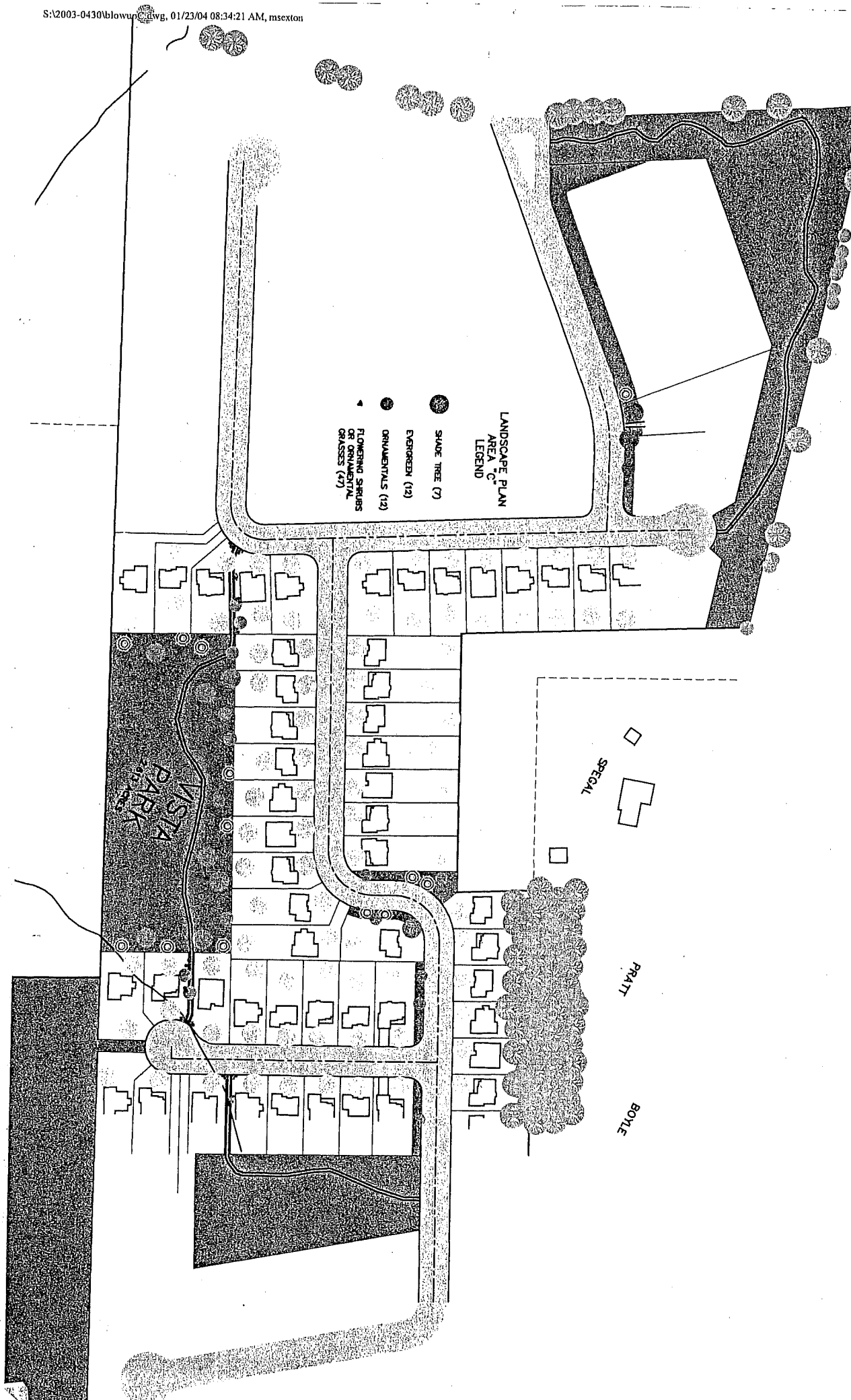
SECTION B (To be completed by BCPC Staff) Alumni Dev LLC By Mark Mead

1. Date Received 1-20-04
2. Review Fee \$1997.00 37618
3. Check what has been submitted:
 - Application
 - Fee
 - Legal Description
 - Concept Development Plan
 - Address of Adjoining Property Owners
 - 2 Number of copies of plan received**
4. Is application complete? _____ Yes _____ No
5. Staff Reviewer KELLY WALKER
6. Committee Chairman _____
7. Scheduled Public Hearing Date _____
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
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page

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



LANDSCAPE PLAN
AREA "C"
LEGEND

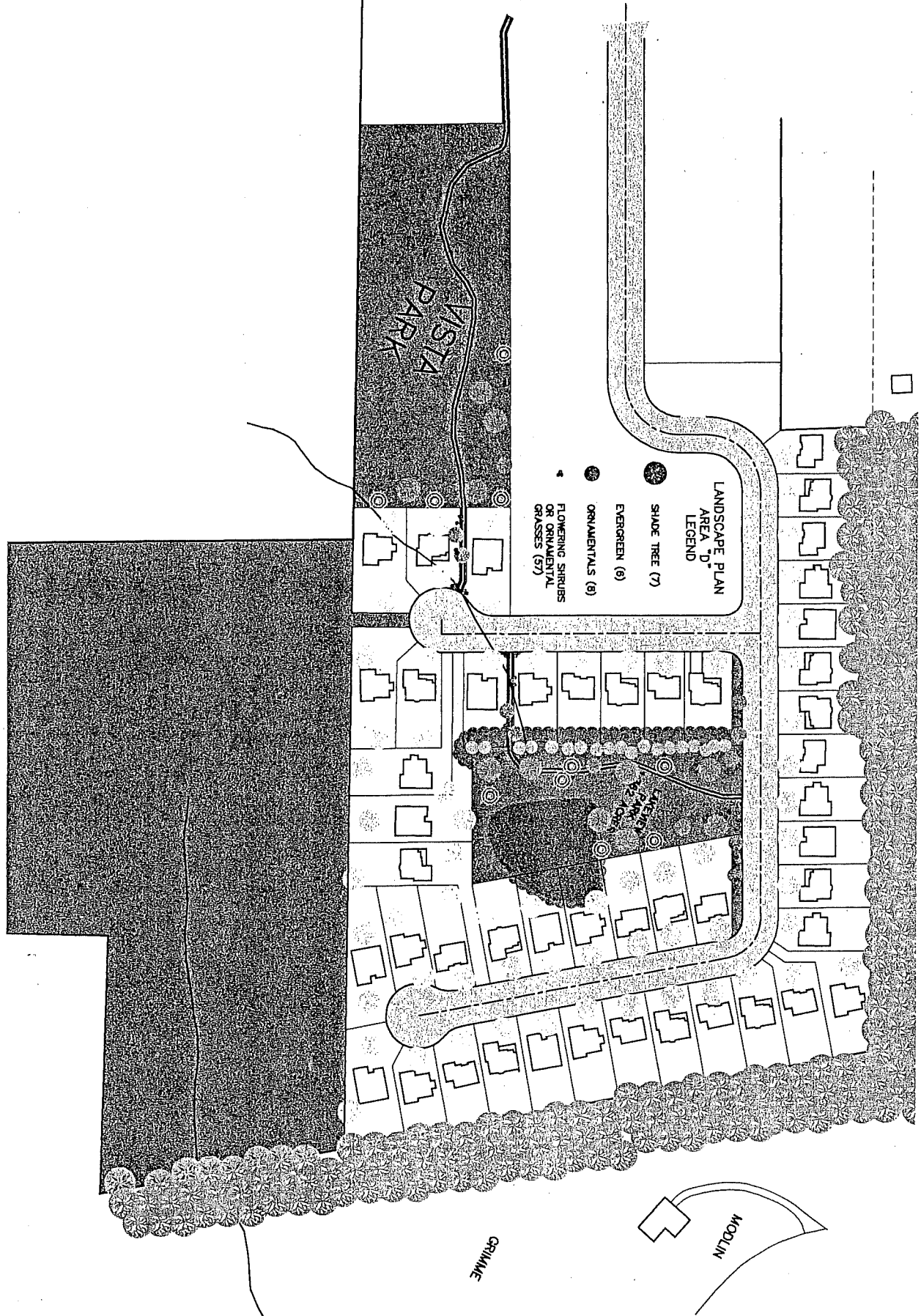
- SHADE TREE (7)
- EVERGREEN (12)
- ORNAMENTALS (12)
- ▲ FLOWERING SHRUBS & ORNAMENTAL GRASSES (17)

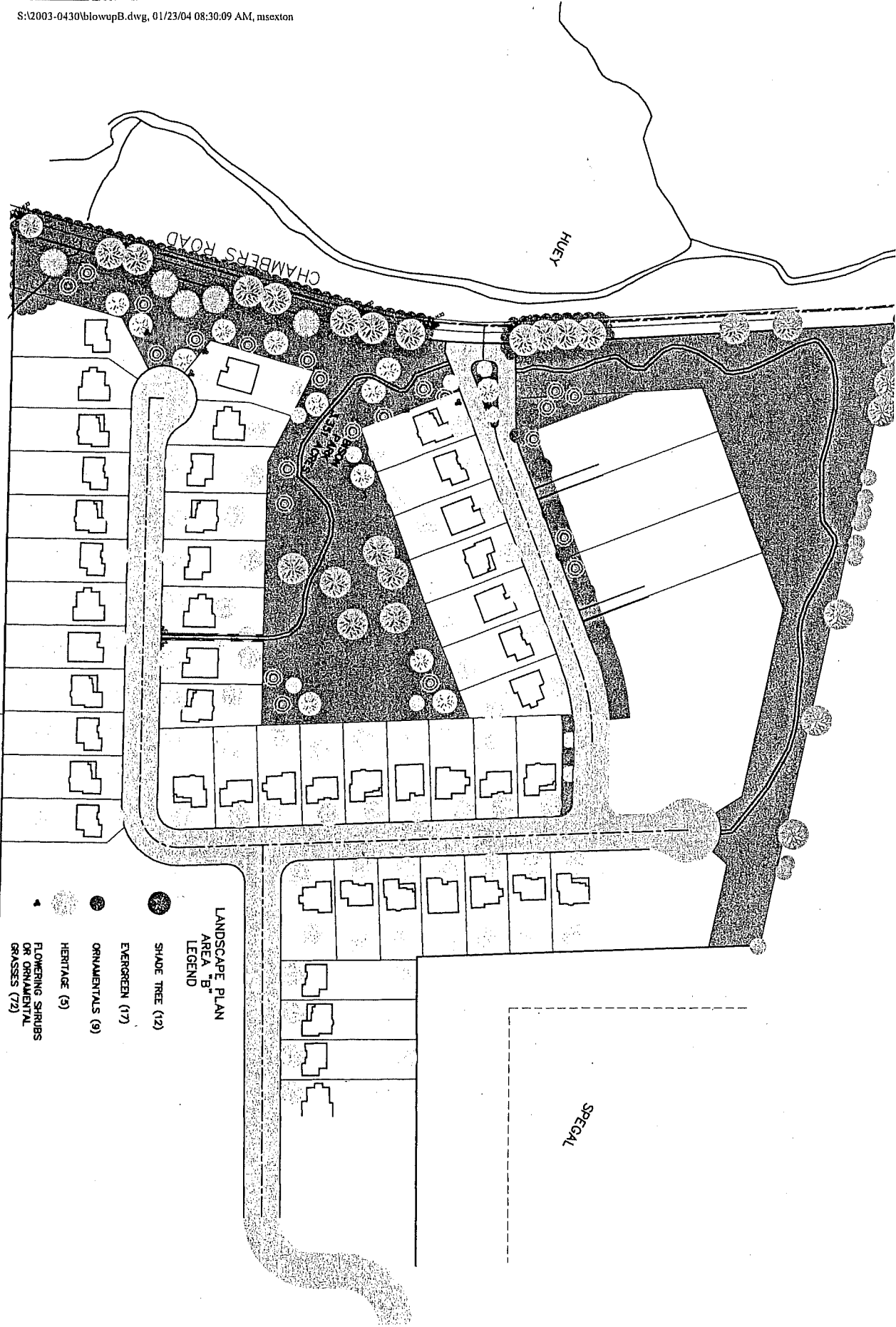
VISTA PARK

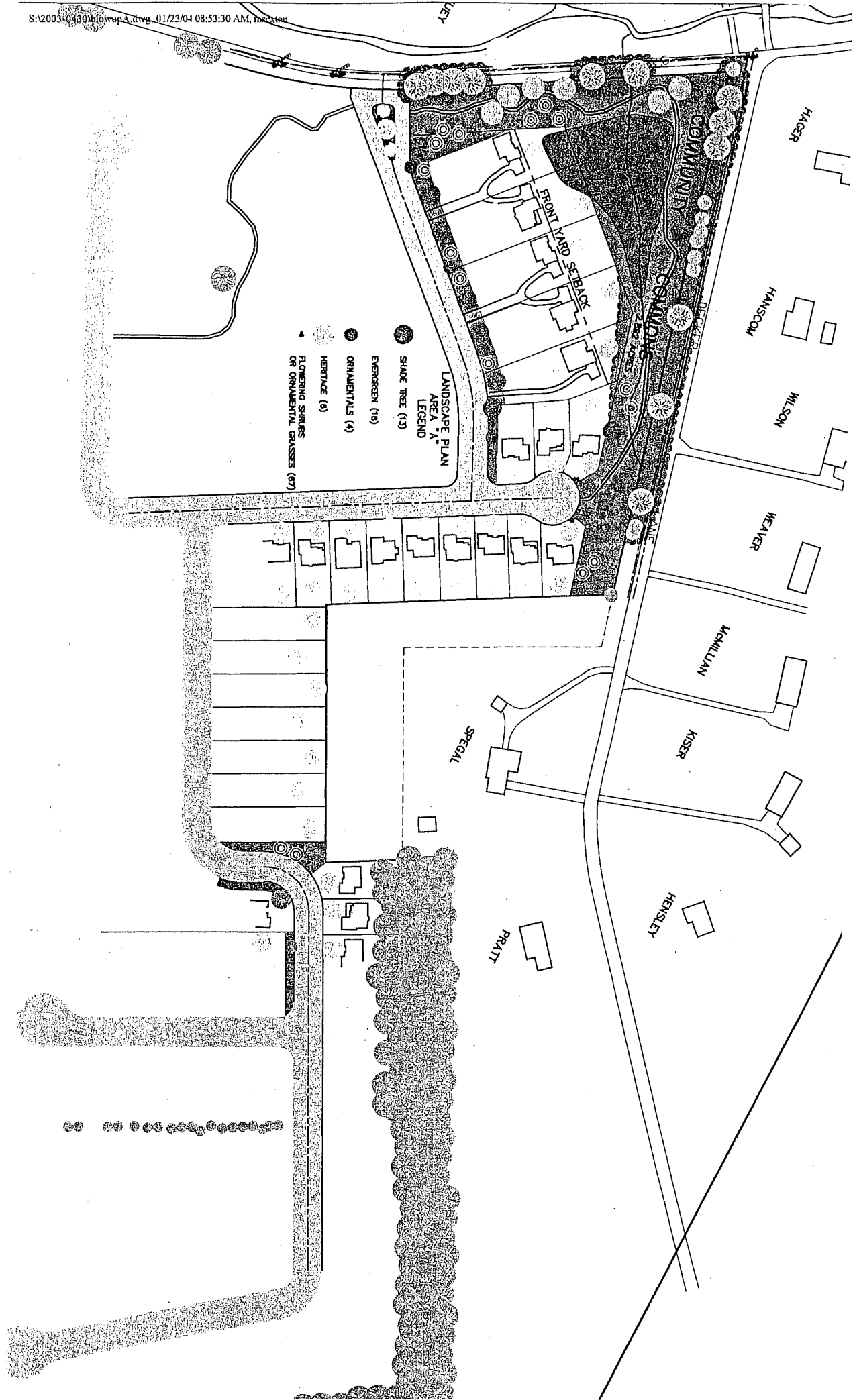
SPECIAL

PRATT

BOYLE







**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
February 25, 2004
7:00 P.M.**

PUBLIC HEARINGS

Commission Members Present: Mr. Barlow, Mr. Bunger, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. White, and Mrs. Wilson – Secretary/Treasurer.

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

Legal Counsel Present: Mr. Dale Wilson

Mrs. Susan Poston, Vice Chairwoman, called the meeting to order at 7:05 PM and introduced the first item on the Agenda:

Applicant: Erpenbeck Consulting Engineers, Inc. for Paul J. Kahmann Family Limited Partnership and Alumni Development, LLC (owners)

Request: Zoning Map Amendment

The request of Erpenbeck Consulting Engineers, Inc. (applicant) for Paul J. Kahmann Family Limited Partnership and Alumni Development, LLC (owners) for a Zoning Map Amendment from Agricultural Estate (A-2) to Agricultural Estate/Planned Development (A-2/PD) for 8.9 acres of the site, and from Agricultural Estate (A-2) to Rural Suburban/Planned Development (RS/PD) for 44.3 acres of the site, both for 53.2 acres located at 692 and 728 Chambers Road, Boone County, Kentucky. The request is for a zone change to allow detached single-family residences.

Following an explanation of the Public Hearing process, Mrs. Poston asked for the Staff presentation.

Staff Member Kevin Wall presented the Staff Report which included a Power Point presentation (see Staff Report).

Mrs. Poston asked for the applicant's presentation.

Mr. Jim Kahmann, 44 Amherst Court, Florence, Kentucky was present on behalf of B.O.L.D. Homes, which is a family-owned business consisting of he and his brother, Paul Kahmann, and his brother-in-law Mike Kegley. He and his brother have engineering degrees. They have been building custom homes in the Northern Kentucky area for the past eighteen years. Reviewing a Power Point presentation, he presented examples of their developments including Trails of Doe Run in Erlanger and The Estates at Union Reserve. He stated that the subject property was originally 37 acres. It was divided into two tracts and they have 35 acres of the original 37 acres. In 2002, they proposed a conventional development of the property and that proposal was withdrawn before going to Fiscal Court. They have now added 18 acres to the 35-acre tract for a total of 53 acres. In 2002 they received input from the Planning Commission including that the density needed to be decreased and there needed to be more creativity and open space. They took the comments to heart. The original proposal was for 2.66 units per acre, which has been decreased to 2.43 units per acre. The original proposal had six acres of open space and the open space is now eighteen acres (17% open space vs. 33% open space). Over a third of the property is now open space. He stated that 8.9 acres have been set aside for limited agricultural uses. He stated that for every seven homes, one acre has been set aside for green space. They have incorporated many of Randall Arendt's ideas in *Rural by Design*. He noted the spiral bound handout "Concept Development Plan for Buffalo Trace" (**Exhibit 1**) which had been distributed. He stated that Buffalo Trace is consistent with and compatible with the Comprehensive Plan. The Comprehensive Plan says that there is a desire for the population to live in rural areas that are convenient. He reviewed references to the Comprehensive Plan beginning on Page 7 of the handout. He stated that the Comprehensive Plan addresses Chambers Road and specifies the density on the south side to be up to one unit per acre in order to protect the rough terrain and environmentally sensitive areas, and to minimize traffic on Chambers Road. The Comprehensive Plan specifies that Grand National Boulevard, the main thoroughfare in Steeplechase, must connect to Chambers Road. He stated that Buffalo Trace is 2.4 units per acre and Steeplechase, when developed at its current level (without the additional apartments), would be at 3.6 units per acre. He stated that the Rural Suburban district is a low-density district. He quoted from the Zoning Regulations in regard to the Rural Suburban district that "the maximum density shall be no greater than three units per acre". He stated that the Comprehensive Plan strongly encourages the use of sanitary sewers. He stated that septic systems and leachfields often result in stream pollution and large lot sizes, resulting in inefficient use of the land. He stated that new residential developments in agricultural areas should be closely correlated to adequate infrastructure. He quoted from the Comprehensive Plan in regard to Open Space Design Requirements. He stated that the Comprehensive Plan says that (1) the development should include adequate infrastructure including sewers, (2) that a density of up to three units per acre is appropriate in rural areas planned for low suburban development, (3) design standards should be employed, (4) compact, efficient development patterns should be used – reduced lot widths and clustering, and (5) open space is strongly encouraged.

Mr. Mike Kegley, 8541 Imperial Court, Florence, Kentucky stated that he is in the Sales and Marketing Department of B.O.L.D. Homes. He stated that they did not create demand – they identified the demand through their findings. They looked at the local economy, the demand for housing, population and household growth, and consumer preferences. He stated that Boone County has the highest family income in Kentucky due to good jobs. The fast growth has created a steady demand for housing and they feel that the demand will not diminish. Homes need to be provided for incoming population growth. He stated that the population of Boone County is getting older and the Comprehensive Plan points out that empty nesters desire smaller lots, single-family homes, and low maintenance. Land costs are high and improvements are expensive, and the Comprehensive Plan recognizes the trend towards clustered developments so that houses can stay affordable. He stated that consumer preferences are studied through focus groups and sales analysis. He presented a chart showing the market segments they identified – young couples, young families, mature families, single parents, and empty nesters and the products and amenities each segments is looking for in a home. He stated that there are more single parents than any other time in history. All of the groups want small lot single-family residences except for move-up buyers who want luxury and estate lots. They have identified three groups for Buffalo Trace – young families, single parents and empty nesters – and all of those groups are looking for smaller lots, low maintenance, and passive recreation opportunities from open space. Young families who buy in Buffalo Trace will eventually move to larger estate lots in the same school district, which will provide a steady demand for homes in the area. He stated that the Comprehensive Plan address the need for a broad range of housing opportunities and housing densities should vary within the areas to keep the areas growing and desirable for all market segments. He stated that there will be no split-level homes in Buffalo Trace. There will be ranches of 1,500 – 2,200 square feet and two-stories of 1,900 – 2,600 square feet. The goal is to create a neighborhood feel and the reduced sideyards encourage interaction among neighbors. There will be a Homeowners' Association and restrictive covenants, architectural controls, and landscaping requirements. The design preserves the trees, hedgerows, pasturelands, and views. There will be pedestrian walkways connecting the areas.

Mr. Ray Erpenbeck, Erpenbeck Consulting Engineers, 4205 Dixie Highway, Elsmere, Kentucky, stated that they analyzed the site and went through numerous concepts to get a development with open space design that would work well within the local community. Reviewing a Power Point presentation, he stated that open space design requires analysis of the areas within a development that should be preserved (primary and secondary conservation areas). They met with Staff to determine which areas should be preserved. They analyzed the small stream that runs parallel to Decker Lane and the blue line street that runs to the Maxwell property. He stated that there are not a lot of trees on the site. There is a group of trees that has been identified and there is a pond on the added tract. He indicated the hedgerow and barns that go with the 8.9-acre agricultural tract (the gentleman's farm). He noted the second-generation trees along Chambers Road

which have been identified to be preserved. The trees along Decker Lane are not as mature. He indicated the high point along the property line (Vista Park) and stated that they want to maintain the vistas. He noted the trees around the existing house and barns, and the area identified as Bison Park. The trees along the driveway to the existing house will be preserved. The trees in front of the house will be maintained and will be in the rear yards of the abutting houses. He stated that there is an existing pond on the added 18-acre tract. The trees in the Lakeview Park area will be preserved. He stated that 8.9 acres has been set aside for agricultural uses and the barns will be preserved. He indicated access to the 8.9-acre tract off the cul-de-sac. He stated that there will only be one residence on the 8.9-acre lot and they do not want any uses permitted on the tract other than agricultural uses. The duplex apartment building is not part of the development. He stated that a change was made to the layout of the park to allow more visibility of the vista areas from the development and they rearranged the lots. There is a large entryway into Vista Park and the views of the vista areas are greater within the development. He presented views from Vista Park, which include the water tower in Walton, and noted the panoramic view of the area. He stated that in creating the design, they took the areas they want to preserve into consideration and designed the homes around them. After they established the conservation areas, they developed the lot layout. There are recreational areas, agricultural areas, and residential uses. It is a planned development that includes all of the criteria of open space subdivisions that they could work into the development. He stated that open spaces need to be visible, useable, and functional – and they addressed that criteria. He stated that Lakeview Park is 1.4 acres -- it is visible and has access from the subdivision street. Vista Park is 2.6 acres and has been opened up for more visibility from within the development. They will maintain the existing trees in Bison Park. There is a 75-foot buffer along Chambers Road and along Decker Lane. They have maintained the open space view from Chambers Road. He stated that when driving down Chambers Road, people will see the fronts of the houses – not the backs. The driveways will come off the subdivision street (two sets of joint driveways and one single driveway for a total of three access points). There will be mounding and landscaping for internal buffer of the backs of the houses. Coming down Decker Lane and Chambers Road, people will see the fronts of the homes. He indicated an area where the sides of homes face Decker Lane. He stated that sideyards in the current A-2 zoning could be within thirty feet of Decker Lane, but they have a 75-foot buffer yard. He stated that the Comprehensive Plan talks about transitional lots – which means they gradually get smaller. They have provided five lots 19,000 – 20,000 square feet in size which, combined with the open space, are in reality five homes on five acres. He stated that connecting open space is an important function and they will provide pedestrian walkways through the open spaces. Reviewing the Power Point slide, starting at the entry he indicated how the pedestrian walkway goes through the open space and the pocket park to Lakeview Park, down to Vista Park, and over to Bison Park. He referred to the handout “Concept Development Plan for Buffalo Trace” and noted the folded plans in the pockets at the back. He stated that the development has been divided into four specific areas (A,B,C and D) and there is a detailed Landscaping Plan in the packet. They are adding a great

deal of additional landscaping to define and enhance the open spaces. They will work with the Zone Change Committee on the details. He stated that each lot will be required to have a tree in the front and one in the back. There will be a great deal of landscaping added to the development. He stated that the Comprehensive Plan talks about buffering and they have tried to minimize impacts through the layout. They will preserve and enhance the second-generation trees with a 75-foot setback (the existing A-2 zone has a 60-foot setback). He stated that Bison Park is visible from Chambers Road. He noted the transitional lots along Decker Lane. He stated that there will be no driveways on Decker Lane or Chambers Road. Setbacks range from 75 feet to 300 feet. There is a 2.8 acre community commons area and a lake. The adjoining Spegal property is the two acres that were transferred from the Aylor Estate. The Spegal house is about fifty feet from the property line and there is a natural berm. The houses in the development will not readily see the Spegal house with the natural buffer there. He stated that there is 8.9 acres of A-2 land. Vista Park provides buffering for the Worley residence. He stated that Boone County Water District has written a letter that says they can adequately serve the development. Sewer lines are approximately 700 feet down Chambers Road. The entire development will be sewered. He stated that according to The Kentucky Post, Boone County will begin two new schools in the next two years and one of them will be a new elementary school on the Ryle campus that will relieve 300 seats at New Haven Elementary School. It will be in service in approximately four years. The other school is under contract and will be on Camp Ernst Road and serve 900 students. Twenty new classrooms will be added to Ryle High School in 2005. He stated that they will comply with the Federal Clean Water Act. They will have two lakes and storm water retention. They will comply with the Erosion and Sedimentation Controls. He stated that Chambers Road is currently at Level of Service A and traffic flows freely. They have checked with KDOT and the 2002 traffic count at the intersection of Chambers Road/Richwood Road was 1,859 vehicles per day and at U.S. 25 the count was 617 cars a day – those numbers are very low. The traffic count on Chambers Road is very low. He stated that as part of the Six-Year Plan, the state is approving \$1.5 million for the redesign/reconstruction of the Richwood interchange. Chambers Road was scheduled to be resurfaced in 2004, but due to financial issues the work has been pushed back to next year. He presented Power Point slides of roads in the area (Hathaway Road, Big Bone Road, etc) for comparison and stated that the pictures show it was a hard winter and there is wear and tear to the roads – but according to KDOT they are not in bad condition and just need resurfacing. He reviewed a Power Point slide showing the underpass and stated that there is good sight distance in either direction and the average is one car every two minutes at the location.

Mr. Paul Kahmann, 11621 Big Bone Road, a professional engineer and Vice President of B.O.L.D. Homes, stated that they want to be good neighbors. He stated that in January they sponsored a community meeting to review their plans for Buffalo Trace. They sent out 250 invitations and about 32 households were represented at the meeting. After the community meeting, an alert went out (see last page of handout) saying that after deleting the roads and green space, the

actual density is five houses per acre. Reviewing the Power Point presentation, he stated that the lot sizes in Buffalo Trace are large and there is over 30% open space. The proposed density is 2.4 units per acre, but the density could be 3 units per acre. He stated that the goal is to increase property values in the area. He reviewed the square footages of the proposed units. He stated that the landscaping requirements are stringent and a tree will be added to the front and back of each house, which is over 250 new trees on the property. The developer will add over 134 additional trees and 243 flowering shrubs and ornamental bushes. He reviewed the Lacy and Penn State studies (*Jeff Lacy – “Comparative Studies of Real Estate Values in Open Space Subdivisions versus Conventional Development; Penn State – “How Land Use Affects Property Values”* - which are included in the handout). He stated that Buffalo Trace maintains and enhances the physical and social environment and the scenic quality of Chambers Road. He stated that extending the sewer lines will improve the environment. A sewer system in the area is inevitable and the only question is who will pay for the sewer line extension down Chambers Road. He stated that the Comprehensive Plan does not allow uncontrolled growth and protects developmentally sensitive slopes. The Comprehensive Plan states a desire to minimize traffic on the roadway. He stated that much of the area is already developed. Buffalo Trace is near the area where Grand National Road will come in. He stated that they will bring the sewer line to their subdivision and Steeplechase will bring it down the rest of the way. Buffalo Trace will never be any larger than it is proposed today. He stated that the Comprehensive Plan provides for only a limited amount of development in order to preserve the rural nature of this roadway. He stated that the application should be approved because this is a low-density development with green space, sewer, attractive and pleasing living environment, and it minimizes impacts on the surrounding community. For every seven homes built, approximately one acre has been set aside for open space. The development is consistent and compatible with the Comprehensive Plan. It preserves the rural character of the area and will increase property values in the area. It will not significantly affect traffic. It will not tax the school system or spur uncontrolled growth in the area. The development offers a lot size and community type not currently available in the area. This concluded the applicant's presentation.

Mrs. Poston asked if there was anyone else present who wished to speak in favor of the request. There being no response, she asked if there was anyone present in opposition to the request.

Mr. Phil Taliaferro, representing people who live around the proposed development who are passionately opposing the development, stated that this is almost the same proposal as eighteen months ago that was turned down unanimously and it would be right to turn it down again. He stated that the applicant is saying the density is 2.4 homes per acre, but there are 18 acres that cannot be used for homes. The applicant wants to put 128 homes on 34 acres, even though they are claiming the site is 53 acres. He indicated the approximate 9-acre parcel with only one home. He stated that Mark Meade is a principal who has not been mentioned and he wants the home on the “gentleman's farm”. Mr.

Taliaferro stated that it could be argued that it was a buffer so that Mr. Meade would not have to be next to this high-density development. He indicated the property Mr. Meade sold to Dr. Worley for over \$400,000. He stated that Mr. Meade took care of himself and made money taking care of Dr. Worley. He questioned getting an Affidavit from Dr. Worley that there was no special deal made to buffer his property. He stated that Jeff Walker, a loan officer with Sibcy Cline, told him that people do not want smaller lots – people want bigger lots. He stated that Bison Park is swampy and it would be prohibitively expensive to build there. He stated that there are another three acres that cannot be used. Community Commons is where they are putting the drainage and there is a blue line stream running through there. He does not think the applicant has Corps of Engineers approval. He stated that there are 18 acres that do not go to the density and, taking away the 18 acres, the development is 128 homes on 35 acres which is a density of 3.66 units per acre versus the first proposal at 2.66 units per acre – so this proposal is worse. He stated that the applicant wants to make money at the expense of the community. He distributed to the Commissioners a brown spiral bound handout (no title or identification on the cover) (see **Exhibit 2**) The handout contains a series of tabs Comp Plan, Environment, Housing, Transportation, Public Facilities, Response to App., Difference 2002, Findings of Fact, BCPC Amendment, and Public Comments).

Mr. Ralph Hopper, 180 Stonewall Drive, quoted from the handout that *Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed and Land uses and zoning decisions shall strive to balance the rights of the individual landowners with the rights of the general public.* Mr. Taliaferro stated that this is spot zoning.

Mr. John Hart, 11938 Decker Lane, Professional Engineer with the Corps of Engineers, reviewed the Environmental tab and stated that the Comprehensive Plan in several places calls for watersheds to be studied, monitored, and protected. He checked with County Engineer Greg Sketch and a watershed study has not been done on Mudlick Creek. Without that study, it is impossible to establish baseline condition which is required to protect and plan future development. He stated that the whole watershed area of Mudlick Creek needs to be considered – it cannot be done on a piecemeal basis. Mr. Taliaferro quoted from Page 2 of the handout that “Experience throughout the region indicates that 128 new homes will increase flooding and reduce the quality of life for the current residents”.

Mr. Jerry Savaloja, 12217 Hutton Drive (southwest corner of Hutton Drive and Chambers Road) stated that Mudlick Creek flows through his property. He presented and submitted pictures (see **Exhibit 3**), including pictures of flooding that occurred last summer at the bridge at the corner of Chambers Road and Hutton Drive (facing west and facing east) and a picture taken 150 feet away from the intersection which shows debris floating across the road. He stated that he asked Paul Kahmann what his plans were for stormwater and was told that the stormwater would be reduced. He questioned whether the greenbelt and retention

ponds would contain the runoff. He stated that he and the residents of Chambers Road between Hutton and Richwood Roads will suffer the consequences if flood controls are not in place.

Mr. Hopper read the quotes from the Comprehensive Plan which are in italics on Page 4 under the Housing tab of the handout. He stated that there are large lots completely surrounding the site, including the land Alumni Development bought from the Maxwell family. He stated that it is difficult to argue that there is a transition of uses. He stated that if this was one-acre development being proposed in their neighborhood they would not be opposed to it. He presented an overlay to show the density of the development compared to other developments in the area, including Richwood County Estates . He stated that 128 homes on 35 acres is a substantial increase in density. Mr. Taliaferro stated that the proposed density is about six times the density around it. He stated that eighteen months ago, the head engineer for the Highway Department did a study. He stated that most of Chambers Road is 18.5 feet wide and some roads in the area do not have shoulders – they have shallow ditches and minimal drainage. He reviewed the six pictures under the Transportation tab in the handout which show the road hazards. He stated that construction traffic will pose safety problems for the residents. Additional traffic and trucks passing under the arch (picture V c) will present a danger. He stated that the residents are concerned that the additional traffic will overload a road not in good shape. He does not see how the Highway Department with its limited funds will be able to improve the road when they have to buy right-of-way and cut down trees. Mr. Hopper stated that Level of Service is a measurement of time delays assigned to a road. He stated that Staff made reference to change in the character of the road. He stated that single-family homes generate ten trips per day and there will be 1,200 additional trips per day on Chambers Road. Construction traffic will accelerate the deterioration of the road. He quoted from Page 6 under the Public Facilities tab *“No infrastructure system shall commit the county to excessive growth by the system’s expansion”*. He stated that water service being improved in the area is not a cause to raise the density to the level being proposed.

Ms. D’Anna Kloeker, 11996 Decker Lane, a teacher at Conner Middle School, reviewed data regarding the Capacity and Enrollment of the school on Page 10 under the Public Facilities tab. She stated that every school is overburdened now. She stated that the enrollment at Conner Middle School as of last Monday was 1,199 students. Conner Middle School has only three grades.

As Ms. Kloeker had signed a slip to speak, she asked to present her comments at this time. She stated that in the area of the five homes proposed to back up to Decker Lane, her home is the only one where people are still working and the other four are retired homeowners. There are no children in the five homes. She is the newest homeowner on the street and has been there ten years. A homeowner, Mrs. Pratt, stated that she has lived there over twenty-five years and does not plan to move. Ms. Kloeker stated that there are ten houses on Aylor that back up to the development and there is only one child living in the ten houses.

Mr. Ronald Gruelle, 12250 Gaines Way, a resident since 1988, stated that Walton Fire Department is in dire straits for personnel and is having a hard time getting extra help. The Richwood Fire Station is only open on a temporary basis and cannot be counted on, so Union does most of the backup work. The fire hydrants have not been upgraded and the water pressure is low. He stated that the minimum acreage in Beddinger's Landing is 1.88 acres. There used to be a lot of children, but they probably do not have twelve children in the development now. It is a mature neighborhood with retired people who want to be there.

Mr. Dan Laycock, 12239 Gaines Way, stated that he is a licensed real estate agent and prepared the market research data in the handout. He reviewed recent sales prices in the area (under the Response to App. tab). Mr. Taliaferro stated that the applicant represented the average value of homes on Decker Lane to be \$142,000. Mr. Laycock responded that a home on Decker Lane sold for \$220,000, a home was sold on Sunset for \$280,000, and single-family homes with acreage on Gaines Way have sold for over \$700,000. He stated that the information was taken from the Multiple Listing Service.

Mr. Taliaferro referred to the Findings of Fact tab and stated that statements made by the Planning Commission were that the proposal has characteristics of spot zoning and benefits only the owner of the property (see Page 12 under Findings of Fact tab). He stated that those statements are just as accurate today. He stated that the proposal is not consistent with the provisions of the Comprehensive Plan. Mr. Hopper stated that KRS 100 requires the Planning Commission to update the Comprehensive Plan every five years. He read the paragraph on Page 14 under the BCPC Amendment tab.

Under the Public Comments tab, Mr. Taliaferro asked Mr. Dennis Rapenning to speak. Mr. Rapenning, 12253 Gaines Way, stated that they looked all over Boone County for a homesite. There is a stand of trees that canopy Chambers Road when driving up to Gaines Way. They asked a neighbor about any encroachment or development that might affect the property and were told how the neighborhood came together and raised money to hire a lawyer to state their position in regard to the earlier proposal by B.O.L.D. Homes. He might not have moved there if he had known that they were looking at another neighborhood that would fundamentally alter the character of the community. He was troubled when selected comments by the Commissioners in response to the last application were put on the screen. He stated that when the Planning Commission makes a decision, a lot of things are considered. Taking a comment and asserting that it has been solved, thereby putting the ball back in the Planning Commission's court, is hardball tactics. He does not want the community altered.

Jim Weaver, 12125 Decker Lane, stated that he moved there 24 years ago when it was called Richwood Country Estates. His lot is 2.33 acres. They used to walk on Chambers Road, but that is almost impossible now because of the traffic and there is no room along the road to walk. He showed photographs taken during a

moderate August storm (see **Exhibit 4**). He stated that there have been storms where water came up Decker Lane. There has been flooding on the roads over the years. The road is narrow and dangerous. He questioned what the road would be like at seven o'clock in the morning with the traffic. He cannot imagine children riding their bikes on the road now. He stated that he moved there for a country setting and if this application is approved it will not be a country setting.

Mike Clifton, 11945 Decker Lane, agreed with the other speakers.

Mark Aulick, 710 Chambers Road, stated that the slide showed his property with the white fence and the horse, and he does not have a buffer zone. He stated that they will lose the aesthetics and their ability to live in a rural community.

Sherry Edwards, 12495 Hutton Drive, stated that she is a real estate broker. She stated that buyers are looking for acreage and cannot find it. Retired people are not all wanting to move and are keeping what they have. Most people out there are retired and have been there twenty years or more. They want to keep the area the way it is. The traffic will be terrible.

Chris Welsh, 12640 Huey Lane, submitted a letter written by his next door neighbors Dr. and Mrs. Brad Huey (see **Exhibit 5**). Dr. Huey is a dentist in Walton and opposed to the request. He stated that his father who owns a 113-acre farm across the street is also opposed. Mr. Welsh stated that the company proposing this development has already bought the land. Normally, the applicant has an Option to Purchase, but they have bought the land. Developers have told him that it is not uncommon for a \$150,000 house to provide \$50,000 in profit, so 128 houses would be a profit of \$5 million. He stated that he owns land on Huey Lane in addition to his house and it is one of the only buildable lots out there that is vacant. About once a month, someone asks him if it is for sale. He stated that they do not want the neighborhood changed.

Patrick Brown, 11637 Schmidt Lane, stated that he purchased his home from his mother. He runs on Chambers Road and it is in terrible condition. He stated that calling the 9-acre parcel green space is dishonest. They are going to sell the 9-acre parcel and it will not be part of the development. He was at the auction when it was sold and access to it does not go through Buffalo Trace. There is a deed restriction that it cannot be cut down. He feels that the developer should be more upfront.

Mr. Michael Larson, 11207 Gaines Way in Beddinger's Landing, stated that his property is on Mudlick Creek and the topography of Chambers Road will not allow more development without creating additional flooding. He has watched stormwater levels rise and the frequency of flooding increase. He was told that the base of the bridge crossing the creek on Gaines Way was above the 100-year flood plan—but on one occasion water entered his basement and it is above the base of the bridge. He stated that flooding is a serious problem. Catch basins retain water and when they are filled and there is additional rain, they overflow.

He is concerned about manmade habitats for mosquitoes and West Nile Virus and stated that the government should not be creating manmade habitats for mosquitoes. He submitted a memorandum in regarding to his experiences with the flooding problem (see **Exhibit 6**). He stated that additional traffic on Chambers Road creates additional safety problems. He can recall five traffic accidents on the road to the left of his property and three were near fatal accidents.

Laverne Caid, corner of Chambers Road and Richwood Road, stated that the flooding problem is mainly due to the development around the area. She asked the applicant to change his plans and build beautiful homes on bigger lots.

Lee Ulm had no comments.

Thomas Fuchs, 11806 Suncrest, stated that they do not need this development to give them a sense of community. The current zoning classification provides for green space and trees. The area is desirable as it is now and changing the zone would detract from it. He stated that the homes on this acreage will be 40% of the entire number of houses in the satellite view (GIS Zoning Map) – which means that 40% of the homes are proposed to be in 5% of the area – which is spot zoning. He submitted a copy of the GIS Zoning Map (see **Exhibit 7**).

This concluded comments by those who signed slips to speak. Mrs. Poston asked if there was anyone else present who wished to speak.

Mr. Kurt Hanson, 12155 Decker Lane, thanked Mr. Taliaferro and the others for the work they have done.

There being no further comments from the public, Mrs. Poston asked if there were any comments or questions from the Commissioners.

Mr. McMillian questioned the plans for buildout. Mr. Kegley responded that they plan to build 24 – 28 homes per year for a maximum of five years.

Mr. Barlow asked the applicant to be prepared when they come to Committee to specifically discuss their comments about creating neighborhood interaction, creating functional and usable open space, and that green space is what Buffalo Trace is all about. He stated that nothing was said about making the gentleman's farm functional, usable, and accessible and, as a member of the Zone Change Committee, he wants to explore that in detail. If the gentleman's farm is incorporated in the application, he would think it would be available to more than one person and that will be addressed in Committee. He questioned what the density really is if the gentleman's farm is not accessible by the people in the development. He wants to talk specifically about units per acre. He does not think the density is as high as the opposition says it is or as low as the applicant says it is – but it needs to be determined.

In response to a comment by Mr. Bunger, Mr. Wall stated that sidewalks are planned throughout the community as part of the proposal

Mrs. Poston questioned the roads – are the interior roads wide enough and are the turnarounds designed for buses? Mr. Erpenbeck responded that all the roads and turnarounds are per the Subdivision Regulations. The interior streets are 28 feet wide. The development will be in complete compliance with the Subdivision Regulations. Mr. Wall stated that if they want to use a cul-de-sac for a bus turnaround, they can go to a commercial or industrial standard which has a larger radius. He is sure they could increase one to provide a bus turnaround.

Mr. Poe stated that the subdivision does not have any other access or connection to Grand National Boulevard. Mr. Wall responded that in 2002 there were connections to the next parcel, but it has since been purchased and subdivided and there are no opportunities for street connections.

Mr. Barlow asked if the houses would be built by one developer. Mr. Kegley responded that interest in sharing the neighborhood has been expressed by other builders inside and outside the area.

Mrs. Poston asked for summary comments from the applicant.

Mr. Erpenbeck stated that the upper stream is not a blue line intermittent stream and the only blue line stream on the site is the one indicated. He stated that Vista Park was identified by Staff as an area to be preserved because of its views. He stated that the Planning Commission is aware of the interchange problems and it is on the Six-Year Plan to be upgraded. He stated that they did a Traffic Count last Friday at Richwood and Chambers Road in the early morning hours. He submitted "Traffic Count – Intersection of Chambers Road and Richwood Road, February 20, 2004, Morning Peak Hour" (see Exhibit 8). He stated that the counts are very low. He encouraged the Commissioners to drive Chambers Road and other roads in Boone County and compare them. Chambers Road is a typical road with normal wear and tear and it is to be resurfaced next year. He stated that drainage was discussed last time. He encouraged the Zone Change Committee to invite Greg Sketch to attend the meeting to discuss the conditions and retention/detention requirements. He stated that the Planning Commission's attorney can answer the question about spot zoning. He stated that sewers are close by and will be extended into the site. Water is there. Lack of flow was mentioned, but there is a letter from the Water District that they can serve the site and meet the requirements for pressure and fire flow. Bison Park is not a quagmire. He stated that if the site was developed under the current zoning, 100% of the trees would be removed. This is a golden opportunity to see what open space development can do for the community. Open space development is new in the county and Staff has been pushing it because it is good for the community. The development will be a tremendous asset to the community. It is an opportunity to preserve open space. He indicated on the slide the only access to the gentleman's farm, which is a 9-acre tract that will be privately owned.

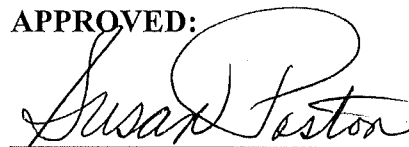
Mrs. Poston asked for summary comments from the opposition.

In response to questions from Mr. Taliaferro, Ronald Gruelle stated that people from B.O.L.D. Homes told him that they were going to sell the lots to different builders and they are not in the home building business any more. Mr. Taliaferro stated that B.O.L.D. Homes, Alumni Development, and Kahmann do not own the nine-acre parcel and do not have an Option to buy it. He stated that under the Public Comments tab in the book is a county study about Steeplechase and Southerland and the densities of those developments (Steeplechase at 1.63 units per acre and Southerland at 1.94 units per acre). He stated that after taking away some of the alleged green space from the subject development, the density is 3.66 units per acre, which is more than Steeplechase and that is not right.

Mrs. Poston asked if the 9-acre parcel is part of the development. Mr. Kegley responded that there are two applicants (1) Paul J. Kahmann Family Limited Partnership and (2) Alumni Development, LLC. He stated that Alumni Development owns the nine acres and the back 8 or 10 acres of the property that has been added since the last zone change was proposed.

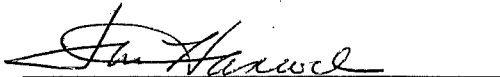
There being no further comments, Mrs. Poston stated that the Committee Meeting for this item will be on March 17, 2004 at 5:00 PM. This item will be on the Agenda for the Business Meeting on April 7, 2004 at 7:00 PM. Mrs. Poston closed this Public Hearing.

APPROVED:



Susan Poston, Vice Chairwoman

Attest:


Jan Hancock, Recording Secretary

Exhibits –

- 1. Concept Development Plan for Buffalo Trace (spiral bound) submitted by the applicant**
- 2. Brown Spiral-Bound notebook submitted by Phil Taliaferro**
- 3. Pictures of flooding submitted by Jerry Savaloja**
- 4. Eleven photographs of flooding submitted by Jim Weaver**
- 5. Letter from Dr. and Mrs. Brad Huey submitted by Chris Welsh**
- 6. Memorandum dated February 24, 2004, Subject: Chambers Road Flooding, submitted by Michael Larson**
- 7. GIS Zoning Map marked and submitted by Thomas Fuchs**
- 8. Traffic Count – Intersection of Chambers Road and Richwood Road, February 20, 2004, Morning Peak Hour, submitted by the applicant**

EXHIBIT
"B"

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Randy Barlow, Chairman

DATE: May 5, 2004

RE: Request of **Erpenbeck Consulting Engineers, Inc. (applicant)** for **Paul J. Kahmann Family Limited Partnership and Alumni Development, LLC (owners)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Agricultural Estate/Planned Development (A-2/PD) for 8.9 acres of the site, and from Agricultural Estate (A-2) to Rural Suburban/Planned Development (RS/PD) for 44.3 acres of the site, both for 53.2 acres located at 692 and 728 Chambers Road, Boone County, Kentucky. The request is for a zone change to allow detached single family residences.

REMARKS:

We, the Committee, recommend denial of the above referenced request based on the following findings of fact.

FINDINGS OF FACT

1. The Committee has concluded that the proposal is not in agreement with the 2000 Boone County Comprehensive Plan for the following reasons.
 - A. The 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." Thus, this designation does not mandate the construction of a suburban style subdivision, regardless of whether or not it is a cluster-type or "open space" style subdivision such as that proposed in the submitted Concept Development Plan. The Suburban Residential classification also permits "estate residential" that is within formal subdivisions such as the neighboring lower density single family residential development along Decker Lane and Aylor Lane, as well as other existing subdivisions in the immediate Chambers Road vicinity. There currently are no suburban style subdivisions characterized by multiple units per acre, narrow lots, smaller building setbacks and yard spaces, and multitudes of tightly-knitted cul-de-sac streets in the Chambers Road area. Due to this fact, the Committee has not identified a reason as to how the development of a suburban style subdivision in the immediate area is appropriate at this time.

May 5, 2004

Erpenbeck/Kahmann/Alumni Development, LLC

692 and 728 Chambers Road

- B. Relative to development around the Richwood interchange, the Land Use Element ("Richwood Area," pg. 167) states "intrusive highway related services should not impact the **low density residential uses on the west** (emphasis added), and be limited to the east side of I-75." Thus, the Comprehensive Plan acknowledges that low density forms of residential development is a legitimate, anticipated land use in the general area.
- C. The Land Use Element ("Utilization of Existing Vegetation and Topography," pg. 158) states that "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 preconceived project design." It is apparent through the design of the submitted Concept Development Plan that such an assessment was undertaken in preparation of the plan. While the assessment and resulting Concept Development Plan attempted to address this aspect of the Land Use Element, much of the proposed open space area demonstrates little benefit. In particular, the 8.9 acre "gentleman's farm" area would allow no access to residents and provides a scenic view to only a few properties. The "Vista Park" proposed along the east property boundary also provides scenic benefits to only a few properties.
- D. The Land Use Element ("Buffering," pg. 159) recognizes the importance of buffering to mitigate land use impacts, including visual impacts. The section in question notes that such buffering can include building setbacks, landscaping, or a transition of land uses. While five somewhat larger lots have been proposed along Decker Lane to act as a transition, these five lots are still indicative of a suburban style development with multiple units per acre versus more closely approximating the size and width of the adjoining A-2 zoned lots. The proposed lots have a minimum of 19,000 square feet in area and 90 foot width or "frontage" whereas the adjoining A-2 zone requires a minimum lot size of 80,000 square and 150 feet of frontage. Thus, the five transitional lots are not an effective "transition" or "bridge" between the existing rural estate lots and the proposed suburban style lots as the remainder of the proposed lots will average 60 feet in width and 140 feet in depth, for an average lot size of 8,400 square feet, and "transitional" lots are only proposed in the southwest section of the site along Decker Lane and in no other part of the development. As a whole, the 8,400 square foot average size lots directly abut the adjoining A-2 zoned areas and will be directly visible from said areas.

It is the Committee's conclusion that the Buffering section of the Comprehensive Plan, when used in tandem with other aspects of the Land Use Element ("Design, Signs, and Historic Preservation," pg. 160) and the Goals and Objectives ("proper design principles shall be applied in development" ["Overall," Objective 3] and "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 . . ."[Environment," Goal]), dictates that based on the Concept Development Plan submitted, a more substantive transitional tier of lots which have a width and size that is more reflective of rural estate type lots and/or other transition which exhibits more rural qualities, either of which more effectively diffuse the suburban aspects of the development, is warranted. Due to these reasons, although the development probably would not constitute a "spot zone" in the strict technical sense, the proposal does have spot zone characteristics in that it involves a zone change for a development which is incompatible with the surrounding environment, with tangible benefits afforded only to the owner of the property in question.

- E. The Population Element does forecast a substantial population increase in the general area. However, this forecast is for the overall traffic zone in question, and does not target this or any other specific site for a substantial population surge, nor does it encourage a style or nature of development which is not in agreement with other aspects of the Comprehensive Plan.

Based on the foregoing, the Committee has determined that the application is not in agreement with the Comprehensive Plan.

- 2. No facts which support a finding that the existing zoning classification is inappropriate and that the proposed zoning classification is appropriate have been identified by the Committee.
- 3. No facts which would lead to a finding that there have been major changes of an economic, physical, or social nature not anticipated in the adopted comprehensive plan that substantially alter the area's character have been identified by the Committee. Although public water mains have been recently constructed in the area, this factor in and of itself has not altered the area's character, nor does the Comprehensive Plan mandate that the mere presence of a utility qualify a site for higher density ("Public Services and Facilities," Objective 3).

May 5, 2004

Erpenbeck/Kahmann/Alumni Development, LLC

692 and 728 Chambers Road

4. The Committee has concluded that the proposal does not fulfill all of the applicable standards of Section 1514 "Planned Development Standards" of the Boone County Zoning Regulations. In particular, the Committee has concluded that compliance with subsection 2 "Compatibility of Use" has not been demonstrated as discussed under 1.C and 1.D above. Additionally, as discussed in Section 1 above, conformance with the comprehensive plan has not been demonstrated as required by subsection 11 of Section 1514.

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.

BOONE COUNTY PLANNING COMMISSION.
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
February 25, 2004
7:00 P.M.

PUBLIC HEARINGS

Commission Members Present: Mr. Barlow, Mr. Bungler, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. White, and Mrs. Wilson – Secretary/Treasurer.

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

Legal Counsel Present: Mr. Dale Wilson

Mrs. Susan Poston, Vice Chairwoman, called the meeting to order at 7:05 PM and introduced the first item on the Agenda:

Applicant: Erpenbeck Consulting Engineers, Inc. for Paul J. Kahmann Family Limited Partnership and Alumni Development, LLC (owners)

Request: Zoning Map Amendment

The request of Erpenbeck Consulting Engineers, Inc. (applicant) for Paul J. Kahmann Family Limited Partnership and Alumni Development, LLC (owners) for a Zoning Map Amendment from Agricultural Estate (A-2) to Agricultural Estate/Planned Development (A-2/PD) for 8.9 acres of the site, and from Agricultural Estate (A-2) to Rural Suburban/Planned Development (RS/PD) for 44.3 acres of the site, both for 53.2 acres located at 692 and 728 Chambers Road, Boone County, Kentucky. The request is for a zone change to allow detached single-family residences.

Following an explanation of the Public Hearing process, Mrs. Poston asked for the Staff presentation.

Staff Member Kevin Wall presented the Staff Report which included a Power Point presentation (see Staff Report).

Mrs. Poston asked for the applicant's presentation.

Mr. Jim Kahmann, 44 Amherst Court, Florence, Kentucky was present on behalf of B.O.L.D. Homes, which is a family-owned business consisting of he and his brother, Paul Kahmann, and his brother-in-law Mike Kegley. He and his brother have engineering degrees. They have been building custom homes in the Northern Kentucky area for the past eighteen years. Reviewing a Power Point presentation, he presented examples of their developments including Trails of Doe Run in Erlanger and The Estates at Union Reserve. He stated that the subject property was originally 37 acres. It was divided into two tracts and they have 35 acres of the original 37 acres. In 2002, they proposed a conventional development of the property and that proposal was withdrawn before going to Fiscal Court. They have now added 18 acres to the 35-acre tract for a total of 53 acres. In 2002 they received input from the Planning Commission including that the density needed to be decreased and there needed to be more creativity and open space. They took the comments to heart. The original proposal was for 2.66 units per acre, which has been decreased to 2.43 units per acre. The original proposal had six acres of open space and the open space is now eighteen acres (17% open space vs. 33% open space). Over a third of the property is now open space. He stated that 8.9 acres have been set aside for limited agricultural uses. He stated that for every seven homes, one acre has been set aside for green space. They have incorporated many of Randall Arendt's ideas in *Rural by Design*. He noted the spiral bound handout "Concept Development Plan for Buffalo Trace" (Exhibit 1) which had been distributed. He stated that Buffalo Trace is consistent with and compatible with the Comprehensive Plan. The Comprehensive Plan says that there is a desire for the population to live in rural areas that are convenient. He reviewed references to the Comprehensive Plan beginning on Page 7 of the handout. He stated that the Comprehensive Plan addresses Chambers Road and specifies the density on the south side to be up to one unit per acre in order to protect the rough terrain and environmentally sensitive areas, and to minimize traffic on Chambers Road. The Comprehensive Plan specifies that Grand National Boulevard, the main thoroughfare in Steeplechase, must connect to Chambers Road. He stated that Buffalo Trace is 2.4 units per acre and Steeplechase, when developed at its current level (without the additional apartments), would be at 3.6 units per acre. He stated that the Rural Suburban district is a low-density district. He quoted from the Zoning Regulations in regard to the Rural Suburban district that "the maximum density shall be no greater than three units per acre". He stated that the Comprehensive Plan strongly encourages the use of sanitary sewers. He stated that septic systems and leachfields often result in stream pollution and large lot sizes, resulting in inefficient use of the land. He stated that new residential developments in agricultural areas should be closely correlated to adequate infrastructure. He quoted from the Comprehensive Plan in regard to Open Space Design Requirements. He stated that the Comprehensive Plan says that (1) the development should include adequate infrastructure including sewers, (2) that a density of up to three units per acre is appropriate in rural areas planned for low suburban development, (3) design standards should be employed, (4) compact, efficient development patterns should be used – reduced lot widths and clustering, and (5) open space is strongly encouraged.

Mr. Mike Kegley, 8541 Imperial Court, Florence, Kentucky stated that he is in the Sales and Marketing Department of B.O.L.D. Homes. He stated that they did not create demand – they identified the demand through their findings. They looked at the local economy, the demand for housing, population and household growth, and consumer preferences. He stated that Boone County has the highest family income in Kentucky due to good jobs. The fast growth has created a steady demand for housing and they feel that the demand will not diminish. Homes need to be provided for incoming population growth. He stated that the population of Boone County is getting older and the Comprehensive Plan points out that empty nesters desire smaller lots, single-family homes, and low maintenance. Land costs are high and improvements are expensive, and the Comprehensive Plan recognizes the trend towards clustered developments so that houses can stay affordable. He stated that consumer preferences are studied through focus groups and sales analysis. He presented a chart showing the market segments they identified – young couples, young families, mature families, single parents, and empty nesters and the products and amenities each segment is looking for in a home. He stated that there are more single parents than any other time in history. All of the groups want small lot single-family residences except for move-up buyers who want luxury and estate lots. They have identified three groups for Buffalo Trace – young families, single parents and empty nesters – and all of those groups are looking for smaller lots, low maintenance, and passive recreation opportunities from open space. Young families who buy in Buffalo Trace will eventually move to larger estate lots in the same school district, which will provide a steady demand for homes in the area. He stated that the Comprehensive Plan address the need for a broad range of housing opportunities and housing densities should vary within the areas to keep the areas growing and desirable for all market segments. He stated that there will be no split-level homes in Buffalo Trace. There will be ranches of 1,500 – 2,200 square feet and two-stories of 1,900 – 2,600 square feet. The goal is to create a neighborhood feel and the reduced sideyards encourage interaction among neighbors. There will be a Homeowners' Association and restrictive covenants, architectural controls, and landscaping requirements. The design preserves the trees, hedgerows, pasturelands, and views. There will be pedestrian walkways connecting the areas.

Mr. Ray Erpenbeck, Erpenbeck Consulting Engineers, 4205 Dixie Highway, Elsmere, Kentucky, stated that they analyzed the site and went through numerous concepts to get a development with open space design that would work well within the local community. Reviewing a Power Point presentation, he stated that open space design requires analysis of the areas within a development that should be preserved (primary and secondary conservation areas). They met with Staff to determine which areas should be preserved. They analyzed the small stream that runs parallel to Decker Lane and the blue line street that runs to the Maxwell property. He stated that there are not a lot of trees on the site. There is a group of trees that has been identified and there is a pond on the added tract. He indicated the hedgerow and barns that go with the 8.9-acre agricultural tract (the gentleman's farm). He noted the second-generation trees along Chambers Road

which have been identified to be preserved. The trees along Decker Lane are not as mature. He indicated the high point along the property line (Vista Park) and stated that they want to maintain the vistas. He noted the trees around the existing house and barns, and the area identified as Bison Park. The trees along the driveway to the existing house will be preserved. The trees in front of the house will be maintained and will be in the rear yards of the abutting houses. He stated that there is an existing pond on the added 18-acre tract. The trees in the Lakeview Park area will be preserved. He stated that 8.9 acres has been set aside for agricultural uses and the barns will be preserved. He indicated access to the 8.9-acre tract off the cul-de-sac. He stated that there will only be one residence on the 8.9-acre lot and they do not want any uses permitted on the tract other than agricultural uses. The duplex apartment building is not part of the development. He stated that a change was made to the layout of the park to allow more visibility of the vista areas from the development and they rearranged the lots. There is a large entryway into Vista Park and the views of the vista areas are greater within the development. He presented views from Vista Park, which include the water tower in Walton, and noted the panoramic view of the area. He stated that in creating the design, they took the areas they want to preserve into consideration and designed the homes around them. After they established the conservation areas, they developed the lot layout. There are recreational areas, agricultural areas, and residential uses. It is a planned development that includes all of the criteria of open space subdivisions that they could work into the development. He stated that open spaces need to be visible, useable, and functional – and they addressed that criteria. He stated that Lakeview Park is 1.4 acres -- it is visible and has access from the subdivision street. Vista Park is 2.6 acres and has been opened up for more visibility from within the development. They will maintain the existing trees in Bison Park. There is a 75-foot buffer along Chambers Road and along Decker Lane. They have maintained the open space view from Chambers Road. He stated that when driving down Chambers Road, people will see the fronts of the houses – not the backs. The driveways will come off the subdivision street (two sets of joint driveways and one single driveway for a total of three access points). There will be mounding and landscaping for internal buffer of the backs of the houses. Coming down Decker Lane and Chambers Road, people will see the fronts of the homes. He indicated an area where the sides of homes face Decker Lane. He stated that sideyards in the current A-2 zoning could be within thirty feet of Decker Lane, but they have a 75-foot buffer yard. He stated that the Comprehensive Plan talks about transitional lots – which means they gradually get smaller. They have provided five lots 19,000 – 20,000 square feet in size which, combined with the open space, are in reality five homes on five acres. He stated that connecting open space is an important function and they will provide pedestrian walkways through the open spaces. Reviewing the Power Point slide, starting at the entry he indicated how the pedestrian walkway goes through the open space and the pocket park to Lakeview Park, down to Vista Park, and over to Bison Park. He referred to the handout “Concept Development Plan for Buffalo Trace” and noted the folded plans in the pockets at the back. He stated that the development has been divided into four specific areas (A,B,C and D) and there is a detailed Landscaping Plan in the packet. They are adding a great

deal of additional landscaping to define and enhance the open spaces. They will work with the Zone Change Committee on the details. He stated that each lot will be required to have a tree in the front and one in the back. There will be a great deal of landscaping added to the development. He stated that the Comprehensive Plan talks about buffering and they have tried to minimize impacts through the layout. They will preserve and enhance the second-generation trees with a 75-foot setback (the existing A-2 zone has a 60-foot setback). He stated that Bison Park is visible from Chambers Road. He noted the transitional lots along Decker Lane. He stated that there will be no driveways on Decker Lane or Chambers Road. Setbacks range from 75 feet to 300 feet. There is a 2.8 acre community commons area and a lake. The adjoining Spegal property is the two acres that were transferred from the Aylor Estate. The Spegal house is about fifty feet from the property line and there is a natural berm. The houses in the development will not readily see the Spegal house with the natural buffer there. He stated that there is 8.9 acres of A-2 land. Vista Park provides buffering for the Worley residence. He stated that Boone County Water District has written a letter that says they can adequately serve the development. Sewer lines are approximately 700 feet down Chambers Road. The entire development will be sewered. He stated that according to The Kentucky Post, Boone County will begin two new schools in the next two years and one of them will be a new elementary school on the Ryle campus that will relieve 300 seats at New Haven Elementary School. It will be in service in approximately four years. The other school is under contract and will be on Camp Ernst Road and serve 900 students. Twenty new classrooms will be added to Ryle High School in 2005. He stated that they will comply with the Federal Clean Water Act. They will have two lakes and storm water retention. They will comply with the Erosion and Sedimentation Controls. He stated that Chambers Road is currently at Level of Service A and traffic flows freely. They have checked with KDOT and the 2002 traffic count at the intersection of Chambers Road/Richwood Road was 1,859 vehicles per day and at U.S. 25 the count was 617 cars a day – those numbers are very low. The traffic count on Chambers Road is very low. He stated that as part of the Six-Year Plan, the state is approving \$1.5 million for the redesign/reconstruction of the Richwood interchange. Chambers Road was scheduled to be resurfaced in 2004, but due to financial issues the work has been pushed back to next year. He presented Power Point slides of roads in the area (Hathaway Road, Big Bone Road, etc) for comparison and stated that the pictures show it was a hard winter and there is wear and tear to the roads – but according to KDOT they are not in bad condition and just need resurfacing. He reviewed a Power Point slide showing the underpass and stated that there is good sight distance in either direction and the average is one car every two minutes at the location.

Mr. Paul Kahmann, 11621 Big Bone Road, a professional engineer and Vice President of B.O.L.D. Homes, stated that they want to be good neighbors. He stated that in January they sponsored a community meeting to review their plans for Buffalo Trace. They sent out 250 invitations and about 32 households were represented at the meeting. After the community meeting, an alert went out (see last page of handout) saying that after deleting the roads and green space, the

actual density is five houses per acre. Reviewing the Power Point presentation, he stated that the lot sizes in Buffalo Trace are large and there is over 30% open space. The proposed density is 2.4 units per acre, but the density could be 3 units per acre. He stated that the goal is to increase property values in the area. He reviewed the square footages of the proposed units. He stated that the landscaping requirements are stringent and a tree will be added to the front and back of each house, which is over 250 new trees on the property. The developer will add over 134 additional trees and 243 flowering shrubs and ornamental bushes. He reviewed the Lacy and Penn State studies (*Jeff Lacy – "Comparative Studies of Real Estate Values in Open Space Subdivisions versus Conventional Development; Penn State – "How Land Use Affects Property Values"* - which are included in the handout). He stated that Buffalo Trace maintains and enhances the physical and social environment and the scenic quality of Chambers Road. He stated that extending the sewer lines will improve the environment. A sewer system in the area is inevitable and the only question is who will pay for the sewer line extension down Chambers Road. He stated that the Comprehensive Plan does not allow uncontrolled growth and protects developmentally sensitive slopes. The Comprehensive Plan states a desire to minimize traffic on the roadway. He stated that much of the area is already developed. Buffalo Trace is near the area where Grand National Road will come in. He stated that they will bring the sewer line to their subdivision and Steeplechase will bring it down the rest of the way. Buffalo Trace will never be any larger than it is proposed today. He stated that the Comprehensive Plan provides for only a limited amount of development in order to preserve the rural nature of this roadway. He stated that the application should be approved because this is a low-density development with green space, sewer, attractive and pleasing living environment, and it minimizes impacts on the surrounding community. For every seven homes built, approximately one acre has been set aside for open space. The development is consistent and compatible with the Comprehensive Plan. It preserves the rural character of the area and will increase property values in the area. It will not significantly affect traffic. It will not tax the school system or spur uncontrolled growth in the area. The development offers a lot size and community type not currently available in the area. This concluded the applicant's presentation.

Mrs. Poston asked if there was anyone else present who wished to speak in favor of the request. There being no response, she asked if there was anyone present in opposition to the request.

Mr. Phil Taliaferro, representing people who live around the proposed development who are passionately opposing the development, stated that this is almost the same proposal as eighteen months ago that was turned down unanimously and it would be right to turn it down again. He stated that the applicant is saying the density is 2.4 homes per acre, but there are 18 acres that cannot be used for homes. The applicant wants to put 128 homes on 34 acres, even though they are claiming the site is 53 acres. He indicated the approximate 9-acre parcel with only one home. He stated that Mark Meade is a principal who has not been mentioned and he wants the home on the "gentleman's farm". Mr.

Taliaferro stated that it could be argued that it was a buffer so that Mr. Meade would not have to be next to this high-density development. He indicated the property Mr. Meade sold to Dr. Worley for over \$400,000. He stated that Mr. Meade took care of himself and made money taking care of Dr. Worley. He questioned getting an Affidavit from Dr. Worley that there was no special deal made to buffer his property. He stated that Jeff Walker, a loan officer with Sibcy Cline, told him that people do not want smaller lots – people want bigger lots. He stated that Bison Park is swampy and it would be prohibitively expensive to build there. He stated that there are another three acres that cannot be used.

Community Commons is where they are putting the drainage and there is a blue line stream running through there. He does not think the applicant has Corps of Engineers approval. He stated that there are 18 acres that do not go to the density and, taking away the 18 acres, the development is 128 homes on 35 acres which is a density of 3.66 units per acre versus the first proposal at 2.66 units per acre – so this proposal is worse. He stated that the applicant wants to make money at the expense of the community. He distributed to the Commissioners a brown spiral bound handout (no title or identification on the cover) (see Exhibit 2) The handout contains a series of tabs Comp Plan, Environment, Housing, Transportation, Public Facilities, Response to App., Difference 2002, Findings of Fact, BCPC Amendment, and Public Comments).

Mr. Ralph Hopper, 180 Stonewall Drive, quoted from the handout that *Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed and Land uses and zoning decisions shall strive to balance the rights of the individual landowners with the rights of the general public.* Mr. Taliaferro stated that this is spot zoning.

Mr. John Hart, 11938 Decker Lane, Professional Engineer with the Corps of Engineers, reviewed the Environmental tab and stated that the Comprehensive Plan in several places calls for watersheds to be studied, monitored, and protected. He checked with County Engineer Greg Sketch and a watershed study has not been done on Mudlick Creek. Without that study, it is impossible to establish baseline condition which is required to protect and plan future development. He stated that the whole watershed area of Mudlick Creek needs to be considered – it cannot be done on a piecemeal basis. Mr. Taliaferro quoted from Page 2 of the handout that “Experience throughout the region indicates that 128 new homes will increase flooding and reduce the quality of life for the current residents”.

Mr. Jerry Savaloja, 12217 Hutton Drive (southwest corner of Hutton Drive and Chambers Road) stated that Mudlick Creek flows through his property. He presented and submitted pictures (see Exhibit 3), including pictures of flooding that occurred last summer at the bridge at the corner of Chambers Road and Hutton Drive (facing west and facing east) and a picture taken 150 feet away from the intersection which shows debris floating across the road. He stated that he asked Paul Kahmann what his plans were for stormwater and was told that the stormwater would be reduced. He questioned whether the greenbelt and retention

ponds would contain the runoff. He stated that he and the residents of Chambers Road between Hutton and Richwood Roads will suffer the consequences if flood controls are not in place.

Mr. Hopper read the quotes from the Comprehensive Plan which are in italics on Page 4 under the Housing tab of the handout. He stated that there are large lots completely surrounding the site, including the land Alumni Development bought from the Maxwell family. He stated that it is difficult to argue that there is a transition of uses. He stated that if this was one-acre development being proposed in their neighborhood they would not be opposed to it. He presented an overlay to show the density of the development compared to other developments in the area, including Richwood County Estates. He stated that 128 homes on 35 acres is a substantial increase in density. Mr. Taliaferro stated that the proposed density is about six times the density around it. He stated that eighteen months ago, the head engineer for the Highway Department did a study. He stated that most of Chambers Road is 18.5 feet wide and some roads in the area do not have shoulders – they have shallow ditches and minimal drainage. He reviewed the six pictures under the Transportation tab in the handout which show the road hazards. He stated that construction traffic will pose safety problems for the residents. Additional traffic and trucks passing under the arch (picture V c) will present a danger. He stated that the residents are concerned that the additional traffic will overload a road not in good shape. He does not see how the Highway Department with its limited funds will be able to improve the road when they have to buy right-of-way and cut down trees. Mr. Hopper stated that Level of Service is a measurement of time delays assigned to a road. He stated that Staff made reference to change in the character of the road. He stated that single-family homes generate ten trips per day and there will be 1,200 additional trips per day on Chambers Road. Construction traffic will accelerate the deterioration of the road. He quoted from Page 6 under the Public Facilities tab *"No infrastructure system shall commit the county to excessive growth by the system's expansion"*. He stated that water service being improved in the area is not a cause to raise the density to the level being proposed.

Ms. D'Anna Kloeker, 11996 Decker Lane, a teacher at Conner Middle School, reviewed data regarding the Capacity and Enrollment of the school on Page 10 under the Public Facilities tab. She stated that every school is overburdened now. She stated that the enrollment at Conner Middle School as of last Monday was 1,199 students. Conner Middle School has only three grades.

As Ms. Kloeker had signed a slip to speak, she asked to present her comments at this time. She stated that in the area of the five homes proposed to back up to Decker Lane, her home is the only one where people are still working and the other four are retired homeowners. There are no children in the five homes. She is the newest homeowner on the street and has been there ten years. A homeowner, Mrs. Pratt, stated that she has lived there over twenty-five years and does not plan to move. Ms. Kloeker stated that there are ten houses on Aylor that back up to the development and there is only one child living in the ten houses.

Mr. Ronald Gruelle, 12250 Gaines Way, a resident since 1988, stated that Walton Fire Department is in dire straits for personnel and is having a hard time getting extra help. The Richwood Fire Station is only open on a temporary basis and cannot be counted on, so Union does most of the backup work. The fire hydrants have not been upgraded and the water pressure is low. He stated that the minimum acreage in Beddinger's Landing is 1.88 acres. There used to be a lot of children, but they probably do not have twelve children in the development now. It is a mature neighborhood with retired people who want to be there.

Mr. Dan Laycock, 12239 Gaines Way, stated that he is a licensed real estate agent and prepared the market research data in the handout. He reviewed recent sales prices in the area (under the Response to App. tab). Mr. Taliaferro stated that the applicant represented the average value of homes on Decker Lane to be \$142,000. Mr. Laycock responded that a home on Decker Lane sold for \$220,000, a home was sold on Sunset for \$280,000, and single-family homes with acreage on Gaines Way have sold for over \$700,000. He stated that the information was taken from the Multiple Listing Service.

Mr. Taliaferro referred to the Findings of Fact tab and stated that statements made by the Planning Commission were that the proposal has characteristics of spot zoning and benefits only the owner of the property (see Page 12 under Findings of Fact tab). He stated that those statements are just as accurate today. He stated that the proposal is not consistent with the provisions of the Comprehensive Plan. Mr. Hopper stated that KRS 100 requires the Planning Commission to update the Comprehensive Plan every five years. He read the paragraph on Page 14 under the BCPC Amendment tab.

Under the Public Comments tab, Mr. Taliaferro asked Mr. Dennis Rapenning to speak. Mr. Rapenning, 12253 Gaines Way, stated that they looked all over Boone County for a homesite. There is a stand of trees that canopy Chambers Road when driving up to Gaines Way. They asked a neighbor about any encroachment or development that might affect the property and were told how the neighborhood came together and raised money to hire a lawyer to state their position in regard to the earlier proposal by B.O.L.D. Homes. He might not have moved there if he had known that they were looking at another neighborhood that would fundamentally alter the character of the community. He was troubled when selected comments by the Commissioners in response to the last application were put on the screen. He stated that when the Planning Commission makes a decision, a lot of things are considered. Taking a comment and asserting that it has been solved, thereby putting the ball back in the Planning Commission's court, is hardball tactics. He does not want the community altered.

Jim Weaver, 12125 Decker Lane, stated that he moved there 24 years ago when it was called Richwood Country Estates. His lot is 2.33 acres. They used to walk on Chambers Road, but that is almost impossible now because of the traffic and there is no room along the road to walk. He showed photographs taken during a

moderate August storm (see **Exhibit 4**). He stated that there have been storms where water came up Decker Lane. There has been flooding on the roads over the years. The road is narrow and dangerous. He questioned what the road would be like at seven o'clock in the morning with the traffic. He cannot imagine children riding their bikes on the road now. He stated that he moved there for a country setting and if this application is approved it will not be a country setting.

Mike Clifton, 11945 Decker Lane, agreed with the other speakers.

Mark Aulick, 710 Chambers Road, stated that the slide showed his property with the white fence and the horse, and he does not have a buffer zone. He stated that they will lose the aesthetics and their ability to live in a rural community.

Sherry Edwards, 12495 Hutton Drive, stated that she is a real estate broker. She stated that buyers are looking for acreage and cannot find it. Retired people are not all wanting to move and are keeping what they have. Most people out there are retired and have been there twenty years or more. They want to keep the area the way it is. The traffic will be terrible.

Chris Welsh, 12640 Huey Lane, submitted a letter written by his next door neighbors Dr. and Mrs. Brad Huey (see **Exhibit 5**). Dr. Huey is a dentist in Walton and opposed to the request. He stated that his father who owns a 113-acre farm across the street is also opposed. Mr. Welsh stated that the company proposing this development has already bought the land. Normally, the applicant has an Option to Purchase, but they have bought the land. Developers have told him that it is not uncommon for a \$150,000 house to provide \$50,000 in profit, so 128 houses would be a profit of \$5 million. He stated that he owns land on Huey Lane in addition to his house and it is one of the only buildable lots out there that is vacant. About once a month, someone asks him if it is for sale. He stated that they do not want the neighborhood changed.

Patrick Brown, 11637 Schmidt Lane, stated that he purchased his home from his mother. He runs on Chambers Road and it is in terrible condition. He stated that calling the 9-acre parcel green space is dishonest. They are going to sell the 9-acre parcel and it will not be part of the development. He was at the auction when it was sold and access to it does not go through Buffalo Trace. There is a deed restriction that it cannot be cut down. He feels that the developer should be more upfront.

Mr. Michael Larson, 11207 Gaines Way in Beddinger's Landing, stated that his property is on Mudlick Creek and the topography of Chambers Road will not allow more development without creating additional flooding. He has watched stormwater levels rise and the frequency of flooding increase. He was told that the base of the bridge crossing the creek on Gaines Way was above the 100-year flood plan—but on one occasion water entered his basement and it is above the base of the bridge. He stated that flooding is a serious problem. Catch basins retain water and when they are filled and there is additional rain, they overflow.

He is concerned about manmade habitats for mosquitoes and West Nile Virus and stated that the government should not be creating manmade habitats for mosquitoes. He submitted a memorandum in regarding to his experiences with the flooding problem (see **Exhibit 6**). He stated that additional traffic on Chambers Road creates additional safety problems. He can recall five traffic accidents on the road to the left of his property and three were near fatal accidents.

Laverne Caid, corner of Chambers Road and Richwood Road, stated that the flooding problem is mainly due to the development around the area. She asked the applicant to change his plans and build beautiful homes on bigger lots.

Lee Ulm had no comments.

Thomas Fuchs, 11806 Suncrest, stated that they do not need this development to give them a sense of community. The current zoning classification provides for green space and trees. The area is desirable as it is now and changing the zone would detract from it. He stated that the homes on this acreage will be 40% of the entire number of houses in the satellite view (GIS Zoning Map) – which means that 40% of the homes are proposed to be in 5% of the area – which is spot zoning. He submitted a copy of the GIS Zoning Map (see **Exhibit 7**).

This concluded comments by those who signed slips to speak. Mrs. Poston asked if there was anyone else present who wished to speak.

Mr. Kurt Hanson, 12155 Decker Lane, thanked Mr. Taliaferro and the others for the work they have done.

There being no further comments from the public, Mrs. Poston asked if there were any comments or questions from the Commissioners.

Mr. McMillian questioned the plans for buildout. Mr. Kegley responded that they plan to build 24 – 28 homes per year for a maximum of five years.

Mr. Barlow asked the applicant to be prepared when they come to Committee to specifically discuss their comments about creating neighborhood interaction, creating functional and usable open space, and that green space is what Buffalo Trace is all about. He stated that nothing was said about making the gentleman's farm functional, usable, and accessible and, as a member of the Zone Change Committee, he wants to explore that in detail. If the gentleman's farm is incorporated in the application, he would think it would be available to more than one person and that will be addressed in Committee. He questioned what the density really is if the gentleman's farm is not accessible by the people in the development. He wants to talk specifically about units per acre. He does not think the density is as high as the opposition says it is or as low as the applicant says it is – but it needs to be determined.

In response to a comment by Mr. Bunger, Mr. Wall stated that sidewalks are planned throughout the community as part of the proposal

Mrs. Poston questioned the roads – are the interior roads wide enough and are the turnarounds designed for buses? Mr. Erpenbeck responded that all the roads and turnarounds are per the Subdivision Regulations. The interior streets are 28 feet wide. The development will be in complete compliance with the Subdivision Regulations. Mr. Wall stated that if they want to use a cul-de-sac for a bus turnaround, they can go to a commercial or industrial standard which has a larger radius. He is sure they could increase one to provide a bus turnaround.

Mr. Poe stated that the subdivision does not have any other access or connection to Grand National Boulevard. Mr. Wall responded that in 2002 there were connections to the next parcel, but it has since been purchased and subdivided and there are no opportunities for street connections.

Mr. Barlow asked if the houses would be built by one developer. Mr. Kegley responded that interest in sharing the neighborhood has been expressed by other builders inside and outside the area.

Mrs. Poston asked for summary comments from the applicant.

Mr. Erpenbeck stated that the upper stream is not a blue line intermittent stream and the only blue line stream on the site is the one indicated. He stated that Vista Park was identified by Staff as an area to be preserved because of its views. He stated that the Planning Commission is aware of the interchange problems and it is on the Six-Year Plan to be upgraded. He stated that they did a Traffic Count last Friday at Richwood and Chambers Road in the early morning hours. He submitted "Traffic Count – Intersection of Chambers Road and Richwood Road, February 20, 2004, Morning Peak Hour" (see Exhibit 8). He stated that the counts are very low. He encouraged the Commissioners to drive Chambers Road and other roads in Boone County and compare them. Chambers Road is a typical road with normal wear and tear and it is to be resurfaced next year. He stated that drainage was discussed last time. He encouraged the Zone Change Committee to invite Greg Sketch to attend the meeting to discuss the conditions and retention/detention requirements. He stated that the Planning Commission's attorney can answer the question about spot zoning. He stated that sewers are close by and will be extended into the site. Water is there. Lack of flow was mentioned, but there is a letter from the Water District that they can serve the site and meet the requirements for pressure and fire flow. Bison Park is not a quagmire. He stated that if the site was developed under the current zoning, 100% of the trees would be removed. This is a golden opportunity to see what open space development can do for the community. Open space development is new in the county and Staff has been pushing it because it is good for the community. The development will be a tremendous asset to the community. It is an opportunity to preserve open space. He indicated on the slide the only access to the gentleman's farm, which is a 9-acre tract that will be privately owned.

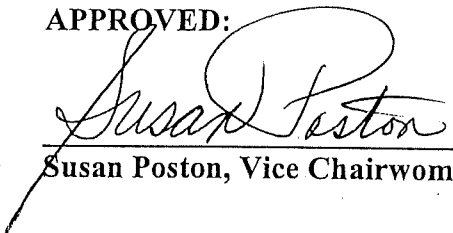
Mrs. Poston asked for summary comments from the opposition.

In response to questions from Mr. Taliaferro, Ronald Gruelle stated that people from B.O.L.D. Homes told him that they were going to sell the lots to different builders and they are not in the home building business any more. Mr. Taliaferro stated that B.O.L.D. Homes, Alumni Development, and Kahmann do not own the nine-acre parcel and do not have an Option to buy it. He stated that under the Public Comments tab in the book is a county study about Steeplechase and Southerland and the densities of those developments (Steeplechase at 1.63 units per acre and Southerland at 1.94 units per acre). He stated that after taking away some of the alleged green space from the subject development, the density is 3.66 units per acre, which is more than Steeplechase and that is not right.

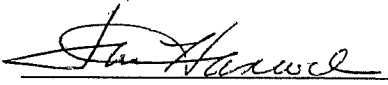
Mrs. Poston asked if the 9-acre parcel is part of the development. Mr. Kegley responded that there are two applicants (1) Paul J. Kahmann Family Limited Partnership and (2) Alumni Development, LLC. He stated that Alumni Development owns the nine acres and the back 8 or 10 acres of the property that has been added since the last zone change was proposed.

There being no further comments, Mrs. Poston stated that the Committee Meeting for this item will be on March 17, 2004 at 5:00 PM. This item will be on the Agenda for the Business Meeting on April 7, 2004 at 7:00 PM. Mrs. Poston closed this Public Hearing.

APPROVED:


Susan Poston, Vice Chairwoman

Attest:


Jan Hancock, Recording Secretary

Exhibits –

1. Concept Development Plan for Buffalo Trace (spiral bound) submitted by the applicant
2. Brown Spiral-Bound notebook submitted by Phil Taliaferro
3. Pictures of flooding submitted by Jerry Savaloja
4. Eleven photographs of flooding submitted by Jim Weaver
5. Letter from Dr. and Mrs. Brad Huey submitted by Chris Welsh
6. Memorandum dated February 24, 2004, Subject: Chambers Road Flooding, submitted by Michael Larson
7. GIS Zoning Map marked and submitted by Thomas Fuchs
8. Traffic Count – Intersection of Chambers Road and Richwood Road, February 20, 2004, Morning Peak Hour, submitted by the applicant

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Randy Barlow, Chairman

DATE: April 21, 2004

RE: Request of **Erpenbeck Consulting Engineers, Inc. (applicant)** for **Paul J. Kahmann Family Limited Partnership and Alumni Development, LLC (owners)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Agricultural Estate/Planned Development (A-2/PD) for 8.9 acres of the site, and from Agricultural Estate (A-2) to Rural Suburban/Planned Development (RS/PD) for 44.3 acres of the site, both for 53.2 acres located at 692 and 728 Chambers Road, 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.

R Barlow

Randy Barlow, Chairman

For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____

Greg Breetz

Greg Breetz

For Project ____ Absent ____
Against Project ____
Abstain Deferred ____

Kim Bunger

Kim Bunger

For Project Absent ____
Against Project ____
Abstain ____ Deferred ____

Janet Kegley

For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____

Susan Poston

Susan Poston

For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____

Charlie Reynolds(Alternate)*

For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____

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

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Randy Barlow, Chairman

DATE: March 17, 2004

RE: Request of **Erpenbeck Consulting Engineers, Inc. (applicant)** for **Paul J. Kahmann Family Limited Partnership and Alumni Development, LLC (owners)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Agricultural Estate/Planned Development (A-2/PD) for 8.9 acres of the site, and from Agricultural Estate (A-2) to Rural Suburban/Planned Development (RS/PD) for 44.3 acres of the site, both for 53.2 acres located at 692 and 728 Chambers Road, 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.

March 17, 2004

Erpenbeck/Kahmann/Alumni Development, LLC

692 and 728 Chambers Road

Randy Barlow

Randy Barlow, Chairman

For Project Absent
 Against Project
 Abstain Deferred

Greg Breetz

For Project Absent
 Against Project
 Abstain Deferred

Kim Bunger

Kim Bunger

For Project Absent
 Against Project
 Abstain Deferred

Janet Kegley

For Project Absent
 Against Project
 Abstain Deferred

Susan Poston

Susan Poston

For Project Absent
 Against Project
 Abstain Deferred

Charlie Reynolds

Charlie Reynolds (Alternate)*

For Project Absent
 Against Project
 Abstain Deferred

TOTAL: 4 DEFERRED FOR PROJECT ABSENT
 AGAINST PROJECT ABSTAIN

SUPPORTING INFORMATION

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

www.boonecountyky.org

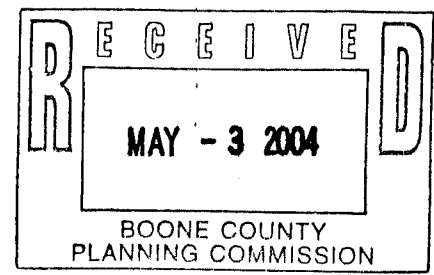
Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

April 28, 2004

Mr. James W. Kahmann
Mr. Mark Mead
c/o Mr. Raymond Erpenbeck
Erpenbeck Consulting Engineers
4205 Dixie Highway
Elmore, KY 41018



FAX: 342-5852

RE: Recommended Conditions of Approval for Kahmann/Alumini Development Zone Change Application From A-2 to A-2/PD and RS/PD for 5.9 Acre Tract at 892 and 728 Chambers Road, Boone County, Kentucky

Dear Property Owners:

The following represents the conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their March 17, 2004 and April 21, 2004 meetings. If you, as the property owners, agree to these conditions, please so indicate by signing in the space provided at the end of this letter and return the original letter to the Planning Commission's office by Friday, April 30, 2004. Please keep in mind that the official Committee recommendation for the application is denial, therefore, the conditions only apply if the full Planning Commission votes to approve the request.

CONDITIONS

1. The use of the "gentleman's farm" within the 5.9 acre A-2/PD area shall be limited to one detached, single family residence, appropriate residential accessory uses including a private (non-commercial) stable for use by the on-site residents only, and pasture and/or crop production. It is agreed that this area can not be credited towards open space or density calculations for any other development.
2. At least two shade and/or evergreen trees shall be provided in the rear yard of each lot that adjoins the "Spegal" property that fronts on Decker Lane.

Mr. James W. Kahmann
Mr. Mark Mead
c/o Mr. Raymond Erpenbeck
April 28, 2004
Page 2

- 3. The post development storm water outlet shall be at least fifteen percent (15%) less than the pre development rate for each given storm.

Sincerely,



Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW/m

AGREEMENT

We, the property owners (or authorized representative thereof) of the real estate located at 692 and 728 Chambers Road, Boone County, Kentucky, agree to the conditions listed herein for the above referenced Zoning Map Amendment application.

James W. Kahmann (Attorney-in-Fact) 4/30/04
 James W. Kahmann, Attorney-in-Fact Date
 Paul J. Kahmann Family Limited Partnership

Mark Mead 4-30-04
 Mark Mead Date
 Alumni Development, LLC

January 14, 2004

**DESCRIPTION FOR ZONE CHANGE
A2 TO RS/PD**

Located in Boone County, Kentucky, lying on the north side of Chambers Road and the east side of Decker Lane and is more particularly described as follows:

Beginning at an existing iron pin at the right of way intersection of Chambers Road and Decker Lane; thence with the said right of way line of Decker Lane N 38° 00' 00" E, 882.10 feet; thence leaving said right of way line and along a common line with William Spegal S 65° 58' 50" E, 476.60 feet; thence N 25° 43' 10" E, 427.34 feet; thence N 65° 58' 50" W, 126.94 feet; thence leaving the common line and along a common line with Richwood Country Estates Subdivision (Plat Book 12, page 41) N 25° 49' 00" W, 436.53 feet, to a common corner with Lot 4, Maxwell Land Division (Plat Cabinet 4, page 351); thence with said Lot 4, N 25° 50' 27" E, 425.97 feet; thence S 74° 11' 41" E, 740.42 feet to a point; thence leaving the north line of said Lot 4, S 26° 40' 22" W, 840.28 feet to the east corner of said Lot 4; thence with the south line of said Lot 4 S 26° 40' 28" W, 912.32 feet; thence S 26° 40' 25" W, 669.53 feet to a point on the said north right of way line of Chambers Road; thence with the said north right of way line N 44° 30' 38" W, 20.96 feet; thence N 48° 15' 47" W, 179.30 feet; thence N 47° 33' 58" W, 206.28 feet to the PC of a curve; thence with said curve to the left, said curve having a radius of 1029.92 feet and a chord bearing and distance of N 57° 26' 41" W, 353.39 feet, an arc distance of 355.15 feet; thence leaving said curve N 67° 19' 24" W, 488.46 feet to the point of beginning and containing 44.32 acres more or less.

Being all of the property recorded in Deed Book 847, page 112 and a portion of the property recorded in Deed Book 854, page 634 of the Boone County Clerk's Records, Burlington, Kentucky.

1/14/04

**DESCRIPTION FOR ZONE CHANGE
A2 TO A2/PD**

Located in Boone County, Kentucky and being a portion of Lot 4, Maxwell Land Division, Plat Cabinet 4, page 351 and described as follows:

Beginning at the north east corner of said Lot 4 and being a common corner with Lot 5 of said Maxwell Land Division; thence with the common line with said Lot 5, S 27° 31' 51" W, 355.01 feet; thence S 62° 28' 09" E, 187.22 feet; thence S 27° 12' 00" W, 538.43 feet; thence leaving the common line with Lot 5 and along the common line of Lot 2, Maxwell Land Division N 64° 17' 52" W, 513.52 feet; thence leaving said common line N 26° 40' 22" W, 840.26 feet to the point of beginning and containing 8.926 acres more or less.

Being a portion of the property recorded in Deed Book 854, page 634 of the Boone County Clerk's Records, Burlington, Kentucky.

**APPLICANTS RESPONSE TO COMMISSIONERS
PUBLIC HEARING QUESTIONS**

Page 11 – Mr. Barlow:

QUESTION:

Open space shall be large enough to be useable, visible, and functional. How does the agricultural area relate to that objective?

ANSWER:

FUNCTIONAL: Boone County's Open Space Regulations say that green space shall be functional in terms of providing realistic areas that provide for passive recreation, scenic views OR effective buffering.

The main purpose of the agricultural area is to provide **SCENIC VIEWS** for the area. "Rural views" are generally seen as **adding to the rural character of an area and contributing to the quality of life**. Traditional developments rely on the neighbor's farm for "rural views". These views are short lived, since they disappear as soon as the neighbor decides to develop his land.

True open space designs provide areas which **preserve the physical and social characteristics** of an area. Horses have been at pasture on the back 18 acres of this land for at least the last 10 years. The Aulicks have 2 horses, the Meades have 2 horses and a goat. **BUFFALO TRACE HAS NO ABILITY TO PREVENT THOSE PROPERTIES FROM SUBDIVIDING/DEVELOPING.** But, Buffalo Trace CAN provide for similar agricultural activities on land that can never be developed. The property in question was chosen because the barns and fences already existing on the property will encourage the type of activity desired. Also, the property is contiguous with other A2 property, helping to stabilize that land use in the area. **(THERE ARE NO RESTRICTIONS PREVENTING THE DEVELOPMENT OF THIS LAND OTHER THAN THE PD OVERLAY AND THE CONDITIONS OF THIS DEVELOPMENT PLAN.)**

USEABLE: The agricultural area is large enough for the limited agricultural uses described to occur.

VISIBLE: The gentleman's farm is visible from both rear cul-de-sacs where the ends of the streets have been left open so that views of the farm can be seen all the way down the street. The farm is also visible from Vista Park.

RESIDENTIAL AREA

128 homes on 44.35 acres (2.88 units per acre) 10 acres of that space (22%) is green space.

AGRICULTURAL AREA (8.9 ACRES)

One lot 9/10th of an acre in size is considered developed. The remaining 8 acres are considered green space.

TOTAL ACREAGE: 53.25 Acres

TOTAL GREEN SPACE: 18 Acres or 33%

OVERALL DENSITY: 2.43 Units per acre

THE RESIDENTIAL AREA OF BUFFALO TRACE MEETS THE PASSIVE RECREATION (OPEN SPACE) REQUIREMENTS FOR RS zone (densities of up to 3 units per acre and minimum green space of 20%) EVEN WITHOUT THE GENTLEMAN'S FARM.

SUPPORTING DOCUMENTATION

"In a soon to be released study of the non-farm benefits of farmland, American Farmland Trust (AFT) asked 4,000 households in suburban Illinois to share their attitudes and feelings about Farmlands in their communities. More than 50 percent rated preservation of farmland and other open space as very important.

In general the respondents gave equal importance to preserving farmland and open space for the following reasons 1) to slow down and control growth, 2) to preserve the rural quality of the country, 3) to preserve the scenic beauty of the country, 4) to reduce flooding, 5) to protect groundwater quality.

One by one, communities are beginning to develop a vision for themselves that includes farmland as part of an important mixture of urban and rural land forms. Working toward implementing this vision is what defines smart growth." (The Role of Farmlands in Communities, by Tim Warman; Southface Journal of Sustainable Building, vol. 1 1999).

Page 13 – 1st paragraph 3rd line

Mr. Taliaferro states:

"That B.O.L.D. Homes, Alumni Development and Kahmann do not own the nine-acre parcel and do not have an option to buy it."

Response:

This statement is TOTALLY FALSE, as part of the application the Commission is furnished with the Deed Book and page number for each parcel listed in the application. This information is readily available in the County Clerk's office and can be checked by staff.

**APPLICANTS RESPONSE TO
PUBLIC HEARING COMMENTS**

from the minutes of the Public Hearing February 25, 2004

Page 6 – last paragraph

Mr. Taliaferro:

— “but there are 18 acres that cannot be used for homes.”

Response:

The terrain on the site is such that the entire site is fully developable. When the Primary Conservation Acres review was done none of the site qualified for this classification. This can be verified by staff.

Page 7 – 1st paragraph

Mr. Taliaferro:

“He stated that Bison Park is swampy and it would be prohibitively expensive to build there.”

Response:

This is **totally untrue**, the area is currently a hay field and has been mowed and bailed for years. This can be verified by staff.

Page 7 – 1st paragraph

Mr. Taliaferro:

“Community Commons is where they are putting the drainage and there is a blue line stream running through there. He does not think the applicant has Corp of Engineers approval.”

Response:

The stream in question is not an intermittent blue line stream. It is in fact a Ephemeral stream which is a totally different and less restrictive classification. This can be verified by staff.

Corp of Engineers permitting is not done at the zone change phase of a development. It is done as part of the Improvement Phase of a development along with the storm water permitting from the Planning Commission and Sanitation District No. 1.

Page 7 – 2nd paragraph

Mr. Taliaferro:

Buffalo Trace is not compatible with the surrounding neighborhoods. The applicant wants to make money at the expense of the community (P.7; 1st paragraph).

Response:

According to the Comprehensive Plan, Buffalo Trace **IS** compatible with the surrounding community. In fact, this is the type of community **STRONGLY ENCOURAGED** by the Comprehensive Plan for just such locations. The Neighbors acknowledge that the concept plan is consistent with the Comprehensive Plan, and **THEY ARE ASKING THAT THE COMPREHENSIVE PLAN BE CHANGED** to fit their own standards.

Mr. Taliaferro:

This proposal is worse than the last one...there are more houses if you take away the green space...(P.7; 1st paragraph)

Response:

In 2002, Phil Taliaferro was here with drawings of the Maxwell Property platted out with lots at a density of 4 units per acre. Now that the design of Buffalo Trace makes it evident that that type of growth will not occur, Mr. Taliaferro changes his argument. **HE CAN'T HAVE IT BOTH WAYS.** The Comprehensive Plan encourages clustering on one portion of the site in order to preserve green space and land for agricultural use. Overall density is the number the Comprehensive Plan uses to determine impact.

Page 7 – paragraph 3 & 4

Mr. John Hart & Mr. Jerry Savalaja:

.Comments concerning flooding.

Response:

We stated at the Public Hearing, that we encourage the Zone Change Committee to invite Mr. Greg Sketch, County Engineer to attend the meeting to discuss the flooding and the retention/detention requirements. We still recommend this strongly.

Page 8 – 2nd paragraph

Mr. Taliaferro:

Begins a discussion of how he believes that Chambers Road has safety problem, in need of maintenance.

Response:

We stated at the Public Hearing that Chambers Road was scheduled for resurfacing in 2004 and that it was pulled from the resurfacing projects because its condition did not warrant resurfacing this year because other highway were in worse condition and that the resurfacing is tentatively scheduled for 2005.

The commission was presented with KDOT traffic counts on Chambers Road at the intersection with Richwood Road (1940 vehicles per day) and with US 25 (638 vehicles per day). These numbers are very low. The staff states in staff comment #3 of the Staff Report that **“staff has not identified any factor which would cause a change in level of service or cause any operational problems related to traffic due to the number of proposed lots.”**

Page 8 – 3rd & 4th paragraphs

Ms. D’Anna Kloeker:

Discussed the Boone County schools capacity and enrollment.

Response:

It is our understanding that the Boone County Board of Education has provided staff with a breakdown of school capacity and enrollment for all the schools within the Boone County system. This document will speak for itself.

Page 9 – 1st paragraph

Mr. Ronald Gruelle stated **“Walton Fire Department is in dire straits for personnel and having a hard time getting extra help.”**

Response:

The staff has discussed the fire service for Buffalo Trace with the Fire Chief. The staff can address this matter.

In addition the Boone County Water District has submitted a letter, for the record, stating they can properly service Buffalo Trace.

Page 9 – 5th paragraph

Mr. Jim Weaver stated “they used to walk on Chambers Road, but that is almost impossible now because of the traffic and there is no room along the road to walk.”

Response:

Walking on any highway is dangerous. Buffalo Trace is providing an internal pedestrian walkway system which will enable all local residents to have a pleasant walk in a safe and pleasing environment.

Page 10 – 6th paragraph

Patrick Brown was at the auction when the 9-acre parcel was sold. Access to the property was not through Buffalo Trace. There was a Deed Restriction that it cannot be cut down.

Response:

At the sale, the entire 17.8 acres was sold as one lot. The 20' access to Chambers Rd. is shown on the attached plat. There is a Boone County Subdivision Regulation that requires every lot to have a minimum of 15' of road frontage on a public road. The 20' access to this acreage was not wide enough to put in a public street, so the property was not subdividable unless a public street was to go in thru the Kahmann Tract (Buffalo Trace), which would bring a connection to allow the entire 18 acres to be developed.

Letter from Amy Kelley (Chambers Road):

“When all the green space is gone and all the farms developed, where do we go to savor the beauty of our natural surroundings?”

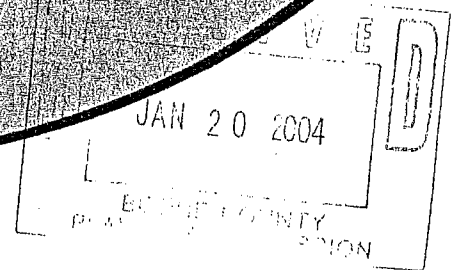
Response:

Buffalo Trace is preserving 33% of the land so that generations from now there will still be green space and views of farmland to savor.

CONCEPT DEVELOPMENT PLAN

for

Buffalo Trace



presented by

B.O.L.D. HOMES

Builders Of Lifelong Dreams

P.O. Box 975

Union, KY 41091

859-657-6700

ECE Erpenbeck
Consulting
Engineers

4205 Dixie Hwy
Elsmere, KY 41018

859-727-4200

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**CONCEPT DEVELOPMENT PLAN
FOR
BUFFALO TRACE
A RURAL PLANNED COMMUNITY**

I. STATEMENT OF PURPOSE AND INTENT

Buffalo Trace is a planned residential community providing a variety of land uses. Located on picturesque Chambers Road, the gently rolling pasturelands provide a perfect opportunity to create a unique, cohesive neighborhood environment which utilizes a cost effective use of infrastructure, while conserving and enhancing certain natural characteristics of the land in order to create more substantial and useable open space. Buffalo Trace is unique in that it is truly planned as a rural community, mixing rural agricultural uses with low suburban residential uses. Buffalo Trace is designed to preserve and promote a better quality of life by preserving and enhancing the physical and social environment that already exists in the Chambers Rd. area. **IN BUFFALO TRACE FOR EVERY SEVEN HOMES BUILT, APPROXIMATELY ONE ACRE HAS BEEN SET ASIDE AS OPEN SPACE.**

II. OBJECTIVES:

- A. Create a development that TARGETS THE DISCRIMINATING "MOVE-UP BUYER LOOKING FOR A COUNTRY RETREAT.**
- B. INCREASE PROPERTY VALUES in the area.**
- C. PROVIDE A VARIETY OF LOT SIZES both within the development itself and relative to the relationship between the development and adjacent sites.**
- D. CREATE A COHESIVE NEIGHBORHOOD that, by design, encourages neighbors to interact with one another.**
- E. Fulfill the elements in the Boone County Comprehensive Plan that encourages CLUSTER DEVELOPMENT INSTEAD OF SUBURBAN SPRAWL.**
- F. CREATE USEABLE OPEN SPACES in an amount over and above setback areas and open areas required by the underlying zone.**
- G. PRESERVE AND UTILIZE NATURAL TOPOGRAPHY AND GEOLOGIC FEATURES, TREES, and OTHER VEGETATION in a planned design that helps the development "fit in" with the landscape.**

H. **PRESERVE AND ENHANCE THE NATURAL CHARACTERISTICS OF THE LAND** thru the creation of community commons, pocket parks, and pedestrian trails that permits the residents to interact with the environment.

I. **PROMOTE QUALITY OF LIFE** by preserving a significant portion of the land as open space and/or land for limited agricultural uses.

J. Create a development **CONSISTENT AND COMPATIBLE WITH THE ADOPTED COMPREHENSIVE PLAN.**

III. ZONING

Buffalo Trace will be developed in accordance with this Concept Development Plan and any conditions of approval that may be established during the Review process.

However, if conflicts between the conditions of approval and the Concept Development Plan or the Zoning or Subdivision Regulations currently in effect are discovered, or if one or more of these documents does not address a particular development issue, the conditions of approval along with the Concept Development Plan shall prevail first, and the Zoning or Subdivision Regulations currently in effect shall prevail second

IV. DEVELOPMENT GUIDELINES

A. Develop a **MIXED-USE, RURAL PLANNED COMMUNITY** providing for residential, agricultural, and recreational uses.

B. **MAKE DESIGN THE PRIMARY FOCUS** of this development by first identifying primary and secondary conservation areas, then designing home sites around these areas, and finally designing the streets to service the homesites.

C. Make **OPEN SPACE** areas large enough to be **FUNCTIONAL, USEABLE, AND VISIBLE.**

D. **CONNECT OPEN SPACE** throughout the development with pedestrian walkways or path (except agricultural areas).

E. **MAINTAIN A VIEW OF OPEN SPACE** from Chambers Road into the site.

F. **MAKE AESTHETICS COUNT** by embellishing natural open areas with additional landscaping that serves to define and enhance these areas.

- G. Design the development such that **VIEWS OF REAR ELEVATIONS ARE MINIMIZED** from Chambers Road and Decker Lane.
- H. Allow a variety of **CREATIVE SOLUTIONS** to project design that may not be possible through the strict application of the local zoning and subdivision regulations.
- I. Create a development **CONSISTENT AND COMPATIBLE WITH THE COMPREHENSIVE PLAN**.
- J. Encourage **FLEXIBILITY** in site design with respect to building spacing, heights, density, and open space so as to create a development that **FITS INTO THE LANDSCAPE**.
- K. Provide a **TRANSITION OF LOT SIZES** at the corner of Decker Lane to help make the community blend in with its neighboring residential communities.
- L. **MINIMIZE THE GRADING WORK**, as opposed to leveling the entire site.
- M. Provide a development **COMPATIBLE WITH THE SURROUNDING COMMUNITY**.

V. LAND USES

Buffalo Trace will provide a broad range of land uses including single family detached housing in both traditional and reduced lot sizes, agricultural uses, and open space. Lot sizes and setback requirements shall be specifically established at the preliminary plat review for each area.

A. Single Family Detached Housing

Single-family detached housing shall incorporate approximately 44.3 acres and provide for a maximum of 128 single family detached dwelling units

B. Agricultural Uses

Approximately 8.9 acres will be set aside for limited agricultural uses as set forth in the zoning regulations for AG2. The area is limited to one dwelling unit. Two barns presently on the property shall remain and continue to function for agricultural purposes. This area shall be privately owned and maintained.

The following uses shall NOT be permitted:

- Duplex dwelling units
- Churches, synagogues, or temples
- Recreational vehicle and trailer camps
- Mobile homes

C. Open Space

Within the single family housing area, approximately 10 acres of land shall be set aside as open space. A homeowners association, the covenants for which shall be filed with the final plat, shall maintain open space areas. Open space shall include pocket parks, public commons, and buffer areas.

The property's natural geological features were evaluated for conservation. The following features were found to be noteworthy:

AREA A:

- Blue line stream
- Second-generation trees along Chambers Road
- Rolling Pastureland with existing trees
- 70 foot buffer along Chambers Road

AREA B:

- 70 foot buffer along Decker Lane
- Existing vegetation along Decker Lane
- Future lake area

AREA C:

Area C is a vista from which scenic views of the surrounding countryside can be seen

Area D:

- Fence hedgerow
- Existing lake

Area E

- Agricultural pasturelands/ watersheds
- 2 existing barns

Open space areas shall be functional in terms of providing realistic areas that provide for passive recreation, scenic views, protection of significant vegetation, or effective buffering. Pedestrian access to the open space areas shall be provided.

Within the 10 acres of open space, one existing lake will be enhanced and one new lake will be constructed. These water features will contribute to the aesthetics of the open space area and will also function as the retention/detention facilities to control the storm water runoff.

VI. LAND USE SUMMARY

Buffalo Trace has two underlying land use zones.

1. **Rural Suburban (RS):** " The purpose of the Rural Suburban district is to provide a residential environment whose dwelling types and densities are typical of a low suburban character. Such districts will largely be located to **preserve the established character of areas developed prior to the adoption of these regulations and where there is limited feasibility, desire, or need to provide or require installation or utilization of all infrastructure necessary to support a suburban or urban neighborhood.**" (Emphasis added, Boone County Zoning Regulations 2002). The density of this portion of the development is **128 UNITS FOR 44.3 ACRES.**

2. **Agricultural Estate (A2):** The purpose of the Agricultural Estate district is "to provide for low density residential development and on a limited basis, agricultural uses or agricultural related uses in the context of a rural environment."(Boone county Zoning Regulations, 2002). Buffalo trace has approximately 8.9 acres dedicated for this purpose. The density of this portion of the development is **ONE UNIT FOR 8.9 ACRES.**

TOTAL DENSITY FOR THE SITE: 129 units for 53.1 acres or 2.43 UNITS PER ACRE

TOTAL GREEN SPACE: The total green space for the development consists of the 10 acres of open space within the residential area and the 8 acres of agricultural land comprising a total of **18 acres of green space or 33.89% of the total area.**

VII. DIMENSIONAL STANDARDS

A. Transitional Lot Sizes:

Five traditional lots shall face towards the corner of Decker Lane and Chambers Rd. These lots shall exceed 19,000 square feet in size and have a minimum lot frontage of ninety (90) feet at the building set back line. Front yard setbacks are as shown on the Concept Development Plan (approximately 85 ft for lots 1 thru 4. Lot 5 has an irregular shaped front line; the setback for lot 5 shall be linear with lot 1 thru 4). Minimum back yard setbacks shall be forty (40) feet. Side yard setbacks shall be five (5) feet minimum and twenty (20) feet total.

B. Reduced lot sizes:

Reduced lot sizes are requested for the remainder of area 1 in order to conserve land to be left as undeveloped open space. Because Buffalo Trace is situated in a rural setting, it is very important that lot sizes reflect that setting; therefore the lot sizes requested here are considerably larger than the minimum permitted in the zoning regulations for open space

subdivisions. Minimum front and rear yard setbacks shall be the traditional thirty (30) feet. Side yard setbacks shall be five feet (5') minimum and ten feet (10') total. Front width dimensions vary from 55' minimum to 70' at the building set back line, with the majority of lots at 60' in width. The depths of lots vary from 130' to 180', with the majority of lots at 140' in depth or greater.

C. Agricultural area

Approximately 8.9 acres of ground have been set aside for limited agricultural uses as permitted under the A2 zone. For the purpose of calculating density in the residential area and acreages for green space, the "residential" portion of this tract shall be considered to be .926 acres. One dwelling unit is planned for this area with traditional standards for front, back, and side yard setbacks as set forth in the Boone County Zoning Regulations for the A2 zone. Residential accessory uses such as garages are limited to the "Residential Area" for this lot. Two existing barns shall remain within the agricultural area of the lot.

VIII. THE COMPREHENSIVE PLAN

A. Land Use Standards

Buffalo Trace is located north of Chambers Road. The future land use map designates this property as Suburban Density Residential. (Single family housing up to four units per acre.) The overall density of Buffalo Trace is 2.43 units per acre or only about sixty percent of the allowable density by designation. By contrast, Steeplechase subdivision is a planned community currently developing along Grand National Boulevard at an overall density of 3.6 units per acre. Grand National Boulevard is expected to extend to Chambers Road. Therefore, Buffalo Trace should be used as a blueprint for future development densities on the Chambers Road end of Grand National Boulevard. Overall, development in the Chambers Road area has been largely limited by the Comprehensive Plan in order to protect this beautiful roadway. Buffalo Trace, with its open space and lower densities, fits into the plan to protect and enhance this area and serves as a blueprint for future developments.

The Boone County Comprehensive Plan has the following to say about Chambers Road:

"Development to the southwest of the Richwood Interchange MUST continue the Grand National Boulevard connection to Chambers Road."
(Emphasis added P166)

The Steeple Chase Subdivision is currently developing along Grand National Boulevard with an overall density of 3.6 units per acre

"The area east of I-75 and west of US 25 from Richwood Rd. to Chambers Rd. should develop as a business park. A buffer should be provided along Chambers Road to residential uses to the south, and no business uses should occur on Chambers Road." (P168)

"Suburban Residential development is occurring south of Chambers Road. The rougher terrain immediately adjacent to Chambers Road should include lower density residential development that minimizes traffic on this roadway, and fits into the landscape along this highly visible portion of the interstate corridor." (P168) *The future land use map shows Rural Density Residential for the lands immediately adjacent to the south side of Chambers Road. Developmentally sensitive slopes are shown in this area. Rural Density Residential is defined as: low density residential uses of up to one dwelling unit per acre).*

Buffalo Trace is located north of Chambers Road. The future land use map designates this property as Suburban Density Residential. (Single family housing up to four units per acre.) The overall density of Buffalo Trace is 2.43 units per acre.

B. COMPREHENSIVE PLAN CONSISTENCY PATTERNS

Buffalo Trace is consistent with the Boone County Comprehensive Plan as detailed in the passages contained in Appendix A.

C. COMPREHENSIVE PLAN – COMPATIBILITY STANDARDS

1. COMPATIBILITY WITH ADJACENT SITES

Buffalo Trace will preserve the natural features of the site including the second-generation trees along Chambers Road, the vegetation along Decker Lane, the rolling pastureland and existing trees, scenic vistas, the existing lake, fence hedgerow, agricultural pasturelands, and 2 existing barns.

Along Chambers Road, there shall be approximately 3.35 acres of rolling pastureland including a 70 foot buffer yard, enhanced with grassy, undulating mounds and landscaping as shown on the landscaping plan submitted. The development is designed so that views of backs of houses from Chambers Road are minimized.

Along Decker Lane, there shall be approximately 2.89 acres of buffer yard with a retention lake, undulating grassy mounds, and landscaping as shown on the landscaping plan submitted. There shall be five transition lots, a minimum of 19,000 square feet

facing the corner of Decker Lane and Chambers Rd. These lots shall have shared driveways that enter from the main access drive to the rear. No driveways will enter onto Decker Lane. The building setback line for these transition lots shall be 95' - 330' from the Decker Lane right-of-way as shown on the concept plan. The development is designed so that views of backs of houses from Decker Lane are minimized.

The Spegal Property is buffered by an approximately 2 acre privately owned piece conveyed to William and Sylvia Spegal by the Aylors on November 27, 2000 (at the same time the Aylors sold the remaining 35 acres to the Kahmann family for development). These 2 acres were conveyed at the very reduced rate of \$5,000. (See Deed Book and Page No: 794 376; Map:065.00.00-0180.10) The topography of this privately owned "buffer yard" forms a natural berm, which serves to lessen any views of Buffalo Trace from the Spegal home. Additionally, a requirement for one shade or evergreen tree in every back yard will soften any view of the development.

The remaining west and northeast property lines are buffered by the heavily wooded lots behind them.

The agricultural acreage does not need buffering, as it is completely compatible with surrounding properties and will see little development.

The Worley property line is buffered by 2.6 acres of open space. This open space will be enhanced with landscaping as submitted, and the distant view of houses shall be further softened by the requirement that every back yard shall contain one shade tree or evergreen tree.

There is a wooden horse fence separating Buffalo Trace from the Aulick property. There are approximately 200 ft of pastureland separating Buffalo Trace from the Aulick residence. Any views are softened by a requirement for a minimum of one shade or evergreen tree in every backyard.

2. ARCHITECTURAL DESIGN STANDARDS

A Design\Architectural Review Board (DARB) shall be set up via the restrictive covenants recorded with the final plat. The purpose of the DARB shall be to review prospective plans and approve or improve architectural designs and building materials submitted for

construction in Buffalo Trace. In general, the following design standards shall apply:

- a. Homes to be constructed in Buffalo Trace will be traditional with a mix of Colonial, Federal, Country, Cape Cod, Contemporary, and other styles.
- b. Homes will include ranch, 1 ½ story, and 2 story designs. There will be no split -levels in Buffalo Trace.
- c. Buildings shall have a pitched roof ranging from 6/12 to 12/12 unless a variance from these standards is approved by the DARB.
- d. Minimum square footage of buildings in Buffalo Trace is expected to be 1900 square feet for 2-stories and 1500 square feet for ranches.
- e. A wide range of latitude is appropriate with regard to exterior materials, particularly because there is such a broad range of traditional materials from brick and stone to wooden clapboards. Other more innovative low-maintenance materials may be allowed, providing that they are approved by the DARB.

3. LANDSCAPING

The landscaping designs submitted are conceptual only. The purpose is to give an idea early on as to the minimal amount of landscaping to be provided in each area, rather than the exact placement or varieties to be planted. Exact placement of trails, berms, and landscaping will need to take into account the drainage patterns of each area, the contours of the land, and the exact placement of existing vegetation. A fully detailed landscaping plan shall be submitted with the final improvement plans.

Landscaping shall fall into three categories:

1. Landscaping placed by the developer on Community Property and maintained by the Homeowners Association.
2. Landscaping placed by the developer via established landscaping easements on private lots and maintained by an individual lot owner.
3. Landscaping placed by the individual homeowner as required by restrictive covenants and approved by the DARB to be maintained by the individual lot owner including one shade or evergreen in the front yard and one shade or evergreen in the back yard of each residence.

Minimum Landscaping to be provided by the developer in each open space area is as follows:

Area A (including Community Commons along Chambers Rd., Bison Way Park, and landscape easements along the east side of the main drive)

13 Shade trees, 16 evergreens, 4 ornamental trees, 6 "Heritage Variety" trees which will enhance and be consistent with the existing species of trees along Chambers Rd. and 67 ornamental grasses or flowering shrubs

Area B (including Community Commons along Chambers Rd west of the main drive, Community Commons along Decker Lane, and landscape easements along the west side of the main drive)

12 Shade trees, 17 evergreens, 9 ornamental trees, 5 "heritage variety" trees and 72 ornamental grasses or flowering shrubs

Area C (Vista Park) including landscaping easements in the vicinity

7 Shade trees, 12 evergreens, 12 ornamental trees and 47 ornamental grasses or flowering shrubs

Area D (including Lakeview Park and landscape easements in the vicinity)

7 Shade trees, 6 evergreen trees, 8 ornamental trees and 57 ornamental grasses or flowering shrubs

4. SIGNS

Monument style markers of brick or stone shall sit back from the road on either side of the entryway into Buffalo Trace. Signage shall conform in size and style to Boone County Zoning Regulations.

5. IMPACTS

a. Police:

Police protection will continue to be from the Boone County Police Department. The Boone County Police Department currently provides all the police services in Boone County except for the cities of Florence and Walton. **No changes are projected in this service**

b. Fire Protection:

Fire protection services will continue to be provided by the Walton Fire District. Buffalo Trace will, in return, generate approximately 23,000 dollars per year in new tax revenues for the Walton Fire District. The Walton firehouse is located at 11 High School Ct., 3.5 miles south of Buffalo Trace. **No changes in service by the Walton Fire District will be required.**

c. Schools

The educational needs of Buffalo Trace residents will be serviced by New Haven Elementary, Gray Middle, and Ryle High School. Growth in Boone County has created a challenge for the Boone County School District in their attempt to raise the funds necessary to keep up with the growth. However, the recent passage of the new growth tax (nickel tax) has guaranteed the funds necessary for a new 900-seat middle school on Camp Earnst Road (the plans for which are already underway) which will relieve overcrowding at Gray Middle, twenty new classrooms at Ryle High School projected to be open for the 2005-2006 school year, followed by a new elementary school on the Ryle Campus that will directly free seats at New Haven Elementary.

Discussions with the Boone County Superintendent's office indicate that the Boone County School District can service the children from Buffalo Trace without adversely affecting the school system.

d. Water

Public water supply will be provided by an existing 12-inch water main located on the site along Chambers Road. **The Boone County Water District has indicated that this 12-**

inch water main has sufficient capacity and pressure to adequately supply Buffalo Trace.

e. Wastewater Management

The nearest wastewater lift station to Buffalo Trace is located at Richwood Road. The Northern Kentucky Sanitation District has indicated that the Richwood Road lift station has enough capacity to service Buffalo Trace.

Buffalo Trace will extend the existing sewer line approximately 1700 ft. down Chambers Road, thru bedrock, to service its residents. Buffalo Trace will ask the Sanitation District to participate in any upsizing of lines which may be necessary to service any additional subdivisions.

The extension of the sewer lines will improve the environment by allowing for the elimination of many individual treatment systems along Chambers Road. It will also allow for the eventual extension of sewer lines into the formal subdivisions in the area by the County. This type of activity is encouraged in the Comprehensive Plan:

"Since soils of poor permeability will not filter water, neither will the soils filter or absorb septic effluent or other surface pollutants. An extreme health hazard can be created when such pollutants are directly mixed with storm and surface waters. When poor permeability is caused by high water tables, septic systems, and general urban uses can transfer pollutants directly into the streams and the ground water supply. Major advancements have been achieved in Boone County by implementing the regional sewer system that has eliminated many individual treatment systems."(P.35)

"Boone County Fiscal Court has assisted with the installation of sanitary sewers for existing subdivisions served by individual treatment systems by funding up to 1/3 of the assessment costs. This type of activity should be encouraged." (P.35)

Further, the extension of the sewer to Buffalo Trace, shall make possible the extension of Grand National Boulevard to Chambers Road as recommended in the Comprehensive Plan page 166, with gravity fed sewer lines as recommended by the Northern Kentucky Sanitation

**District and as recorded in the Boone County
Comprehensive Plan:**

"The Sanitation District has adapted a policy that encourages gravity sewer lines as opposed to a series of pump stations to serve a new development." (P.124)

The gravity fed sewer line that currently services the Steeplechase Subdivision and Grand National Boulevard will be too high once the development crosses the ridge. The extension of the gravity fed sewer to Buffalo Trace, will make a gravity fed sewer line economically feasible for the southern portion of Steeplechase rather than a series of pump lift stations.

f. Storm Water Detention/Retention and Erosion/Siltation Control

Within the open space areas, one lake existing on the property shall be enhanced, and a second lake constructed as storm water retention basins on the property. **Storm water will be channelized into these basins and discharge from them will be controlled so as to reduce flooding.** Storm water management and erosion measures will be concurrent with the site work in order to be most effective. All graded areas shall be seeded and siltation controls shall be utilized. Detailed calculations of requirements needed to comply with the Federal Clean Water Act will be submitted to be approved and enforced by the Northern Kentucky Sanitation District.

g. Roads/Traffic

Buffalo Trace is located off of Chambers Road. Chambers Road can be reached via I-75 and Richwood Road (KY 338) to the north; and I-75, Mary Grubbs Highway, and US 25 to the south. Chambers Road is a collector road. Richwood Road and US 25 are arterials.

Traffic along Chambers Road is minimal. Traffic flows freely at all times of the day. **Buffalo Trace is a small development (only 129 single family residences).** The traffic it will generate is negligible in terms of traffic flow. It is not expected that Buffalo Trace will generate enough traffic to change the level of service (LOS) on Chambers Road.

The majority of trips into and out of Buffalo Trace will be heading to or from the north. However, not all of these trips will terminate at or originate from I-75. Some traffic, especially during peak morning hours, will turn west on Richwood Road, to Richwood Church Road, Union Hathway Rd, and finally US 42 where the elementary, middle and high schools servicing this development are located.

Previous traffic studies by Bayer and Becker have shown Richwood Road to be operating at a C level of service (LOS) or above for straight thru traffic. Buffalo Trace will not produce enough traffic to change this level of service.

During the approval of both the Triple Crown (approximately 2,000 single family and multifamily residences) and Steeplechase developments (approximately 1063 single family and multifamily residences, including the recently approved Drees apartments), the Boone County Planning Commission realized the impact that these developments were going to have on Richwood Road (KY 338) and conditioned both developers to participate in the mitigation of these impacts. As per Boone County Committee Reports dated July 19, 1989 and March 19 1997, previous developers for the Steeplechase and Triple Crown subdivisions have agreed to:

- 1 Upgrade Richwood Road (KY 338) to 3 lanes beginning at the existing 3-lane section east of the development and proceeding west through the intersection of Grand National Boulevard and Richwood Road, in order to accommodate the eastbound and westbound left turn lanes required at subdivision entrances.
- 2 Contribute to the installation of the traffic signal at the intersection of Grand National Boulevard, and Richwood Road (KY 338), when warranted.

Up, to this time, neither development has reached a point that warrants these improvements. However, it is expected that the required level of development will be reached before Buffalo Trace is completed, triggering the above stated improvements, and relieving traffic congestion at these intersections.

h. Mass Transit Services

Buffalo Trace is located at the extreme southern end of Boone County. The possibility of mass transit services into Buffalo Trace is very remote due to both location and the size of the development. Thus, there is no need for mass transit stops or carpooling lots. Sidewalks and pedestrian walkways/trails are being provided.

i. Property values

Buffalo Trace is expected to increase property values in the area. Buffalo Trace will attract homeowners who want a lot of square footage, at a price they can afford. The reduced lot size allows for the additional square footage. The square footage of the homes in Buffalo Trace is expected to be as large or larger than other homes in the area. Because new development and building costs are always rising, the presence of new homes in an area raises the comparable price per square foot as it applies to older homes in the area. These lots will also be given a premium for the additional lot size when an appraisal is done. **As a result, the communities surrounding Buffalo Trace will see an increase in appraised values and in sales prices as a result of this new development.**

Additionally, Buffalo Trace is a Planned Development with an abundance of open space. Research shows that developments with open spaces tend to increase in value at a rate faster than traditional developments, even when the lot sizes are smaller. Surrounding communities will benefit for years to come from Buffalo Trace's higher appreciation values. (See appendix B for Lacy Study(1990) and Penn State Study (2002) results). Additionally, more valuable properties also tend to be maintained at a higher level, improving the appearance of the community.

j. Tax Revenues vs Public Expenditures

Buffalo Trace will provide approximately 200,000 dollars in new property tax revenues for the county. Additionally, Buffalo Trace is expected to raise property values of surrounding properties, to the benefit of the county.

Buffalo Trace's efficient use of infrastructure as promoted by "Smart Growth" advocates is reflected in a comparison of the tax revenues to the linear foot of roadway.

Clearly, public costs are considerably greater from low density or "sprawl" developments like Bedingers Landing or Richwood Country Estates, than those resulting from the clustered open space designs like that of Buffalo Trace. Put simply, it costs more to run school buses and emergency vehicles, to repair and clear roads, and collect garbage when homes are spread out over more miles of roads. As the length of street frontage increases, so do public costs to maintain infrastructure. **Designs like Buffalo Trace serve to preserve the natural environment, and keep government costs at a minimum.**

k. Growth

The development of Buffalo Trace will not cause uncontrolled, unwanted growth in the Chambers Road area. The majority of land north and west of Buffalo Trace (between Buffalo Trace and Richwood Rd.) is already developed into rural residential lots, or estate residential developed as formal subdivisions. Formal Suburban Residential Developments include: Richwood Country Estates(Decker Lane, Aylor Dr. and Hutton Dr.), the Bow Subdivision (Suncrest Drive), to the northwest and Bedinger's Landing (Gainesway) to the east.

Buffalo trace will extend the sewer line approximately a half-mile down Chambers Road thru bedrock to the benefit of these rural lots and the county as a whole. **The Sanitation District has passed a resolution that the improvements in the Regional Wastewater Treatment Plan are NOT intended to encourage additional development beyond what has been planned for.**

Additionally, the Boone County Comprehensive Plan states:
"Boone County, as a community, needs to be careful that sewer service areas are developed in an efficient manner, but that all sewer service areas are not over-developed." (P124)

The presence of sewer lines will not change, for instance, the need to protect the developmentally sensitive slopes on the southern side of Chambers Rd., or the need to protect this beautiful roadway as specified in the Boone County Comprehensive Plan.

"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." (P.12)

Buffalo Trace is a one of only two sites in the Chambers Road area designated for low suburban development on the future land use map of the Comprehensive Plan. Development of Buffalo Trace will not cause changes in the density of development planned for this area, nor will it spur development of surrounding underdeveloped properties. Buffalo Trace is completely surrounded by developed properties. Buffalo Trace is not expected to ever be any larger than the proposed plan currently submitted.

l. Agricultural pursuits

Buffalo trace will not uproot any established agricultural units, remove prime soils, or impinge upon established agricultural enterprises in a detrimental way. The property in question has not supported any substantial agricultural enterprises for some time. The majority of the property has lain vacant for many years. The grass is cut once a year. The back 17 acres has been used for pasture for a couple of horses.

However, the public increasingly views farmland as a multiple resource; as scenic open space, watershed and wildlife habitat, as well as land needed for food production. **Buffalo Trace recognizes the importance that farmland plays in the rural character of the county and has included limited agricultural uses with a mixture of residential uses and passive recreational open spaces. Buffalo Trace has set aside 8.9 acres of land for limited agricultural uses. This agricultural land is contiguous with other A2 agricultural lands and will serve as an anchor to help preserve these uses in the area.**

m. Parks/Recreational Facilities

Buffalo Trace provides more than 20% of open space within the residential areas available to its residents for active and passive recreational purposes. Buffalo Trace does not need to rely solely upon Public Facilities to fulfill its

resident's recreational needs. The development of Buffalo trace will not be detrimental to the public park system.

IX. TIMING

The timing for the development of Buffalo Trace is NOW as evidenced by the following:

1. Nine years ago, in 1995, the future land use for this property was changed from Rural Residential to Suburban Residential. Public Hearings were held, and the previous Fiscal Court approved the change.
2. In 2000, the Fiscal Court extended water lines down Chambers Road, another indication that the timing was right for planned development to begin in this area.

"Development in established areas takes advantage of existing services and minimizes future strain on the transportation network. The Public Facilities Element shows the existing and planned water lines and other services which should influence the locations of new residential construction." (P. 87 BCCP)

3. The Comprehensive Plan has the following to say regarding timing:

"The development of future urban service areas should be permitted WHEN adequate services are provided as part of the development or where full public services are made available." (P. 156)

Buffalo Trace is providing wastewater treatment with its development plans. All other services are already available. The density of Buffalo Trace is sufficient to assure efficient use of infrastructure.

4. The timing of Buffalo Trace MUST precede the extension of Grand National Boulevard and the development of the Business Park if gravity fed sewer lines are to be implemented as stated in the Comprehensive Plan.

Since 2000, the property to the southeast has divided off into rural lots, developed without sewer. Buffalo Trace is the ONLY property left with enough density to justify a gravity fed sewer extension down Chambers Road thru bedrock at a cost of over one hundred dollars per foot. Given the location of Chambers Road between two urbanized areas (Richwood and Walton), and the environmental impact of septic systems, the eventual need for

sewers is inevitable. The only question is whether development will pay for them, or whether the county will pay for them later. Buffalo Trace is the county's only chance to have this sewer extension paid for by development, while still keeping densities low in the area.

5. Once sewer lines are extended along Chambers Road, rural development will be able to occur with sewer instead of septic systems. The County's new Open Space regulations will allow for development with rural densities and still an efficient use of infrastructure; while still preserving as much as 50% or more of the land – never to be developed.
6. The development of Buffalo Trace MUST precede the extension of Grand National Boulevard to Chambers Road, if it is to act as a blueprint for development along this picturesque stretch of rural highway.

X. ESTABLISHED NEED

No application for a Planned Development would be complete without some evidence that there is an established need for this type of housing development, and that the proposed development will be successful. The Comprehensive Plan talks about diversity, population and marketing trends as follows:

1. "Housing densities should vary within the established developed areas."(P84)
Currently there is no variety of housing densities in the Chambers Road area – everything has been developed under A-2.
2. "A broad range of housing opportunities shall be provided which meet the needs and desires for all household types."(P.9)
Currently there is no choice of housing opportunities in the Chambers Road area for persons who do not want the upkeep and maintenance responsibilities of a 2 acre lot or larger.
3. "The majority of the population growth in the county has occurred in the Florence, Oakbrook, Burlington, RICHWOOD, Hebron, and Union areas. (Emphasis added)." (P.20)
4. "As a result of the County's expected population growth, a SIGNIFICANT INCREASE IN THE SUPPLY OF HOUSING WILL BE NECESSARY." (Emphasis added P 76)
5. "Boone County's population is becoming more elderly in proportion. This graying of the population will have an impact on housing demand. Many of these "empty nesters" will want to

move out of their high-maintenance, large lot single family homes and into condominiums, landminiums, or **SMALL LOT SINGLE FAMILY HOMES**" (Emphasis added p.75)

6. "An important factor in detached single family housing development is the relative cost of a building lot. The rapid residential growth throughout the 1990's has pushed the expense for developable land higher. As predicted in the 1995 Comprehensive Plan, this has strengthened the trend toward multifamily or **INNOVATIVE CLUSTERED HOUSING**." (Emphasis added p.76)

A research study conducted by American Lives Inc indicates that current consumer trends show that "about 77% of consumers put **lots of natural open space** in the must-deliver category". (See an article from the Washington Post dated January 7, 1995 in appendix B). Additionally, a recently released Penn State Study indicates that the one factor that had the MOST positive effect on home appreciation values was open space within 400 meters of the home. (See Penn State Study in Builder Magazine Nov.2003) Clearly open space can form the basis for an environmentally oriented marketing strategy highlighting the benefits of living in a community where agricultural lands have been preserved, along with vistas, rolling pastureland, lakes, etc. The design of Buffalo Trace creates an attractive and pleasing living environment, which will virtually sell itself and appreciate faster than conventional developments.

XI. SUMMARY

The Comprehensive Plan for Chambers Road is a very carefully written document that provides for only a very limited amount of development in order to preserve the rural nature of this very important roadway. The plan calls for development designs and techniques that cluster development on a part of the property, while preserving the rest of the property forever as green space. The plan calls for development with sewer, but limits development to those properties and densities necessary to achieve its goals. Buffalo Trace has very carefully been developed to promote the goals and objectives of the Comprehensive Plan. Density levels are below those permitted by the Plan. The design of Buffalo Trace creates an attractive and pleasing living environment. Buffalo Trace has been designed to minimize any impacts to the surrounding community.

This Concept Development Plan for Buffalo Trace should be ***APPROVED*** for the following reasons:

1. THE BUFFALO TRACE DEVELOPMENT IS THE HIGHEST AND BEST USE OF THE PROPERTY
2. IN BUFFALO TRACE, FOR EVERY SEVEN HOMES BUILT, APPROXIMATELY ONE ACRE HAS BEEN SET ASIDE AS OPEN SPACE.
3. BUFFALO TRACE WILL BE AN ASSET TO THE COMMUNITY AND A BLUEPRINT FOR FUTURE DEVELOPMENT IN THE AREA
4. BUFFALO TRACE IS CONSISTENT AND COMPATIBLE WITH THE COMPREHENSIVE PLAN
5. BUFFALO TRACE IS PHYSICALLY AND SOCIALLY INTEGRATIVE WITH THE SURROUNDING LAND USES
6. BUFFALO TRACE PRESERVES THE RURAL CHARACTER OF THE NEIGHBORHOOD
7. BUFFALO TRACE WILL INCREASE PROPERTY VALUES IN THE AREA
8. BUFFALO TRACE WILL NOT SIGNIFICANTLY AFFECT TRAFFIC
9. BUFFALO TRACE WILL NOT OVERTAX THE SCHOOL SYSTEM
10. BUFFALO TRACE WILL NOT SPUR UNCONTROLLED GROWTH IN THE AREA
11. MARKETING RESEARCH SHOWS THAT THERE IS A NEED FOR DEVELOPMENTS LIKE BUFFALO TRACE
12. BUFFALO TRACE OFFERS A LOT SIZE AND COMMUNITY TYPE NOT CURRENTLY AVAILABLE IN THE CHAMBERS ROAD AREA

APPENDIX A

THE COMPREHENSIVE PLAN CONSISTENCY PATTERNS

GOALS AND OBJECTIVES

"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."(P.4)

"Proper design principles shall be applied in the development."(P.4)

"Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed."(P.4)

"Boone County shall strive to achieve a diversity and balance in land use. Land uses and zoning decisions shall strive to balance the rights of individual landowners with the rights of the general public."(P.4)

"New development or re-development 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."(P.5)

"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 of the 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 pastureland shall be evaluated during the design and construction process as a visual and economic benefit to the community."(P.5)

"The overall integrity of Boone County's natural or ecological systems, such as wildlife habitats, air, and water, shall be protected by implementing regulations which affect the location and design of development." (P.6)

"Watersheds shall be studied, monitored, and protected as to the quality and quantity of storm water runoff so as to prevent flooding and erosion and also promote habitats for wildlife." (P.6)

"Boone County shall seek an overall combination of land uses that yields a balance between the public revenues generated from those uses and the public expenditures required to support those uses." (P.7)

"Existing vegetation shall be considered as both an important site characteristic and a community resource."(P.6)

"Areas possessing unique characteristics shall be preserved; used as passive or active recreational areas, or appropriately incorporated into development design."(P.6)

"A broad range of housing opportunities shall be provided which meet the needs and desires for all household types."(P.9)

"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."(P.9)

"Clustering (increasing net density while not altering overall gross 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."(P.10)

"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."(P.10)

"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."(P.10)

"Specific areas and innovative land use planning concepts shall be identified to encourage the preservation of existing agricultural lands"(P.11)

"Existing infrastructure and services (e.g. systems and facilities for: water treatment and distribution, wastewater collection and treatment, natural gas distribution, electric power distribution, communication lines, police and fire services and associated municipal buildings, schools, public roads and storm water management) shall be utilized efficiently. The phasing of proposed development shall be examined as a means of addressing significant impacts on existing infrastructure and services." (P.12)

"New infrastructure systems shall be built to definite planned and balanced capacities and for definite urban and rural forms." (P.12)

"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." (P.12)

"The elimination of overhead utility services shall be encouraged" (P13)

"Public sanitary sewer systems shall be STRONGLY encouraged in place of individual treatment plants or septic systems. Opportunities for regional/combined storm water management systems shall be examined and developed if appropriate. (Emphasis added P.13)

"Transportation opportunities for pedestrians and bicyclists shall be provided by the development of a network of sidewalks, pathways, and roadway lanes." (P.14)

POPULATION

"The overall need for greater population densities in the eastern portion of Boone County and lower densities in the western portions will effect where the population growth is to occur." (P.17)

"The majority of the population growth in the county has occurred in the Florence, Oakbrook, Burlington, RICHWOOD, Hebron, and Union areas. (Emphasis added)." (P.20)

ENVIRONMENT

"Development and environmental conservation can benefit each other instead of being treated as opposing factors. There are innovative tools that can provide incentives, tradeoffs, or simply good design to result in development patterns that make use of or conserve natural resources instead of building over them. These objectives can be achieved without excessive regulation."(P.31)

"Soils in Boone County are generally not suited for septic leach activity"(p.31)

"Since soils of poor permeability will not filter water, neither will the soils filter or absorb septic effluent or other surface pollutants. An extreme health hazard can be created when such pollutants are directly mixed with storm and surface waters. When poor permeability is caused by high water tables, septic systems, and general urban uses can transfer pollutants directly into the streams and the ground water supply. Major advancements have been achieved in Boone County by implementing the regional sewer system that has eliminated many individual treatment systems."(P.35)

"Boone County Fiscal Court has assisted with the installation of sanitary sewers for existing subdivisions served by individual treatment systems by funding up to 1/3 of the assessment costs. This type of activity should be encouraged." (P.35)

"The county can accommodate growth to compliment existing development and allow new development, if proper controls and design standards are followed." (P.43)

"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 the 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 in 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." (P.48)

PUBLIC FACILITIES

"Private, on-site systems, including leach fields, generally discharge into the soil for natural decomposition. In general, Boone County's soils are poor at accepting these discharges and stream pollution often results.

These systems also require larger lot sizes, resulting in inefficient use of the land. (P.122)

"Boone County, as a community, needs to be careful that sewer service areas are developed in an efficient manner, but that all sewer service areas are not over-developed." (P.124)

"The Sanitation District has adapted a policy that encourages gravity sewer lines as opposed to a series of pump stations to serve a new development" (p.124)

AGRICULTURE

"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." (P.103)

RECREATION

"Property values around parks tend to be considerably higher than other areas, thereby making an annual contribution to the community in the form of higher property tax revenues, as well as additional profits to the owners at point of sale. More valuable properties also tend to be maintained at a higher level, improving the appearance of the communities." (P.89)

HOUSING

"Housing densities should vary within the established developed areas."(P84)

"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 on portions of the site can be increased while the overall intensity on the site can remain basically the same.... 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 opportunitiesTo achieve true open space subdivisions, however, the review process needs to include more pre-application meeting work, and preliminary plans need to be designed in the following steps:

1. Evaluate the subject site for natural/historic areas or views that make the site special
2. Set these areas aside to be designed into the development

3. Select home building sites to take advantage of access to these features or views
4. Design a road and utility systems to serve the planned homes
5. Create lot lines to encompass the home sites, leaving the features under common ownership for recreational or green space purposes." (P.85)

"Boone County's population is becoming more elderly in proportion. This graying of the population will have an impact on housing demand. Many of these "empty nesters" will want to move out of their high-maintenance, large lot single family homes and into condominiums, landominiums, or **SMALL LOT SINGLE FAMILY HOMES**" (emphasis added p.75)

"As a result of the County's expected population growth, a significant increase in the supply of housing will be necessary." (P 76)

"An important factor in detached single family housing development is the relative cost of a building lot. The rapid residential growth throughout the 1990's has pushed the expense for developable land higher. As predicted in the 1995 Comprehensive Plan, this has strengthened the trend toward multifamily or **INNOVATIVE CLUSTERED HOUSING**." (Emphasis added p.76)

"The areas of greatest projected population growth are in the Florence-RICHWOOD-Union-Burlington area, south along I-75, and in the Hebron-North River area. The western and southern sections of Boone County are expected to experience less population growth, thus less of a housing need. As noted previously, there is a desire of the population to live in rural areas that are **CONVENIENT TO THE CENTERS OF COMMERCIAL ACTIVITY**. This suggests a continuation of the outward movement of housing construction from the Florence area. This movement is accelerated directionally by major thoroughfares such as KY 18, KY 237, and **INTERSTATE INTERCHANGES**. Residential development should occur **NEAR ESTABLISHED** urban or **SUBURBAN AREAS** as opposed to leapfrogging to isolated areas, such as the western portion of the county. For residential development to occur in these outlying areas, adequate and proper infrastructure must be provided, and impact on the natural environment must be minimized."(Emphasis added P.87)

"Development in established areas takes advantage of existing services and minimizes future strain on the transportation network. The Public Facilities Element shows the existing and planned water lines and other services which should influence the locations of new residential construction."(P.87)

LAND USE

"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 the entire site to meet a preconceived project design. Development plans should identify such areas and delineate disturb limits to protect those areas that have been defined." (P158)

"Developments should provide buffering along the public roadways to soften the visual impact." (P.159)

"Natural green space benefits the community as well as encouraging developers to create innovative developments through clustering of buildings and impermeable spaces." (P159)

"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."(P159)

"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." (P159)

" Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. (P.160)."

" 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."(P.160)

"The minimal use of signs is encouraged." (P.160)

Overhead utility lines should be placed underground wherever possible, and junction boxes screened from view."(P.160)

"Water and sewer infrastructure should accompany such (new) road connections and extensions as to prevent premature estate style residential development associated with sprawl, and to prevent frontage subdivisions that result in poor access management."(P.164)

APPENDIX B

Adjacent Property Owners

Rural Subdivision Design by the Valley Conservation Council

Washington Post article Jan. 7, 1995

Lacy study

Penn State study

Decker Road research

January 1 letter to surrounding community

Open house sign – in list

1/12/2004

CHAMBERS ROAD ZONE CHANGE
ADJACENT PROPERTY OWNERS

OWNER	ADDITIONAL OWNER	ADDRESS	CITY	STATE/ZIP	PIN #
Huey, Gaines & Ann Trustees		773 Chambers Road	Walton	KY 41094	065.00-00-019.00
Hager, Michael R. & Vickie Jean		12183 Decker Lane	Walton	KY 41094	065.02-02-033.00
Hanscom, Kurt N. & Caroline J.		12155 Decker Lane	Walton	KY 41094	065.02-02-035.00
Wilson, Clyde Jr. & Trula M.		12140 Decker Lane	Walton	KY 41094	065.02-02-036.00
Weaver, James W. & Patricia L.		12125 Decker Lane	Walton	KY 41094	065.02-02-037.00
McMillan, Donald & Anges		12105 Decker Lane	Walton	KY 41094	065.02-02-038.00
Spegal, William & Sylvia		12084 Decker Lane	Walton	KY 41094	065.00-00-018.10
Pratt, Sara L.		12060 Decker Lane	Walton	KY 41094	065.02-02-053.00
Boyle, Helen J.		12042 Decker Lane	Walton	KY 41094	065.02-02-052.00
Aulick, Mark & Shannon		710 Chambers Road	Walton	KY 41094	065.00-00-018.07
Kloeker, Ted & D'anna		11996 Decker Lane	Walton	KY 41094	065.02-02-051.00
Novell, Chester & Hazel		11956 Decker Lane	Walton	KY 41094	065.02-02-050.00
Modlin, Steven & Geneva		729 Aylor Lane	Walton	KY 41094	065.02-02-049.00
Grimme, Betty		659 Aylor Lane	Walton	KY 41094	065.02-02-001.00
Bushmen, Richard & Marie		627 Aylor Lane	Walton	KY 41094	065.02-02-001.00
Worley, Gregory & Leigh Beth		694 Chambers Road	Walton	KY 41094	065.02-02-005.00
Alumni Development, LLC		242 Boltz Lake Road	Dry Ridge	KY 41035	065.00-06-002.00



What's New
at VCC?

About Us

▼

Membership

▼

Conservation
Information

▼

VCC Resource
Center

▼

Our Conservation
Work

▼

Economic
Advantages
of Conservation

▼

Local Officials

▼

Links

Rural Subdivision Design

It has been said that if you don't know where you are going you might wind up someplace else. Can you imagine what you want your county to look like in the future? Do you want sprawl, congestion and pollution? Do you want a preserved natural environment with few job opportunities for yourselves and your children? Or should you be pursuing something between these two?

The Importance of "Quality of Life" and "Sense of Place"

Throughout the United States there is a growing awareness among local leaders, realtors, developers and other business people that an area's "quality of life" is one of its chief economic assets. Few new businesses choose to locate or expand in locales that do not offer enjoyable places to live. Communities that have allowed all their natural lands to be cut up into houselots or paved over into parking lots often suffer a competitive disadvantage when trying to attract new employers. And rural areas that rely on outside dollars from retirees and tourists to stimulate their economy may capitalize on waterways or historic character for their continued prosperity. Few people would choose to retire or vacation there if they looked as commonplace as the anonymous suburbs where they have spent most of their lives.

Across the country, when people are asked where they would prefer to live, work, shop and recreate they invariably select communities that have an abundance of trees, open spaces, and uncluttered pedestrian ways. These preferences translate into clear economic term: if a community is to succeed in attracting new residents and businesses for the long term, it must be concerned about its appearance, physical character, livability and "feel."

Residents, business leaders, developers, and local officials should be concerned not only about the number, type and density of new subdivisions and other development, but also about the effects those developments will have on their townscapes, the surrounding rural landscape, and their cultural and natural heritage. All these things combined give each community its uniquely individual "sense of place." Although new subdivisions can be designated to preserve this sense of place by preserving each community's most important natural and cultural features, these advantages are generally not realized. Communities typically receive very conventional

strip types of developments along their major roadways and "cookie cutter" layouts of just more house lots and more streets within their subdivisions.

Few growing communities have escaped the effects of strip development and conventional subdivisions. It sometimes seems to occur overnight: where there was a farm field yesterday, today stands a thirty-acre "cookie cutter" subdivision. The pace has been sometimes fast and sometimes slow, but relentless, to the point where it is often accepted as inevitable. But, sprawl development and subsequent loss of a community's "sense of place" and quality of life is not inevitable if residents, developers and land use planners work together.

The Cost of Development

There are many benefits related to growth such as expanded job opportunities, better community facilities, and more community activities. However, growth can create costly problems. Landowners, taxpayers and employers all suffer when growth creates unforeseen consequences.

The economic impacts of development, both positive and negative, extend much farther than is commonly appreciated. Our present land-consumptive system of development increases air and water pollution with both ecological and economic consequences. While it is difficult to quantify the total economic impact of the loss of open lands (because the effects form an interconnected network affecting industries as diverse as farming, fishing and tourism) those losses can be substantial.

The public costs associated with development fall under five categories:

- 1. Educating children
- 2. Constructing and maintaining public facilities, such as water and sewerage facilities, solid waste disposal and parks
- 3. Providing public services, such as fire and police protection, and health and welfare services
- 4. Constructing and maintaining roads and parking facilities
- 5. Administering local government.

Many studies have been undertaken to determine the effects of various types of development upon municipalities cost

outlays. These studies have shown that the new public costs resulting from low-density or "sprawl" development are considerably greater than those resulting from higher density or "clustered" open space subdivisions for the same number of dwelling units. Put simply, it costs more to run school buses and emergency vehicles, to repair roads and collect garbage when homes are spread out over more miles of roads than when houses are located more closely together, as in a typical nineteenth-century town.

For example, in 1991 the Valley Conservation Council conducted a study of the fiscal impacts of major land uses in Augusta County, Virginia. It was found that Augusta spent about \$1.22 providing services for every \$1.00 it collected from residential land uses.

Overall, residential land use created a \$9.6 million deficit in the County budget. Although the deficit from residential land use was balanced by a new contribution of \$8.5 million from commercial and industrial land uses, the combined impact of all developed land (residential, commercial, and industrial) on the County's finances was a \$1.1 million deficit of expenditures over revenues. By comparison, the County spent approximately \$0.80 providing services to farm and forestlands for each \$1.00 of revenue generated, resulting in a net surplus for the County of \$1.2 million.

The deficits created by residential development can be avoided if developers, planners, and the community all have input into how growth is maintained and managed. When it comes right down to it, planning is a balancing act. Each community must balance the benefits of growth on the one hand with the maintenance of economic health and important central features on the other. One possible way of achieving this balance is through rural open space design.

Conventional layouts vs. "Rural Open Space Designs"

One of the biggest problems facing many communities is that most still operate under conventional zoning ordinances. The term "conventionally designed subdivision" refers to residential developments where all developable land within any given tract is divided into house lots and streets, the only open space typically being undevelopable wetlands, excessively steep slopes, and stormwater management areas. Conventional design methods often result in all the land being paved over, built upon, or converted into backyards. When repeated over and over again, conventional development can

lead to a community losing many of the physical and natural attributes that made it so unique.

Within the American economy, open land is commonly seen as an unused and wasted resource, one that will reach its full potential only if it is developed and put to a "productive" use. This attitude is often accompanied by strong opposition to alternative forms of development such as open space preservation and clustering efforts. But, as communities become increasingly developed, as traffic grows heavier, and as open lands steadily dwindle away, the intrinsic values of natural areas become more apparent to large numbers of people.

In its purest form, the term "open space design" refers to residential developments where, as in golf course communities such as the Homestead in Bath County, as much as half of the buildable land area is designated as undivided, permanent open space. This result is typically achieved in a "density neutral" manner by designing residential neighborhoods more compactly, with smaller lots for narrower single family homes as are found in traditional villages and small towns throughout the United States.

Why Design Subdivisions for Both Conservation and Development?

Open space conservation produces multiple economic benefits: those to the community as a whole, those to individual landowners, and those to developers. In terms of community benefits, open space conservation can produce far-reaching effects on the local economy in its effect on the local "quality of life."

You might be wondering why you should bother learning how to design subdivision sites which accommodate both conservation and development. Here are a few reasons:

1. Simply put, conventional approaches to subdivision development ultimately produce nothing more than houselots and streets. This process eventually "checkerboard" currently rural areas into a seamless blanket of "wall to wall" subdivisions with no remnant of the landscape heritage which previously existed. Whether one is a landowner, developer, realtor, planner, engineer, surveyor, landscape architect or local official, few people can take a great deal of professional pride in helping to create just another conventional subdivision,

converting every acre of natural land within a site to lawns, driveways and streets.

2. Lower costs! An economic advantage offered by open space design is the reduction in infrastructure engineering and construction costs. To the extent that single-family houselots can be narrowed, or that multiple unit dwellings can be incorporated, street and utility runs can be shortened. This reduction becomes greater as the development pattern itself becomes more compact and village-like, but is also measurable even when homes are interspersed with open space to provide good views for the maximum number of homes. To the extent that street pavement is reduced, the size and cost of stormwater management facilities can also be lessened. The shorter street and utility systems that often result from more compact layouts can also reduce the public sector's long term infrastructure maintenance costs.
3. Sales and marketing advantage! Another economic advantage occurs during the marketing and sales period, when developers and realtors can capitalize on the amenities that have been preserved or provided within the development. These positive features can form the basis for an environmentally-oriented marketing strategy highlighting the benefits of living in a community where upland forest habitat and/or productive farmland have been preserved, along with riparian or wetland buffers, and wildlife meadows. Sales brochures should be prepared to illustrate and describe neighborhood trails through protected greenways paralleling creeks or traversing ridgelines, and formal commons for passive recreation and specific facilities for certain active sports could be mentioned.

Alternative methods of designing for the same overall housing density while preserving a certain percentage of the site are not difficult to master, and create more attractive and pleasing living environments that sell more easily and appreciate faster than conventional "houselot and street" developments.

4. The significant land conservation achievable through "open space development design" should help smooth the local review and approval process, by responding to many environmental concerns even before they are raised.
5. Open space subdivisions are simply better places to live. When well designed, the majority of lots abut or face

onto a variety of open spaces, from formal "greens" or "commons" to wildflower meadows, farm fields, mature woodlands, freshwater wetlands, and/or active recreational facilities. At present, only golf course developments offer comparable amounts of open space. One measure of the demand for open space among homebuyers is the fact that approximately 40% of people living in golf course developments do not even play the game.

6. By preserving and/or improving an area's image, open space helps to increase tourism. A poll commissioned by the President's Commission on American Outdoors found that natural beauty was the single most important criterion for tourists in selecting outdoor recreation sites. Tourism in turn infuses a communities economy with outside dollars.

Conclusion

Through proper planning and the development of a unified community vision, citizens of your county can encourage and promote business and economic vitality while protecting the pieces of the county that hold a special place in your hearts. Preserving recreational places, free flowing streams and creeks, special forests, trails and country lanes, healthy farmlands and fields and the historic and cultural features that make your county so unique.

Planning for your county's future requires community understanding and guidance. It is the citizens of the county who have the most to offer. You know the business and economic needs of the county. You know the county's most special places. You have a sense of what is important and what should be maintained. Most importantly, you can provide the foresight and vision to maintain your county in a way that will serve as a proud legacy for your children and grandchildren.

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Community Living: Look for Bike Paths, Not Golf Courses

By Kenneth R. Harney

Hot attractions for 1995: Bike paths, hiking trails, outdoor living rooms and interactive community amenities.

Not so hot: Tennis courts, golf courses, fancy clubhouses and splashy subdivision entrances.

Extra security services, especially private guards patrolling the neighborhood in vehicles while you're asleep at night—are *de rigueur*. In fact, you probably wouldn't even buy without them.

And some new concepts, such as "community concierges" who will provide you all sorts of time-saving, free services—buying theater tickets, making reservations, helping with catering arrangements or shopping—are on the verge of taking off.

These are just a few of the findings emerging from a major, unreleased poll of what American home shoppers want—and will pay a premium for—in a newly developed community.

Conducted for a group of the largest-volume home builders in the country, the study is based on the responses from more than 800 consumers who bought or shopped for a home in planned communities last August and September in California, Texas, North Carolina, Florida and Georgia.

The research was performed by American Lives Inc., a San Francisco-based firm that interviews 80,000 to 100,000 consumers a year, primarily for the real estate industry.

Brooke Warrick, president of American Lives and designer of the study, said "what really jumps out at you" is that consumers now want features designed into new communities that not only allow—but promote—"interaction with other families, children and community organizations," far more than they did just five or 10 years ago. (emphasis added)

Consumers also are putting an increasingly high premium on interaction with the outdoor environment through the inclusion of wooded tracts, nature paths and even "wilderness areas" where possible, Warrick said. Back in the mid-1980s by contrast, he said, the top consumer draws in newly developed communities were tennis courts, swimming pools, golf courses and golf clubhouses. (emphasis added)

"Everybody wanted to look out at rolling greens from their own windows," Warrick said. But that has changed dramatically.

"The reality," he said, "is that after living on the edge of a golf course for a while, those homeowners discovered that golfers can be a pain. I mean, they hit balls into your win-

dows, they intrude on your privacy and that's no fun."

Tennis courts used to be ranked as "essential" amenities by a high percentage of shoppers, but no longer.

"Tennis courts are nice," Warrick said, but they ranked only 28th out of 39 features that 1994 buyers defined as crucial in persuading them to buy in a particular new community. Having a golf course within the community came in 29th, and a golf clubhouse and pro shop ranked 34th.

So what features will command premium prices in 1995? Here are the top several:

- No. 1. Community designs that deliver low traffic and quiet. Fully 93 percent of all home buyers and shoppers in the study rated this either "essential" or "very important." In Warrick's description, "if a builder or developer doesn't provide this, he's out of the game."

- No. 2. About 77 percent of consumers put "lots of natural, open space" in the must-deliver category, along with street designs that take the shape of cul-de-sacs, circles and courts.

- No. 3. Plenty of "walking and biking paths." Ideally Warrick said, the paths meander through wooded areas and parklands, and about some homeowners' lots to enhance "a sense of interactivity among private houses and leisure-time,

fun activities" by residents of all ages. (emphasis added)

Among other high-value, we'll-pay-premium-price features that emerged in the new study:

- An exercise or fitness center, run or overseen by the community itself, should be in the subdivision. Nearly 51 percent of consumers said this was essential or very important to their daily lifestyles.

"They don't want to have to go outside for this anymore," Warrick said. "It's got to be a place where you meet and interact with people from your own community."

- Wilderness areas. The idea here, according to Warrick, is to set aside substantial wooded acreage with the fauna and flora that existed before the development of the subdivision itself.

Along with other open, natural spaces, gardens and vest pocket parks, wilderness areas become part of what Warrick calls the new "outdoor living room" concept that buyers expect—and will pay extra to get—in a planned development.

After all, he said, "who cares if your lot is small or even your house is small when you've got an interactive, outdoor living room that goes on for acres?" (emphasis added)

Lacy, Jeff. 1990. *An Examination of Market Appreciation for Clustered Housing with Permanently Protected Open Space*. Amherst, MA; Center for Rural Massachusetts, University of Massachusetts.

COMPARATIVE STUDIES OF REAL ESTATE VALUES IN OPEN SPACE SUBDIVISIONS VERSUS CONVENTIONAL DEVELOPMENT

A research project conducted by the Center for Rural Massachusetts compared the appreciation differences for homes in two subdivisions where the chief distinguishing difference was in their layout and open space design.

More than 800 property sales transactions were examined on 227 homes built over a 21 year period, in the same town at the same overall density, where the homes were very similar in size and original sales price. The study examined two subdivisions in Amherst, Massachusetts : Orchard Valley (a conventional approach) and Echo Hill (a creative open space design). Both were built during the late 1960's and 1970's at an overall density of two dwelling units per acre. Homes in both developments contained about 1,600 square feet of floor space and sold for a similar price.

The principal difference between the two subdivisions was their subdivision design. Orchard Valley residences had large half acre lots but very little open space, while Echo Valley's lots were only half as large, there was a considerable amount of common open space including a large 3.7 acre playing field, pedestrian trails, and two ponds.

After two decades, homes in each development have appreciated considerably. However, the appreciation value was \$17,100 higher in the open space subdivision (12.7 percent greater). It seems clear that people are willing to pay more for equivalent homes on smaller lots when there is common open space amenities in the neighborhood.

Elbow Room

A Penn State study looks at how land use affects property values.

A NEW FOUR-YEAR STUDY CONDUCTED BY two professors of agricultural and environmental economics shows that in at least one rural Pennsylvania county, open space within 400 meters of a house has the most positive impact on house prices, followed by single-family homes on large lots. A landfill within the same distance has the most negative effect.

Dr. Richard Ready and Dr. Charles Abdalla, who are affiliated with Penn State University, conducted the land-use study in Berks County, Pa., using data based on 8,090 single-family homes sold between 1998 and 2002. They looked at how prices were affected by both amenities (those were good things such as open space and proximity to shopping) and "disamenities" (those were the not-so-good things such as industrial use and animal farms).

"Our original interest was in the impact of open space on residents and property values," says Ready. "One of the concerns is that the lack of open space will make places a less desirable place to live. One way we can try to measure how desirable something like that is is to measure property values."

Because much of Berks County is primarily agricultural, Ready and Abdalla also looked at the impact large-scale animal facilities has on property values. Surprisingly, these large-scale animal facilities, defined as having more than 200 animal equivalent units (aeu), have less of an impact on property values than a landfill. It doesn't matter whether those animals are pigs, chickens, or dairy cattle.

"A farm with 200 aeu's, that's about 200 milking cows with calves," Ready explains, adding that Berks County has a real mix of animal farms. "That's not a really big animal operation, especially compared to some of the stuff that's going on in North Carolina." — *K. Stanley*

TO LEARN MORE ABOUT THE PENN STATE STUDY, VISIT OUR WEB SITE AT WWW.BUILDERONLINE.COM, CLICK ON "THE MAGAZINES" TAB, AND THEN CLICK ON "BUILDER ARTICLE LINKS."

GOT AN INSIDE STORY?

E-MAIL MATTHEW POWER AT:
mpower@hanley-wood.com

Decker Lane Research

Lot 33: 12183 Decker Lane
Map #65B-34=33
Assessment: \$169,900.00
Square footage: Living Area 1932
Basement 1412
Garage 520
Patio/Deck 352

Lot 35: 12155 Decker Lane
Map #65B-35=35
Assessment: \$163,000.00
Square footage: Living Area 1792
Basement 1792
Garage 480
Porch 160
Patio/Deck 192

Lot 36: 12140 Decker Lane
Map #65B-36
Assessment: \$145,000.00
Square footage: Living Area 2344
Basement 884
Garage 440
Porch 132
Patio/Deck 224

Lot 37: 12125 Decker Lane
Map #65B-37
Assessment: \$140,000.00
Square footage: Living Area 1820
Basement 1500
Garage 576
Porch 160
Patio/Deck -0-

Lot 38: 12105 Decker Lane
Map #65B-38=38
Assessment: \$145,000.00
Square footage: Living Area 1680
Basement 1440
Garage 576
Porch 144
Patio/Deck 144

Lot 39: 12083 Decker Lane
 Map #65B-39=39
 Assessment: \$145,000.00
 Square footage: Living Area 1912
 Basement 1296
 Garage 1104
 Porch -0-
 Patio/Deck 220

Lot 40: 12063 Decker Lane
 Map #65B-40=40
 Assessment: \$130,000.00
 Square footage: Living Area 1408
 Basement 968
 Garage 440
 Porch 24
 Patio/Deck 280

Lot 53: 12060 Decker Lane
 Map #65B-53=53
 Assessment: \$115,000.00
 Square footage: Living Area 1100
 Basement 1020
 Garage 528
 Porch 120
 Patio/Deck 144

Lot 52: 12042 Decker Lane
 Map #65B-52=52
 Assessment: \$130,000.00
 Square footage: Living Area 1725
 Basement 1380
 Garage 624
 Porch 184
 Patio/Deck 264

12084 Decker

Assessment \$140,000 Residence Map 65-18F
 Deed 262 201

\$5,000 - 2 acre parcel purchased

11/27/2000

Deed book E, page # 794 376

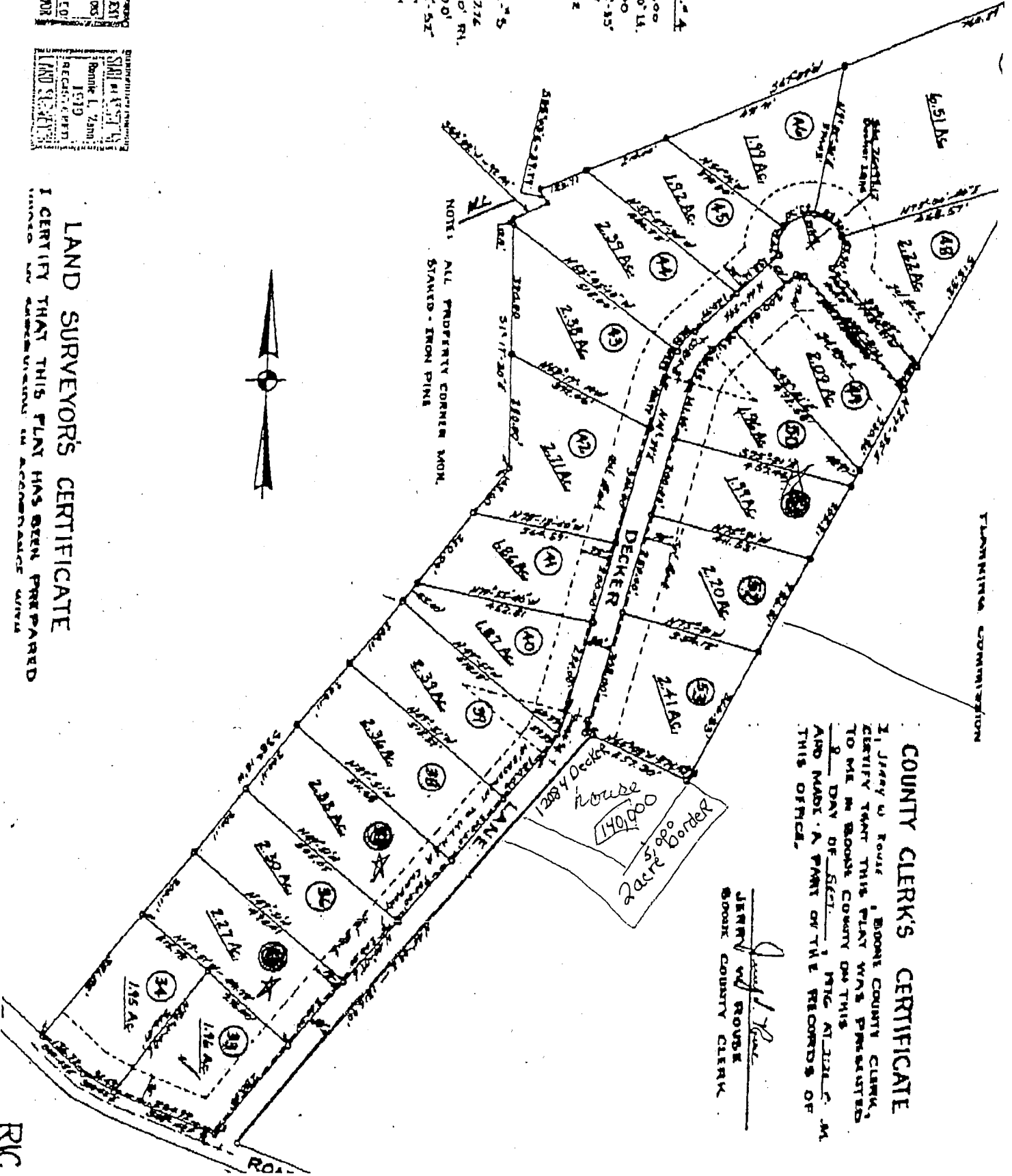
Map # 065.00-00 - 018.10

PLANNING COMMISSION

COUNTY CLERK'S CERTIFICATE

I, JERRY W. ROUSE, Boone County Clerk, certify that this plat was presented to me in Boone County on this 8 day of SEPT, 1978 at 11:15 A.M. and made a part of the records of this office.

Jerry W. Rouse
JERRY W. ROUSE
BOONE COUNTY CLERK



NOTE: ALL PROPERTY CORNER MON.
STAKED - IRON PINE

CURVE - 4
PI - 1310.00
A - 251.30' LI.
R - 300.00
Dc - 14'05'-35"
T - 67.88'
Lc - 158.52

CURVE - 5
PI - 2247.26
A - 321.60' RI.
R - 200.00'
Dc - 26'55'-52"
T - 51.36'
Lc - 111.70'

STATE OF MISSOURI
REGISTERED
LAND SURVEYOR
1770

STATE OF MISSOURI
REGISTERED
LAND SURVEYOR
1978
Bonnie L. Zann

LAND SURVEYOR'S CERTIFICATE

I CERTIFY THAT THIS PLAT HAS BEEN PREPARED
IN ACCORDANCE WITH THE REQUIREMENTS OF THE

RIC

B.O.L.D. **HOMES**

Builders Of Lifelong Dreams

January 1, 2004

Dear Friends and Neighbors,

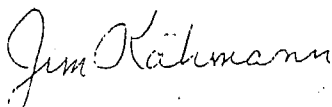
B.O.L.D. Homes is pleased to present for your review, *Buffalo Trace* a new residential development plan for 54 Acres at the corner of Decker Lane and Chambers Road. *Buffalo Trace* has been designed with a conservationist's approach to residential planning. Specifically, for every seven single family detached homes, approximately one acre of ground has been set aside as open space.

Buffalo Trace boasts three parks (1.3 to 3 acres in size), two pocket parks, pedestrian trails, Community Commons, and a Gentleman's Farm of nearly 9 acres. In all, one third of the property will stay green – protected from development forever.

The goal of this rural approach to planning is to preserve the rural character of the area, increase surrounding property values, and create an upscale development that will attract the discriminating move-up buyer; while keeping a low density "rural" feel. Further, lower densities are advantageous because they do not significantly impact the roads, schools, and infrastructure.

Please join us on **Thursday January 15th** anytime between **5:00 and 7:00 p.m.** at our Model Home in Plantation Pointe to review and critique this unique development. Experience tells us that you, as neighbors, know the area best. We would like your input and sincerely appreciate your time and effort.

Sincerely yours,



Jim Kahmann
President
B.O.L.D. Homes

Directions: I-75 to exit 178 (Ky-536/Mt Zion) turn west on Mt. Zion Rd. Turn right onto Wetherington Blvd. Turn right onto Appomattox Drive. Parking is available at the pool house immediately to your left as you come onto Appomattox. Our model is across the street (look for the sign in the yard).

SIGN - TN SHEET

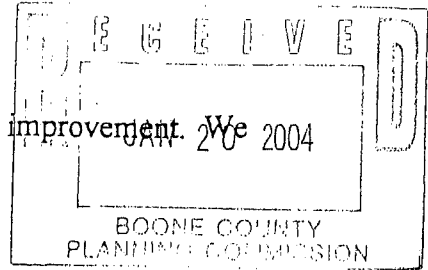
NAME	ADDRESS
Mike Healy	477 Appomattoy
Compton	790 Chambers Rd.
Bill Lopez	12084 DECKER LAKE
Jim Wauer	12125 Decker Ln.
Richard Wuerker	12303 Gaines way 41094
Mona Stith	12043 Decker Ln 41094
Leigh Worley	694 Chambers Rd, Walton 41094
Dennis Repenning	12253 Gaines Way 41094
Marcie Bushman	627 Caylor Ln. 41094
Richard	" " " "
Donna Neekerson	12294 Gaines Way - 41094
Cindy Wuerker	12371 Fawn Way 41094
MARK AULICK	710 Chambers Rd Walton Ky 41094
Ron Snells	12250 GAINES WAY WALTON KY 41094
Rodney Reel	12200 Gaines Way Walton Ky 41094
Harold Jette	12269 Gaines Way, Walton, Ky 41094
Catherine Jette	" " " " " "
Mike Hagen	12183 Decker Lane
Donna Klocke	11996 Decker Ln
Dr. PE Huey	773 Chambers Rd. Walton
Jerry & Ann Savalyja	12217 Hutton Dr. Walton
ROGER KERLIN	12230 GAINESWAY 41094
Mary & Sheri Pisschel	1107 Plateau St Elsmere Ky 41018
Sherril & Howard	12392 Hutton Dr. Richwood

NAME	ADDRESS
Thomas Fuchs	11806 SUNCREST DR.
John Hart	11938 Decker Lane
Don McMillan	12105 Decker Lane
Greg W. D.	12140 Decker Lane
Bradley A. Wilson	12140 Decker Lane
TOM + KAREN RAOVICI	12640 HUTTON DR
Helen J. Boyle	12042 Decker Lane
Carole + Carl Schmitt	11991 Decker Lane
Tom & TESS RICHARD	11973 Decker Lane
Clyde + Jane Wilson	12140 Decker Ln.
Greg Worley	694 Chambers Rd

BUFFALO TRACE

COMMENT/SUGGESTION SHEET

Please record your positive comments as well as any suggestions for improvement. We appreciate your time and effort.



Name John Hart
Address 11938 Decker Lane

Either the developer or Boone
County must consider the entire drainage
area for upper Mud Lick Creek for storm
water management. Simply designing for this
proposed development does not consider the
final buildout of the ^{complete} drainage basin. In recent
years Mud Lick Creek frequently leaves its
banks creating hazardous conditions

Kevin Wall

From: John Hart [jahiii@hotmail.com]
Sent: Monday, February 23, 2004 9:13 AM
To: kwall@boonecountyky.org
Subject: Proposed Buffalo Trace Development



BuffTracePlan04.doc
c (36 KB)

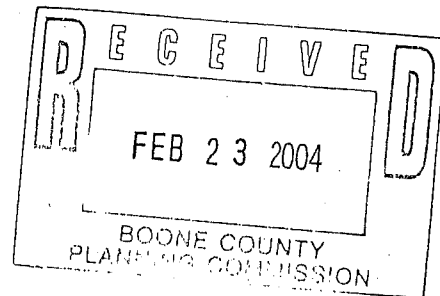
Mr. Wall

The attachment provides comments about the developer's proposed high-density community for the former Harold Aylor property along Chambers Road. The proposal raises many questions about the suitability of this development. Please include my concerns in your analysis of the proposal and also made part of the records for the Planning Commission Hearing on February 25, 2004.

Thank you.

John A. Hart III
11938 Decker Lane
Walton, KY 41094

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<http://special.msn.com/msn/election2004.armx>



To the Members of the Boone County Planning Commission February 21, 2004

This Wednesday, February 25, 2004, you will hear another request to change the zoning of the former Harold Aylor property, 720 Chambers Road, from A2 to SR-1.

Before making such a decision, I encourage you to drive through our neighborhood and adjacent areas and visualize the aesthetic impact such a dense development would have on the character of this mostly rural area. In addition to my neighborhood on Decker Lane, please visit the surrounding neighborhoods on Schmitt Lane, Hutton Drive, Chambers Road, Bedginer's Landing, and Suncrest Drive. Allowing such a density of three houses per acre is drastically out of character with any of the listed areas and does not meet the most basic requirements of the Comprehensive Plan. The proposal does not mitigate the impact on adjoining properties, environmental sustainability, or public infrastructure, nor does it address quality of life and safety issues.

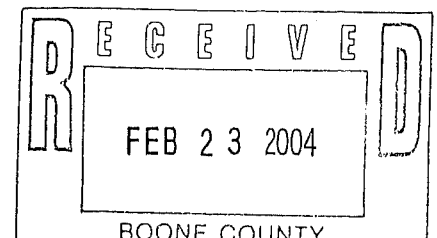
Environment

When considering the future build-out of the area, the proposed development does not meet the most critical Goals and Objectives. Before granting this zone change and development, the complete build-out must consider all cumulative impacts. We can no longer take a "first come, first served" attitude in development planning when considering impacts on all parts of the infrastructure. Considering the existing infrastructure in this area, the proposed density is too great. With the limited resources of the County and the State, we are never certain if any proposed infrastructure improvements will occur.

The major components of the 2000 Boone County Comprehensive Plan are the inventory, reconnaissance, and analysis of that information for existing and projected conditions affecting the projected growth and development of the county. The reconnaissance portion further identifies ten elements that establish the condition of the County which, when combined with the Goals and Objectives, set the direction of the Comprehensive Plan.

One of the major elements of the Reconnaissance component is the Environmental Element addressing wildlife habitat, woodland, and cultural assets, along with physical factors such as stream drainage, soil characteristics and other physical characteristics. One of the environmental goals requires that watersheds be studied, monitored, and protected not only for the quality of the storm water runoff, but also the quantity of runoff to prevent flooding (page 6, 31, 159). In addition, other elements of the Comprehensive Plan refine the requirements for watershed studies including Watershed Management Plans.

The developer's proposal for Storm Water Detention/Retention and Erosion Siltation features given in paragraph VIII.c.5.f. does not fully recognize the complexities and requirements required for this proposed Buffalo Trace development.



Although the Northern Kentucky Regional Storm Water Management Program now defines further requirements for the final development configuration, an understanding of these concepts in this preliminary proposal phase are just as necessary. One characteristic of the developer's proposal is the use of detention ponds throughout the proposed developed area. In an article by Jay Landers in the February 2004 issue of *Civil Engineering* he describes some of the shortfalls of this type of storm water management technique. According to Landers, these types of storm water detention possess a number of limitations that make them "environmentally dysfunctional and economically unsustainable." He further notes that ponds fail to replicate predevelopment hydrology and allow runoff volumes and contamination to increase after development. He goes on to describe adverse environmental impacts such as harmful increases in water temperatures and a greater concentration of toxic materials. The residents of Boone County do not want this to happen. In the eastern most tributary of Mud Lick creek along Richwood road just west of Schmitt Lane a beaver has taken up residence attesting to the environmental sustainable conditions that now exist in our rural/suburban setting. The fear remains that this proposed out of character and high-density development along with any similar future developments along Chambers Road would destroy any possibility of maintaining environmental sustainability. The favorable conditions that now exist would be lost and we would face continually degrading conditions. Proceeding further without a better understanding of the before and final build-out conditions and without the necessary measures to protect the valuable resources of the area is unwise.

Furthermore, a watershed study has not been completed for Mud Lick Creek. Without the watershed study, it is impossible to establish the baseline condition required to predict and plan for future development and recognize the other goals of the Comprehensive Plan. The Future Land Use Element depends on this information to describe existing land use and to establish future land use. Failure to adequately manage storm water causes downstream flooding. Furthermore, site-specific measures for an individual development using standard watershed management practices cannot be effectively implemented for area-wide land-use decisions. Such is the case in the upper reaches of Mud Lick Creek. The 2025 Land Use Plan shows the watershed area of the upper reaches of Mud Lick Creek to be a combination of SR-1 and Business Parks. With this increase in impervious surfaces as a result of roofs and pavements, a larger volume of water runoff arrives downstream at the same time, thus causing flooding.

As an example of the failure to adequately consider the nature and characteristics of development throughout the entire watershed, consider the Banklick Creek flooding that incurred in Kenton County several years ago. By assuming that single-family homes would create little runoff, the flooding problems continuously compounded. Perhaps the July 1997 Kentucky Post Editorial adequately sums up the problem by saying, "... a little runoff here and a little runoff there soon adds up."

Dependent on the magnitude of the changes to the land surface caused by development, the total runoff increases exponentially. For instance, a forested/agricultural runoff characteristic of 10 to 20 % changes to 40 to 50% with a residential setting and to 90 to 100% for this type of proposed development, creating the stage for increased flooding.

To proceed with any further development within the upper reaches of Mud Lick Creek watershed without a full understanding and consideration of downstream runoff predictions is inviting flooding similar to that experienced on Banklick Creek.

Infrastructure

Although the developer will extend a sewer line to his proposed development, no information is given assuring his design will allow for the final build-out of the area. Design considerations must provide for future and subsequent tie-ins and reassurance given by the Sanitation Board that his proposal is feasible and acceptable. Otherwise the objectives of “providing proper controls and design standards (page 43)” not to mention adequate services to all residents of Boone County (page 124) is not possible.

Furthermore, Buffalo Trace will significantly impact local traffic. On your visit you should also consider that adding an estimated 200 more cars to the current number using Chambers Road is not in compliance with the Comprehensive Plan Access Management provisions (page 159). Additionally, the roadway structure cannot handle this increased load. While the alignment and road geometry may meet the minimum requirements for collector roads, the roadbed structure itself does not. The roadway structure already shows the stress of existing traffic evidenced by the readily observable edge failures along the entire length of Chambers Road. Additionally, “alligatoring” apparent in the roadway surface indicates other numerous areas of roadway failure. Both failures types are the result of a failed sub-grade and/or sub-base caused by excessive repetitive loading or poor drainage. Simply repaving the roadway will only hide the failures and reflective cracking will soon be evident throughout the roadway again. Rebuilding the road would require the correction of all identifiable failures. Therefore, the proposed development drastically impacts the existing roadway and traffic infrastructure and does not meet the Comprehensive Plan requirements.

High Density and Smart Growth

Neither does the proposal satisfy the “Smart Growth” or the high-density development goals envisioned by the Planning Commission. Buffalo Trace does not support the following Smart Growth principles: (1) supporting the location of stores, offices, residences, schools ... and other public facilities within walking distance of each other ... to provide for easier movement and interaction, (2) supporting walking, cycling and transit as attractive alternatives to driving ... and, (3) connecting infrastructure and development decisions to minimize future cost by creating neighborhoods where more people use existing services and facilities by integrating development and land use with transit routes and stations. This clearly shows this area is not suitable for a high-density development. First, stores, schools, and offices do not exist within walking distance. Next, other than internal to the development itself, no other alternative forms of transportation other than driving exist. Lastly, with the continued reduction of TANK routes and services, the goals of reducing congestion and other harmful environmental impacts will go unfulfilled.

I believe that once you see our area, you will come to the conclusion that the proposed development would not only adversely impact the immediate adjoining properties, but the whole area as well. Although I recognize that further development of the area is inevitable, this proposal does not meet the minimum requirements of the Comprehensive Plan for the reasons above. The Commission should carefully consider the character and existing condition in the neighborhood before considering this proposal further. New development must maintain the characteristics of Boone County's existing neighborhoods. Therefore, this request should be denied, keeping the property's current A2 zoning classification.

Mr. & Mrs. John A. Hart III
11938 Decker Lane
Walton, KY 41094

2-20-04

Dear Mr. Costello,

Because my husband and I will be out of town for the meeting on February 25 we wanted to let you know our thoughts on the proposed zoning change on the Chambers Road property owned by the Kahlman Trust. Generally speaking and as you've heard repeatedly, the infrastructure cannot support this kind of development that will set a new precedent for developments to come. As much as Kahlman Trust/BOLD home people try to persuade everyone that this follows the comprehensive plan it most certainly does not!

When the BOLD Home people had their open house for people from our neighborhood they handed out brochures on this proposed development. Naturally, they sound like they are building a subdivision that is upscale and fits with the surrounding area. They are not! Most homes will have brick facades, but are mainly vinyl and are small (1500-1800 sq. ft.) The most troubling fact, though, is the high density which causes it not to blend at all! In their document they say Steeplechase Subdivision has a density of 3.6 units per acre when it is 1.63! Another subdivision, Sutherland, which is next to Steeplechase and also near the interstate access has a density of 1.94! And they are proposing a development that is five miles from the Richwood Exit that has a density of 2.43 units per acre! (All this information came from Table 6.6-Subdivision Growth of the Comprehension Plan which I am including.)

Why can't they develop it with really upscale houses (\$500,000+) on one acre plus lots? Also these people seem stuck on Grand National Boulevard connecting with Chambers Road. What's the sense in that?

Respectfully submitted,

Cindy Marks
(12371 Gaines Way)
Walter, KY

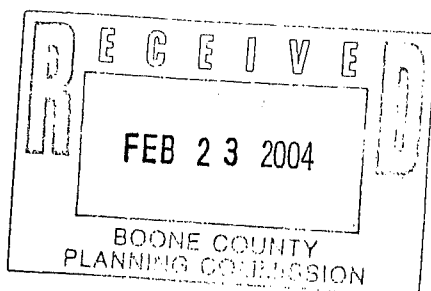


Table 6.6 - Subdivision Growth 1999

DEVELOPMENT	JURIS.	ACRES	DENSITY	SING. FAM BUILT	MULT. FAM BUILT	MOB. HOME BUILT	MULT. FAM BUILD-OUT	TOTAL BUILD-OUT
Antebellum	FL	25	4.36	16	0	0	0	109
Arborwood	BC	85	1.53	25	0	0	0	130
Bella Meadows	BC	51	3.08	157	0	0	0	157
Blackberry Hill Esta	BC	68	0.47	7	0	0	0	32
Bluegrass Ridge	BC	23	3.09	71	0	0	0	71
Brentwood	BC	56	1.84	58	0	0	0	92
Brookstone	BC	59	2.54	15	0	0	0	150
Burgundy Hill Apts	BC	34	11.65	0	120	0	396	396
Burlington Oaks	BC	8	18.00	0	144	0	144	144
Burlington Woods	BC	22	2.45	50	0	0	0	54
Cardinal Cove	BC	24	2.58	62	0	0	0	62
Cedarwood	BC	89	1.85	165	0	0	0	165
Chancelor Estates	BC	6	1.50	9	0	0	0	9
Charleston Pines	BC	24	10.00	0	120	0	240	240
Cheshire Ridge	BC	50	2.48	118	0	0	0	124
Cliffs at Oakbrook	BC	34	4.82	0	164	0	164	164
Cool Springs	BC	157	1.57	0	0	0	0	247
County Place	BC	15	10.00	0	150	0	150	150
Crestview Lakes	BC	15	4.80	0	0	72	0	72
Cross Road Estates	BC	103	0.17	4	0	0	0	18
Crossgate/Farmview	FL	14	5.57	0	30	0	78	78
Crossing of Oakbrook	BC	22	11.82	0	280	0	260	260
Darlington Farms	BC	38	8.89	0	338	0	338	338
Dartmouth	BC	49	2.45	53	0	0	0	120
Deer Creek	BC	77	3.30	89	0	0	0	254
Deer Trace MHP	BC	30	6.00	0	0	180	0	180
Derby Farms	BC	109	2.48	280	0	0	0	270
Dublin Greens	BC	31	2.81	31	0	0	0	81
Florence Methodist	FL	6	6.67	0	40	0	40	40
Greens of Oakbrook	BC	15	3.60	52	22	0	54	54
Greens of Turfway	FL	8	11.00	0	88	0	88	88
Groves at Oakbrook	BC	79	1.73	80	0	0	0	137
Hanover Park	BC	295	2.51	309	0	0	0	740
Hearthstone	BC	210	1.99	0	0	0	0	417
Hempstead	UN	192	2.28	282	0	0	0	438
Heritage Trails	BC	181	1.22	145	0	0	0	221
Hidden Creek	BC	45	2.04	37	0	0	0	92
Highlands of Oakbrook	BC	45	2.87	33	0	0	0	129
Ivy Pond	UN	30	2.40	72	0	0	0	72
Kensington Park	FL	18	6.00	0	42	0	108	108
Kensington Place	FL	33	2.61	86	0	0	0	86
Kimmsis	BC	20	3.95	11	0	0	0	79
Kingsgate Crossing	BC	97	2.54	237	0	0	0	248
Kingsley Chase	BC	52	0.54	8	0	0	0	28
Knolls of Oakbrook	BC	41	2.10	88	0	0	0	86
Lancashire	UN	69	2.42	89	0	0	0	167
Lassing Green	UN	74	1.46	65	0	0	0	108
Liberty Crossing	BC	45	3.89	39	0	0	0	175
Links of Oakbrook	BC	54	1.98	74	0	0	0	107
Magnolia Trace	FL	16	10.94	39	0	0	0	175
MCElheney/Stringtown	FL	3	12.00	0	0	0	36	36
Meadowood Greens	BC	7	10.00	0	70	0	70	70
Mosby's Point MHP	BC	21	4.95	0	0	104	0	104
Mt Zion Apartments	BC	41	10.54	0	432	0	432	432
Northfield/Farmview	FL	35	3.43	110	0	0	0	120
Old Lexington Villas	BC	16	5.75	0	0	92	0	92
Orchard Estates	BC	46	4.17	144	0	0	0	192
Paddock Club	FL	14	14.29	0	200	0	200	200
Parlor Grove	BC	248	0.96	156	0	0	0	238
Pebble Creek	BC	174	2.83	224	0	0	0	492
Pleasant Hill	BC	19	2.68	11	0	0	0	51
Pleasant Valley Mead	BC	257	1.97	387	0	0	0	506
Richwood North Estates	BC	30	6.47	139	0	0	0	194
Ridgecrest	FL	29	3.28	86	0	0	0	95
Ridgefield	BC	66	3.88	218	0	0	0	256
Rivershore Farms	BC	241	0.52	40	0	0	0	126
Saddlebrook	FL	119	5.71	138	528	0	528	679
Sherwood Lakes	BC	48	2.25	0	108	0	108	108
Silver Creek/Thunder	BC	234	2.73	312	0	0	0	638
Southpointe Apts	BC	9	9.78	0	88	0	88	88
Stacy's Acres	BC	10	1.30	13	0	0	0	13
Stearns Chase	BC	194	1.63	50	0	0	372	372
Summer set Farms	BC	77	2.08	59	0	0	0	160
Summits of Oakbrook	BC	25	6.24	0	156	0	156	156
Sunchase Meadows	BC	52	0.83	0	0	0	0	43
Sunset Ridge	WL	33	3.36	91	0	0	0	111
Sutherland	BC	64	1.92	72	0	0	0	124
Tall Oaks	BC	15	2.73	37	0	0	0	41
Tall Trees	BC	26	1.92	18	32	0	32	50
Tamarack Trace	FL	23	11.48	0	264	0	264	264
Tara Place	FL	44	13.75	0	254	0	605	605
Taylor Ridge	BC	56	0.18	4	0	0	0	10
Thornwilde	BC	392	1.71	134	0	0	240	672

Table 6.6 - Subdivision Growth 1999

DEVELOPMENT	JURIS.	ACRES	DENSITY	SING. FAM BUILT	MULT. FAM BUILT	MOB. HOME BUILT	MULT. FAM BUILD-OUT	TOTAL BUILD-OUT
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Belle Meadows	BC	51	3.08	157	0	0	0	157
Blackberry Hill Estate	BC	68	0.47	7	0	0	0	32
Bluegrass Ridge	BC	23	3.09	71	0	0	0	71
Brentwood	BC	56	1.64	58	0	0	0	92
Brooks Iona	BC	59	2.54	15	0	0	0	150
Burgundy Hill Apts	BC	34	11.65	0	120	0	398	398
Burlington Oaks	BC	9	18.00	0	144	0	144	144
Burlington Woods	BC	22	2.45	50	0	0	0	54
Cardinal Cove	BC	24	2.58	82	0	0	0	82
Cedarwood	BC	89	1.85	165	0	0	0	165
Chancellor Estates	BC	8	1.50	9	0	0	0	9
Charleston Pines	BC	24	10.00	0	120	0	240	240
Cheshire Ridge	BC	50	2.48	118	0	0	0	124
Cliffs at Oakbrook	BC	34	4.82	0	164	0	164	164
Cool Springs	BC	157	1.57	0	0	0	0	247
County Plaza	BC	15	10.00	0	150	0	150	150
Crestview Lakes	BC	15	4.80	0	0	72	0	72
Cross Road Estates	BC	103	0.17	4	0	0	0	18
Crossgate/Farmview	FL	14	5.57	0	30	0	78	78
Crossing of Oakbrook	BC	22	11.82	0	260	0	260	260
Darlington Farms	BC	38	8.89	0	338	0	338	338
Dartmouth	BC	49	2.45	53	0	0	0	120
Deer Creek	BC	77	3.30	89	0	0	0	254
Deer Trace MHP	BC	30	6.00	0	0	180	0	180
Derby Farms	BC	109	2.48	290	0	0	0	270
Dublin Greens	BC	31	2.81	31	0	0	0	81
Florence Methodist	FL	8	6.87	0	40	0	40	40
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Highlands of Oakbrook	BC	45	2.87	33	0	0	0	129
Ivy Pond	UN	30	2.40	72	0	0	0	72
Kensington Park	FL	18	6.00	0	42	0	108	108
Kensington Plaza	FL	33	2.61	86	0	0	0	86
Kimble	BC	20	3.95	11	0	0	0	79
Kingsgate Crossing	BC	97	2.54	237	0	0	0	246
Kingsby Chase	BC	52	0.64	8	0	0	0	28
Knolls of Oakbrook	BC	41	2.10	86	0	0	0	86
Lancashire	UN	89	2.42	89	0	0	0	167
Lasaling Green	UN	74	1.46	65	0	0	0	108
Liberty Crossing	BC	45	3.88	39	0	0	0	175
Links of Oakbrook	BC	54	1.98	74	0	0	0	107
Magnolia Trace	FL	16	10.94	39	0	0	0	175
MCE/Henry/Siringdown	FL	3	12.00	0	0	0	38	38
Meadowood Greens	BC	7	10.00	0	70	0	70	70
Mosby's Point MHP	BC	21	4.95	0	0	104	0	104
Mt Zion Apartments	BC	41	10.54	0	432	0	432	432
Northfield/Farmview	FL	35	3.43	110	0	0	0	120
Old Lexington Villas	BC	16	5.75	0	0	92	0	92
Orchard Estates	BC	48	4.17	144	0	0	0	192
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Pleasant Valley Mead	BC	257	1.97	387	0	0	0	506
Richwood North Estates	BC	30	6.47	139	0	0	0	194
Ridgecrest	FL	29	3.28	86	0	0	0	95
Ridgefield	BC	66	3.88	218	0	0	0	256
Riverside Farms	BC	241	0.52	40	0	0	0	126
Saddlebrook	FL	119	5.71	138	528	0	528	879
Sherwood Lakes	BC	48	2.25	0	108	0	108	108
Silver Creek/Thunder	BC	234	2.73	312	0	0	0	638
Southpointe Apts	BC	9	9.78	0	88	0	88	88
Stacy's Acres	BC	10	1.30	13	0	0	0	13
Steepchase	BC	194	1.83	50	0	0	372	317
Summer set Farms	BC	77	2.08	59	0	0	0	160
Summit of Oakbrook	BC	25	6.24	0	156	0	156	156
Sunchase Meadows	BC	52	0.83	0	0	0	0	43
Sunset Ridge	WL	33	3.38	91	0	0	0	111
Sutherland	BC	84	1.94	72	0	0	0	124
Tall Oaks	BC	15	2.73	37	0	0	0	41
Tall Trees	BC	26	1.92	18	32	0	32	50
Tamarack Trace	FL	23	11.48	0	264	0	264	264
Tara Place	FL	44	13.75	0	254	0	605	605
Taylor Ridge	BC	56	0.18	4	0	0	0	10
Thornside	BC	392	1.71	134	0	0	240	672
Tree Tops	BC	129	3.28	222	0	0	0	423
Triple Crown	BC	802	2.11	401	348	0	1152	1893
Union Station	BC	32	2.91	88	0	0	0	93
Union Village	UN	67	2.19	99	0	0	0	147
Verona Commons	BC	48	0.88	16	0	0	0	42
Village of Brigadoon	BC	51	3.33	109	0	0	0	170
Village of Southfork	FL	38	5.89	0	224	0	224	224
Village Park	FL	21	9.05	0	190	0	190	190
Whispering Woods	BC	15	6.40	0	96	0	96	96
Wilow Bend	BC	41	8.90	283	0	0	0	283
Windridge Apartments	FL	14	6.86	0	96	0	96	96
Woodland Estates	BC	128	0.20	14	0	0	0	25
Wyndemere Place	BC	30	3.70	34	0	0	0	111
TOTALS		7027	2.68	6621	4604	448	6949	18936



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Sunday, January 07, 2001

Kentucky takes steps against sprawl

State pushing 'smart growth'

By Patrick Crowley
The Cincinnati Enquirer

FRANKFORT — Gov. Paul Patton is embracing legislation promoting "smart growth" that encourages and, in some cases, mandates additional planning by local governments.

Mr. Patton last week made "smart growth" one of the key points of his State of the Commonwealth address to the General Assembly.

The governor wants a task force of lawmakers, local government planners and business interests - including Realtors and home builders - to study smart growth and urban sprawl legislation during 2001 and to have one or more bills prepared for the 2002 legislative session.

"We must explore how we can give our communities the tools they need to ensure that they're growing in ways that preserve their quality of life without slowing their economic potential," Mr. Patton told lawmakers.

"Kentucky is developing its farmland at a rate that's ranked third in the nation. Many of our communities are seeing the high cost of unplanned growth.

"This is an issue that we must begin to address or the Kentucky we know and love today will not be the Kentucky we leave to our grandchildren."

Smart growth is to some an antidote to urban sprawl in which suburbs push into rural areas with unrestrained development.

Proponents say smart growth could help:

• Prevent the destruction of green space.

• Decrease the cost of water and sewer services.

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A package of "smart growth" legislation was filed during the 2000 session, but it died without a vote, mainly because some industry groups - including Realtors and home builders - were opposed and said they felt left out of the process.

"We agree there needs to be a balance between growth and a healthy economy," said Cheery Malone, president of the Northern Kentucky Association of Realtors. "We're very encouraged that the governor has listed this as one of his top issues, and we'll help anyway we can."

Mr. Patton's call for a task force appears to bring all the parties to the table, said Rep. Jim Wayne, D-Louisville, who sponsored the 2000 smart-growth bill and plans to do the same this session and next.

"The essence of the bill is for comprehensive planning in every county, and that the planning be coordinated," he said. "You have better-planned communities so you reduce the sprawl, you reduce the development of all these farms."

Most Kentucky counties - 74 out of 120 - have no countywide planning and zoning. The legislation would mandate planning for those areas.

Supporters say that without planning for growth, a community can end up with clumps of retail strip centers and other businesses clustered around roads too small to accommodate their traffic or subdivisions full of homes before adequate water and sewer lines are built.

The legislation would improve growth in Northern Kentucky, said Marshall Slagle, assistant director of the Northern Kentucky Planning Commission, because it would lead to better communication among officials.

"Smart growth is really growth management," Mr. Slagle said.

"For the most part, we have made a good step in that direction ... but we need some fine-tuning and work toward better coordination between the various groups ... like the highway departments, the water districts and the sanitation district."

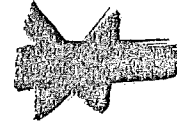
Campbell County, unlike Boone and Kenton counties, does not have a coordinated, countywide planning unit.

Fast-growing counties like Boone and Kenton would likely encourage better coordination of community needs, said Kevin Costello, director of planning for Boone County.

"Our areas have a good history of good, solid planning.

But we could still do more by getting everybody involved ... to sit around the table and really plan in those areas where significant growth is occurring," he said.

For instance, Mr. Costello said, school officials, road planners, builders and others could focus on areas about to be developed to ensure infrastructure is adequate.



Boone County has already begun doing that. Developers - including the Erpenbeck Co. of Northern Kentucky - have donated \$1.5 million in land for school construction in Union and Hebron where new homes are being built.

"Smart-growth" legislation may also provide state money for roads and other incentives to communities that draft a comprehensive plan approved by the state.

But some, including builders and developers, fear a loss of local control.

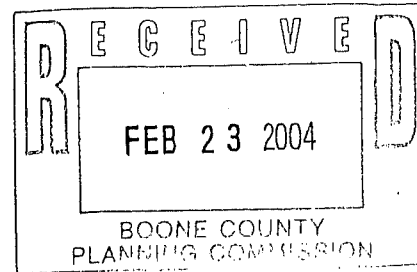
"We think the control over land use ought to be on the local level," said Dan Dressman, director of government affairs of the Homebuilders Association of Northern Kentucky.

"We think by requiring every comprehensive plan to be reviewed by the state carries an additional level of bureaucracy that is unnecessary," he said.

The battle has already begun. Mr. Wayne has filed one bill for consideration during the 2001 session, legislation that would establish training and continuing education for members of local planning and zoning bodies.

"That's a good start," said Mr. Slagle. "But I encourage the Legislature to keep moving forward, because really what the advocates of smart growth are saying is growth ought to be planned, as opposed to unplanned."

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February 23, 2004

all members

Planning and Zoning
Boone County, KY

Dear *members* —

I will be out of town for the meeting on February 25, 2004. I am strongly opposed to the proposed zoning change on Chambers Road by the Kahlman Trust. The most troubling fact is the high density plan which causes it not to blend with the surrounding area. Why can't you leave the property along Chambers, from 338 to the tunnel, zoned A2 and build homes on 1.84 acres like the surrounding area? The proposed high density by Kahlman does not blend in and will ruin the peacefulness and beauty of the area that we all moved out here to appreciate.

Moreover, I am highly concerned that such density as proposed by Kahlman would dramatically increase the water run-off into the creek along Chambers Road, which already floods when it rains. Additionally, I am very worried about the increased traffic levels on such a narrow road as Chambers that such density would create.

Please do not ruin our neighborhood by changing the zoning from A2.

Sincerely,

Donna L. Nickerson

Donna L. Nickerson
12294 Gaines Way
Walton, KY 41094
859-485-7454

