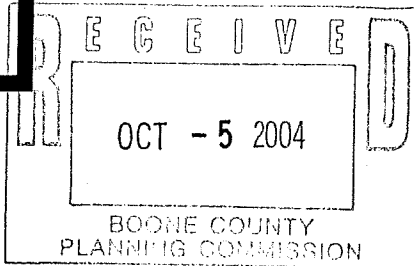


APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION



See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- (Check One)
- Boone _____ Florence _____ Walton _____ Union _____
 - (Check One)
 Conditional Use Permit Variance _____ Appeal _____
 Change in Non-Conforming Use _____
 - Applicant's Name ONE ELEVEN ENG. & SUR. PLLC
 Phone Number 859 363-9025 Fax No. 859-363-9125
 Applicant's Address 5294 MADISON PIKE
INDEPENDENCE KY 41051
 City State Zip
 - Description of Request: REDUCTION IN SITE DISTANCE REQUIREMENT
D.L. - FROM 780' TO ~~720'~~ D.R. FROM 720' TO ~~660'~~
 - Name of Development NORTH BEND WOODS SUBDIVISION
 - Location of Development NORTH BENDER. SR 237, HEBRON
 - Acreage Under Review ~~5~~ 47
 - Lot Number and Name of Subdivision (if part of a subdivision)
N/A
 - Owner of Property AYLOE INVESTMENTS LIMITED PARTNERSHIP
 Phone Number of Owner 1828 NORTH BEND ROAD
 - Address of Property Owner HEBRON KY 41048
 City State Zip
 - Proposed Use(s) on Site SINGLE FAMILY DETACHED
 - Total Square Footage of Existing and/or Proposed Buildings N/A
 - Current Zoning on Property RSE, A-2
 - Deed Book ~~736~~ Page No. ~~81~~ Group No. 2002
 - Is the site subject to a zone change? YES
 If yes, give date of approval _____
 - Have you submitted a Site Plan with this request? YES
 - Have you submitted a list of adjoining property owners with this request? YES
 - I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

SEE
STAFF
Report

Applicant's Signature: Dave TRE

Property Owner's Signature: X Kenneth W. Aylor

X Raymond O. Hodson

X ^(over) Miller

Gary W. Gouge

John Gouge

DB 736	PG 81
736	87
226	104
567	248
186	419

05-2MA-004-A

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

RECEIVED
OCT - 5 2004
BOONE COUNTY
PLANNING COMMISSION

(See Boone County
Zoning Regulations)

SECTION A (To be completed by applicant)

- Name of Project NORTH BEND WOODS SUBDIVISION
 - Location of Project NORTH BEND RD. SE 237 HEBRON
 - Total Acreage of Site 4.7
 - Current Zoning of Site RSE, A-2, RS
 - Proposed Zoning (Classification being requested) RS & SE-1
 - Proposed Uses (please specify each use) SINGLE FAMILY DETACHED
-
- Names of Applicant(s) ONE ELEVEN ENG & SUR. PLLC
Phone Number 859 363-9025 Fax No. 859 363-9125
 - Address of Applicant(s) 5294 MADISON PIKE
INDEPENDENCE KY 41051
City State Zip
 - Name of Property Owner(s) AYLOE INVESTMENTS LIMITED PARTNERSHIP (CON'D BELOW)
Phone Number _____ Fax No. _____
 - Address of Property Owner(s) 1828 NORTH BEND RD.
HEBRON KY 41048
City State Zip
 - Proposed Building Intensities (please specify) D.U./AC.
2.45
 - Are there any existing buildings on the site? YES
How many? 3
 - Deed Book 736, 736 Page No. 87, 81 Group No. 2002
 - Are you also applying for:
NO Conditional Use Permit
YES Dimensional Variance (SITE DISTANCE)
 - Have you submitted a Concept Development Plan? YES
 - Have you had a pre-application meeting with BCPC Staff? YES
 - Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- _____ Boone County Water District DB
- _____ Florence Water and Sewer Dept. 226
- _____ Cinergy/U.L.H.&P. Co. PG
- _____ Sanitation District #1 104
- _____ Cincinnati Bell
- _____ Owen County Rural Electric
- _____ Boone County Public Works Department
- _____ Kentucky Transportation Cabinet
- _____ City of Florence Public Services Department
- _____ Boone County Building Department

9. RAYMOND GODSEY
1846 NORTH BEND RD.
HEBRON KY 41048

AKIN AND MILLER DB 567
81 AKIN LANE PG 248
BURLINGTON, KY 41005

PROPERTY OWNERS CON'D

(over)

LARRY & JOANN GORGE
1828 N. BEND RD
HEBRON, KY. 41048

DB
186
PG
419

EXHIBIT

“A”

STAFF REPORT

Request of One Eleven Engineering and Surveying, PLLC for Aylor Investments Limited Partnership, Larry and Jo Ann Gouge, Raymond O. Godsey, Jr., and Akin and Miller (owners) for a Zoning Map Amendment from Agricultural Estate (A-2), Rural Suburban Estates (RSE), and Rural Suburban (RS) to Suburban Residential One (SR-1) and Rural Suburban (RS) for an approximate 47 acre tract. The request is to rezone approximately 31.8 acres of the site to Suburban Residential One (SR-1) and approximately 15.2 acres of the site to Rural Suburban (RS). The request also involves Variance requests from Section 3217 "Minimum Sight Distances" of the Boone County Zoning Regulations. The subject properties involved in the request are 1820, 1828, and 1846 North Bend Road, an approximate 4.5 acre parcel located immediately to the north and east of 1820 North Bend Road and immediately to the south of 1586 Grandview Drive and 2253, 2259, 2271, 2277, 2283, 2289, and 2295 Britt Drive, and an approximate 2.5 acre parcel located immediately to the east of 1846 North Bend Road and immediately to the south of Souther Cemetery and 2221 Blair Drive, Boone County, Kentucky. The request is for a Zone Change to allow a subdivision for single-family residences and Variances to allow reductions in the required sight distances at the intersection of the proposed subdivision access road and North Bend Road.

December 15, 2004

REQUEST

The request involves two separate applications:

Application #1 is for a Zoning Map Amendment from Agricultural Estate (A-2), Rural Suburban Estates (RSE) and Rural Suburban (RS) to Suburban Residential One (SR-1) and Rural Suburban (RS) for an approximate 47 acre site. The request would rezone approximately 31.8 acres of the site to Suburban Residential One (SR-1) and approximately 15.2 acres of the site to Rural Suburban (RS). The properties involved in the request are located at 1820, 1828, and 1846 North Bend Road, an approximate 4.5 acre tract which is located immediately to the south of 1586 Grandview Drive and 2253, 2259, 2271, 2277, 2283, 2289, and 2295 Britt Drive, and an approximate 2.5 acre tract which is located immediately to the east of 1846 North Bend Road and immediately to the south of Souther Cemetery and 2221 Blair Drive Boone County, Kentucky.

The Applicant's submitted Concept Development Plan shows that property will contain 115 residential lots (112 proposed dwellings & 3 existing dwellings), 50 foot wide public right-of-ways, a new curb cut on KY 237, a street connection to Cardinal Cove Subdivision, some tree preservation areas, and a detention basin. Out of the 115 lots, 90 are zoned SR-1 and 25 are zoned RS. The proposed density of the subdivision is 2.45 dwelling units per acre.

Application #2 is for Variances from Section 3217 of the Boone County Zoning Regulations to allow reductions in the required sight distances at the intersection of the proposed subdivision access road and North Bend Road.

The Applicant's submitted Sight Distance Calculations indicate that the following Variances are needed from Section 3217:

	<u>Section 3217 Boone Co. Zoning Regulations (2 Lane Road/45 MPH)</u>	Submitted Sight Distance Calculations	Variance Needed
Right Turn Out of Development	720 Feet	400 Feet	320 Feet
Left Turn Out of Development	780 Feet	562 Feet	218 Feet
Entering Development Northbound (Stopping Distance Southbound)	530 Feet	400 Feet	130 Feet
Entering Development Southbound (Stopping Distance Northbound)	530 Feet	482 Feet	48 Feet

SITE HISTORY

08/01/04 – The Applicant withdrew a Zoning Map Amendment request to rezone a 37.6 acre site from Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Suburban Residential One (SR-1). The Concept Development Plan submitted with the request showed 113 lots with a proposed density of 3.01 dwellings units per acre. The development's main access point on KY 237 was located further to the north than the current proposal (see attachments).

SITE AND AREA CHARACTERISTICS

The subject property is comprised of six legal lots of record. The first two lots are located at 1820 North Bend Road. The two parcels comprise approximately 28.8 acres of the overall site. The two lots each contain a single-family residence and a curb cut on North Bend Road. Portions of these two parcels are heavily wooded and the topography is rolling to severe. An intermittent blue stream is located on the northeastern portion of these properties.

The third parcel is located 1828 North Bend Road. The approximate 1.35 acre site contains a single-family residence, swimming pool, and curb cut which connects to North Bend Road. The parcel contains some scattered trees and the topography of the parcel ranges from flat to rolling.

The fourth parcel is located at 1846 North Bend Road. The approximate 10 acre parcel contains a single family residence, a barn, and two curb cuts on North Bend Road. The rear portion of this property is heavily wooded and contains rolling to severe topography.

The fifth parcel is approximately 4.5 acres in area and immediately adjoins single-family residential lots which front on Britt Drive and Grandview Drive. The lot is heavily wooded in some areas and contains an intermittent blue line stream. The topography ranges from rolling to severe. (This parcel was not included in the original zone change request)

The sixth parcel is approximately 2.5 acres in area and immediately adjoins Souther Cemetery and single-family residential lots on Blair Drive. The submitted Concept Development Plan shows that only the rear 2 acres of this tract are part of the Zoning Map Amendment application. This parcel is heavily wooded, contains an intermittent blue line stream, and contains severe topography. (This parcel was not included in the original zone change request)

In June, 2004, the Boone County Planning Commission computed the number of residential units that have been built and were yet to be constructed in some active residential subdivisions. The following data was computed for the KY 237 Corridor:

Subdivision	Built To Date	Total Planned
Deer Creek	247	254
Northpointe	53	1,464
Parlor Grove	221	238
Rivershore Farms	76	126
Settler's Pointe	0	111
Thornwilde	398	1,037
Treetops	351	725
Wyndemere	108	111
Cardinal Cove	63	76
Toebben Condos	0	88
Total	1,517	4,230

ADJACENT LAND USES AND ZONING

- North: Single-Family Residences Fronting on Britt Drive (RSE)
- South: Single-Family Residential Dwellings & Park in Cardinal Cove (SR-1)
- East: Souther Cemetery and Single-Family Residential Dwellings Fronting on Grandview Drive, Hempfling Place, and Blair Drive (RSE, RS & A-2)
- West: Single-Family Residential Dwellings and Farm Fronting on KY 237 (RSE)

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2000 Boone County Comprehensive Plan's 2025 Land Use Plan (the "Future Land Use Map") designates the majority of the site for "Suburban Residential" uses. Smaller portions of the site are designated as "Rural Lands" and "Developmentally Sensitive." These three classifications are described as follows:

Suburban Residential – "Single family housing of up to 4 units per acre. This classification also includes any low density or estate residential developed as a formal subdivision."

Rural Lands – "Wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres for the 25 year land use plan. Residential construction in Rural Lands does not occur in a formal subdivision."

Developmentally Sensitive – "areas that have an existing slope of twenty percent or greater for a height of twenty meters, or have unique soil or flooding characteristics which limit the ability of an area to support urban development, or contain significant wooded areas, creeks, wildlife habitat or natural features that are important to a site's stability and visual character. Any development on land identified as Developmentally Sensitive must be carefully assessed by the developer and the Planning Commission to determine the ability of the land to support the proposed project."

The Land Use Element (North Hebron Area, pages 174-175) provides the following statements that relate to the general area and site:

- A. "With planned public sanitary sewer improvements in the Sand Run and Elijah Creek watersheds, including sewer lift stations, there will be considerable growth pressures. Development should be clustered on the top of ridge top areas because of the limited capacity of the existing roadway network and planned improvements, the Developmentally Sensitive areas, and the importance of stream valleys as greenbelts."
- B. "With the provision of adequate infrastructure, some Suburban Density Residential development may extend onto the ridge top areas. Development would need to retain the bluff line vegetation in order to minimize the visual and environmental impacts of residential development. Planned Development or clustered housing should be used to

insure proper development of this area, due to environmental and site characteristics. Much of the remaining land in this section contains Developmentally Sensitive and scenic hillsides, and should stay wooded in order to create greenbelts between future developments. The Sand Run Creek and Elijah Creek valleys should constitute greenbelts, and should be included in future greenbelt studies."

- C. "Conventional layout subdivisions should be discouraged because of their inefficient circulation systems and excessive site grading requirements. The stream valleys and ridge bluff edges in this section should remain in their current state to provide public open space for the residential development on the ridge tops. Overall, this section should experience growth because of its proximity to I-275, and the Burlington and Hebron areas."
- D. "In general, Suburban Residential development should be concentrated on land nearest to KY 237, as indicated on the Future Land Use Map. Current conditions of North Bend Road in the Francisville area are not suitable for traffic demands. However, as described in the Transportation Element, the reconstruction of North Bend Road is now a priority project. Unlike most developing parts of Boone County, the north river area contains only one primary means of access, being North Bend Road."
- E. "Residential development east of KY 237, between Rivershore Farms and Parlor Grove subdivisions needs to provide street and pedestrian connections between developments. Without the recommended improvements to North Bend Road, the remaining acreage in this section is suitable only for Rural Density Residential growth. Residential development must take care to avoid potential negative impacts to the Developmentally Sensitive hillsides."

The Land Use Element provides the following Future Land Use Development Guidelines 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 preconceived 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 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 ("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 roadway. 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 ("Landscaping," pg. 159).
- D. 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 ("Storm Water Management and Erosion Control," pg. 159).
- E. 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 traffic 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 ("Access Management," pg. 159).
- F. Developments in Boone County must be designed, where appropriate, to improve the County's transportation network. Hierarchical system of roadway classification and function must be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets. Parallel and frontage roads should be used to minimize impacts of individual sites on collector and arterial roadways. Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths, but should be connected by bicycle and pedestrian paths where appropriate. Public open space and recreation sites should be connected by bicycle and pedestrian paths where appropriate ("Transportation and Pedestrian Network," pp. 159-160).
- G. Developments in Boone County should give consideration to the overall design of the project. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use... ("Design, Signs, and Historic Preservation," pg. 160).

The Housing Element includes the following passage which relates to the proposal:

- A. 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 ("Open Space Design" pg. 85).
- B. 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 ("Residential Areas" pg. 87).
- C. North Bend Road, the highest priority project in the 1999 Northeast Boone County Transportation study, needs to be upgraded in order to serve additional development in that corridor ("Geographic Housing Issues – North River, I-275 Corridor Area" pg. 87).

The Population Element includes the following section which relates to the proposal:

- A. The Ohio-Kentucky-Indiana Regional Council of Governments (OKI) divided Boone County into separate transportation analysis zones and generated population projections for each zone to the years 2010 and 2020. The following population projections were forecasted in zone 896:

Year 2000 – 3,939

Year 2010 – 6,822 (73.2% Change)

Year 2020 – 10,878 (176.2% Change)

The Transportation Element includes the following passages which relate to this project:

- A. The Boone County Subdivision Regulations contain specific criteria for evaluating potential street connections between developments and adjoining property (see attachments).
- B. The Northeast Boone County Major Investment Study was conducted by OKI to address a critical area in the county identified in the 1996 Boone County Transportation Plan process. It is the first step in the implementation of various transportation improvements that have been recommended in the Transportation Plan, the OKI Looking Ahead: 2020 Metropolitan Plan, the KYTC 6-Year Plan, and the Airport Master Plan. The Study was coordinated by a planning committee comprised of Boone County citizens and business people, and various agency representatives. The Study's main purpose was to develop a consensus and support for the prioritization of improvements. The widening of North Bend Road north of I-275 was one of the final three prioritized recommendations.

The following "Goals and Objectives" from the 2005 Boone County Comprehensive Plan relate to the project:

- A. Proper planning is achieved through accepted land use management tools and coordination with public infrastructure ("Overall," Goal)

- B. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained, and improved as needed ("Overall," Objective 4).
- C. 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 landowners with the rights of the general public in a fair and impartial manner ("Overall," Objective 6).
- D. The elements of the Comprehensive Plan shall be interrelated and consider potential impacts of growth beyond the planning horizon ("Overall," Objective 7).
- 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. Developmentally sensitive hillsides in Boone County must be given special consideration, and any proposed development on hillsides designated Developmentally Sensitive shall be carefully reviewed and monitored to adequately maintain the environmental integrity of the hillsides ("Environment," Physical Objective 5).
- I. 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 ("Environment," Physical Objective 6).
- J. Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment," Social Objective 4).
- K. The incremental effects of development on the environment, including, but not limited to storm water, erosion, woodlands, streams, and views shall be evaluated and addressed ("Environment," Social Objective 7).
- L. Housing supply in Boone County shall be balanced against present and planned commercial, industrial, and educational needs. Primary and Secondary education capacity shall be evaluated during housing development review ("Housing," Objective 4).

- M. In order to offer the citizens of Boone County maximum choice in living environment, residential developments shall be judged primarily on the impact on infrastructure, buffering, and development design with only secondary consideration given to the type of dwelling units ("Housing," Objective 5).
- N. The interior street system of new residential developments shall insure continuity with adjacent built or planned neighboring areas. Residential developments shall be encouraged to provide interconnections between sections of their developments and with adjacent developments to promote safe and easy transportation access and a sense of neighboring interaction. Based on certified traffic analysis, collector and sub-collector streets shall be evaluated to determine design without individual lot or driveway access. Lot and home buyers shall have access to approved plans regarding future connections. The interior street system shall also coordinate with and continue the evolving multi-modal transportation system (pedestrian and bicycle facilities, mass transit stops) ("Housing," Objective 8).
- O. 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. 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).
- P. 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).
- Q. 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).
- R. Safe, efficient and environmentally sound public services and facilities shall exist for all development ("Public Services and Facilities," Goal).
- S. 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 a proposed development shall be examined as a means of addressing significant impacts on existing infrastructure and services ("Public Services and Facilities," Objective 1).
- T. The incremental effects of developments on public facilities and services shall be evaluated and addressed ("Public Services and Facilities," Objective 19).

- U. Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system ("Transportation," First Goal, Objective 11).
- V. The local transportation system in Boone County shall be maintained and improved so that overall safety and level of service will be enhanced. Inefficiencies in the system will be identified and addressed. New land development shall be closely coordinated with the local transportation system to assure efficiency and continuity with the regional multimodal transportation system ("Transportation," Second Goal).
- W. New connector streets shall be developed where needed and feasible thus lessening the total dependence on arterial, collector, and local streets. Existing connector streets shall be improved where needed ("Transportation," Second Goal, Objective 2).
- X. Intersection improvements, signal system enhancements and maintenance, and other types of operational improvements shall be made ("Transportation," Second Goal, Objective 4).
- Y. The incremental effects of developments on the transportation system shall be evaluated and provided for ("Transportation," Third Goal, Objective 4).
- Z. Traffic impact analysis should be used as a tool to address impacts to the existing roadway system ("Transportation," Third Goal, Objective 5).

STANDARDS FOR GRANTING VARIANCES

Section 303 of the Boone County Zoning Regulations states that "at the time of filing an application for a Zoning Map Amendment, an applicant may also request dimensional variances for the same development.

The Planning Commission needs to evaluate the applicant's four variance requests as they relate to the criteria necessary for granting variances as stated in Section 251 of the Boone County Zoning Regulations:

1. Before any variance is granted, the Planning Commission must find that the granting of the variances will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public, and will not allow an unreasonable circumvention of the requirements contained in the zoning regulations. In making these findings, the Planning Commission shall consider whether:
 - A. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity, or in the same zone;
 - B. The strict application of the provisions contained in the regulations would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant;

- C. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.
2. The Planning Commission shall deny any request for variance arising from circumstances that are the result of willful violations of the zoning regulation by the applicant subsequent to the adoption of the zoning regulation from which relief is sought.

BOONE COUNTY TRANSPORTATION STUDY WORKING PAPER #2

This paper was submitted to the Ohio-Kentucky-Indiana (OKI) Regional Council of Governments on October 8, 2004 by Balke American. Although this paper has not been adopted, it does provide a snapshot of some current transportation conditions in Boone County.

Staff has included some exhibits from this paper which provide information on:

- A. Existing levels of service on KY 237 (exhibits 2-7 & 2-8);
- B. Intersection Crash Rates (exhibit 2-11); and
- C. Kentucky Transportation Cabinet Six Year Highway Plan Projects in Boone County.

STAFF COMMENTS & ANALYSIS

1. Staff has the following comments regarding curb cuts and sight distance:
 - A. Staff is concerned about sight distance because the proposed curb cut on KY 237 is located in close proximity to a vertical curve and due to the fact that four variances are being proposed to reduce the sight distance standards that are listed in the Boone County Zoning Regulations. However, if the development is granted an access point, Staff believes that the Applicant has selected the location on KY 237 which optimizes sight distance in both directions.
 - B. K.R.S. 100.203 (6) (b) states that Variance applications which are submitted with a Zoning Map Amendment shall be heard and decided by the Planning Commission. The Planning Commission needs to review the variance applications for sight distance reductions in terms of the standards and criteria that are listed in Sections 251 of the Boone County Zoning Regulations.
 - C. On December 13, 2004, the Developer provided Staff a letter that he received from the Kentucky Transportation Cabinet. The letter indicates that the proposed entrance meets Department specifications and regulations, but that some design details will need to be out before an Encroachment Permit can be issued.
 - D. Staff contacted the Kentucky Transportation Cabinet about the KY 237 roadway project. They indicated that right-of-way acquisition for the project is currently scheduled for 2006, utility relocation is scheduled for 2006, and road construction is scheduled for 2008, 2009, and 2010.

The Transportation Cabinet also informed Staff that an existing portion of North Bend Road, which is located approximately 300 feet to the north of Cardinal Way, will be converted into a dead end. The plan shows that residents from Parlor Grove and the zone change parcels will have to take "Old North Bend Road" to a new four-way intersection which aligns with Graves Road (see attachments).

- E. Staff would like to point out that the submitted Concept Development Plan shows that two existing curb cuts (lot 1 & lot 114) will be removed from KY 237. Access to these lots is proposed from an internal subdivision street.
 - F. In the last couple of weeks, the State has posted some advisory (warning) speed limit signs near the zone change parcel.
2. Staff compared the intensities of the proposed subdivision with Cardinal Cove and Parlor Grove Estates (the adjoining subdivisions to the north and south). The figures for Cardinal Cove and Parlor Grove Estates were obtained by totaling the gross acreage and number of buildable lots shown on each final plat.

Subdivision	Acreage	Buildable Lots	Dwellings Per Acre
N. BEND WOODS (PROPOSED)	47	115	2.45
CARDINAL COVE	29.138	75	2.57
PARLOR GROVE	274.236	253	0.92

3. Although the Applicant has shown tree preservation areas on their Concept Plan, Staff is concerned about the number of trees that will be cleared with the proposed project. The Boone County Comprehensive Plan indicates that "existing vegetation shall be considered as both an important site characteristic and a community resource and that entire project sites should not be leveled." Staff would like the Applicant to explain if all the trees shown in the tree preservation areas will be preserved.

4. Staff received a letter from Bryan Blavatt, Superintendent of Schools, in regard to housing plans in Boone County. Mr. Blavatt's letter is attached to the Staff Report.

Staff would also like to note that in 2003 the Drees Company rezoned a 107 acre site to east of Williams Road and west of Thornwilde Subdivision to Residential Planned Development (RPD). As part of this zone change, a condition was imposed which gave Boone County Schools a 5 year option to purchase up to 14 acres of the site for an elementary school site.

5. Staff received a memorandum from the County Engineer (see attachments) regarding the project and a potential street connection to Grandview Drive. The memo indicates that the County Engineer and Public Works Department support connections between adjoining subdivisions but that in this case the negatives outweigh the positives of connecting Grandview Drive to the proposed subdivision.

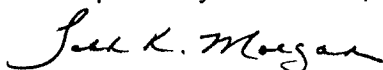
6. The Division of Water informed Staff that permits will be needed from the Water Resources Branch to work in or near the stream, the Water Quality Branch if they are disturbing 200 feet or more of the stream, and potentially the Army Corps of Engineers.
7. Staff recommends that the Planning Commission and Boone County Fiscal Court analyze the timing of the project and the Boone County Comprehensive Plan. The Comprehensive Plan uses a 25-year planning horizon for future land use recommendations. This plan is a tool designed to enable Boone County and the Planning Commission to manage the location and timing of the various types of development, to assure adequate and fiscally responsible provision of infrastructure and public services in order to assure that adjoining land uses are compatible and to assure that negative impacts to the environment are minimized.
8. Staff recommends that the Planning Commission and Fiscal Court should consider the following issues if the Zoning Map Amendment application is approved:
 - A. Subdivision layout (house orientation, location of driveways, subdivision regulation standards, etc.);
 - B. Subdivision phasing (timing of house and street improvements).
 - C. Dedication of additional right-of-way at the end of Grandview Drive so a cul-de-sac or T-turn can be constructed;
9. A large number of property owners have provided written comments regarding the request (see attached spreadsheet). Due to the volume of comments, Staff has not attached the comments to the Staff Report. However, all comments that have been received are part of the official record and have been provided to Recording Secretary as exhibits.

CONCLUSION

The Zoning Map Amendment request needs to be evaluated by the Boone County Planning Commission and Boone County Fiscal Court in terms of K.R.S. 100.213 and Article 3 of the Boone County Zoning Regulations. The Future Land Use Map will not need to be amended if the request is approved.

The Planning Commission needs to review Variance applications in terms of Sections 251 of the Boone County Zoning Regulations.

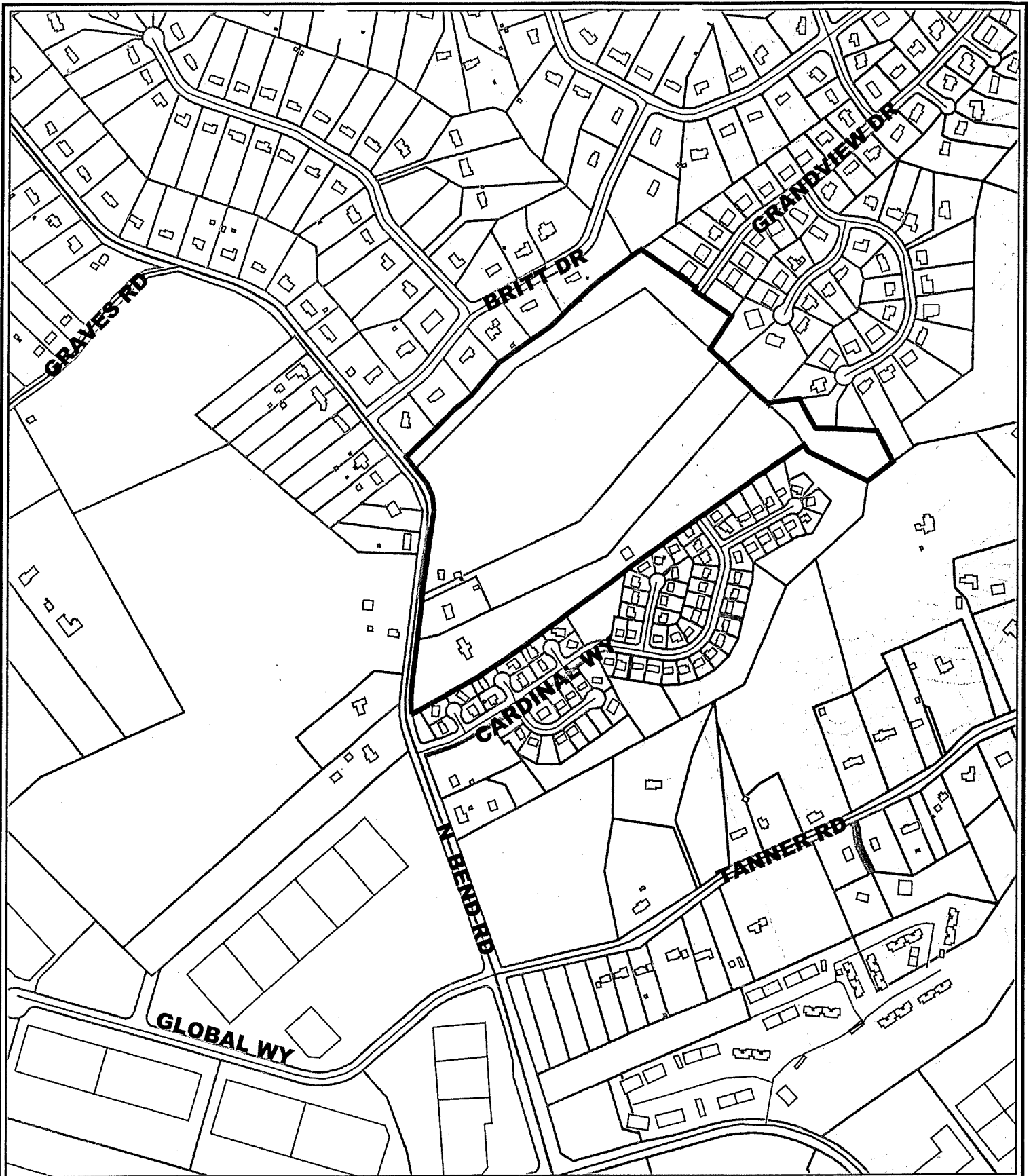
Respectfully submitted,



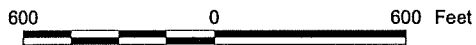
Todd K. Morgan, AICP
Planner, Zoning Services

attachments:

- Site Vicinity Map
- Concept Plans
- Sight Distance Calculations
- Original Concept Development Plan (Withdrawn 8/1/04)
- Aerial Map
- Zoning Map
- Future Land Use Map
- Topographical Map
- Letter from Boone County Schools
- Letter from County Engineer
- Street Connection Criteria
- Letter from KY Transportation Cabinet to Staff
- Letter from KY Transportation Cabinet to Developer
- KY 237 Roadway Project Plans
- Exhibits from Boone County Transportation Study Working Paper #2
- Spreadsheet Showing Property Owners that have provided Letters, E-Mails, & Pictures
- Applications



North Bend Woods Site Vicinity Map



1 inch equals 600 feet

Produced by the
Boone County Planning Commission
GIS Services Division
November 29, 2004





NORTH BEND ROAD SR 237

NORTHERN BAY

109

108

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106

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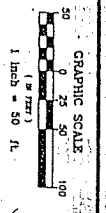
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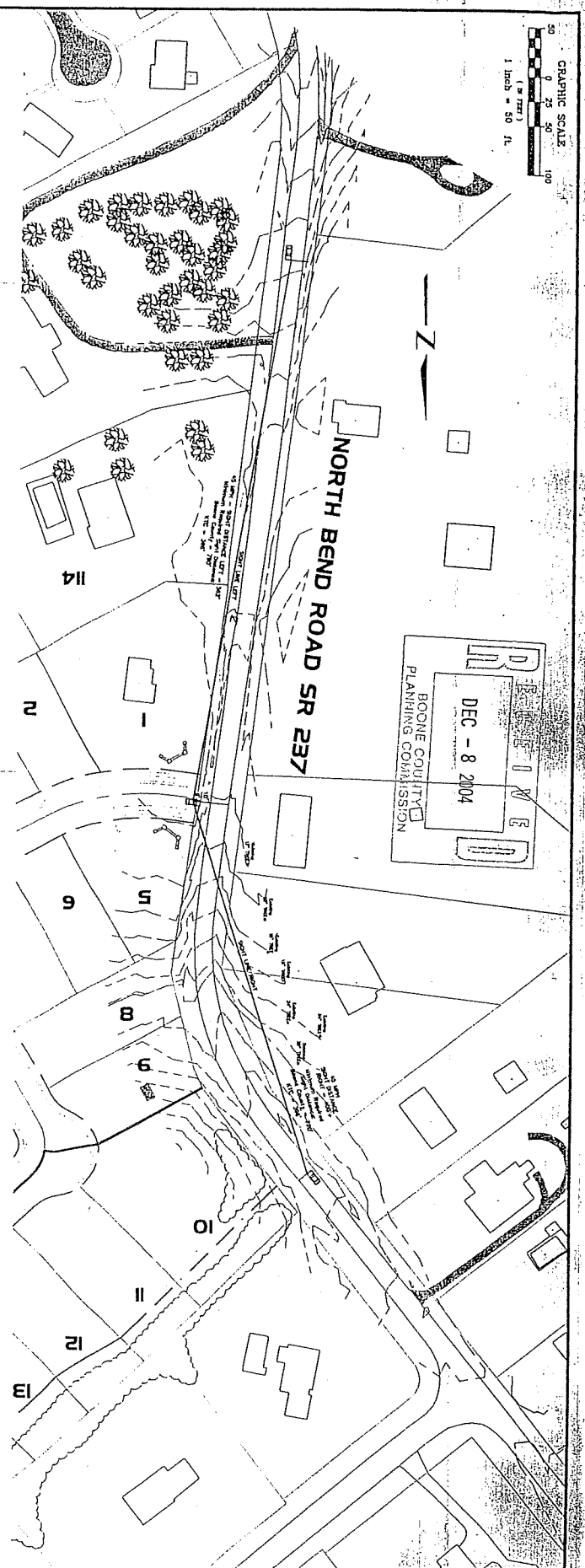
1

RS

SR 237



RECEIVED
 DEC - 8 2004
 BOONE COUNTY
 PLANNING COMMISSION



Station	Object Height	Height (H)
0+00	97.7	85
1+00	98.9	
1+00	102.2	
1+00	104.2	
2+00	105.9	
2+00	107.7	
3+00	110.1	
3+00	111.9	
4+00	112.4	
4+00	112.5	
5+00	112.7	
5+00	112.4	
6+00	113.0	
6+00	114.1	
7+00	113.4	
7+00	114.6	
8+00	109.6	
8+00	108.1	
9+00	107.9	
9+00	105.3	
10+00	102.6	
10+00	100.9	
11+00	98.9	
11+00	97.4	
12+00	95.7	
12+00	97.2	

OBJECT HEIGHT H = 4.25'

560'

400' +

OBJECT HEIGHT H = 4.25'

SIGHT LINE LEFT

PROPOSED GRADE

DRIVER'S EYES H = 3.50'

SIGHT LINE RIGHT

Existing Ground

Boone County Planning Commission

REVISIONS

NO.	DATE	BY	DESCRIPTION

SIGHT DISTANCE EXHIBIT

NORTH BEND WOODS SUBDIVISION

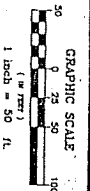
BOONE COUNTY, KENTUCKY

Boone County Planning Commission

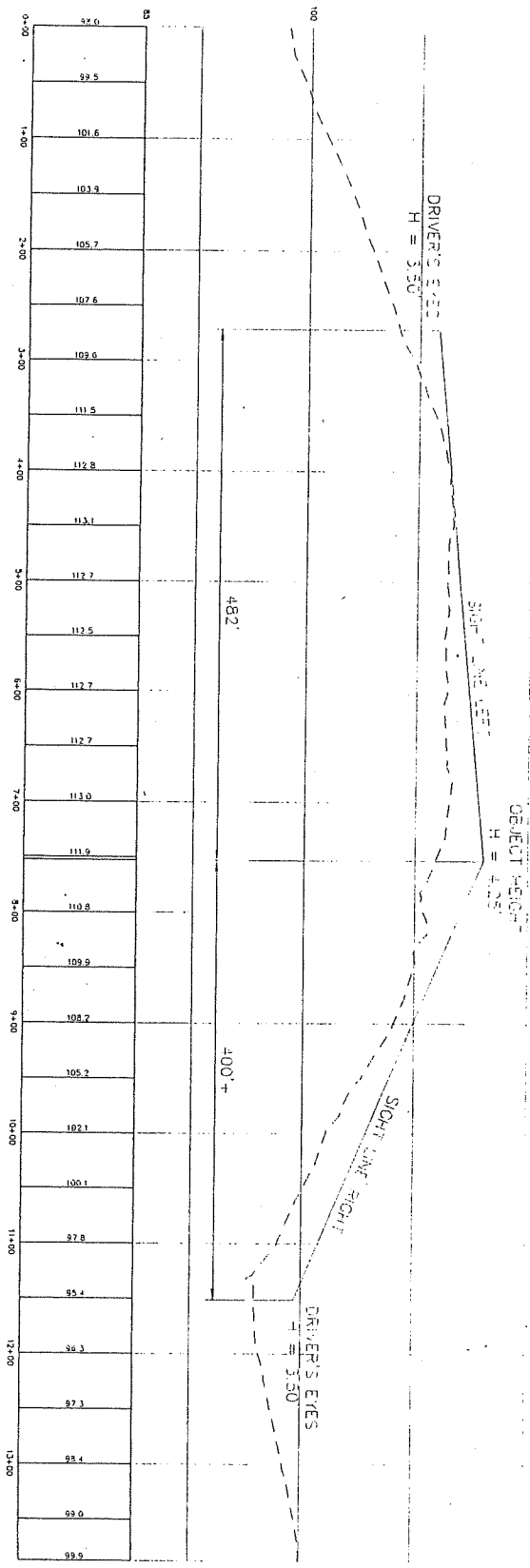
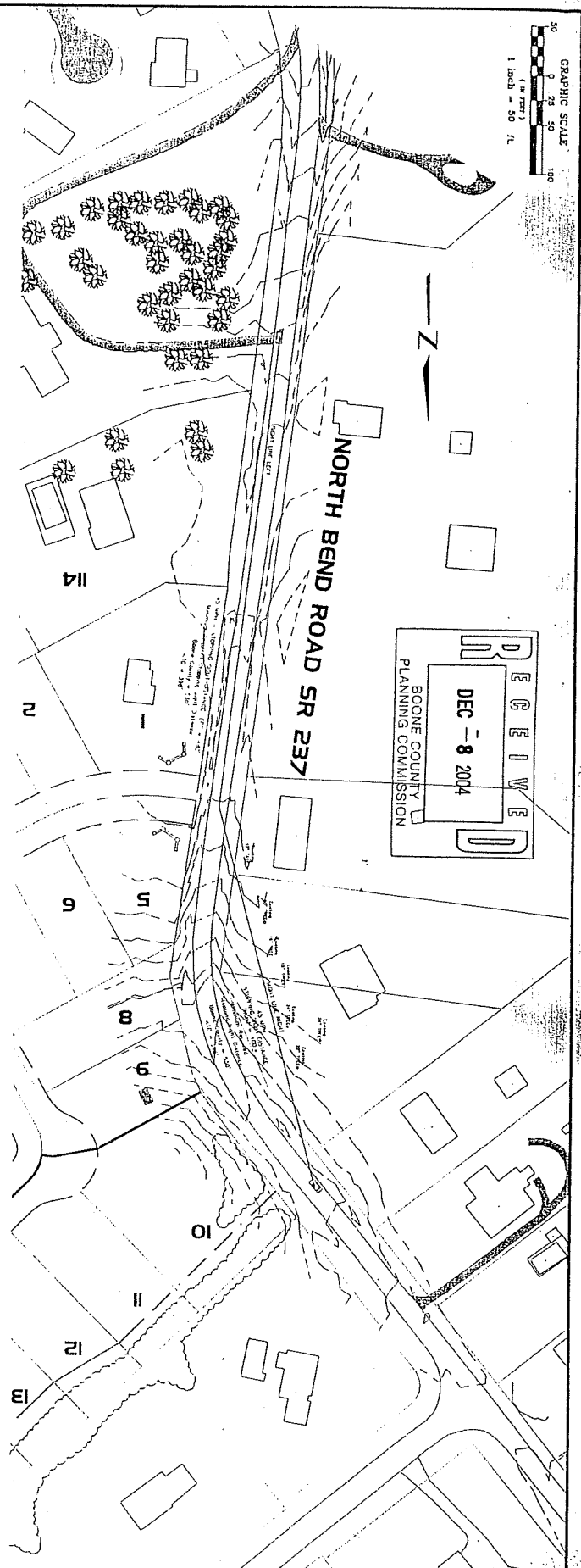
Engineering
Eleven

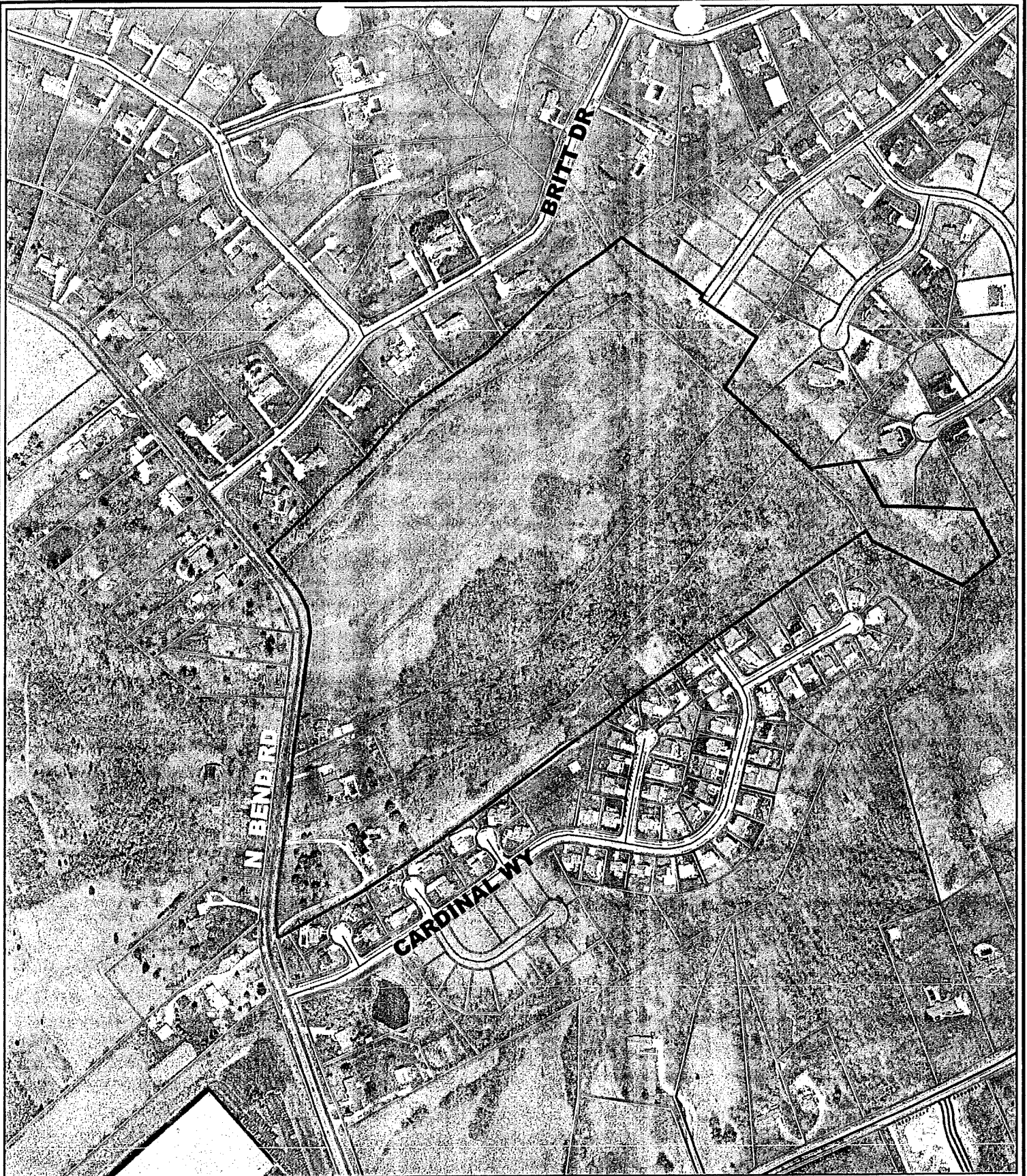
Surveying

1750 S. 11th St.
 Boone, KY 40309
 Phone: 606-338-1150
 Fax: 606-338-1151
 Email: info@eleven.com



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 DEC - 8 2004
 BOONE COUNTY
 PLANNING COMMISSION





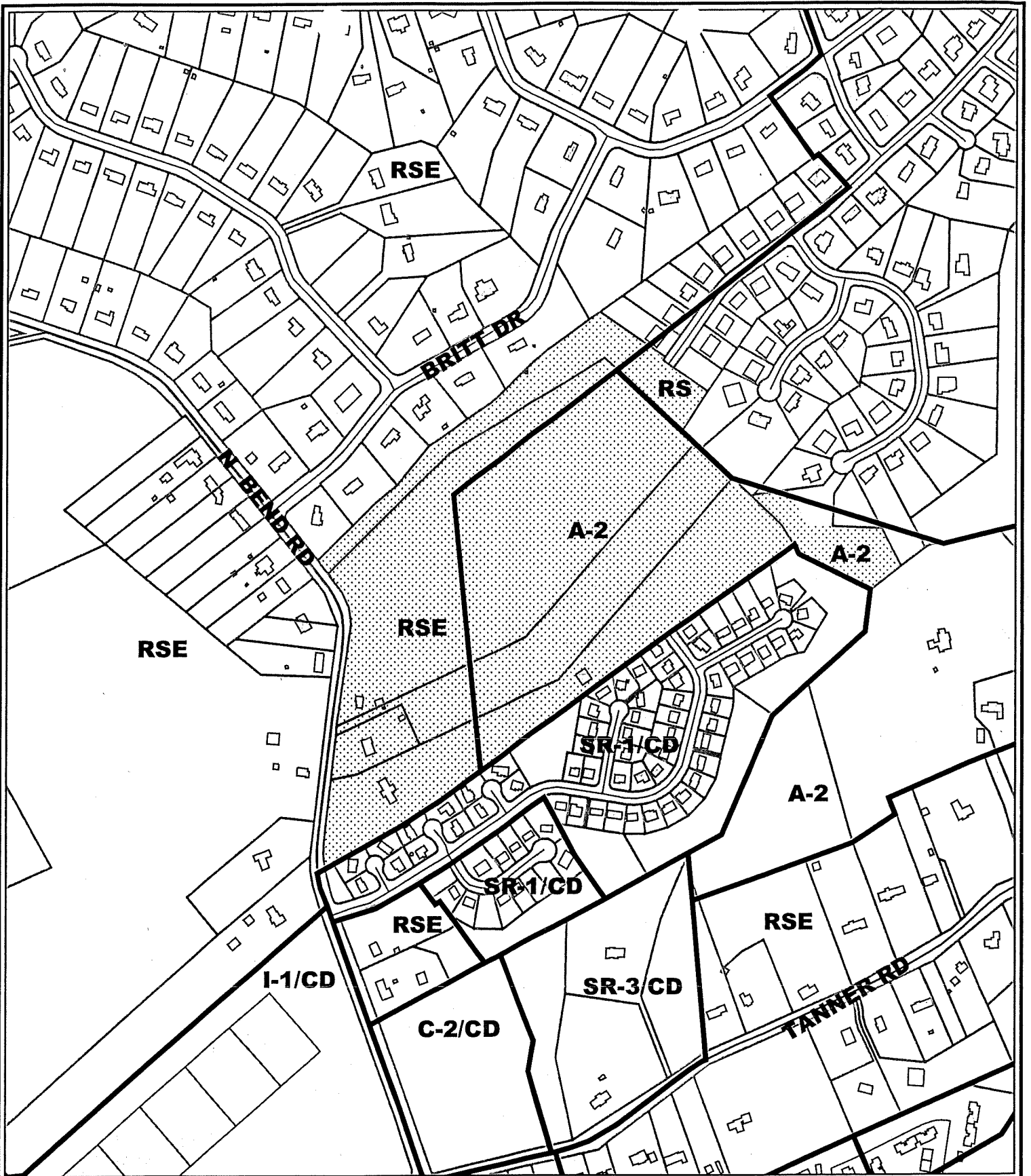
North Bend Woods Aerial Map

400 0 400 Feet

1 inch equals 400 feet

Produced by the
Boone County Planning Commission
GIS Services Division
November 30, 2004





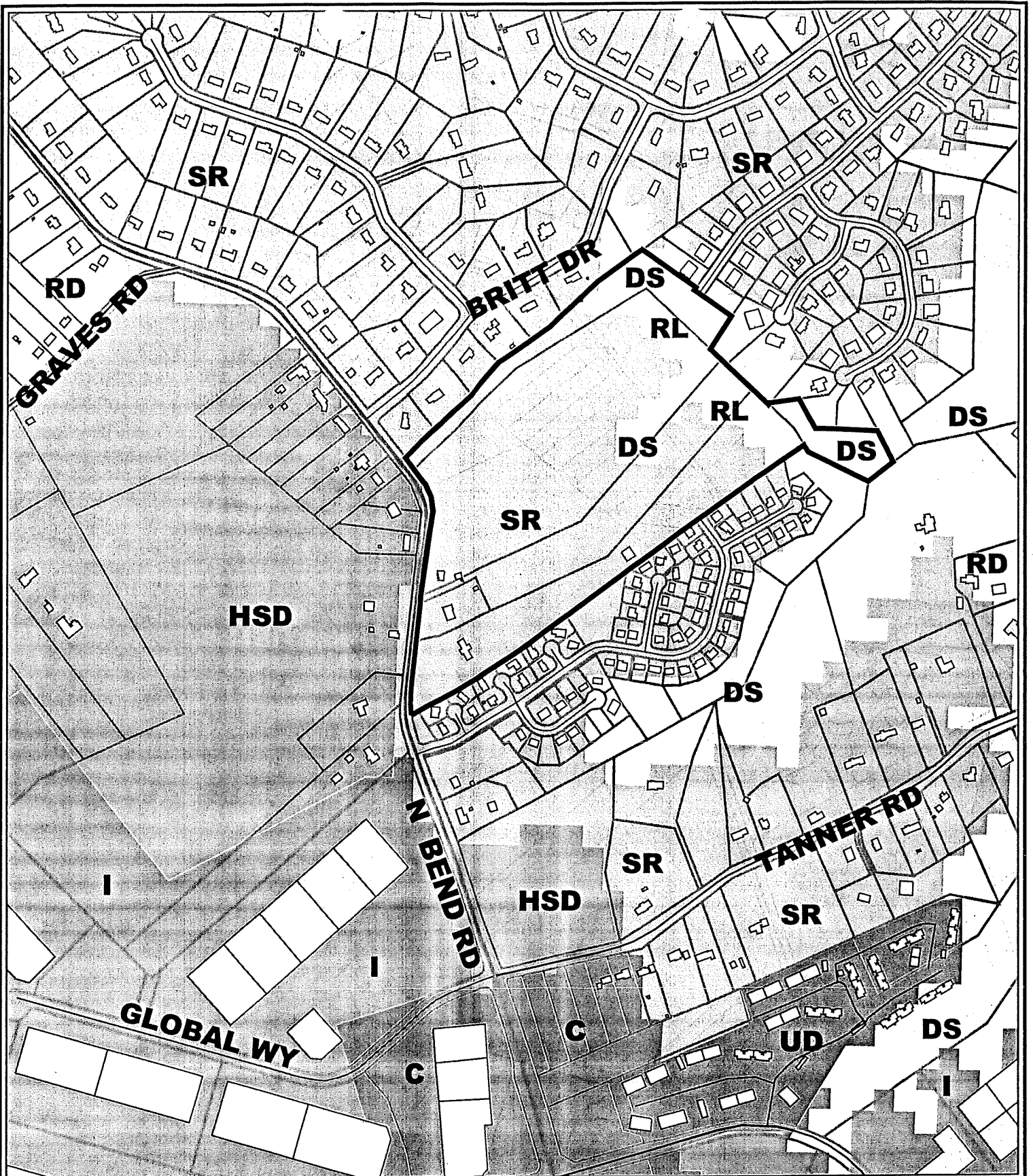
North Bend Woods Zoning Map

500 0 500 Feet

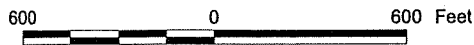
1 inch equals 500 feet

Produced by the
Boone County Planning Commission
GIS Services Division
November 30, 2004





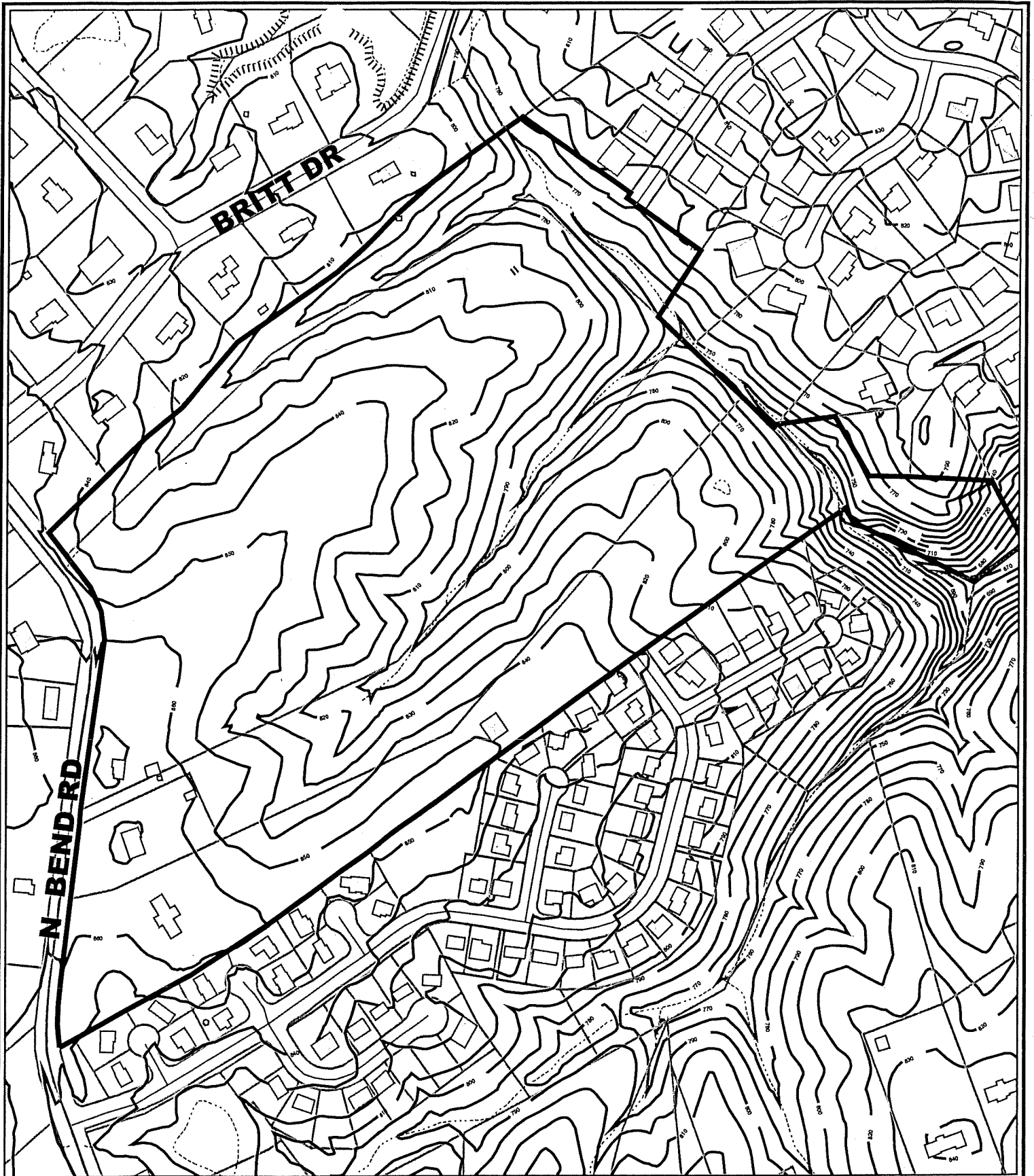
North Bend Woods Future Land Use Map



1 inch equals 600 feet

Produced by the
Boone County Planning Commission
GIS Services Division
November 29, 2004





North Bend Woods Topographical Map

300 0 300 Feet

1 inch equals 300 feet

Produced by the
Boone County Planning Commission
GIS Services Division
November 29, 2004



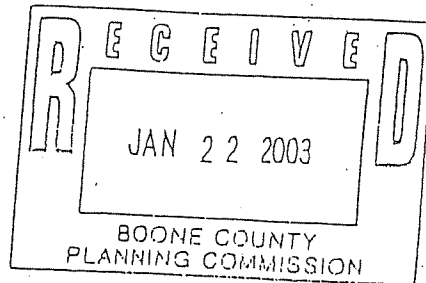
BRYAN A. BLAVATT
Superintendent of Schools

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

BOONE COUNTY SCHOOLS

January 16, 2003

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



Dear Kevin,

At the outset, I would like to personally thank you and the Planning Commission for all the assistance you have provided to Boone County Schools in the past. We look forward to the continuation of the high level of collaboration between the Planning Commission and Boone County Schools that has taken place over the last several years. While I do not believe the school district needs to communicate with the Commission on every housing plan that is proposed, there are a few concerns related to the development of large housing projects that obviate comment and could be addressed in the Comprehensive Plan.

As you know, the school district recognizes and is supportive of continued growth within Boone County. However, the future development of large subdivisions will place an increased strain on the infrastructure of the school district. We believe that the Planning Commission needs to work with developers to move towards slow 'build out' plans, rather than massive immediate development. This would allow the district to phase in the increased costs of dealing with these large developments and provide a more natural growth pattern. Moreover, we suggest that the Planning Commission make it part of the conditions relative to zone change that the developer provide land for possible use by the school district. This would provide for the necessary future infrastructure to handle the student growth related to the development and offer a true selling point for the development.

Another point of concern is related to approval of individual developments that start as of small tracts of land and are later aggregated into a larger development. It is problematic that developers will propose a small subdivision grows into a large development, however, many times contiguous tracts are purchased in quick succession. This leaves the school district uninformed and ill prepared to take the necessary steps. Please encourage the Commission to review these multi-tracts. If at all possible, we would recommend applying the same criteria for these plans as you would a large development.

As always, thank you for your consideration. With your help, new large and multi-tract zone changes will be structured so that the School System can respond proactively. If you have further questions, please feel free to call me.

Sincerely,

A handwritten signature in cursive script that reads "Bryan Blavatt".

Bryan Blavatt
Superintendent of Schools



Boone County Public Works Department

5645 Idlewild Rd.
Burlington, KY 41005

Gary W. Moore
County Judge-Executive

Gregory V. Sketch, PE, PLS
County Engineer

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

James E. Parsons
County Administrator

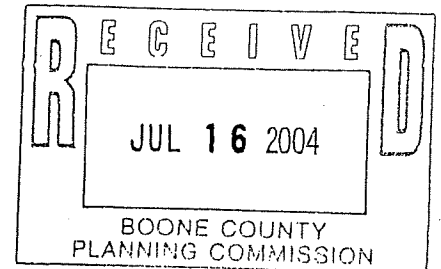
MEMORANDUM

TO: Todd Morgan, Planner, Zoning Services
Boone County Planning Commission

FROM: Greg Sketch, PE, PLS
Boone County Engineer

RE: North Bend Woods Zoning Map Amendment

DATE: July 15, 2004



This is in response to your request for input concerning the request for a zoning map amendment of a 37.6 acre tract of land fronting North Bend Road (KY 237), between the Cardinal Cove Subdivision and Parlor Grove Estates. The request is to change the zone from Agricultural Estate (A-2) and Rural Suburban Estate (RSE) to Suburban Residential One (SR-1), to allow development of a 113 single family residential lots. The proposal as submitted does not raise concerns with the Public Works Department.

However, I have discussed with you and other Planning Commission Staff the need of making connections with adjoining subdivisions. The proposed plan shows a connection with Cardinal Cove Subdivision, and no connection to Parlor Grove Estates. While this Department supports connections between adjoining subdivisions, I agree with the proposed plan in not making the connection with Parlor Grove at Grandview Drive. The reason for this is there is a large drainage channel that separates the two parcels at the end of Grandview Drive, and making this connection would require the construction of a street with significant grade changes and a large culvert. With this being publicly dedicated right-of-way, the County would assume maintenance responsibilities for both the street and culvert. Given the proximity of the Parlor Grove Estates entrance to the proposed entrance of North Bend Woods, in this case, the negatives outweigh the positives for making the connection. Therefore, I would recommend not considering making a connection with Parlor Grove Estates.

Thank you for the opportunity for input in this matter.

c: Jim Parsons, Boone County Administrator

M) Cul-de-Sacs Streets - Proposed cul-de-sac streets designed to have a permanently closed end shall not be more than twelve hundred feet (1200') long for industrial, commercial or Conventional Residential Subdivisions, as measured from the intersection of the centerlines of the cul-de-sac and the intersecting street (from station 0+00 of the cul-de-sac street). Cul-de-sac streets in Clustered Residential Subdivisions shall not be more than six hundred (600) feet long. For Residential Clustered Subdivisions where the maximum cul-de-sac length is exceeded, the required right-of-way and pavement width shall equal that for Conventional Subdivisions as described in item "h" under Section 305.

N) Temporary Dead-End Streets and Street Connections to Adjoining Tracts or Areas - Dead-end streets of a temporary nature and street connections with adjoining undeveloped tracts shall be required by the Commission. Reasons for this include the layout of the subdivision, the staging of development, the opportunity for reasonable access alternatives to adjoining tracts, the necessity of providing through connections between collector or arterial streets, to distribute traffic patterns by providing alternative routes, and to provide convenient and efficient access for emergency vehicles, street maintenance, school buses, postal delivery, and other essential services. The street connection with adjoining property shall be constructed upon Final Plat recording of seventy five percent (75%) of the subdivision lots as approved on the Preliminary Plat, or if a contributing street in the subdivision is within 300 feet of the connection to the adjoining property.

The Commission shall consider the following criteria for requiring street connections to adjoining property:

1. The adjoining land must be compatible with the subject development as determined by the current zoning and/or the Future Land Use Map as specified in the current Comprehensive Plan.
2. Street connections to adjoining properties will not be required if significant grading (as determined by the County Engineer or applicable City Engineer) and/or the construction of a bridge would be necessary to make such connections.
3. Future desired transportation patterns as described by the current Comprehensive Plan and special funding projects recommended in the Transportation Plan shall be considered.
4. Subdivisions required to provide subcollector or collector streets (as described in the street classification table in Article 5) shall be required to provide for connection of such streets to other collector or arterial streets or connection to adjoining lands.
5. The Planning Commission may require the connection of local streets to adjoining tracts or areas in order to prevent the local street from becoming a cul-de-sac street which exceeds the maximum length permitted for a cul-de-sac street.
6. Proposed connections to the existing street system will be consistent with the existing conditions and the design of adjoining streets.
7. All temporary dead-end streets that will continue onto adjoining property or connect with another roadway will have a sign posted at the temporary dead end that informs the public of the planned street connection.



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
WWW.KENTUCKY.GOV

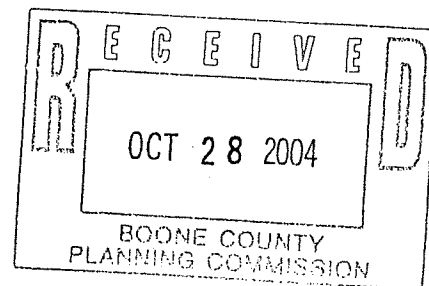
ERNIE FLETCHER
GOVERNOR

MAXWELL C. BAILEY
SECRETARY

Boone County Planning Commission
2995 Washington Street
Burlington, Ky. 41005

Attn: Todd Morgan, Planner

Subject: **REVISED REVIEW**
North Bend Woods Subdivision
KY 237 North Bend Road
Boone County



October 26, 2004

Dear Sir:

This letter is in response to your letter dated October 22, 2004 regarding a proposed North Bend Woods Subdivision.

This office has reviewed the plans as submitted and sight distance for the entrance will be a factor in granting access to Kentucky 237. Due to the 45 MPH speed limit the minimum sight distance of 396 feet in both directions will be required before the access would meet the standards and specifications for the Department for approval.

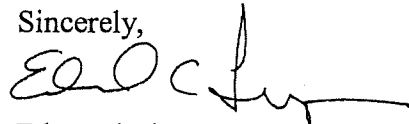
Our design offices has reviewed the plan and it appears that it will not be affected by the proposed roadway project for Kentucky 237 "North Bend Road".

This is subject to the formal encroachment permit application being forwarded to the Department for final review.

Please call if you need any additional information.

If you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edmond Thompson', with a long horizontal flourish extending to the right.

Edmond Thompson
Permit Supervisor

Cc CDE - D. Jones
C. Callen-Ramler



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
WWW.KENTUCKY.GOV

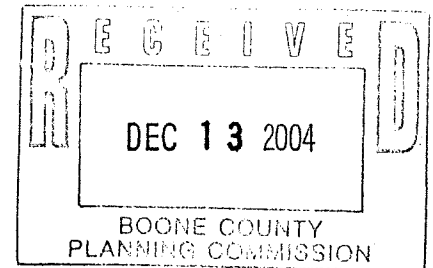
ERNIE FLETCHER
GOVERNOR

MAXWELL C. BAILEY
SECRETARY

December 12, 2004

SMI New Home Solutions, LLC
Attn: Mark Wheatley
P.O. Box 139
Union, Ky. 41091

Subject: Ky. 237, MP 10.036
Permit 06-0796-04
Boone County



Dear Sir:

The Encroachment Permit Application for the proposed commercial entrance for Northbend Woods Subdivision have been reviewed and meet the Departments specifications and regulations for approval, subject to the following comments.

There is some additional entrance design details (i.e. Entrance width, pavement design and radius lengths) that will be required before the Encroachment Permit can be issued. Also, drainage design plans and calculations will be required for the Encroachment Permit.

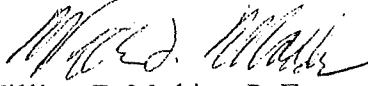
Before the Encroachment Permit can be released to you the Department requires that the Insurance Bond or Certified Check for \$5,000 be forwarded to us.

Please call if you need any additional information.

If you have any questions, please contact this office.

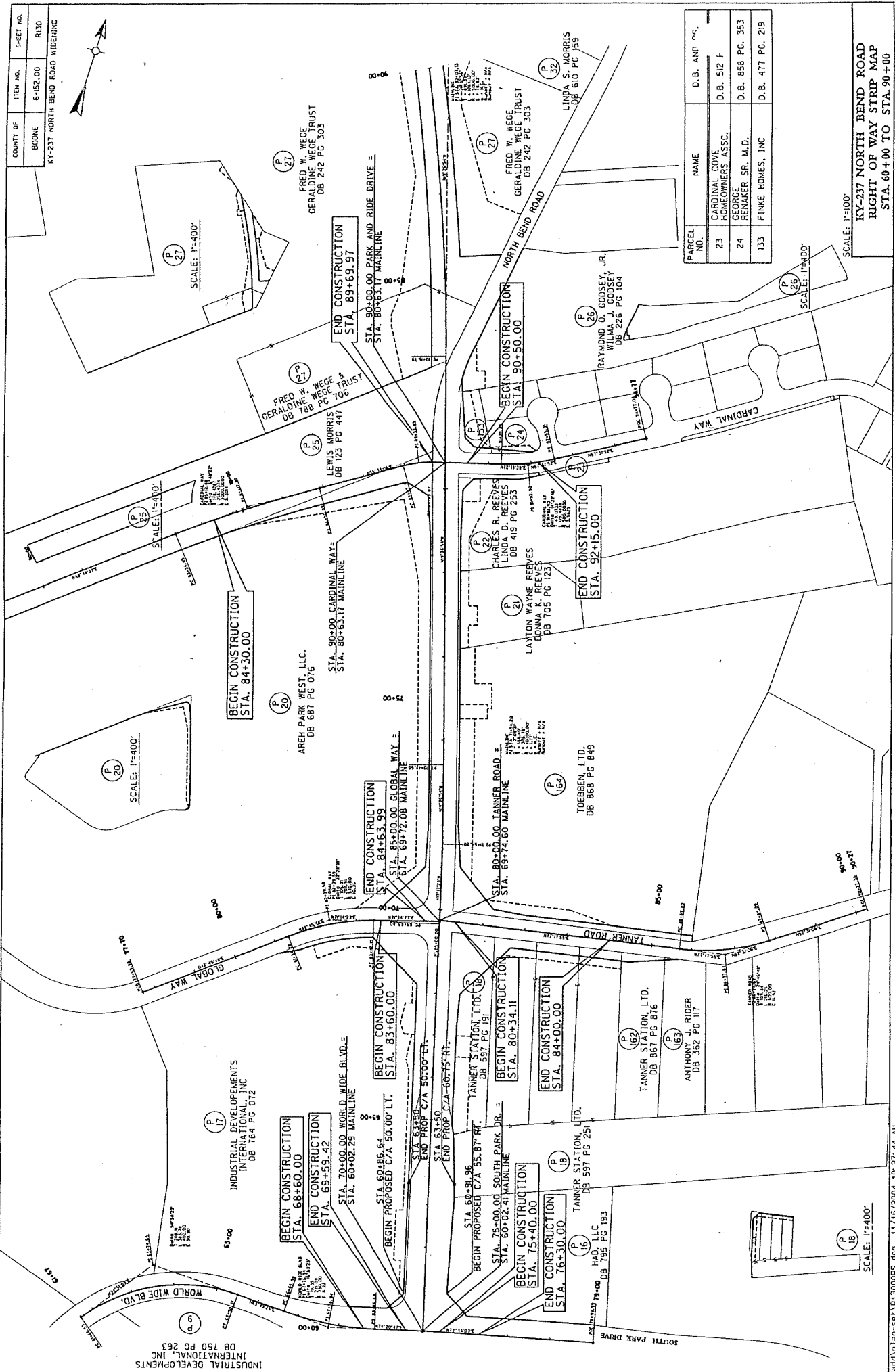
Sincerely,

David Jones, P. E.
CHIEF DISTRICT ENGINEER


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

COUNTY OF	ITEM NO.	SHEET NO.
BOONE	6-152.00	R13D

KY-237 NORTH BEND ROAD WIDENING

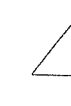


SCALE: 1"=400'

KY-237 NORTH BEND ROAD
RIGHT OF WAY STRIP MAP
STA. 60+00 TO STA. 90+00

COUNTY OF	ITEM NO.	SHEET NO.
BOONE	6-152.00	R31

KY-237 NORTH BEND ROAD WIDENING



SCALE: 1"=400'

SCALE: 1"=400'

SCALE: 1"=400'

SCALE: 1"=400'

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SCALE: 1"=400'

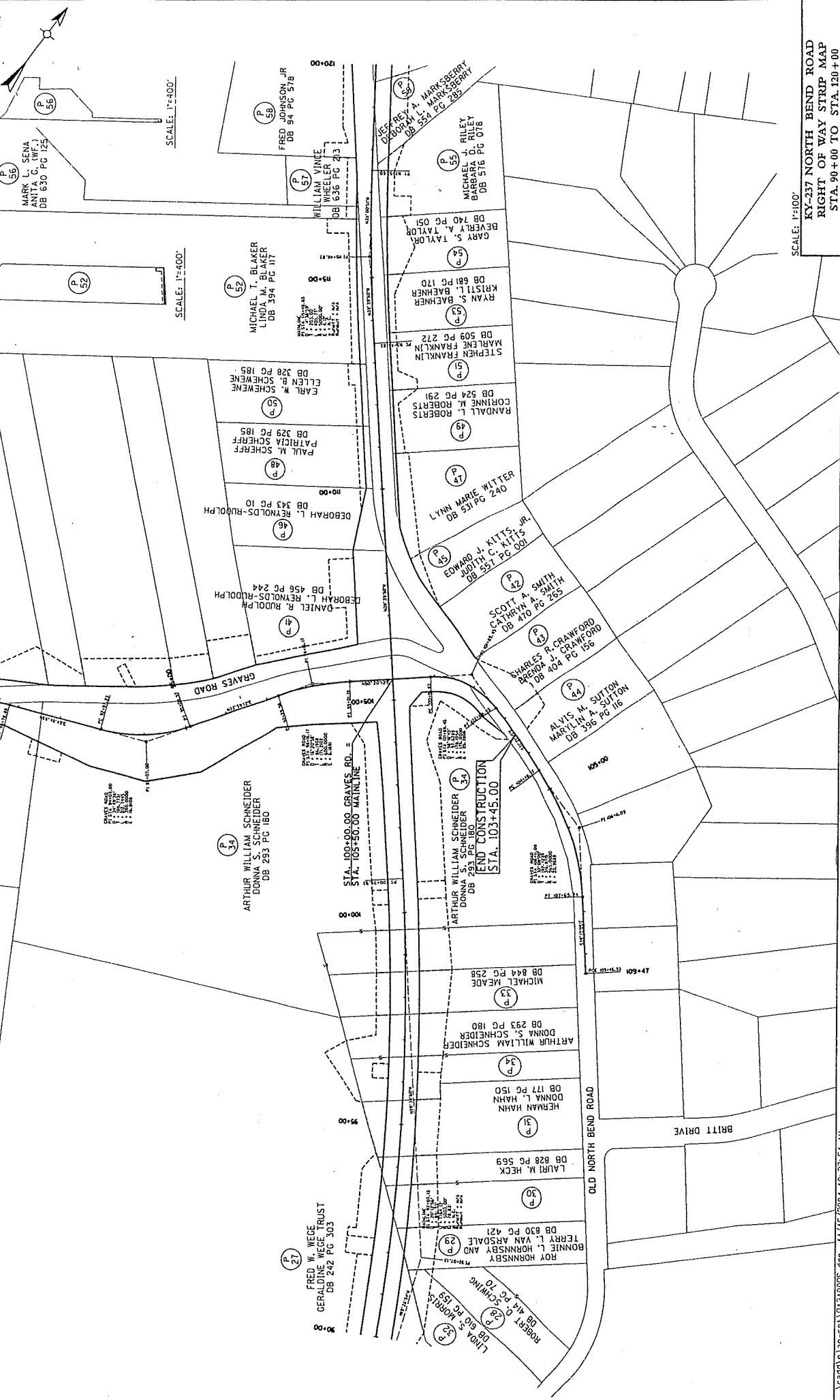
SCALE: 1"=400'

SCALE: 1"=400'

SCALE: 1"=400'

SCALE: 1"=400'

SCALE: 1"=400'



SCALE: 1"=100'

KY-237 NORTH BEND ROAD
RIGHT OF WAY STRIP MAP
STA. 90+00 TO STA. 120+00

Exhibit 2-7. Existing Level of Service Analysis - Arterials

Section	SECTION		ROADWAY VARIABLES			TRAFFIC VARIABLES				
	Source	From	Length (Miles)	Speed (Mph)	Level	ADDT	K (P)	SD (%)	Per. HV	LOS
KY 18	Burdington Pike	Bullsville Road	1.334	35	Trans. Urban	21,529	7.85	55.7	5	0.75
		KY 237 (North Bend Rd)	2.619	55	Urban	43,050	7.49	55.7	8	2.13
		KY 842 (Houston Rd./Hopetal Church Rd)	0.724	45	Urban	34,859	8.25	50.4	8	5.52
		Ewing Boulevard	1.278	40	Urban	18,086	8.74	54.7	8	3.13
KY 842	Houston Road	KY 18 (Burdington Pike)	1.371	40	Urban	24,570	8.67	55	6	2.92
		KY 1017 (Turfway Rd)	1.260	45	Urban	18,243	7.71	55	5	3.17
KY 842	Hopeful Church Road	US 42	2.192	40	Urban	15,155	8.92	55	5	0.91
KY 3157	Mall Road	US 42	1.526	35	Urban	20,877	8.77	55	5	3.29
KY 236	Donaldson Road	KY 842 (Houston Rd)	3.451	35	Urban	14,664	7.56	55	4	0.58
KY 212	Airport Road	KY 236 (Donaldson Rd)	1.012	45	Trans. Urban	24,249	7.14	60.4	4	0.99
KY 1017	Turfway Road	US 25 (Main Street)	1.739	45	Urban	25,478	7.55	55	5	3.45
KY 1829	Industrial Road	US 42	1.936	45	Urban	15,903	7.28	55	13	0.52
US 25	Discie Highway	Kenton County Line	1.102	55	Urban	14,929	7.36	55	13	0.91
		Turfway Road	2.219	35	Urban	18,958	8.15	55	14	2.70
US 42	US 42	Eastern Avenue (Kenton Co.)	1.316	55	Trans. Urban	19,283	8.34	60.4	9	2.28
		Longbranch Road	1.004	45	Urban	33,479	8.9	57.1	9	3.00
		KY 237 (Pleasant Valley Rd)	0.941	40	Urban	36,331	8.02	56.9	12	6.38
		KY 3157 (Mall Rd)	0.857	40	Urban	18,680	7.95	55.1	9	1.17
		Ewing Blvd./Tanners Lane	1.019	45	Urban	18,789	9.69	55	10	3.93
KY 536	Mt. Zion Road	US 25 (Discie Highway)	0.463	45	Urban	15,547	6.51	55	10	6.48
KY 338	Richwood Road	KY 14/KY 16 (Walton-Verona Rd)	0.774	45	Trans. Urban	10,231	8.24	54.3	35	3.88
KY 14	Mary Goubie Highway	US 25 (Discie Highway)	4.762	55	Trans. Urban	18,987	8.49	57	8	1.68
KY 237	North Bend Road	US 25 (Discie Highway)								

KEY:
 ADADT - Average Annual Daily Traffic
 K - Proportion of 2+Hour Traffic Occurring During the Peak Hour
 D - Directional Proportion During the Peak Hour
 Per. HV - Percent Heavy Vehicles
 "Trans. Urban" = Transitioning/Urban

Boone County Transportation Study

Exhibit 2- 8. Existing Level of Service Analysis - Two-Lane Highways

Route	Segment	MP.Start	MP.End	Area Type	ADT	LOS
KY 1017 (Turfway Rd.)	KY 842 (Houston Rd.) to KY 3147 (O'Hara Rd.)	1.132	2.667	Transitioning/Urban	10,286	D
	KY 3147 (O'Hara Rd.) to KY 236 (Donaldson Rd.)	2.667	3.056	Transitioning/Urban	7,140	C
	KY 236 (Donaldson Rd.) to Kenton Co line	3.056	3.738	Transitioning/Urban	6,521	C
KY 1292 (Beaver Rd.)	US 42 to Mud Lick Creek Bridge	0.000	2.392	Rural Undeveloped	654	B
	Mud Lick Creek to I-71	2.392	3.708	Rural Developed	1,785	B
	I-71 to Walton Corporate Boundary	3.708	4.450	Transitioning/Urban	2,954	B
	Walton Corporate Boundary to KY 14	4.450	4.933	Transitioning/Urban	3,417	B
KY 14 (Verona-Mud Lick Rd.)	US 42 to I-71 Ramps	0.000	2.131	Rural Undeveloped	2,737	C
	I-71 Ramps to KY 16 (Walton-Verona Rd.)	2.131	3.982	Rural Undeveloped	4,288	D
	KY 16 (Walton-Verona Rd.) to Stephenson Mill Rd.	3.982	5.244	Rural Undeveloped	1,652	B
	Stephenson Mill Rd. to Salem Creek Rd.	5.244	7.273	Rural Undeveloped	1,824	C
	Salem Creek Rd. to KY 1292	7.273	8.056	Rural Developed	11,144	E
KY 1548 (Violet Rd.)	Kenton County Line to Eads Rd.	0.000	1.846	Rural Undeveloped	468	B
KY 16 (Walton-Nicholson Rd.)	Gallatin Co to KY 14/16 Junction	0.000	2.483	Rural Undeveloped	2,449	C
	US 25 to Kenton County Line	2.483	3.380	Rural Undeveloped	3,528	D
KY 18 (McVille Rd.)	KY 338 (East Bend Rd.) to KY 20 (Belleview Rd.)	0.000	3.502	Rural Developed	582	A
KY 18 (Burlington Pike)	KY 20 (Belleview Rd.) to Woolper Rd.	3.502	6.540	Rural Undeveloped	2,172	C
	Woolper Rd. to Vice Lane	6.540	7.250	Rural Undeveloped	2,563	C
	Vice Lane to Allen Fork Culvert	7.250	8.538	Rural Developed	2,981	C
	East of Woolper Rd. to KY 338 (Idlewild Rd.)	8.538	10.443	Transitioning/Urban	5,576	C
KY 1925 (Boat Dock Rd.)	Ryle Rd. to KY 338 (Beaver Rd.)	0.000	2.478	Rural Undeveloped	528	B
KY 1925 (Big Bone Rd.)	KY 338 (Beaver Rd.) to Rice Pike	2.478	5.659	Rural Undeveloped	153	A
	Rice Pike to Big Bone Church Rd.	5.659	6.187	Rural Undeveloped	533	B
	Big Bone Church Rd. to KY 536 (Hathaway Rd.)	6.187	7.488	Rural Undeveloped	1,416	B
KY 20 (Belleview Rd.)	KY 18 (Burlington Pike) to Woolper Creek Bridge	0.000	2.802	Rural Undeveloped	1,500	B
	Woolper Creek Bridge to Aurora Ferry Rd.	2.802	5.360	Rural Undeveloped	786	B
	Aurora Ferry Rd. to 3rd Street	5.360	6.606	Rural Developed	1,453	B
KY 20 (Petersburg Rd.)	3rd Street to Woolper Rd.	6.606	8.151	Rural Developed	1,747	B
	Woolper Rd. to KY 8 (Idlewild Bypass)	8.151	10.873	Rural Undeveloped	2,822	C
	KY 8 (Idlewild Bypass) to KY 338 (Idlewild Rd.)	10.873	11.221	Rural Undeveloped	747	B
	KY 338 (Idlewild Rd.) to Corsoll Rd.	11.221	13.202	Rural Undeveloped	494	B
	Corsoll Rd. to Watts Lane	13.202	14.525	Rural Undeveloped	1,822	C
	Watts Lane to Bullock Lane	14.525	16.078	Rural Undeveloped	3,063	C
	Bullock Lane to KY 237 (North Bend Rd.)	16.078	16.620	Rural Developed	5,935	C
	KY 237 (North Bend Rd.) to I-275	16.620	18.486	Rural Developed	7,349	D
	I-275 to KY 212	18.486	19.584	Transitioning/Urban	13,035	D
	KY 212 to KY 8 (River Rd.)	19.584	20.596	Transitioning/Urban	1,731	B
KY 237 (Pleasant Valley Rd.)	US 42 to Valley View Dr.	0.000	0.665	Transitioning/Urban	11,260	D
	Valley View Dr. to Camp Ernst Rd.	0.665	3.114	Transitioning/Urban	6,864	C
KY 237 (Camp Ernst Rd.)	KY 237 (Pleasant Valley Rd.) to KY 18 (Burlington Pk.)	3.114	4.681	Transitioning/Urban	13,585	D
KY 237 (North Bend Rd.)	Graves Rd. to Sand Run Rd.	10.370	10.863	Rural Developed	8,061	D
	Sand Run Rd. to KY 8 (River Rd.)	10.863	13.383	Rural Undeveloped	300	A
KY 2846 (Tanner Rd.)	KY 237 (North Bend Rd.) to KY 8 (River Rd.)	0.000	1.328	Rural Undeveloped	1,183	B
KY 2852 (Riddles Run)	KY 338 (Beaver Rd.) to KY 536 (Hathaway Rd.)	0.000	2.337	Rural Undeveloped	629	B
KY 2951 (Chambers)	KY 338 (Richwood Rd.) to I-75	0.000	1.612	Rural Developed	1,857	B
	I-75 to US 25 (Dixie Highway)	1.612	2.790	Rural Developed	617	A
KY 3076 (Mineola)	I-275 to KY 1017 (Turfway Rd.)	1.095	1.237	Urbanized	8,833	C
KY 3168 (Limaburg)	KY 18 (Burlington Pike) to KY 237 (North Bend Rd.)	0.000	3.183	Transitioning/Urban	9,414	C
	KY 18 (Burlington Pike) to Oakbrook Rd.			Transitioning/Urban	5,490	C
KY 338 (Richwood Rd.)	I-75/I-71 to Hicks Pike	0.275	1.350	Transitioning/Urban	10,327	D
	Hicks Pike to KY 2951 (Chambers Rd.)	1.350	2.092	Transitioning/Urban	3,546	B
	KY 2951 (Chambers Rd.) to US 42/US 127	2.092	4.613	Transitioning/Urban	1,587	B
KY 338 (Beaver Rd.)	US 42 to KY 1925 (Big Bone Rd.)	4.613	7.961	Rural Undeveloped	1,473	B
	KY 1925 (Big Bone Rd.) to KY 2852 (Riddles Run Rd.)	7.961	10.643	Rural Undeveloped	1,279	B
	KY 2852 (Riddles Run Rd.) to Lower River Rd.	10.643	13.889	Rural Undeveloped	854	B

Boone County Transportation Study

Exhibit 2-11. Intersections/Spots with Crash Rate Greater Than Critical Crash Rate

Route Name	Intersection	ADT	Accidents			Crash Rate*	Critical Rate	CRF**	Map ID
			Total	Injury	Fatality				
I-275	KY 20	42,062	15	3	0	0.33	0.26	1.25	11
	KY 237	54,492	62	13	0	1.04	0.4	2.60	12
I-71	KY 14	34,237	25	6	0	0.67	0.27	2.47	13
	I-75	88,123	43	13	0	0.45	0.26	1.71	14
I-75	KY 536	121,585	61	15	0	0.46	0.37	1.24	15
	US 42	153,576	75	12	0	0.45	0.37	1.21	16
	KY 18	179,773	79	17	0	0.40	0.37	1.08	17
US 25 (Dixie Highway)	KY 3060	15,360	31	7	0	1.84	1.28	1.44	18
	KY 536	29,620	62	7	0	1.91	1.2	1.59	19
	KY 842	18,156	40	3	0	2.01	1.98	1.02	110
	KY 1017	20,174	155	40	0	7.02	1.98	3.54	111
US 42	KY 1292/KY 338	6,667	16	7	0	2.19	1.38	1.59	112
	KY 338	7,134	17	7	0	2.18	1.38	1.58	113
	KY 842	48,512	117	30	0	2.20	1.78	1.24	114
KY 8 (River Rd.)	KY 237	368	3	0	0	7.44	3.61	2.06	115
KY 14 (Mary Grubbs Highway)	US 42	5,609	29	1	0	4.72	1.38	3.42	116
KY 18 (Burlington Pike)	KY 338	18,692	129	12	0	6.30	1.12	5.63	117
	KY 338	996	28	3	0	25.67	2.65	9.69	118
	KY 3157	57,141	115	30	0	1.84	1.13	1.63	119
KY 20 (Petersburg Rd.)	KY 18	2,127	15	2	0	6.44	1.89	3.41	120
KY 237 (Pleasant Valley Rd.)	KY 8	368	2	1	0	4.96	3.61	1.37	121
	KY 2846	10,751	18	3	0	1.53	1.26	1.21	122
	Worldwide	12,709	21	3	0	1.51	1.18	1.28	123
	Coach Trail	675	4	0	0	5.41	2.65	2.04	124
KY 338 (Richwood Rd.)	US 25	16,203	66	3	0	3.72	1.98	1.88	125
	KY 2951	3,495	13	3	0	3.40	2.53	1.34	126
KY 536 (Mt. Zion Rd)	KY 338	925	21	2	0	20.73	2.65	7.82	127
	KY 2852	1,544	9	3	0	5.32	1.89	2.82	128
	KY 3503	22,128	51	7	0	2.10	1.2	1.75	129
KY 842 (Hopeful Church Rd.)	US 25	18,156	43	3	0	2.16	1.98	1.09	130
	KY 18	46,215	69	13	0	1.36	1.16	1.18	131
	KY 1017	43,632	118	21	0	2.47	1.78	1.39	132
KY 1017 (Turfway Rd.)	US 25	20,174	42	6	0	1.90	1.86	1.02	133

* Expressed in Annual Crashes per 100 Million Vehicles
 ** CRF - Critical Rate Factor = Crash Rate/Critical Rate
 Source of Data: Kentucky Transportation Cabinet, 2004

Boone County Transportation Study

Exhibit 2- 14. Listing of KYTC Six Year Highway Plan Projects in Boone County

Item No.	Route	Milepoint		Length (Miles)	Description	Scope	Funding Source	Phase	Year	Amount
		From	To							
06 - 9.00	I-275	13.275	13.892	0.600	I-275 bridge over the Ohio River near Lawrenceburg, Indiana (B52); joint project with Indiana to perform fracture critical inspection	Bridge Inspection	Federal	C	2005	\$13,000
06 - 10.00	I-71	75.376	75.476	0.100	Add restroom facility to I-71 weigh station in Boone County	Weigh Station Rehabilitation	Federal	R	2004	\$50,000
								C	2004	\$770,000
								Total		\$820,000
06 - 14.00	I-75	178.033	178.133	0.100	Reconstruct the KY 536 (Mt. Zion Road) interchange	Interchange Reconstruction	Federal	D	2007	\$1,500,000
06 - 18.00	I-75	175.314	175.414	0.100	Reconstruct the KY 338 (Richwood Road) interchange	Interchange Reconstruction	Federal	D	2008	\$1,500,000
06 - 106.00	KY 1829	0	1.93	3.000	Widen Industrial Road (KY 1829) from US 42 in Florence to Turkeyfoot Road (funds transferred from 06 - 300.00; to be administered by Boone County per agreement)	Major Widening	Federal	C	2005	\$14,000,000
		0	1.013							
06 - 152.00	KY 237	8.972	12.803	3.800	Reconstruct and widen KY 237 (North Bend Road) from I-275 north 3 miles toward KY 8 (Boone County has contributed \$1 million toward project per agreement)	Reconstruction	Federal	R	2006	\$4,000,000
								U	2006	\$2,500,000
								C	2008	\$5,000,000
								Total		\$11,500,000
06 - 152.01	KY 237	8.972	12.803	3.800	Reconstruct and widen KY 237 (North Bend Road) from I-275 north 3 miles toward KY 8 (additional funding for construction phase)	Reconstruction	Federal	C	2009	\$10,000,000
06 - 152.02								C	2010	\$5,000,000
06 - 158.00	KY 536	10.400	13.400	3.000	Reconstruct KY 536 to a 5-lane urban section from 1,500 feet west of US 42 to I-75. Does not include interchange reconstruction.	Reconstruction	Federal	R	2008	\$5,500,000
								U	2008	\$2,500,000
								Total		\$8,000,000
06 - 351.00	US 25	4.900	9.300	4.400	Dry Ridge-Florence Road; 5-lane US 25 from KY 1829 (Industrial Road) to KY 338 at Richwood	Minor Widening	Federal	R	2010	\$8,500,000
06 - 960.00	KY 20	16.620	16.720	0.100	KY 20 @ KY 237; construct right turn lane	Safety-Hazard Elimination	Federal	U	2004	\$4,000
								C	2004	\$296,715
								Total		\$300,715
06 - 1046.00	CS 3011			0.100	Replace bridge and approaches at Norfolk Southern (CNO & TP) system 100 feet east of US 25 on High Street in Walton	Bridge Replacement	Federal	R	2004	\$1,000,000
								U	2004	\$60,000
								C	2005	\$3,550,000
								Total		\$4,610,000
06 - 1058.00	KY 842	2.940	3.040	0.100	Replace bridge and approaches on KY 842 over Utterback Creek	Bridge Replacement	Federal	D	2004	\$100,000
								R	2004	\$200,000
								U	2006	\$100,000
								C	2008	\$400,000
								Total		\$800,000
06 - 1064.00	CR 1329			0.100	Replace bridge and approaches on Ashby's Fork Road over Ashby's Fork Creek 1.0 miles southeast of junction with KY 20	Bridge Replacement	Federal	D	2005	\$100,000
								R	2007	\$50,000
								U	2007	\$20,000
								C	2009	\$420,000
								Total		\$590,000
06 - 8000.11	I-275	4.842	4.942	0.100	Construct new interchange at I-275 and KY 20 near Greater Cincinnati Airport	New Interchange	Federal	D	2004	\$1,500,000
								R	2006	\$3,000,000
								U	2007	\$2,500,000
								C	2008	\$5,000,000
								Total		\$12,000,000
06 - 316.01	KY 1017	0.000	1.437	1.400	Widen Turfway Road from US 25 to KY 717 near Turfway Park	Major Widening	State	C	2005	\$11,300,000
06 - 8001.10	KY 237	0.000	1.460	1.460	Reconstruct and widen KY 237 from US 42 at Gunpowder Road to Lilac Drive (South Section)	Reconstruction	State	R	2005	\$5,400,000
								U	2005	\$750,000
								Total		\$6,150,000
06 - 8001.20	KY 238	1.460	4.681	3.200	Reconstruct and widen KY 237 from Lilac Drive to KY 18 (North Section)	Reconstruction	State	R	2005	\$12,600,000
								U	2005	\$1,750,000
								Total		\$14,350,000

**PROPERTY OWNERS THAT HAVE PROVIDED WRITTEN COMMENTS
(THESE COMMENTS ARE PART OF THE OFFICIAL RECORD)**

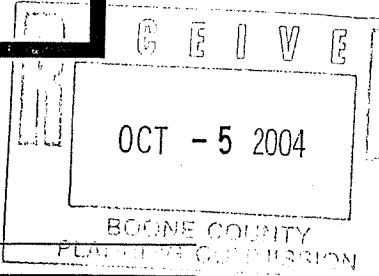
PROPERTY OWNER NAMES	PROPERTY OWNERS ADDRESS
ANDERSON, MATTHEW	2177 BLAIR DRIVE, HEBRON, KY
BELL, MISSY	1012 MEADOWBROOK CT., HEBRON, KY
BODWELL, FRANK & JUDY	2320 PINNACLE COURT, HEBRON, KY
BROWN, KELLEY	1440 SEQUOIA LANE, HEBRON, KY
CARDINAL COVE HOMEOWNERS ASSOC.	HEBRON, KY
CREBO, RON & DANIELLE	1620 GRANDVIEW DRIVE, HEBRON, KY
EARLY, KRISTIN & SCOTT	1565 JOLEE DRIVE, HEBRON, KY
FRIMMING, ROBB	6337 RIVER ROAD, HEBRON, KY
GAUTHIER-REYMOND, JULIE	HEBRON, KY
GODSEY, YVONNE	HEBRON, KY
GRAFT, SHELLEY	CARDINAL COVE, HEBRON, KY
GRAY, CLYDE	HEBRON, KY
GRIFFIN, REGGIE	THORNWILDE, HEBRON, KY
HART, THOMAS	2221 BLAIR DRIVE, HEBRON, KY
HIMMELMANN, CATHY E. UTZ	2189 FOREST POND DRIVE, HEBRON, KY
HOLMES, JEFFERY	1511 BOTTOMWOOD DRIVE, HEBRON, KY
KELLER, KATIE	HEBRON, KY
KOSHIOL, SHERRA & KEVIN	HEBRON, KY
KRAMER, STAN & BARB	1668 GRANDVIEW DRIVE, HEBRON, KY
MACCURDY, DOUG & RUTH	HEBRON, KY
MARKESBERY, CHRIS & COLLEEN	1610 GRANDVIEW DRIVE, HEBRON, KY
MASUMOTO, SHIGERU	2202 BLAIR DRIVE, HEBRON, KY
MCGUIRE, KATIE & JIM	HEBRON, KY
MERGNER, ARTHUR W.	1865 COACHTRAIL DRIVE, HEBRON, KY
MICHELS, DEBBIE & BILL	2264 VISTA COURT, HEBRON, KY
MILLER, GRETCHEN	HEBRON, KY
NOEL, MOLLY & KEITH	2316 PINNACLE COURT, HEBRON, KY
MUCKERHEIDE, PAM	THORNWILDE, HEBRON, KY
NUELLEN, MICHAEL	1730 HEMPFLING PLACE, HEBRON, KY
PARSONS, MARTY D. & SANDRA J.	2022 WEDGEWOOD LANE, HEBRON, KY
REEVES, ROBERT M.	1909 WHETHERSTONE RIDGE, HEBRON, KY
ROTH, KAREN	DEER CREEK, HEBRON, KY
ROUSE, BRENT & JUDY	2328 PINNACLE COURT, HEBRON, KY
SMITH, DOUG	PARLOR GROVE, HEBRON, KY
SNYDER, JAMES & ELIZABETH	1650 GRANDVIEW DRIVE, HEBRON, KY
SPRECHER, CHRISTINA	2211 FOREST POND DRIVE, HEBRON, KY
STEIMER, WILLIAM & LISA	1604 GRANDVIEW DRIVE, HEBRON, KY
STURPE, CHRIS & TONI	HEBRON, KY
SWEENEY, MARY E.	1870 CARDINAL WAY, HEBRON, KY
TAYLOR, JAN	2305 KENYON COURT, HEBRON, KY
THOMAS, JANE & RAJ	1598 GRANDVIEW DRIVE, HEBRON, KY
TRIPP, JOHN & JOYCE	HEBRON, KY
WARNER, YVONNE & DOUG	HEBRON, KY
WELLS, SEAN D.	1723 GRANDVIEW DRIVE, HEBRON, KY
WILSON, RICHARD & PEGGY	2198 BLAIR DRIVE, HEBRON, KY
WISNIEWSKI, PAUL D.	2295 BRITT DRIVE, HEBRON, KY
WONSER, JEFFREY	2149 GLENVIEW DRIVE, HEBRON, KY

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

(See Boone County
Zoning Regulations)

SECTION A (To be completed by applicant)



- Name of Project NORTH BEND WOODS SUBDIVISION
- Location of Project NORTH BEND RD. SE237 HEBRON
- Total Acreage of Site 48.0
- Current Zoning of Site RSE, A-2, RS
- Proposed Zoning (Classification being requested) RS & SR-1
- Proposed Uses (please specify each use) SINGLE FAMILY DETACHED
- Names of Applicant(s) ONE ELEVEN ENG & SUR. PLLC
Phone Number 859 363-9025 Fax No. 859 363-9125
- Address of Applicant(s) 5294 MADISON PIKE
INDEPENDENCE KY 41051
City State Zip
- Name of Property Owner(s) AYLOE INVESTMENTS LIMITED PARTNERSHIP (CON'D BELOW)
Phone Number _____ Fax No. _____
- Address of Property Owner(s) 1828 NORTH BEND RD.
HEBRON KY 41048
City State Zip
- Proposed Building Intensities (please specify) ~~2.5~~ D.U./AC. = 2.45
- Are there any existing buildings on the site? YES
How many? 3
- Deed Book 736, 736 Page No. 87, 81 Group No. 2002
- Are you also applying for:
NO Conditional Use Permit
YES Dimensional Variance (SITE DISTANCE)
- Have you submitted a Concept Development Plan? YES
- Have you had a pre-application meeting with BCPC Staff? YES
- 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

DB 9. RAYMOND GODSEY
226 1846 NORTH BEND RD.
PG HEBRON KY 41048
104

AKIN AND MILLER DB 567
PG 248
81 AKIN LANE
BURLINGTON, KY 41005

PROPERTY OWNERS CON'D

(over)

LARRY & JOANN GORGE
1828 N. BEND RD
HEBRON, KY. 41048

DB 186
PG 419

APPLICATION FORM

BOARD OF ADJUSTMENT
AND
ZONING APPEALS ACTION
BOONE COUNTY PLANNING COMMISSION

RECEIVED
OCT - 5 2004
BOONE COUNTY
PLANNING COMMISSION

See Boone County Zoning Regulations

SECTION A (To be completed by applicant)

- (Check One)
- Boone _____ Florence _____ Walton _____ Union _____
 - (Check One)
 Conditional Use Permit Variance _____ Appeal _____
 Change in Non-Conforming Use _____
 - Applicant's Name ONE ELEVEN ENG. & SUR. PLLC
 Phone Number 859 363-9025 Fax No. 859-363-9125
 Applicant's Address 5294 MADISON PIKE
INDEPENDENCE KY 41051
 City State Zip
 - Description of Request: REDUCTION IN SITE DISTANCE REQUIREMENT
P.L. - FROM 780' TO ~~720'~~ D.R. FROM 720' TO ~~660'~~
 - Name of Development NORTH BEND WOODS SUBDIVISION
 - Location of Development NORTH BENDER. SE 237, HEBRON
 - Acreage Under Review 48.0
 - Lot Number and Name of Subdivision (if part of a subdivision)
N/A
 - Owner of Property AYLOE INVESTMENTS LIMITED PARTNERSHIP
 Phone Number of Owner 1828 NORTH BEND ROAD
 - Address of Property Owner HEBRON KY 41048
 City State Zip
 - Proposed Use(s) on Site SINGLE FAMILY DETACHED
 - Total Square Footage of Existing and/or Proposed Buildings N/A
 - Current Zoning on Property RSE, A-2
 - Deed Book 736 Page No. 87 Group No. 2002
 - Is the site subject to a zone change? YES
 If yes, give date of approval _____
 - Have you submitted a Site Plan with this request? YES
 - Have you submitted a list of adjoining property owners with this request? YES
 - I, or we, understand and agree that this application and drawing(s) are being filed in accordance with the Boone County Zoning Regulations.

SEE
SEAFF
Report

Applicant's Signature: Dave TR Eyer

Property Owner's Signature: X Kenneth W. Ayloe
X Raymond O. Hodson
X (over) J Miller aka Miller
Gary W. George
John George

**BOONE COUNTY PLANNING COMMISSION
BURLINGTON ELEMENTARY SCHOOL
5946 N. ORIENT STREET
BURLINGTON, KENTUCKY
December 15, 2004
7:30 P.M.**

PUBLIC HEARING

Commission Members Present: Mr. Barlow, Mr. Breetz, Mr. Bunger, Mr. Caddell – Chairman, Mrs. Kegley, Mr. Knock – Temporary Presiding Officer, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Schwenke, and Mr. White.

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

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:30 PM. Following an explanation of the Public Hearing process, the Chairman introduced the item on the Agenda:

Applicant: One Eleven Engineering and Surveying, PLLC for Aylor Investments Limited Partnership, Larry and Jo Ann Gouge, Raymond O. Godsey, Jr., and Akin and Miller (owners)

Request: Zoning Map Amendment and Variance

The request of One Eleven Engineering and Surveying, PLLC for Aylor Investments Limited Partnership, Larry and Jo Ann Gouge, Raymond O. Godsey, Jr., and Akin and Miller (owners) for a Zoning Map Amendment from Agricultural Estate (A-2), Rural Suburban Estates (RSE), and Rural Suburban (RS) to Suburban Residential One (SR-1) and Rural Suburban (RS) for an approximate 47 acre tract. The request is to rezone approximately 31.8 acres of the site to Suburban Residential One (SR-1) and approximately 15.2 acres of the site to Rural Suburban (RS). The request also involves Variance requests from Section 3217 “Minimum Sight Distances” of the Boone County Zoning Regulations. The subject properties involved in the request are 1820, 1828, and 1846 North Bend Road, an approximate 4.5 acre parcel located immediately to the north and east of

1820 North Bend Road and immediately to the south of 1586 Grandview Drive and 2253, 2259, 2271, 2277, 2283, 2289, and 2295 Britt Drive, and an approximate 2.5 acre parcel located immediately to the east of 1846 North Bend Road and immediately to the south of Souther Cemetery and 2221 Blair Drive, Boone County, Kentucky. The request is for a Zone Change to allow a subdivision for single-family residences and Variances to allow reductions in the required sight distances at the intersection of the proposed subdivision access road and North Bend Road.

Staff Member Todd Morgan presented the Staff Report which included a Power Point presentation (see Staff Report). He noted the two houses on the site which will be removed and stated that their access points on KY 237 will also be removed and the lots will be accessed off the internal street. He reviewed the table on Page 2 of the Staff Report and stated that the state sight distance requirement is 396 feet and they are in compliance with the state requirement. He submitted for the record written comments received prior to when the Staff Report was written (see Exhibit 1) and comments received since the Staff Report was written (see Exhibit 2).

The Chairman asked for the applicant's presentation.

Mr. Tim Theissen, attorney with Strauss & Troy, 50 East RiverCenter Boulevard, Covington, Kentucky, stated that he is representing the applicant and will make a presentation on behalf of the applicant. He has been practicing law for twenty-five years. He served on a Planning Commission for fourteen years, and was Chairman for nine years. He is authorized to be the sole presenter on behalf of the applicant this evening. He introduced Mr. Mark Wheatley of SMI New Home Solutions, LLC, the developer/builder; Mr. Jim Bertram with One Eleven Engineering & Surveying Inc.; and Mr. Darren Eyre, P.E. Mr. Theissen stated that he is speaking on their behalf and, if the Planning Commission wants them to verify his comments for the record, they will do so.

Mr. Theissen stated that the Commissioners received a spiral bound booklet "North Bend Woods" (see Exhibit 3) and the first few pages are an outline of the comments he will make. He stated that this is a quality single-family residential development of 115 homes. The site is 47 acres instead of 48 acres as one acre has been removed (it is a separate lot and not part of the zone change request) and the density is 2.45 units per acre, which is a correction to the booklet. This is a low-density development. The plan presented in July was three units per acre and the density is now down to 2.45 units per acre, which is within the Comprehensive Plan. He stated that most of the site is zoned Rural Suburban, which allows up to three units per acre, and the proposed density is a little more than one-half the permitted density. The neighboring Cardinal Cove subdivision has a density of 2.5 – 2.6 units per acre and Parlor Grove subdivision is at 0.9 units per acre. He stated that a lot of the first part of Parlor Grove subdivision was developed before sewers were in place and the lots had to be one acre or

more to accommodate a leach field and on-site sanitation. He noted the lots in the Grandview section of Parlor Grove Subdivision, located to the east of the subject site, which is approximately two units per acre. He reviewed the Concept Plan (Tab 1) and stated that the blue line stream goes through the middle of the site and it will be protected and preserved. They are not modifying the blue line stream and will not be required to get a permit from the Division of Water. He stated that in July, the proposed curb cut on KY 237 was at a different location. They have moved the curb cut and the sight distance they can accomplish is significantly better. The red arrow painted on the road does not indicate the location of the proposed curb cut. The stake indicates the proposed curb cut. He stated that the colored rendering of the plan (Tab 2) shows where the houses will be located and where the trees will remain. The dark green areas indicate where the trees will be preserved. The white area shows where a new sewer line was installed. He stated that there is an ability to protect the Parlor Grove side of the stream and some areas on this side of the stream. He is not suggesting that they will not be able to see the development, but they have tried to be sensitive to the needs and interests of the residents of Parlor Grove. He stated that the property is in the Comprehensive Plan to be developed. Mr. Theissen stated that under Tab 3 are two of the more popular models of homes that Mark Wheatley sells. They are proposing standard mailboxes for each home and lampposts in front of each house, which are not shown in the pictures. They may not have streetlights as the development is located in the unincorporated area of the county. There will be two trees in front of each home which will make the houses more attractive. There will be 112 new homes (three are existing), which will add 224 trees to this parcel of land and that is more than the number of trees that will be lost as a result of the development. He noted the coach lights on the sides of the garages which provide safety at night. He stated that there will be landscaping and a brick front for each of the houses. The anticipated price range could be \$180,000, but the target price range is \$200,000 to \$250,000. He stated that in 2004, they sold thirty homes at an average price of \$215,000 and they do not see any major change in that for this development. By the time of build-out, the houses may appreciate to \$230,000. He stated that Mark Wheatley is a top quality builder and there is information about SMI Homes under Tab 4. He stated that \$200,000 homes are not starter homes and will not devalue the homes in Parlor Grove subdivision. To be able to buy a \$200,000 home requires professionals and two-wage earner families. Mark Wheatley does not build bi-levels, small ranches, modular or pre-fab homes.

Mr. Theissen stated that if this request is approved, they will need to do some infrastructure improvements before they build the first house. They anticipate building the first home a year from now and to have their first home sale the following year. It will be 2008 – 2011 before the subdivision is fully built out. He stated that a principle of smart growth is to preserve the natural features of the site. Under Tab 5 is a cross-section profile that starts adjacent to Parlor Grove and goes across the site. The area where they will preserve the creek and the green space is the low area. On the right hand side are trees that will be preserved adjacent to Cardinal Cove subdivision. He stated that they have attempted to

design the site to preserve some of the natural features. The density is fair and reasonable and the smallest lot is 65 feet. He stated that this is infill development because there is development behind it and it fills in the gap with the same kind of single-family development. He stated that an element of smart growth is a pedestrian community. He noted the Remke's and Flick's which are being developed. He stated that the new KY 237 will have sidewalks on both sites. This will be a pedestrian community with sidewalks on every street and on the main street to get to shopping. This development fulfills the Comprehensive Plan. Reviewing the Land Use Plan (Tab 6) he stated that in this area there is a lot of the tan color, which represents four units per acre maximum, and is the current plan. He noted the areas that are no longer yellow as they were on the 1995 plan – they have been changed to tan and the density in this section has been increasing. He stated that the Planning Commission has worked hard to preserve the rural nature of the west side of the county. He stated that allowing 2.5 units per acre around the area of Francisville is needed to preserve the western part of the county. The area they are talking about for this development was Suburban Residential in the 1990 Comprehensive Plan. This area has the capacity for over four thousand housing units on about three miles worth of roadway, sewer and water main. It is an area equal in size to communities like Fort Wright and Fort Mitchell, but it has been done on three miles worth of infrastructure – which is smart growth and a good plan. The proposed development is the fulfillment of what have been planned for 15 –20 years. He stated that under Tab 8 is a memorandum from Robert Jonas. The memorandum states that about 4,000 lots have been approved and will be accessed off KY 237 north and 1,500 of them have been built. He stated that 2,600 more units have been approved and are to be built in this area. The 112 new homes proposed in North Bend Woods is a drop in the bucket. It is not urban sprawl – it is fulfillment of the Comprehensive Plan. He stated that the last development on the list (see memorandum from Robert Jonas) is Settler's Point, which is north on KY 237 and on Stahl Road. Settler's Point was recently approved for 111 lots using KY 237 – but not one foundation has been laid. Those 111 lots are part of the 2,600 additional homes that will be served by KY 237. Mr. Theissen stated that they are providing a second access to Cardinal Cove subdivision on the recommendation of Staff for emergency access. He stated that the new intersection location on KY 237 maximizes safety and is a better location than the one proposed in July which had sight distance of 300 feet. The proposed sight distance is 400 feet. They can get 500 feet, but the state does not want them to quote that figure because of the canopy of a tree and the tree could grow. They can get 400 feet – which is what the state requires. He stated that Staff has verified that this is the best place for the access. He noted that a lot of the people present are wearing stickers which say "KY 237 Safety" and they also want KY 237 to be safe. They have done everything they can to optimize safety. They want to protect the integrity and safety of KY 237. The people they will sell houses to need to know that the subdivision they are going into is safe. He stated that they made application to the state for an Encroachment Permit. The letter they received from the state approving the access point on KY 237 is under Tab 9. He stated that the redevelopment of KY 237 is coming soon. The

budget for the current fiscal year has not yet been approved, and what goes on in Frankfort is beyond their control. The letter from the Kentucky Transportation Cabinet (Tab 10) refers to the new KY 237 project as being a priority project that is awaiting funding. He stated that the Kentucky Transportation Cabinet has their engineers out working on the design and development of the project, which involves a lot of hours and money – which they do not do unless they are confident it is going to happen. The fact that the design continues should be considered important. One of the engineers told them that the project could happen as early as 2007 or 2008. He stated that they believe it could happen that early, but cannot guarantee it, and it could be 2009. The current Six-Year Plan says it will be done in 2010, but he understands that it has been moved up and it likely to occur sooner than 2010. He stated that everyone at the Kentucky Transportation Cabinet says it is a priority project. The reconstruction of the road has a lot of support from local government, residents, this developer, and the Kentucky Transportation Cabinet. He stated that under Tab 11 is a copy of the resolution passed by Boone County Fiscal Court and an agreement between Fiscal Court and the Kentucky Transportation Cabinet whereby Boone County has contributed \$1 million towards the design and construction of new KY 237. He stated that Judge-Executive Gary Moore wants this new road built and it is a priority to him. He stated that there have been meetings for six months and there are signs all over KY 237. There is a way to sign the petition on the website to support the improvements on KY 237. There are 113 electronic signatures and comments that KY 237 needs to be safer. There is an active group of citizens who see the need to get this road improvement and this developer has been active in trying to help them. Mark Wheatley worked with his engineers to develop a curb cut that has the maximum safety. He called the Kentucky Transportation Cabinet and told them that people are upset about the road and asked if the cars could be slowed down. The Kentucky Transportation Cabinet was willing to put up a lot of caution signs to tell people to slow down, which is also evidence that everybody is interested in seeing KY 237 made as safe as possible. The Kentucky Transportation Cabinet was not willing to reduce the speed limit at this time. Under Tab 12 are pictures showing that the recommended speed limits. Mr. Theissen reviewed the Right-of-Way Plans under Tab 13. Right-of-Way Plan #1 shows the area of KY 237 north of I-275. The new road is shown in green. The area where the cul-de-sac will be is shown in pink. He stated that the new road will veer left and go into an area that is the backyards of houses facing KY 237. Right-of-Way Plan #2 shows where Graves Road comes off KY 237. The road shown in pink goes to KY 237, which will be called Old North Bend Road. This site will be at the end of a long cul-de-sac road within a few years after the new KY 237 is finished. Also under Tab 13 (labeled A – H) are plans showing what the Kentucky Transportation Cabinet has done in regard to the new KY 237. Plan “A” begins near Tanner Road and the plans go north through Plan “H”. He stated that the plans show the detail and design of the new road – it is not just a concept -- it is at a point that there are specific development plans for what the road will look like. Mr. Theissen stated that the letter from David Jones, Chief District Engineer, Kentucky Transportation Cabinet (under Tab 10) talks about the

possibility of a light being installed at Tanner Road, which is the street where vehicles will turn right to pull into Flick's or Remke's. It is a major intersection south of the residential section. He stated that in all of the plans, there is an intent to install a light there and it will slow down the traffic going into this area. He stated that the light will probably be installed soon because the stores will open in 2005. The light will make KY 237 a little safer in this stretch. Under Tab 14 is a list showing fifteen accidents that happened in the last two years. He stated that at the Public Hearing last July, the opposition came in with a statistic that there had been three hundred accidents on KY 237 north of I-275. He studied those accidents and only fifteen of them happened in the part of the road where this development is proposed – which is still too many. There were only three accidents with injuries, and all of the injuries were non-incapacitating except one. (Incapacitating means that the person was taken to the hospital). He stated that KY 237 is not nearly as dangerous in the stretch of the road where this development is proposed as it is on the rest of the road. There are a lot of accidents that happened north of here and south of here, but this part of the road is not the problem. He stated that KY 237 north of this development is straight and hilly, which enables drivers to go faster and makes the road more dangerous. He drove the road and it is difficult to make both bends when driving 45 MPH. The reason there have not been so many accidents here is because cars are forced to slow down for the bends and that is why only fifteen of the 300 accidents have been in this stretch of KY 237 between Cardinal Way and Britt Road. Under Tab 15 is a list of the citations issued for the last two years. About three hundred citations have been issued on KY 237. Not one of the citations was issued for speeding at North Bend Road and Cardinal Way or North Bend Road and Britt Road, which is consistent with the accident report – people cannot speed in this section. He stated that the Traffic Engineer indicated that there are eight thousand cars per day on this section of road. He stated that the traffic will increase 3% or 4% because of this development. Eight thousand cars per day is approximately three million cars per year, which indicates that about six million cars have gone up and down North Bend Road in the last two years – and there have only been fifteen accidents, only one with injury, in this section. He stated that this is one of the safer parts of KY 237 – it is where the two bends are located and where this development will be located. He stated that they have asked for a Waiver on the sight distance. He stated that the road will eventually be a cul-de-sac, probably by 2009 or 2010, and the speed limit will be 25 MPH instead of 45 MPH. Information regarding the sight distance that they can achieve is under Tab 16. He stated that they can achieve adequate sight distance of 400' – 500' right and 562 feet left. The entrance is at the best possible location and is a big improvement over the prior application. The Encroachment Permit has been approved. He stated that the posted speed limit is 45 MPH, but the real speed limit is lower because of the two bends and there is a 25 MPH posted recommended speed limit. He stated that there is more than enough justification to grant the Waiver. Under Tab 17 is the letter they received from the Kentucky Transportation Cabinet. He stated that they have asked for a Waiver of the sight distance requirements. He stated that the state has a standard on a state road of

396 feet, and that is the standard everywhere in the state. Every two-lane road that has a 45 MPH speed limit in the state has 396 feet as the standard. In the Boone County Zoning Regulations the requirement is 700 feet, which is almost twice the state standard. Under Tab 18 is a list of thirteen new streets approved in the county and all of them are off KY 237. The first eight on the list are intersections off North Bend Road and there are five on Camp Ernst Road, which is a 45 MPH two-lane road. The list shows the required sight distance left to be 780 feet and the next column shows the existing sight distance left. At only one intersection (North Bend Road and Britt Drive) does the sight distance left meet the Boone County Zoning Regulations. The next column shows the required sight distance right and the last column shows the actual sight distance right. He stated that on a regular basis Boone County has waived the sight distance requirement for every development. Only two of the developments meet the sight distance right and only one meets the sight distance left – three out of twenty-six meet the standard. He stated that Boone County has recognized the Kentucky Transportation Cabinet standards as being enough to justify a curb cut.

Mr. Theissen stated that three of the concerns raised at the July meeting were view shed, density, and schools. In regard to view shed, he stated that there are a lot of trees on the subject property and a lot of people who live around there would like the trees to stay. There was also mention at the July meeting about deer, turkey, and wildlife on the property. He stated that those things are “view sheds” – which means looking over someone else’s property – but when you do not own a piece of property you do not have the right to control what happens on it. He stated that there were also comments made that people were told that this property was zoned Agricultural when they bought their homes and, therefore, it could not be developed as a subdivision. He stated that you do not look at the county zoning, you look at the Comprehensive Plan – and the Comprehensive Plan for this property since 1990 has been Suburban Residential at four units per acre. This property is planned for a subdivision up to four units per acre. He stated that “view shed” is an invalid concern and people should have known that a development was coming to this property. He stated that the highest and best use has been identified in the Comprehensive Plan as a Suburban Residential type subdivision, which is what they are proposing. In regard to density, he stated that they are not talking about cheap housing – these are \$215,000 homes for real people, good people – not criminals and undesirables. He stated that density is not a bad thing and it does not devalue a neighborhood. There is a condominium project in Ludlow selling for \$300,000 - \$400,000 with a density of twenty units per acre. Inadequate density is sprawl. If the lots are really big, then you have to build more streets, more sewers and more water lines – and the police and fire departments have to go further. He stated that the fiscal responsibility of being on the Planning Commission is to avoid sprawl and the government having to spend a lot more money for fewer residents. He stated that there is a letter (attached to the Staff Report) from Boone County Schools. He stated that 2,600 more homes have been approved in this area along KY 237 north of I-275. There are 112 more homes in this development. He stated that there will be inadequate capacity

in the schools for all these homes and the Boone County School District is going to have to deal with hundreds or thousands more students coming into the schools from this region. More schools will have to be built. One of the developers there has assured land for building another school. The school issue will have to be addressed with or without this development. These 112 houses are a drop in the bucket. He stated that North Bend Woods can help to answer the concern with about \$25 million in assessed value to increase the value of land and produce tax dollars to build schools. Schools are funded by the number of students – the more students there are, the more money there is to build more schools. Mr. Theissen offered to answer any questions. This concluded the applicant's presentation.

The Chairman called for a short recess.

At 9:15 PM, the Chairman called the meeting back to order. The Chairman asked if there was anyone else present who wished to speak in support of the application.

Mr. Ray Godsey, 1846 North Bend Road, stated that he wants to sell the property for this development. He stated that KY 237 is not any different than almost every other road in Boone County. The speed limit on the road is 45 MPH and 25 MPH in the curves. If people go the proper speed limit, there is no problem with KY 237, but people go around the curves at 40 – 45 MPH. He stated that there have not been that many accidents in the curves and most of them have been on the straightaway. There have been more fatalities on the four-lane section of the road and on KY 18. He stated that Pointe Pleasant Road and East Bend Road are the same – are we going to stop growth in all these areas because of the road conditions? He stated that most of the people coming out of the new subdivision will turn left and go towards I-275. It is only about one-half mile and they will be on a four-lane highway – and he does not see how that will affect all the traffic down the other way. He stated that at one time the property was pastureland and they raised cattle and horses. The trees provide privacy for the people in Cardinal Cove. He is in favor of the development.

Mr. Larry Gouge, 1828 North Bend Road, stated that it is a hazardous road, but no more so than East Bend Road or Pleasant Valley Road. He stated that the builder went out of his way to make the property work together with the bigger houses and the smaller houses and this type of development would be good for the area. The property is less than one-half mile from a four-lane highway. The schools were over populated when he was in school. In the 1950's in Boone County there were three to a seat on the bus. He stated that nothing will be done about schools or school buses until there are ten people to a seat – and then they will put in more schools and schools buses when they are needed. He stated that they never build a new road until a road is over-maximized. He stated that we are trying to get more employment and need houses to support employment.

The Chairman asked if there was anyone present who did not register but wants to speak in support of the request. There was no response.

The Chairman asked for comments from those who registered to speak in opposition, beginning with Mr. Keith Noel.

Mr. Keith Noel stated that he and his wife and daughters live at 2316 Pinnacle Court in Parlor Grove. He and his wife have been two of the leaders of the opposition effort. He stated that there are more than a thousand people who oppose this request – people who want to keep KY 237 as safe as they can. He stated that he has submitted a binder “Boone County Planning Commission – Opposition to Proposed North Bend Woods Subdivision” (see Exhibit 4), which contains copies of their Power Point presentation, the petition with signatures in opposition to the proposal, the resume of their traffic expert, and their traffic report. The Commissioners have received copies of the binder. Reviewing the Power Point presentation, Mr. Noel stated that there is a change in their agenda – the school bus driver, Kim Oliver, will speak first as she needs to leave.

Mr. Kim Oliver, 2094 Country Place, stated that she has been driving a school bus since March 1998 and the area being talked about is very dangerous. She stated that people pulling out of the subdivision in the morning wait 8 – 9 minutes trying to get out in the traffic and it takes a bus longer to get out than it does a car. It takes 1.5 miles for a bus traveling 45 MPH to come to a stop. She has never had an accident with children on the bus, but on May 18 last year at 1634 North Bend Road, just past Parlor Grove, she was going towards NorthPointe Elementary and had an accident due to a truck. There are three curves there and the one at Graves Road is nasty. She does not see that it is hard to drive the curves at 45 MPH and the bus will take the curve at 35 MPH. She stated that cars do not go the speed limit there and it is only a matter of time before there is an accident at the entrance. She asked that the subdivision not be approved for the safety of the children. She does not want to have an accident.

Mr. Noel stated that the opposition is a grassroots effort from multiple subdivisions up and down KY 237. They met regularly, put up signs, and went door-to-door because they want to protect what safety they have left on the road. He stated that there has been media attention and they have a website (237safety.org). He stated that in more than two months they have had more than seven thousand hits on their website and more than eighty e-mails of stories about dealing with KY 237 and incidents on the road. More than one hundred people electronically signed a petition. He stated that there are more than one thousand signatures on a petition opposing this proposal and over forty letters were submitted to the Planning Commission from people who took the time to write about KY 237. He stated that the traffic safety analysis is a critical point. The traffic engineer has thirty-seven years of experience and will give the results of his professional analysis of the safety risks created by this proposal. He stated that if the applicant had been able to find a qualified traffic engineer to support

the proposal, they would have brought him to the meeting. He stated that the proposal affects everyone who lives in North Hebron – it is not a Parlor Grove only issue. You do not get one thousand signatures unless it is an issue that binds the people together. He stated that one of the limits every property owner has is that they cannot develop their property in such a way that it threatens the safety of other people, but this proposal threatens the safety of thousands of people who drive the road every day. They are asking the Planning Commission not to allow this property to develop in a way that threatens their safety. He stated that if and when the road is improved, the safety issues will go away – but the road is what it is and it will continued to be that way and get worse for several years. He does not agree with Mr. Theissen that the road will be improved soon. He stated that they went door-to-door to raise money to hire a professional safety engineer and he will say that the road is unsafe and getting more unsafe by the day because of the growth out there. It will get worse by adding this development. He stated that the request should be denied. Their traffic engineer, Mr. Cauble, has been doing this work for almost forty years. He is qualified and competent and has written a report. Mr. Noel also submitted a folder “Boone County Planning Commission – Opposition to Proposed North Bend Wood Subdivision” which contains their Power Point slides and the Traffic Study prepared by Mr. Cauble (see Exhibit 5).

Mr. Woody Cauble, 5 Chamois Drive, Fairfield, Ohio stated that the purpose of the traffic study was to determine the impact of the proposed subdivision. He stated that North Bend Road is a two-lane rural collector road under the jurisdiction of the Kentucky Transportation Department. The road carries approximately 8,000 vehicles per day and the posted speed limit is 45 MPH. The road is two 11-foot lanes, which is substandard, and there is no shoulder. The lanes should be at least twelve feet wide. There is a two-inch drop off from the pavement and there is no room for stopping in case of an emergency or break down. The alignment of the road is hilly and curvy. He stated that the predominant land uses in the area are residential, undeveloped land, and NorthPointe Elementary School which has approximately 700 students and thirty bus trips per day. He stated that there is no question the North Bend Road improvements will be done – but in his discussion with the local director and the people handling the engineering, he was told that right-of-way acquisition is to start this year and will take one to two years to complete. The plans have not been completed and there are still design factors to go in. The project has shared funding (80% federal/20% state), which means that they have to go through federal review which is not a quick process. Completion of the construction project in 2009 or 2010 is unlikely and he cannot see a way to speed up the process. He stated that there are more than 2,000 approved single-family units that have not yet been constructed and will generate traffic. The traffic generation for a single-family detached unit is about 9.5 trips per day. He stated that required sight distances are shown in the table on Page 7 of the Traffic Study. Sight distance is the distance a vehicle will travel at 45 MPH, which is 66 feet per second. He stated that the developer is asking for Variances which will cut the sight distance down to 8.5 seconds (left) and 6 seconds (right). Instead of 11

seconds, a vehicle will only have 8.5 seconds (left) to make the decision to get out into the traffic and get up to speed. He stated that stopping sight distance is the distance from a vehicle on KY 237 and the requirement in either direction is 530 feet, which means a vehicle coming in or out of the access street has eight seconds (in either direction) to see the vehicle, make a decision, and stop. Stopping sight distance will be reduced to 7.3 seconds (left) and 6 seconds (right), which is a loss of two seconds. He stated that Kentucky does not care about sight distance for the person pulling out of the side street – it is not their responsibility – and the state's stopping sight distance is shorter by one hundred feet than Boone County's requirement. He stated that Kentucky had to come up with a number that can be used over the entire state in both urban and rural areas. The proposed subdivision is not being built anywhere in Kentucky – it is being built in Boone County and Boone County has its own regulations. He recommended that the Variances be denied. In regard to the zone change request, he stated that he compared development of the site under the current zoning versus the proposed zoning (see calculations on Pages 9 and 10) and there could be 29 units there now versus the 112 units proposed. Using the ITE, he generated the number of trips in and out of the site at 29 units and at 112 units. Under the existing zoning, there will be 300 vehicles per day (150 in/150 out) and with the proposed development there will be 518 trips in and 518 trips out. The proposed 112 units will generate 3.5 times as much traffic as the site would generate if it were developed under the existing zoning. He stated that the intersection cannot meet the sight distance requirements. The road is operating at Level of Service C, which is the very worst he likes to see on a road like this. Adding the proposed development at this location could make the road operate at Level of Service D, which he does not want to see. He recommended that the request be denied and that the existing zoning stay in place until the roadway can be addressed. Once the improvement is done, there will not be a problem. He stated that the sight distance problem starts the first day a vehicle comes out of the new access road. Some of the worst problems will occur during build-out as trucks take longer to get out and need more sight distance.

Mr. Noel stated that Terry VanArsdale and Susan Taylor were not able to be present. He asked Pam Muckerheide to speak at this time.

Ms. Pam Muckerheide, 1173 Thistleridge Drive, stated that she and her husband had an accident coming around the curve where the subdivision is proposed. A car was waiting to turn into Parlor Grove and a car was approaching behind them at a high rate of speed. A car swerved into their car and there was not enough road to get out of the way. She was injured and her car was totaled. She asked that the road be fixed before the volume of traffic continues to grow.

Ms. Linda Fussinger, 1662 Grandview Drive, Parlor Grove, stated that she was a passenger in a vehicle involved in a collision coming out of Parlor Grove. She stated that after you come out of the curve, you take your foot off the brake and are going down a hill and pick up speed. There were no injuries and the car was

towed, but the police were not called. She stated that if the state is not able to keep up with the growth, then North Bend Woods and other development should be stalled. She would like wider roads, shoulders, and bike lanes.

Mr. Doug Keller, 792 Stable Lane, Rivershore Farms, stated that he is a civil engineer and president of a construction company that does highway-type construction. One of their main concerns is safety. He travels KY 237 every day and it is a very poor road. The speed is in excess of 45 MPH and in the wintertime it gets icy. If your car is stuck or off the road, it is difficult to get back on with the two-inch gap. His wife went off the road and totaled her car. The proposed entrance to the subdivision is in probably the worst place. He stated that when there is a new subdivision, there will be a lot more than fifteen accidents.

Ms. Vicki Meyer, 1277 North Bend Road, has lived in her home since 1984. When she first moved there, she could walk on the road and her husband could jog, but then all the development occurred. In 1995, he son was airlifted from the Graves Road area due to a head-on crash with a construction worker. She stated that even ten years ago, there was a problem with the road. She stated that the Planning Commission needs to take the high ground and say that we will have sight distances that are longer than the state recommends and leave wooded areas so that the deer and turkey can exist. She asked that there be a hold on this development until the road is finished. She lives between Treetops and Thornwilde and people do not stop when they come out of their subdivision. She sometimes has to wait 8 – 10 minutes to get out of her driveway. She has had people pull out in front of her at Treetops and at Stahl Road. She stated that if people are late for work, all they have on their mind is to get there and get there quick. Another development with even 200 more cars is 200 more than they need.

Mr. Matt Anderson, 2177 Blair Drive, stated that he is against the proposal. Reviewing a Power Point presentation (included in Exhibit 4 and Exhibit 5), he stated that within the single-family home subdivision category, there are three data points (1) Total number of houses built in 2004 (January – June); (2) Total number of house built; and (3) Total number of houses planned. He stated that on KY 237 in June, there were eight subdivisions on the active Boone County Subdivision list. He stated that 22% of all planned subdivision single-family home construction is being done in the subdivisions on KY 237. From January to June this year, the subdivisions on KY 237 (North Bend Road) have seen an increase of 55% -- the subdivisions have doubled in the six months. One-fifth of all subdivision single-family homes will be built in this area and will exit on a three-mile stretch of KY 237. He stated that 4,000 homes are currently planned in Boone County and all of them will exit on KY 237. He has spoken with the Kentucky Transportation Cabinet about traffic project models. He used the numbers in the Boone County Transportation Study of 8,000 vehicles on the road currently and divided by the number of homes on the active Boone County Subdivision List. The number of 9.5 trips per unit per day is from their traffic

expert, but he believes 10 trips per unit per day is more accurate. The number in the Boone County Transportation Study is 5.27 trips per day per single-family house on KY 237, which is about half the number in Mr. Cauble's Traffic Impact Study. He stated that two more subdivisions have been built since the Subdivision List came out. He stated that there will be about 11,300 more vehicles on KY 237 at some point in time as a result of the approved homes. They pro-rated the number of vehicles by looking at the homes built in 2004. They determined that build-out would be in approximately five years. He stated that in 2009, they will approach 22,000 vehicles on the road. He stated that when the KY 237 improvement project was put on the Six-Year Plan, the Kentucky Transportation Cabinet did a twenty-year projection. In 2002, they said the average number of vehicles on the road would be 5,700 and projected that in 2022 it would be 12,700 – but they now estimate that it is 11,700 in 2004. He believes that in five years, it will be 22,000 vehicles. He stated that KY 237 is experiencing booming residential growth and significant commercial growth with Remke's, Flick's and two strip malls all within one mile of the proposed subdivision. The effect will be to further increase the traffic volumes, which should be taken into consideration.

Chairman Caddell stated that the opposition has spoken for the same amount of time as the applicant and there are a lot of people who want to speak. He asked Mr. Noel to summarize their position at this time.

Mr. Noel stated that Judge-Executive Gary Moore voted for the improvement project on North Bend Road in 1999 and said "It's solely because of safety". Judge Moore also was quoted early this year as saying that the road is "overburdened with traffic". Mr. Noel stated that Tom Scheben, the official spokesperson for the Sheriff's Department, does not consider the road to be adequate for the people there now and it is dangerous because there is too much traffic on it. He quoted Mr. Scheben as saying "it's outdated – it's like a paved cow path". Mr. Noel stated that 2010 is a best case scenario for the improvement project and until then the road will get worse as the houses continue to be built-out. He presented Power Point slides of quotations from the Comprehensive Plan (see Exhibit 5, Page 17) and reviewed the Comprehensive Plan quotations in the Staff Report. He stated that the Comprehensive Plan is the Bible for the Zoning Regulations. The Comprehensive Plan dictates the decisions on zone change requests. He reviewed a Power Point slide indicating that the current conditions on North Bend Road in the Francisville area are not suitable for the traffic demands. The reconstruction of the road is a priority project and North Bend Road needs to be upgraded in order to serve additional development. He stated that without the recommended improvements, the remaining acreage is suitable only for rural density residential growth, which is defined in the Comprehensive Plan of up to one dwelling unit per acre. He quoted from Section 308 of the Zoning Regulations that "the developer has the burden of proof to demonstrate that the proposed zoning meets the Comprehensive Plan". He stated that the Comprehensive Plan says you cannot have any higher density development than

one house per acre until the road is fixed. The developer cannot satisfy the burden of proof. He stated that we have heard two different sets of sight distance measurements this evening. He stated that sight distance is pulling out on the road and stopping distances. He stated that Section 3217 of the Boone County Zoning Regulations sets out minimum standards, which are more stringent than the state standards. He stated that zoning is a county matter, not a state-wide matter. Boone County has stricter standards for sight distance and the citizens of Boone County are entitled to have that protection. He reviewed Section 251 in regard to the standards for granting a Sight Distance Variance. He stated that a Variance cannot be granted if it will adversely affect public health, safety or welfare or cause a hazard or nuisance to the public. He stated that the applicant is asking for four Variances – two for cars pulling out (left and right) and two for people already out on North Bend Road coming from either direction. He stated that the applicant wants to reduce the sight distance by a total of 716 feet – which is more than two football fields and will jeopardize safety. It is absurd to say that other subdivisions got Variances so we should get one too – but that is the applicant's best argument.

Mr. Noel stated that Mr. Cauble strongly recommends against the application because it creates a safety risk. He stated that Mr. Wheatley was quoted in The Kentucky Post saying that he recognizes that North Bend Road is dangerous now, but it will not be shortly after his subdivision is constructed. He stated that Mr. Wheatley does not want to wait until the road is fixed and is willing to risk their safety in the meantime. He stated that the Planning Commission has the opportunity and obligation to protect their safety – to stop this danger from happening. They ask that the Planning Commission abide by the Comprehensive Plan and the Zoning Regulations. They are entitled to have their safety protected and urge the Planning Commission to vote “no” on this request.

At this time, Mr. Costello called the names of those who registered to speak. Mr. William Sanders, Mr. Thomas Hart, Ms. Constance Norman, Mr. Daniel Knapp, and Mr. Michael Meade did not respond when called.

Ms. Susan Rossi, 2319 Kyle Drive, Parlor Grove, stated that KY 237 is unsafe and she is concerned about the condition of the road. KY 237 cannot handle the existing traffic. She stated that there are about 2,500 more homes to be built. The road improvements they have seen are blacktop patches and caution signs – but they do not solve the problem. There are no shoulders on the road. There is a drop-off that allows no margin for error. For the safety of all those concerned, she asked that the request be denied until the road improvements can be completed.

Ms. Mary Keller agreed with what has been said.

Mr. Dan Glier, a resident of Parlor Grove Subdivision, stated that this past Monday when there was ice on the road, there was a fatality on I-275 and a

vehicle off KY 237 just beyond the second curve. It took fifteen minutes to get out of Parlor Grove and past the accident at 9 AM because of the traffic. He stated that the road is very dangerous when it snows and that curve is impossible. This development will add more traffic at the choke point of KY 237.

Ms. Lisa Roark, 1794 Coachtrail Drive, Rivershore Farms, stated that her primary concern is schools for the students who will move into these homes and the other 2,700 homes that are to be built there. She stated that NorthPointe Elementary was a huge part of the reason why they moved to their home. At that time, the school was about half full, but now it's full to capacity and they are talking about bringing in trailers. Students in Boone County are without certain services because of growth and they no longer have extended Kindergarten because they do not have an extra room. She recommended that the request be denied.

Mr. Frank Bodwell, 2320 Pinnacle Court, stated that he was also involved in the presentation last July and followed up with the Committee Meeting. He stated that Section 308 was emphasized at the meeting, but was not emphasized at the Committee Meeting and he submitted a letter emphasizing Section 308 as it relates to the Boone County Zoning Regulations. He stated that Section 251 is a viable and substantial issue. He stated that they expect a decision to be based upon the rules.

Mr. William Steimer, 1604 Grandview Drive, stated that they are opposed to the development for all the safety risks that have been identified.

Ms. Kirsten Brown, 1828 Tanner Road, stated that there is no stoplight planned at Tanner Road and she has an e-mail to that effect from David Jones. She stated that after both grocery stores open, they will do a traffic count. There is no situation planned where the traffic heading into the curve will be slowed down in the near future. They have the caution signs on Tanner Road too, but there are accidents going down the hill. She stated that the signs are not enforceable, they are just suggested speed limits and she is not sure how effective they are. She has two young children who ride the school bus, which has to drive the curve and the hill twice a day. She is concerned about construction vehicles. She stated that driving down Tanner Road there are often utility trucks and tractor trailers blocking one lane. She stated that the short-term problem of the construction vehicles is a huge concern for the children riding the bus and for the safety of the 700+ children at NorthPointe Elementary School.

Mr. Chris Sturpe stated that he believes we have reached the point where we have to say enough is enough. He stated that the traffic problem on KY 237 has been a topic of discussion for two years at the Homeowners' Association. All of the communities have been discussing it and there has been concern about it for years. He stated that cars go through the curves and then find out that they are in the center lane facing on-coming traffic – cars do not slow down on the curves.

Ms. Colleen Berger, a resident of 1836 Tanner Road since 1987, stated that the American dream is to own property and have it appreciate in value. She stated that she is a realtor and SMI builds a fine product. She would be proud to have SMI build in Hebron. She stated that people are not worried about the kind of neighbors or the type of homes, they are worried about safety. She stated that there is no light coming in at Tanner Road and KY 237. She stated that Mr. Theissen said it would happen soon, but no light is proposed there. She stated that the road will be a long time coming -- we have to allow the state to catch up, get the road done, and then develop.

Ms. D. J. Jones, 2008 Irmaleen Lane, Rivershore Farms, stated that she is concerned about safety. She stated that this seems more like a traffic meeting than a zoning meeting. She does not see how this 4% of the 2,600 homes will contribute to the traffic problem. She stated that they will probably not have lots until summer of 2005 and they will sell two homes a month. By early 2006, they will probably have twelve homes completed and by 2007 they will be lucky to have thirty homes completed -- as opposed to 2,500 homes proposed down the road. She does not see how thirty homes by 2007, when road improvements are projected in the coming few years, is going to contribute greatly to the traffic problem.

Mr. Ward Maresca, Thornwilde, stated that he travels KY 237 all the time. He had an accident on KY 237 when someone crossed the centerline. The road is dangerous. He asked that the four Variances not be approved as they are adverse to the public safety. He does not have an issue with the application for the rezoning.

Mr. Ron Crebo, 1620 Grandview Drive, Parlor Grove, stated that there is a perception that the upgrading of KY 237 is a done deal. He stated that Boone County and the Kentucky Transportation Cabinet are involved. The federal government is funding 80%. In the last year, the U.S. Congress tried and failed to approve a new Transportation Act and they are still working on a 1990 Bill. The road is not a certainty in 2008, 2009, or 2010. Until the upgrade is a certainty, this development should be postponed.

Mr. Steve Story, 1634 North Bend Road, agreed with the opposition. He stated that he is not against development -- he is for controlled growth as long as the infrastructure is there -- but it is not there and we do not know when it will be there. The design of the road has changed three times and this may not be the final design. There was a roundabout at the Graves Road intersection, but they were able to comment on the road plan and it was taken out. He stated that the road plan will probably change. He stated that the Planning Commission did not hear about the unreported accidents. He spoke with the bus coordinator and was told that they replace a bus mirror once or twice a week because they are knocked off by the construction trucks. He asked if the 1,100 vehicles includes the construction traffic or the vendor traffic. He has lost nine mailboxes from

construction trucks in two years. He moved his mailbox back three feet and it was hit three more times. He stated that the road is not wide enough. The traffic is backed up every morning and it takes 1 –2 minutes to get out of his driveway. He stated that Variances have been granted in the past, but he doubts that they were granted to a subdivision in a double curve. None of the other subdivisions on North Bend Road are in a curve. He agreed with the opposition. He stated that they cannot do the development until the road construction is there.

This concluded the names of those who registered to speak.

At this time, the Chairman allowed Mr. Theissen and few minutes to make concluding remarks.

Mr. Theissen stated that 2,600 new homes have been approved to be built out on KY 237 and they are talking about 112 more homes. He disagrees with Mr. Cauble on the number of 9.5 trips per dwelling unit per day. He has been in this business a long time and that his the first time he has heard a number higher than five. Taking that number (9.5 trips per day per unit) to its logical conclusion, with 2,600 more homes there would be 25,000 more cars versus the existing 8,000 cars. He questioned the basic information in Mr. Cauble's report when the number of trips per dwelling unit is double the reality and double any number he has ever heard. He stated that 112 homes is a drop in the bucket versus the 2,600 homes approved. He stated that if the 700-foot sight distances were strictly enforced, there would be no subdivisions on KY 237. There is not a subdivision listed under Tab 18 (see Exhibit 3) that meets the sight distance requirements. He stated that the Kentucky Transportation Cabinet assesses streets in 120 counties and has said that this one meets the standards – just the same as the other subdivisions meet the standards – and there is no reason why this one should be any different. He stated that they did not bring a traffic engineer this evening. They looked at the state requirement and were able to get an Encroachment Permit. They talked to Jack Gehrum, but there was no need to bring in a traffic engineer because there was nothing for a traffic engineer to prove -- they are at the optimal spot for the access and meet the state standard. He stated that they have asked for a Waiver. He stated that the new KY 237 is coming. The road needs to be rebuilt and it will be done. He stated that they are talking about a reasonably small subdivision compared to the subdivisions the people here live in and it is in compliance with the Comprehensive Plan.

At this time, the Chairman asked if there were any comments or questions from the Commissioners. There being no response, the Chairman stated that the Committee Meeting for this item will be on January 12, 2005 at 4:30 PM in Courtroom 3A of the Administration Building. The public is welcome to attend the Committee Meeting. This item will be on the Agenda for the Business Meeting on January 19, 2005 at 7:00 PM in Courtroom 3A of the Administration Building. The Chairman closed this Public Hearing at 11:00 PM.

EXHIBIT
"B"

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Randy Barlow, Chairman

DATE: February 16, 2005

RE: Request of One Eleven Engineering and Surveying, PLLC for Aylor Investments Limited Partnership, Larry and Jo Ann Gouge, Raymond O. Godsey, Jr., and Akin and Miller (owners) for a Zoning Map Amendment from Agricultural Estate (A-2), Rural Suburban Estates (RSE), and Rural Suburban (RS) to Suburban Residential One (SR-1) and Rural Suburban (RS) for an approximate 47 acre tract. The request is to rezone approximately 31.8 acres of the site to Suburban Residential One (SR-1) and approximately 15.2 acres of the site to Rural Suburban (RS). The request also involves Variance requests from Section 3217 "Minimum Sight Distances" of the Boone County Zoning Regulations. The subject properties involved in the request are 1820, 1828, and 1846 North Bend Road, an approximate 4.5 acre parcel located immediately to the north and east of 1820 North Bend Road and immediately to the south of 1586 Grandview Drive and 2253, 2259, 2271, 2277, 2283, 2289, and 2295 Britt Drive, and an approximate 2.5 acre parcel located immediately to the east of 1846 North Bend Road and immediately to the south of Souther Cemetery and 2221 Blair Drive, Boone County, Kentucky. The request is for a Zone Change to allow a subdivision for single-family residences and Variances to allow reductions in the required sight distances at the intersection of the proposed subdivision access road and North Bend Road.

REMARKS:

We, the Committee, recommend denial of the requested Variances and approval of the Zoning Map Amendment request based on the following findings of fact and the following conditions:

FINDINGS OF FACT (Zoning Map Amendment):

1. The requested Zoning Map Amendment and accompanying Concept Development Plan are in agreement with the Boone County Comprehensive Plan for the following reasons:
 - A. The Future Land Use Map designates the majority of the site for "Suburban Residential" uses. The Suburban Residential classification is described as "single family housing of up to four units per acre. This classification also includes any low density or estate residential developed as a formal subdivision."

The proposal is for a subdivision for detached, single family residences with an overall density of 2.45 units per acre, which is well within the four units per acre that the Future Land Use Map would potentially permit.

- B. The Land Use Element (North Hebron Area, pp. 174-175) states that "Suburban Residential development should be concentrated on land nearest to KY 237, as indicated on the Future Land Use Map. Current conditions of North Bend Road in the Francisville area are not suitable for traffic demands. However, as described in the Transportation Element, the reconstruction of North Bend Road is now a priority project."

While the Committee determined that the proposed development meets the "Suburban Residential" density definition, it also came to the conclusion that proposed access point on KY 237 was not safe. As a result, the Committee is recommending conditions which will allow the construction of the subdivision after needed improvements to KY 237 are made. This idea was recommended to the Committee by the developer as a reasonable solution to the road safety issue. The Kentucky Transportation Cabinet has indicated that right-of-way acquisition for the North Bend Road project could start sometime later this year.

- C. The Land Use Element (Future Land Use Development Guidelines – 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."

The Committee determined that such an assessment was conducted and incorporated into the Concept Development Plan. This resulted in a proposal which retains the more important attributes of the site and helps to properly relate the development to the surrounding area. The "positive and useful attributes" to be retained also fulfill the policies of the Land Use Element's "Buffering" section (pg. 159) as well as several of the Goals and Objectives, which are outlined in the Staff Report for this request.

- D. The Housing Element (Residential Areas, pg. 87) states that "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 Committee determined that the proposed subdivision is located within an area that is forecasted to have high population growth. The proposed subdivision is located in close proximity to I-275, retail areas, and existing public services and should be considered as infill development.

- E. The Goals and Objectives state that:

- "Priority shall be given towards maintaining, protecting, and improving the capacity, and safety of the existing road system" (Transportation, First Goal, Objective 11);

- "The incremental effects of developments on the transportation system shall be evaluated and provided for (Transportation, Third Goal, Objective 4);
- 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); and
- Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment," Social Objective 4).

The Committee determined that these objectives are being met with the Conditions of Approval that are listed below.

FINDINGS OF FACT (Variances):

2. The requested sight distance Variances are not in accord with Section 251 of the Boone County Zoning Regulations for the following reasons:

- A. The Variances will adversely affect public safety and welfare and will cause a hazard to the public.

The Committee determined that the proposed subdivision entrance is located near vertical and horizontal curves in KY 237 and poses a threat to public safety. Although the Applicant provided some turn lane improvement suggestions, the Committee determined that these turn lanes did not overcome the safety threat.

- B. The strict application of the sight distance regulations will not deprive the applicant of the reasonable use of the land or create an unnecessary hardship.

The Committee determined that the developer will have an opportunity to develop the property as proposed in the foreseeable future without any sight distance variances. The Kentucky Transportation Cabinet has indicated that the North Bend Road Project is a priority project and that right-of-way acquisition may begin later this year. Based on the current road plans, this section of North Bend Road will become a local road which terminates into a cul-de-sac near Cardinal Cove Subdivision. If the road is constructed to the current plan, the speed limit on this section of the road will be reduced and all sight distance regulations from the Boone County Zoning Regulations will be met.

Further, the Developer or current property owners can develop the properties under the current zoning (Agricultural Estate, Rural Suburban Estates, and Rural Suburban) at any time.

3. The following conditions for the Zoning Map Amendment are necessary to achieve consistency with the specific goals, objectives, and policies of the 2000 Boone County Comprehensive Plan and 2005 Boone County Comprehensive Plan's Goals and Objectives. The conditions listed below are necessary to mitigate foreseeable community impacts that will be generated by the development as proposed for rezoning. The Property Owners have signed letters demonstrating agreement with these conditions.

CONDITIONS

- A. No tree removal, grading, or construction work of any kind shall occur before the North Bend Road improvements (North Bend Road Project) are completed and entirely open to the public between the I-275 interchange and Graves Road. This development shall use "Old" KY 237 for access after it has been demonstrated that the sight distance requirements from Article 32 of the Boone County Zoning Regulations are being met. Any Preliminary Plat, Grading Plan, Improvement Plan, or other Plans approved by the Boone County Planning Commission prior to the completion and opening of the North Bend Road improvements described above shall clearly state this restriction.
- B. Primary access for the subdivision shall not be through Cardinal Cove Subdivision.
- C. The "green areas" shown on the Concept Development Plan will be delineated as conservation easements on the subdivision final plats. No fences or structures will be permitted in the conservation easements.
- D. The driveways on lots 2 and 5 must be on the eastern side of the lots.

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 of the Zone Change/Concept Development Plan Committee Vote.

BOONE COUNTY PLANNING COMMISSION
BURLINGTON ELEMENTARY SCHOOL
5946 N. ORIENT STREET
BURLINGTON, KENTUCKY
December 15, 2004
7:30 P.M.

PUBLIC HEARING

Commission Members Present: Mr. Barlow, Mr. Breetz, Mr. Bunger, Mr. Caddell – Chairman, Mrs. Kegley, Mr. Knock – Temporary Presiding Officer, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Schwenke, and Mr. White.

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

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:30 PM. Following an explanation of the Public Hearing process, the Chairman introduced the item on the Agenda:

Applicant: One Eleven Engineering and Surveying, PLLC for Aylor Investments Limited Partnership, Larry and Jo Ann Gouge, Raymond O. Godsey, Jr., and Akin and Miller (owners)

Request: Zoning Map Amendment and Variance

The request of One Eleven Engineering and Surveying, PLLC for Aylor Investments Limited Partnership, Larry and Jo Ann Gouge, Raymond O. Godsey, Jr., and Akin and Miller (owners) for a Zoning Map Amendment from Agricultural Estate (A-2), Rural Suburban Estates (RSE), and Rural Suburban (RS) to Suburban Residential One (SR-1) and Rural Suburban (RS) for an approximate 47 acre tract. The request is to rezone approximately 31.8 acres of the site to Suburban Residential One (SR-1) and approximately 15.2 acres of the site to Rural Suburban (RS). The request also involves Variance requests from Section 3217 “Minimum Sight Distances” of the Boone County Zoning Regulations. The subject properties involved in the request are 1820, 1828, and 1846 North Bend Road, an approximate 4.5 acre parcel located immediately to the north and east of

1820 North Bend Road and immediately to the south of 1586 Grandview Drive and 2253, 2259, 2271, 2277, 2283, 2289, and 2295 Britt Drive, and an approximate 2.5 acre parcel located immediately to the east of 1846 North Bend Road and immediately to the south of Souther Cemetery and 2221 Blair Drive, Boone County, Kentucky. The request is for a Zone Change to allow a subdivision for single-family residences and Variances to allow reductions in the required sight distances at the intersection of the proposed subdivision access road and North Bend Road.

Staff Member Todd Morgan presented the Staff Report which included a Power Point presentation (see Staff Report). He noted the two houses on the site which will be removed and stated that their access points on KY 237 will also be removed and the lots will be accessed off the internal street. He reviewed the table on Page 2 of the Staff Report and stated that the state sight distance requirement is 396 feet and they are in compliance with the state requirement. He submitted for the record written comments received prior to when the Staff Report was written (see Exhibit 1) and comments received since the Staff Report was written (see Exhibit 2).

The Chairman asked for the applicant's presentation.

Mr. Tim Theissen, attorney with Strauss & Troy, 50 East RiverCenter Boulevard, Covington, Kentucky, stated that he is representing the applicant and will make a presentation on behalf of the applicant. He has been practicing law for twenty-five years. He served on a Planning Commission for fourteen years, and was Chairman for nine years. He is authorized to be the sole presenter on behalf of the applicant this evening. He introduced Mr. Mark Wheatley of SMI New Home Solutions, LLC, the developer/builder; Mr. Jim Bertram with One Eleven Engineering & Surveying Inc.; and Mr. Darren Eyre, P.E. Mr. Theissen stated that he is speaking on their behalf and, if the Planning Commission wants them to verify his comments for the record, they will do so.

Mr. Theissen stated that the Commissioners received a spiral bound booklet "North Bend Woods" (see Exhibit 3) and the first few pages are an outline of the comments he will make. He stated that this is a quality single-family residential development of 115 homes. The site is 47 acres instead of 48 acres as one acre has been removed (it is a separate lot and not part of the zone change request) and the density is 2.45 units per acre, which is a correction to the booklet. This is a low-density development. The plan presented in July was three units per acre and the density is now down to 2.45 units per acre, which is within the Comprehensive Plan. He stated that most of the site is zoned Rural Suburban, which allows up to three units per acre, and the proposed density is a little more than one-half the permitted density. The neighboring Cardinal Cove subdivision has a density of 2.5 – 2.6 units per acre and Parlor Grove subdivision is at 0.9 units per acre. He stated that a lot of the first part of Parlor Grove subdivision was developed before sewers were in place and the lots had to be one acre or

more to accommodate a leach field and on-site sanitation. He noted the lots in the Grandview section of Parlor Grove Subdivision, located to the east of the subject site, which is approximately two units per acre. He reviewed the Concept Plan (Tab 1) and stated that the blue line stream goes through the middle of the site and it will be protected and preserved. They are not modifying the blue line stream and will not be required to get a permit from the Division of Water. He stated that in July, the proposed curb cut on KY 237 was at a different location. They have moved the curb cut and the sight distance they can accomplish is significantly better. The red arrow painted on the road does not indicate the location of the proposed curb cut. The stake indicates the proposed curb cut. He stated that the colored rendering of the plan (Tab 2) shows where the houses will be located and where the trees will remain. The dark green areas indicate where the trees will be preserved. The white area shows where a new sewer line was installed. He stated that there is an ability to protect the Parlor Grove side of the stream and some areas on this side of the stream. He is not suggesting that they will not be able to see the development, but they have tried to be sensitive to the needs and interests of the residents of Parlor Grove. He stated that the property is in the Comprehensive Plan to be developed. Mr. Theissen stated that under Tab 3 are two of the more popular models of homes that Mark Wheatley sells. They are proposing standard mailboxes for each home and lampposts in front of each house, which are not shown in the pictures. They may not have streetlights as the development is located in the unincorporated area of the county. There will be two trees in front of each home which will make the houses more attractive. There will be 112 new homes (three are existing), which will add 224 trees to this parcel of land and that is more than the number of trees that will be lost as a result of the development. He noted the coach lights on the sides of the garages which provide safety at night. He stated that there will be landscaping and a brick front for each of the houses. The anticipated price range could be \$180,000, but the target price range is \$200,000 to \$250,000. He stated that in 2004, they sold thirty homes at an average price of \$215,000 and they do not see any major change in that for this development. By the time of build-out, the houses may appreciate to \$230,000. He stated that Mark Wheatley is a top quality builder and there is information about SMI Homes under Tab 4. He stated that \$200,000 homes are not starter homes and will not devalue the homes in Parlor Grove subdivision. To be able to buy a \$200,000 home requires professionals and two-wage earner families. Mark Wheatley does not build bi-levels, small ranches, modular or pre-fab homes.

Mr. Theissen stated that if this request is approved, they will need to do some infrastructure improvements before they build the first house. They anticipate building the first home a year from now and to have their first home sale the following year. It will be 2008 – 2011 before the subdivision is fully built out. He stated that a principle of smart growth is to preserve the natural features of the site. Under Tab 5 is a cross-section profile that starts adjacent to Parlor Grove and goes across the site. The area where they will preserve the creek and the green space is the low area. On the right hand side are trees that will be preserved adjacent to Cardinal Cove subdivision. He stated that they have attempted to

design the site to preserve some of the natural features. The density is fair and reasonable and the smallest lot is 65 feet. He stated that this is infill development because there is development behind it and it fills in the gap with the same kind of single-family development. He stated that an element of smart growth is a pedestrian community. He noted the Remke's and Flick's which are being developed. He stated that the new KY 237 will have sidewalks on both sites. This will be a pedestrian community with sidewalks on every street and on the main street to get to shopping. This development fulfills the Comprehensive Plan. Reviewing the Land Use Plan (Tab 6) he stated that in this area there is a lot of the tan color, which represents four units per acre maximum, and is the current plan. He noted the areas that are no longer yellow as they were on the 1995 plan – they have been changed to tan and the density in this section has been increasing. He stated that the Planning Commission has worked hard to preserve the rural nature of the west side of the county. He stated that allowing 2.5 units per acre around the area of Francisville is needed to preserve the western part of the county. The area they are talking about for this development was Suburban Residential in the 1990 Comprehensive Plan. This area has the capacity for over four thousand housing units on about three miles worth of roadway, sewer and water main. It is an area equal in size to communities like Fort Wright and Fort Mitchell, but is has been done on three miles worth of infrastructure – which is smart growth and a good plan. The proposed development is the fulfillment of what have been planned for 15 –20 years. He stated that under Tab 8 is a memorandum from Robert Jonas. The memorandum states that about 4,000 lots have been approved and will be accessed off KY 237 north and 1,500 of them have been built. He stated that 2,600 more units have been approved and are to be built in this area. The 112 new homes proposed in North Bend Woods is a drop in the bucket. It is not urban sprawl – it is fulfillment of the Comprehensive Plan. He stated that the last development on the list (see memorandum from Robert Jonas) is Settler's Point, which is north on KY 237 and on Stahl Road. Settler's Point was recently approved for 111 lots using KY 237 – but not one foundation has been laid. Those 111 lots are part of the 2,600 additional homes that will be served by KY 237. Mr. Theissen stated that they are providing a second access to Cardinal Cove subdivision on the recommendation of Staff for emergency access. He stated that the new intersection location on KY 237 maximizes safety and is a better location than the one proposed in July which had sight distance of 300 feet. The proposed sight distance is 400 feet. They can get 500 feet, but the state does not want them to quote that figure because of the canopy of a tree and the tree could grow. They can get 400 feet – which is what the state requires. He stated that Staff has verified that this is the best place for the access. He noted that a lot of the people present are wearing stickers which say "KY 237 Safety" and they also want KY 237 to be safe. They have done everything they can to optimize safety. They want to protect the integrity and safety of KY 237. The people they will sell houses to need to know that the subdivision they are going into is safe. He stated that they made application to the state for an Encroachment Permit. The letter they received from the state approving the access point on KY 237 is under Tab 9. He stated that the redevelopment of KY 237 is coming soon. The

budget for the current fiscal year has not yet been approved, and what goes on in Frankfort is beyond their control. The letter from the Kentucky Transportation Cabinet (Tab 10) refers to the new KY 237 project as being a priority project that is awaiting funding. He stated that the Kentucky Transportation Cabinet has their engineers out working on the design and development of the project, which involves a lot of hours and money – which they do not do unless they are confident it is going to happen. The fact that the design continues should be considered important. One of the engineers told them that the project could happen as early as 2007 or 2008. He stated that they believe it could happen that early, but cannot guarantee it, and it could be 2009. The current Six-Year Plan says it will be done in 2010, but he understands that it has been moved up and it likely to occur sooner than 2010. He stated that everyone at the Kentucky Transportation Cabinet says it is a priority project. The reconstruction of the road has a lot of support from local government, residents, this developer, and the Kentucky Transportation Cabinet. He stated that under Tab 11 is a copy of the resolution passed by Boone County Fiscal Court and an agreement between Fiscal Court and the Kentucky Transportation Cabinet whereby Boone County has contributed \$1 million towards the design and construction of new KY 237. He stated that Judge-Executive Gary Moore wants this new road built and it is a priority to him. He stated that there have been meetings for six months and there are signs all over KY 237. There is a way to sign the petition on the website to support the improvements on KY 237. There are 113 electronic signatures and comments that KY 237 needs to be safer. There is an active group of citizens who see the need to get this road improvement and this developer has been active in trying to help them. Mark Wheatley worked with his engineers to develop a curb cut that has the maximum safety. He called the Kentucky Transportation Cabinet and told them that people are upset about the road and asked if the cars could be slowed down. The Kentucky Transportation Cabinet was willing to put up a lot of caution signs to tell people to slow down, which is also evidence that everybody is interested in seeing KY 237 made as safe as possible. The Kentucky Transportation Cabinet was not willing to reduce the speed limit at this time. Under Tab 12 are pictures showing that the recommended speed limits. Mr. Theissen reviewed the Right-of-Way Plans under Tab 13. Right-of-Way Plan #1 shows the area of KY 237 north of I-275. The new road is shown in green. The area where the cul-de-sac will be is shown in pink. He stated that the new road will veer left and go into an area that is the backyards of houses facing KY 237. Right-of-Way Plan #2 shows where Graves Road comes off KY 237. The road shown in pink goes to KY 237, which will be called Old North Bend Road. This site will be at the end of a long cul-de-sac road within a few years after the new KY 237 is finished. Also under Tab 13 (labeled A – H) are plans showing what the Kentucky Transportation Cabinet has done in regard to the new KY 237. Plan “A” begins near Tanner Road and the plans go north through Plan “H”. He stated that the plans show the detail and design of the new road – it is not just a concept -- it is at a point that there are specific development plans for what the road will look like. Mr. Theissen stated that the letter from David Jones, Chief District Engineer, Kentucky Transportation Cabinet (under Tab 10) talks about the

possibility of a light being installed at Tanner Road, which is the street where vehicles will turn right to pull into Flick's or Remke's. It is a major intersection south of the residential section. He stated that in all of the plans, there is an intent to install a light there and it will slow down the traffic going into this area. He stated that the light will probably be installed soon because the stores will open in 2005. The light will make KY 237 a little safer in this stretch. Under Tab 14 is a list showing fifteen accidents that happened in the last two years. He stated that at the Public Hearing last July, the opposition came in with a statistic that there had been three hundred accidents on KY 237 north of I-275. He studied those accidents and only fifteen of them happened in the part of the road where this development is proposed – which is still too many. There were only three accidents with injuries, and all of the injuries were non-incapacitating except one. (Incapacitating means that the person was taken to the hospital). He stated that KY 237 is not nearly as dangerous in the stretch of the road where this development is proposed as it is on the rest of the road. There are a lot of accidents that happened north of here and south of here, but this part of the road is not the problem. He stated that KY 237 north of this development is straight and hilly, which enables drivers to go faster and makes the road more dangerous. He drove the road and it is difficult to make both bends when driving 45 MPH. The reason there have not been so many accidents here is because cars are forced to slow down for the bends and that is why only fifteen of the 300 accidents have been in this stretch of KY 237 between Cardinal Way and Britt Road. Under Tab 15 is a list of the citations issued for the last two years. About three hundred citations have been issued on KY 237. Not one of the citations was issued for speeding at North Bend Road and Cardinal Way or North Bend Road and Britt Road, which is consistent with the accident report – people cannot speed in this section. He stated that the Traffic Engineer indicated that there are eight thousand cars per day on this section of road. He stated that the traffic will increase 3% or 4% because of this development. Eight thousand cars per day is approximately three million cars per year, which indicates that about six million cars have gone up and down North Bend Road in the last two years – and there have only been fifteen accidents, only one with injury, in this section. He stated that this is one of the safer parts of KY 237 – it is where the two bends are located and where this development will be located. He stated that they have asked for a Waiver on the sight distance. He stated that the road will eventually be a cul-de-sac, probably by 2009 or 2010, and the speed limit will be 25 MPH instead of 45 MPH. Information regarding the sight distance that they can achieve is under Tab 16. He stated that they can achieve adequate sight distance of 400' – 500' right and 562 feet left. The entrance is at the best possible location and is a big improvement over the prior application. The Encroachment Permit has been approved. He stated that the posted speed limit is 45 MPH, but the real speed limit is lower because of the two bends and there is a 25 MPH posted recommended speed limit. He stated that there is more than enough justification to grant the Waiver. Under Tab 17 is the letter they received from the Kentucky Transportation Cabinet. He stated that they have asked for a Waiver of the sight distance requirements. He stated that the state has a standard on a state road of

396 feet, and that is the standard everywhere in the state. Every two-lane road that has a 45 MPH speed limit in the state has 396 feet as the standard. In the Boone County Zoning Regulations the requirement is 700 feet, which is almost twice the state standard. Under Tab 18 is a list of thirteen new streets approved in the county and all of them are off KY 237. The first eight on the list are intersections off North Bend Road and there are five on Camp Ernst Road, which is a 45 MPH two-lane road. The list shows the required sight distance left to be 780 feet and the next column shows the existing sight distance left. At only one intersection (North Bend Road and Britt Drive) does the sight distance left meet the Boone County Zoning Regulations. The next column shows the required sight distance right and the last column shows the actual sight distance right. He stated that on a regular basis Boone County has waived the sight distance requirement for every development. Only two of the developments meet the sight distance right and only one meets the sight distance left – three out of twenty-six meet the standard. He stated that Boone County has recognized the Kentucky Transportation Cabinet standards as being enough to justify a curb cut.

Mr. Theissen stated that three of the concerns raised at the July meeting were view shed, density, and schools. In regard to view shed, he stated that there are a lot of trees on the subject property and a lot of people who live around there would like the trees to stay. There was also mention at the July meeting about deer, turkey, and wildlife on the property. He stated that those things are “view sheds” – which means looking over someone else’s property – but when you do not own a piece of property you do not have the right to control what happens on it. He stated that there were also comments made that people were told that this property was zoned Agricultural when they bought their homes and, therefore, it could not be developed as a subdivision. He stated that you do not look at the county zoning, you look at the Comprehensive Plan – and the Comprehensive Plan for this property since 1990 has been Suburban Residential at four units per acre. This property is planned for a subdivision up to four units per acre. He stated that “view shed” is an invalid concern and people should have known that a development was coming to this property. He stated that the highest and best use has been identified in the Comprehensive Plan as a Suburban Residential type subdivision, which is what they are proposing. In regard to density, he stated that they are not talking about cheap housing – these are \$215,000 homes for real people, good people – not criminals and undesirables. He stated that density is not a bad thing and it does not devalue a neighborhood. There is a condominium project in Ludlow selling for \$300,000 - \$400,000 with a density of twenty units per acre. Inadequate density is sprawl. If the lots are really big, then you have to build more streets, more sewers and more water lines – and the police and fire departments have to go further. He stated that the fiscal responsibility of being on the Planning Commission is to avoid sprawl and the government having to spend a lot more money for fewer residents. He stated that there is a letter (attached to the Staff Report) from Boone County Schools. He stated that 2,600 more homes have been approved in this area along KY 237 north of I-275. There are 112 more homes in this development. He stated that there will be inadequate capacity

in the schools for all these homes and the Boone County School District is going to have to deal with hundreds or thousands more students coming into the schools from this region. More schools will have to be built. One of the developers there has assured land for building another school. The school issue will have to be addressed with or without this development. These 112 houses are a drop in the bucket. He stated that North Bend Woods can help to answer the concern with about \$25 million in assessed value to increase the value of land and produce tax dollars to build schools. Schools are funded by the number of students – the more students there are, the more money there is to build more schools. Mr. Theissen offered to answer any questions. This concluded the applicant's presentation.

The Chairman called for a short recess.

At 9:15 PM, the Chairman called the meeting back to order. The Chairman asked if there was anyone else present who wished to speak in support of the application.

Mr. Ray Godsey, 1846 North Bend Road, stated that he wants to sell the property for this development. He stated that KY 237 is not any different than almost every other road in Boone County. The speed limit on the road is 45 MPH and 25 MPH in the curves. If people go the proper speed limit, there is no problem with KY 237, but people go around the curves at 40 – 45 MPH. He stated that there have not been that many accidents in the curves and most of them have been on the straightaway. There have been more fatalities on the four-lane section of the road and on KY 18. He stated that Pointe Pleasant Road and East Bend Road are the same – are we going to stop growth in all these areas because of the road conditions? He stated that most of the people coming out of the new subdivision will turn left and go towards I-275. It is only about one-half mile and they will be on a four-lane highway – and he does not see how that will affect all the traffic down the other way. He stated that at one time the property was pastureland and they raised cattle and horses. The trees provide privacy for the people in Cardinal Cove. He is in favor of the development.

Mr. Larry Gouge, 1828 North Bend Road, stated that it is a hazardous road, but no more so than East Bend Road or Pleasant Valley Road. He stated that the builder went out of his way to make the property work together with the bigger houses and the smaller houses and this type of development would be good for the area. The property is less than one-half mile from a four-lane highway. The schools were over populated when he was in school. In the 1950's in Boone County there were three to a seat on the bus. He stated that nothing will be done about schools or school buses until there are ten people to a seat – and then they will put in more schools and schools buses when they are needed. He stated that they never build a new road until a road is over-maximized. He stated that we are trying to get more employment and need houses to support employment.

The Chairman asked if there was anyone present who did not register but wants to speak in support of the request. There was no response.

The Chairman asked for comments from those who registered to speak in opposition, beginning with Mr. Keith Noel.

Mr. Keith Noel stated that he and his wife and daughters live at 2316 Pinnacle Court in Parlor Grove. He and his wife have been two of the leaders of the opposition effort. He stated that there are more than a thousand people who oppose this request – people who want to keep KY 237 as safe as they can. He stated that he has submitted a binder “Boone County Planning Commission – Opposition to Proposed North Bend Woods Subdivision” (see Exhibit 4), which contains copies of their Power Point presentation, the petition with signatures in opposition to the proposal, the resume of their traffic expert, and their traffic report. The Commissioners have received copies of the binder. Reviewing the Power Point presentation, Mr. Noel stated that there is a change in their agenda – the school bus driver, Kim Oliver, will speak first as she needs to leave.

Mr. Kim Oliver, 2094 Country Place, stated that she has been driving a school bus since March 1998 and the area being talked about is very dangerous. She stated that people pulling out of the subdivision in the morning wait 8 – 9 minutes trying to get out in the traffic and it takes a bus longer to get out than it does a car. It takes 1.5 miles for a bus traveling 45 MPH to come to a stop. She has never had an accident with children on the bus, but on May 18 last year at 1634 North Bend Road, just past Parlor Grove, she was going towards NorthPointe Elementary and had a accident due to a truck. There are three curves there and the one at Graves Road is nasty. She does not see that it is hard to drive the curves at 45 MPH and the bus will take the curve at 35 MPH. She stated that cars do not go the speed limit there and it is only a matter of time before there is an accident at the entrance. She asked that the subdivision not be approved for the safety of the children. She does not want to have an accident.

Mr. Noel stated that the opposition is a grassroots effort from multiple subdivisions up and down KY 237. They met regularly, put up signs, and went door-to-door because they want to protect what safety they have left on the road. He stated that there has been media attention and they have a website (237safety.org). He stated that in more than two months they have had more than seven thousand hits on their website and more than eighty e-mails of stories about dealing with KY 237 and incidents on the road. More than one hundred people electronically signed a petition. He stated that there are more than one thousand signatures on a petition opposing this proposal and over forty letters were submitted to the Planning Commission from people who took the time to write about KY 237. He stated that the traffic safety analysis is a critical point. The traffic engineer has thirty-seven years of experience and will give the results of his professional analysis of the safety risks created by this proposal. He stated that if the applicant had been able to find a qualified traffic engineer to support

the proposal, they would have brought him to the meeting. He stated that the proposal affects everyone who lives in North Hebron – it is not a Parlor Grove only issue. You do not get one thousand signatures unless it is an issue that binds the people together. He stated that one of the limits every property owner has is that they cannot develop their property in such a way that it threatens the safety of other people, but this proposal threatens the safety of thousands of people who drive the road every day. They are asking the Planning Commission not to allow this property to develop in a way that threatens their safety. He stated that if and when the road is improved, the safety issues will go away – but the road is what it is and it will continued to be that way and get worse for several years. He does not agree with Mr. Theissen that the road will be improved soon. He stated that they went door-to-door to raise money to hire a professional safety engineer and he will say that the road is unsafe and getting more unsafe by the day because of the growth out there. It will get worse by adding this development. He stated that the request should be denied. Their traffic engineer, Mr. Cauble, has been doing this work for almost forty years. He is qualified and competent and has written a report. Mr. Noel also submitted a folder “Boone County Planning Commission – Opposition to Proposed North Bend Wood Subdivision” which contains their Power Point slides and the Traffic Study prepared by Mr. Cauble (see Exhibit 5).

Mr. Woody Cauble, 5 Chamois Drive, Fairfield, Ohio stated that the purpose of the traffic study was to determine the impact of the proposed subdivision. He stated that North Bend Road is a two-lane rural collector road under the jurisdiction of the Kentucky Transportation Department. The road carries approximately 8,000 vehicles per day and the posted speed limit is 45 MPH. The road is two 11-foot lanes, which is substandard, and there is no shoulder. The lanes should be at least twelve feet wide. There is a two-inch drop off from the pavement and there is no room for stopping in case of an emergency or break down. The alignment of the road is hilly and curvy. He stated that the predominant land uses in the area are residential, undeveloped land, and NorthPointe Elementary School which has approximately 700 students and thirty bus trips per day. He stated that there is no question the North Bend Road improvements will be done – but in his discussion with the local director and the people handling the engineering, he was told that right-of-way acquisition is to start this year and will take one to two years to complete. The plans have not been completed and there are still design factors to go in. The project has shared funding (80% federal/20% state), which means that they have to go through federal review which is not a quick process. Completion of the construction project in 2009 or 2010 is unlikely and he cannot see a way to speed up the process. He stated that there are more than 2,000 approved single-family units that have not yet been constructed and will generate traffic. The traffic generation for a single-family detached unit is about 9.5 trips per day. He stated that required sight distances are shown in the table on Page 7 of the Traffic Study. Sight distance is the distance a vehicle will travel at 45 MPH, which is 66 feet per second. He stated that the developer is asking for Variances which will cut the sight distance down to 8.5 seconds (left) and 6 seconds (right). Instead of 11

seconds, a vehicle will only have 8.5 seconds (left) to make the decision to get out into the traffic and get up to speed. He stated that stopping sight distance is the distance from a vehicle on KY 237 and the requirement in either direction is 530 feet, which means a vehicle coming in or out of the access street has eight seconds (in either direction) to see the vehicle, make a decision, and stop. Stopping sight distance will be reduced to 7.3 seconds (left) and 6 seconds (right), which is a loss of two seconds. He stated that Kentucky does not care about sight distance for the person pulling out of the side street – it is not their responsibility – and the state's stopping sight distance is shorter by one hundred feet than Boone County's requirement. He stated that Kentucky had to come up with a number that can be used over the entire state in both urban and rural areas. The proposed subdivision is not being built anywhere in Kentucky – it is being built in Boone County and Boone County has its own regulations. He recommended that the Variances be denied. In regard to the zone change request, he stated that he compared development of the site under the current zoning versus the proposed zoning (see calculations on Pages 9 and 10) and there could be 29 units there now versus the 112 units proposed. Using the ITE, he generated the number of trips in and out of the site at 29 units and at 112 units. Under the existing zoning, there will be 300 vehicles per day (150 in/150 out) and with the proposed development there will be 518 trips in and 518 trips out. The proposed 112 units will generate 3.5 times as much traffic as the site would generate if it were developed under the existing zoning. He stated that the intersection cannot meet the sight distance requirements. The road is operating at Level of Service C, which is the very worst he likes to see on a road like this. Adding the proposed development at this location could make the road operate at Level of Service D, which he does not want to see. He recommended that the request be denied and that the existing zoning stay in place until the roadway can be addressed. Once the improvement is done, there will not be a problem. He stated that the sight distance problem starts the first day a vehicle comes out of the new access road. Some of the worst problems will occur during build-out as trucks take longer to get out and need more sight distance.

Mr. Noel stated that Terry VanArsdale and Susan Taylor were not able to be present. He asked Pam Muckerheide to speak at this time.

Ms. Pam Muckerheide, 1173 Thistleridge Drive, stated that she and her husband had an accident coming around the curve where the subdivision is proposed. A car was waiting to turn into Parlor Grove and a car was approaching behind them at a high rate of speed. A car swerved into their car and there was not enough road to get out of the way. She was injured and her car was totaled. She asked that the road be fixed before the volume of traffic continues to grow.

Ms. Linda Fussinger, 1662 Grandview Drive, Parlor Grove, stated that she was a passenger in a vehicle involved in a collision coming out of Parlor Grove. She stated that after you come out of the curve, you take your foot off the brake and are going down a hill and pick up speed. There were no injuries and the car was

towed, but the police were not called. She stated that if the state is not able to keep up with the growth, then North Bend Woods and other development should be stalled. She would like wider roads, shoulders, and bike lanes.

Mr. Doug Keller, 792 Stable Lane, Rivershore Farms, stated that he is a civil engineer and president of a construction company that does highway-type construction. One of their main concerns is safety. He travels KY 237 every day and it is a very poor road. The speed is in excess of 45 MPH and in the wintertime it gets icy. If your car is stuck or off the road, it is difficult to get back on with the two-inch gap. His wife went off the road and totaled her car. The proposed entrance to the subdivision is in probably the worst place. He stated that when there is a new subdivision, there will be a lot more than fifteen accidents.

Ms. Vicki Meyer, 1277 North Bend Road, has lived in her home since 1984. When she first moved there, she could walk on the road and her husband could jog, but then all the development occurred. In 1995, he son was airlifted from the Graves Road area due to a head-on crash with a construction worker. She stated that even ten years ago, there was a problem with the road. She stated that the Planning Commission needs to take the high ground and say that we will have sight distances that are longer than the state recommends and leave wooded areas so that the deer and turkey can exist. She asked that there be a hold on this development until the road is finished. She lives between Treetops and Thornwilde and people do not stop when they come out of their subdivision. She sometimes has to wait 8 – 10 minutes to get out of her driveway. She has had people pull out in front of her at Treetops and at Stahl Road. She stated that if people are late for work, all they have on their mind is to get there and get there quick. Another development with even 200 more cars is 200 more than they need.

Mr. Matt Anderson, 2177 Blair Drive, stated that he is against the proposal. Reviewing a Power Point presentation (included in Exhibit 4 and Exhibit 5), he stated that within the single-family home subdivision category, there are three data points (1) Total number of houses built in 2004 (January – June); (2) Total number of house built; and (3) Total number of houses planned. He stated that on KY 237 in June, there were eight subdivisions on the active Boone County Subdivision list. He stated that 22% of all planned subdivision single-family home construction is being done in the subdivisions on KY 237. From January to June this year, the subdivisions on KY 237 (North Bend Road) have seen an increase of 55% -- the subdivisions have doubled in the six months. One-fifth of all subdivision single-family homes will be built in this area and will exit on a three-mile stretch of KY 237. He stated that 4,000 homes are currently planned in Boone County and all of them will exit on KY 237. He has spoken with the Kentucky Transportation Cabinet about traffic project models. He used the numbers in the Boone County Transportation Study of 8,000 vehicles on the road currently and divided by the number of homes on the active Boone County Subdivision List. The number of 9.5 trips per unit per day is from their traffic

expert, but he believes 10 trips per unit per day is more accurate. The number in the Boone County Transportation Study is 5.27 trips per day per single-family house on KY 237, which is about half the number in Mr. Cauble's Traffic Impact Study. He stated that two more subdivisions have been built since the Subdivision List came out. He stated that there will be about 11,300 more vehicles on KY 237 at some point in time as a result of the approved homes. They pro-rated the number of vehicles by looking at the homes built in 2004. They determined that build-out would be in approximately five years. He stated that in 2009, they will approach 22,000 vehicles on the road. He stated that when the KY 237 improvement project was put on the Six-Year Plan, the Kentucky Transportation Cabinet did a twenty-year projection. In 2002, they said the average number of vehicles on the road would be 5,700 and projected that in 2022 it would be 12,700 – but they now estimate that it is 11,700 in 2004. He believes that in five years, it will be 22,000 vehicles. He stated that KY 237 is experiencing booming residential growth and significant commercial growth with Remke's, Flick's and two strip malls all within one mile of the proposed subdivision. The effect will be to further increase the traffic volumes, which should be taken into consideration.

Chairman Caddell stated that the opposition has spoken for the same amount of time as the applicant and there are a lot of people who want to speak. He asked Mr. Noel to summarize their position at this time.

Mr. Noel stated that Judge-Executive Gary Moore voted for the improvement project on North Bend Road in 1999 and said "It's solely because of safety". Judge Moore also was quoted early this year as saying that the road is "overburdened with traffic". Mr. Noel stated that Tom Scheben, the official spokesperson for the Sheriff's Department, does not consider the road to be adequate for the people there now and it is dangerous because there is too much traffic on it. He quoted Mr. Scheben as saying "it's outdated – it's like a paved cow path". Mr. Noel stated that 2010 is a best case scenario for the improvement project and until then the road will get worse as the houses continue to be built-out. He presented Power Point slides of quotations from the Comprehensive Plan (see Exhibit 5, Page 17) and reviewed the Comprehensive Plan quotations in the Staff Report. He stated that the Comprehensive Plan is the Bible for the Zoning Regulations. The Comprehensive Plan dictates the decisions on zone change requests. He reviewed a Power Point slide indicating that the current conditions on North Bend Road in the Francisville area are not suitable for the traffic demands. The reconstruction of the road is a priority project and North Bend Road needs to be upgraded in order to serve additional development. He stated that without the recommended improvements, the remaining acreage is suitable only for rural density residential growth, which is defined in the Comprehensive Plan of up to one dwelling unit per acre. He quoted from Section 308 of the Zoning Regulations that "the developer has the burden of proof to demonstrate that the proposed zoning meets the Comprehensive Plan". He stated that the Comprehensive Plan says you cannot have any higher density development than

one house per acre until the road is fixed. The developer cannot satisfy the burden of proof. He stated that we have heard two different sets of sight distance measurements this evening. He stated that sight distance is pulling out on the road and stopping distances. He stated that Section 3217 of the Boone County Zoning Regulations sets out minimum standards, which are more stringent than the state standards. He stated that zoning is a county matter, not a state-wide matter. Boone County has stricter standards for sight distance and the citizens of Boone County are entitled to have that protection. He reviewed Section 251 in regard to the standards for granting a Sight Distance Variance. He stated that a Variance cannot be granted if it will adversely affect public health, safety or welfare or cause a hazard or nuisance to the public. He stated that the applicant is asking for four Variances – two for cars pulling out (left and right) and two for people already out on North Bend Road coming from either direction. He stated that the applicant wants to reduce the sight distance by a total of 716 feet – which is more than two football fields and will jeopardize safety. It is absurd to say that other subdivisions got Variances so we should get one too – but that is the applicant's best argument.

Mr. Noel stated that Mr. Cauble strongly recommends against the application because it creates a safety risk. He stated that Mr. Wheatley was quoted in The Kentucky Post saying that he recognizes that North Bend Road is dangerous now, but it will not be shortly after his subdivision is constructed. He stated that Mr. Wheatley does not want to wait until the road is fixed and is willing to risk their safety in the meantime. He stated that the Planning Commission has the opportunity and obligation to protect their safety – to stop this danger from happening. They ask that the Planning Commission abide by the Comprehensive Plan and the Zoning Regulations. They are entitled to have their safety protected and urge the Planning Commission to vote “no” on this request.

At this time, Mr. Costello called the names of those who registered to speak. Mr. William Sanders, Mr. Thomas Hart, Ms. Constance Norman, Mr. Daniel Knapp, and Mr. Michael Meade did not respond when called.

Ms. Susan Rossi, 2319 Kyle Drive, Parlor Grove, stated that KY 237 is unsafe and she is concerned about the condition of the road. KY 237 cannot handle the existing traffic. She stated that there are about 2,500 more homes to be built. The road improvements they have seen are blacktop patches and caution signs – but they do not solve the problem. There are no shoulders on the road. There is a drop-off that allows no margin for error. For the safety of all those concerned, she asked that the request be denied until the road improvements can be completed.

Ms. Mary Keller agreed with what has been said.

Mr. Dan Glier, a resident of Parlor Grove Subdivision, stated that this past Monday when there was ice on the road, there was a fatality on I-275 and a

vehicle off KY 237 just beyond the second curve. It took fifteen minutes to get out of Parlor Grove and past the accident at 9 AM because of the traffic. He stated that the road is very dangerous when it snows and that curve is impossible. This development will add more traffic at the choke point of KY 237.

Ms. Lisa Roark, 1794 Coachtrail Drive, Rivershore Farms, stated that her primary concern is schools for the students who will move into these homes and the other 2,700 homes that are to be built there. She stated that NorthPointe Elementary was a huge part of the reason why they moved to their home. At that time, the school was about half full, but now it's full to capacity and they are talking about bringing in trailers. Students in Boone County are without certain services because of growth and they no longer have extended Kindergarten because they do not have an extra room. She recommended that the request be denied.

Mr. Frank Bodwell, 2320 Pinnacle Court, stated that he was also involved in the presentation last July and followed up with the Committee Meeting. He stated that Section 308 was emphasized at the meeting, but was not emphasized at the Committee Meeting and he submitted a letter emphasizing Section 308 as it relates to the Boone County Zoning Regulations. He stated that Section 251 is a viable and substantial issue. He stated that they expect a decision to be based upon the rules.

Mr. William Steimer, 1604 Grandview Drive, stated that they are opposed to the development for all the safety risks that have been identified.

Ms. Kirsten Brown, 1828 Tanner Road, stated that there is no stoplight planned at Tanner Road and she has an e-mail to that effect from David Jones. She stated that after both grocery stores open, they will do a traffic count. There is no situation planned where the traffic heading into the curve will be slowed down in the near future. They have the caution signs on Tanner Road too, but there are accidents going down the hill. She stated that the signs are not enforceable, they are just suggested speed limits and she is not sure how effective they are. She has two young children who ride the school bus, which has to drive the curve and the hill twice a day. She is concerned about construction vehicles. She stated that driving down Tanner Road there are often utility trucks and tractor trailers blocking one lane. She stated that the short-term problem of the construction vehicles is a huge concern for the children riding the bus and for the safety of the 700+ children at NorthPointe Elementary School.

Mr. Chris Sturpe stated that he believes we have reached the point where we have to say enough is enough. He stated that the traffic problem on KY 237 has been a topic of discussion for two years at the Homeowners' Association. All of the communities have been discussing it and there has been concern about it for years. He stated that cars go through the curves and then find out that they are in the center lane facing on-coming traffic – cars do not slow down on the curves.

Ms. Colleen Berger, a resident of 1836 Tanner Road since 1987, stated that the American dream is to own property and have it appreciate in value. She stated that she is a realtor and SMI builds a fine product. She would be proud to have SMI build in Hebron. She stated that people are not worried about the kind of neighbors or the type of homes, they are worried about safety. She stated that there is no light coming in at Tanner Road and KY 237. She stated that Mr. Theissen said it would happen soon, but no light is proposed there. She stated that the road will be a long time coming -- we have to allow the state to catch up, get the road done, and then develop.

Ms. D. J. Jones, 2008 Irmaleen Lane, Rivershore Farms, stated that she is concerned about safety. She stated that this seems more like a traffic meeting than a zoning meeting. She does not see how this 4% of the 2,600 homes will contribute to the traffic problem. She stated that they will probably not have lots until summer of 2005 and they will sell two homes a month. By early 2006, they will probably have twelve homes completed and by 2007 they will be lucky to have thirty homes completed -- as opposed to 2,500 homes proposed down the road. She does not see how thirty homes by 2007, when road improvements are projected in the coming few years, is going to contribute greatly to the traffic problem.

Mr. Ward Maresca, Thornwilde, stated that he travels KY 237 all the time. He had an accident on KY 237 when someone crossed the centerline. The road is dangerous. He asked that the four Variances not be approved as they are adverse to the public safety. He does not have an issue with the application for the rezoning.

Mr. Ron Crebo, 1620 Grandview Drive, Parlor Grove, stated that there is a perception that the upgrading of KY 237 is a done deal. He stated that Boone County and the Kentucky Transportation Cabinet are involved. The federal government is funding 80%. In the last year, the U.S. Congress tried and failed to approve a new Transportation Act and they are still working on a 1990 Bill. The road is not a certainty in 2008, 2009, or 2010. Until the upgrade is a certainty, this development should be postponed.

Mr. Steve Story, 1634 North Bend Road, agreed with the opposition. He stated that he is not against development -- he is for controlled growth as long as the infrastructure is there -- but it is not there and we do not know when it will be there. The design of the road has changed three times and this may not be the final design. There was a roundabout at the Graves Road intersection, but they were able to comment on the road plan and it was taken out. He stated that the road plan will probably change. He stated that the Planning Commission did not hear about the unreported accidents. He spoke with the bus coordinator and was told that they replace a bus mirror once or twice a week because they are knocked off by the construction trucks. He asked if the 1,100 vehicles includes the construction traffic or the vendor traffic. He has lost nine mailboxes from

construction trucks in two years. He moved his mailbox back three feet and it was hit three more times. He stated that the road is not wide enough. The traffic is backed up every morning and it takes 1 –2 minutes to get out of his driveway. He stated that Variances have been granted in the past, but he doubts that they were granted to a subdivision in a double curve. None of the other subdivisions on North Bend Road are in a curve. He agreed with the opposition. He stated that they cannot do the development until the road construction is there.

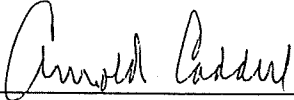
This concluded the names of those who registered to speak.

At this time, the Chairman allowed Mr. Theissen and few minutes to make concluding remarks.


Mr. Theissen stated that 2,600 new homes have been approved to be built out on KY 237 and they are talking about 112 more homes. He disagrees with Mr. Cauble on the number of 9.5 trips per dwelling unit per day. He has been in this business a long time and that his the first time he has heard a number higher than five. Taking that number (9.5 trips per day per unit) to its logical conclusion, with 2,600 more homes there would be 25,000 more cars versus the existing 8,000 cars. He questioned the basic information in Mr. Cauble's report when the number of trips per dwelling unit is double the reality and double any number he has ever heard. He stated that 112 homes is a drop in the bucket versus the 2,600 homes approved. He stated that if the 700-foot sight distances were strictly enforced, there would be no subdivisions on KY 237. There is not a subdivision listed under Tab 18 (see Exhibit 3) that meets the sight distance requirements. He stated that the Kentucky Transportation Cabinet assesses streets in 120 counties and has said that this one meets the standards – just the same as the other subdivisions meet the standards – and there is no reason why this one should be any different. He stated that they did not bring a traffic engineer this evening. They looked at the state requirement and were able to get an Encroachment Permit. They talked to Jack Gehrum, but there was no need to bring in a traffic engineer because there was nothing for a traffic engineer to prove -- they are at the optimal spot for the access and meet the state standard. He stated that they have asked for a Waiver. He stated that the new KY 237 is coming. The road needs to be rebuilt and it will be done. He stated that they are talking about a reasonably small subdivision compared to the subdivisions the people here live in and it is in compliance with the Comprehensive Plan.

At this time, the Chairman asked if there were any comments or questions from the Commissioners. There being no response, the Chairman stated that the Committee Meeting for this item will be on January 12, 2005 at 4:30 PM in Courtroom 3A of the Administration Building. The public is welcome to attend the Committee Meeting. This item will be on the Agenda for the Business Meeting on January 19, 2005 at 7:00 PM in Courtroom 3A of the Administration Building. The Chairman closed this Public Hearing at 11:00 PM.

APPROVED:


Arnold Caddell, Chairman

Attest:


Jan Hancock, Recording Secretary

Exhibits –

1. Letters received by Staff prior to when the Staff Report was written (a total of 47 letters), submitted by Staff
2. Letters received by Staff since the Staff Report was written (a total of two letters), submitted by Staff
3. Spiral bound booklet “North Bend Woods” dated December 15, 2004 submitted by Mr. Theissen
4. Spiral bound booklet “Opposition to Proposed North Bend Woods Subdivision” dated December 15, 2004 submitted by Mr. Noel
5. Folder “Boone County Planning Commission – Opposition to Proposed North Bend Wood Subdivision” submitted by Mr. Noel
6. Additional Petition in Opposition to Zone Change and Variance Requests (two pages)

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Randy Barlow, Chairman

DATE: January 19, 2005

RE: Request of One Eleven Engineering and Surveying, PLLC for Aylor Investments Limited Partnership, Larry and Jo Ann Gouge, Raymond O. Godsey, Jr., and Akin and Miller (owners) for a Zoning Map Amendment from Agricultural Estate (A-2), Rural Suburban Estates (RSE), and Rural Suburban (RS) to Suburban Residential One (SR-1) and Rural Suburban (RS) for an approximate 47 acre tract. The request is to rezone approximately 31.8 acres of the site to Suburban Residential One (SR-1) and approximately 15.2 acres of the site to Rural Suburban (RS). The request also involves Variance requests from Section 3217 "Minimum Sight Distances" of the Boone County Zoning Regulations. The subject properties involved in the request are 1820, 1828, and 1846 North Bend Road, an approximate 4.5 acre parcel located immediately to the north and east of 1820 North Bend Road and immediately to the south of 1586 Grandview Drive and 2253, 2259, 2271, 2277, 2283, 2289, and 2295 Britt Drive, and an approximate 2.5 acre parcel located immediately to the east of 1846 North Bend Road and immediately to the south of Souther Cemetery and 2221 Blair Drive, Boone County, Kentucky. The request is for a Zone Change to allow a subdivision for single-family residences and Variances to allow reductions in the required sight distances at the intersection of the proposed subdivision access road and North Bend Road.

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 _____

VARIANCE - AGAINST
RB

Greg Breetz

Greg Breetz

For Project _____ Absent _____
Against Project
Abstain _____ Deferred _____

VARIANCE AGAINST

Kim Bunger

Kim Bunger

For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

VARIANCE AGAINST

Janet Kegley

Janet Kegley

For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

Variance Against

Susan Poston

Susan Poston

For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

VARIANCE AGAINST

Charlie Reynolds (Alternate)*

For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

Earl White (Alternate)

For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

5 - Against Variance Request

TOTAL: _____ DEFERRED 4 FOR PROJECT _____ ABSENT
1 AGAINST PROJECT _____ ABSTAIN

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission


FROM: Randy Barlow, Chairman

DATE: January 12, 2005

RE: Request of **One Eleven Engineering and Surveying, PLLC** for **Aylor Investments Limited Partnership, Larry and Jo Ann Gouge, Raymond O. Godsey, Jr., and Akin and Miller (owners)** for a Zoning Map Amendment from Agricultural Estate (A-2), Rural Suburban Estates (RSE), and Rural Suburban (RS) to Suburban Residential One (SR-1) and Rural Suburban (RS) for an approximate 47 acre tract. The request is to rezone approximately 31.8 acres of the site to Suburban Residential One (SR-1) and approximately 15.2 acres of the site to Rural Suburban (RS). The request also involves Variance requests from Section 3217 "Minimum Sight Distances" of the Boone County Zoning Regulations. The subject properties involved in the request are 1820, 1828, and 1846 North Bend Road, an approximate 4.5 acre parcel located immediately to the north and east of 1820 North Bend Road and immediately to the south of 1586 Grandview Drive and 2253, 2259, 2271, 2277, 2283, 2289, and 2295 Britt Drive, and an approximate 2.5 acre parcel located immediately to the east of 1846 North Bend Road and immediately to the south of Souther Cemetery and 2221 Blair Drive, Boone County, Kentucky. The request is for a Zone Change to allow a subdivision for single-family residences and Variances to allow reductions in the required sight distances at the intersection of the proposed subdivision access road and North Bend Road.

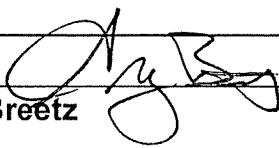
REMARKS:

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.



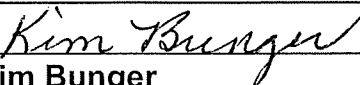
Randy Barlow, Chairman

For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred



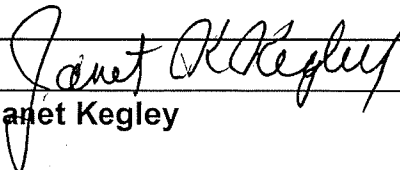
Greg Breetz

For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred



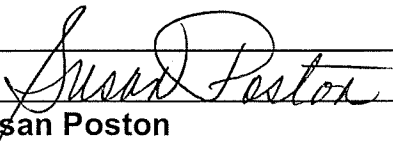
Kim Bunger

For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred



Janet Kegley

For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred



Susan Poston

For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred

Charlie Reynolds (Alternate)*

For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred ___

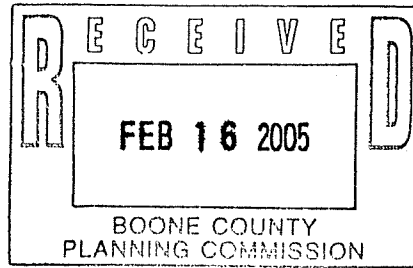
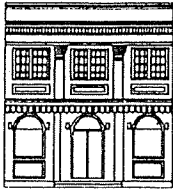
Earl White (Alternate)

For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred ___

TOTAL: 5 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

February 7, 2005

Mr. Darren T.R. Eyre, P.E.
One Eleven Engineering & Surveying, PLLC
5294 Madison Pike
Independence, KY 41051

RE: Request of One Eleven Engineering and Surveying, PLLC for Aylor Investments Limited Partnership, Larry and Jo Ann Gouge, Raymond O. Godsey, Jr., and Akin and Miller (owners) for a Zoning Map Amendment from Agricultural Estate (A-2), Rural Suburban Estates (RSE), and Rural Suburban (RS) to Suburban Residential One (SR-1) and Rural Suburban (RS) for an approximate 47 acre tract. The request is to rezone approximately 31.8 acres of the site to Suburban Residential One (SR-1) and approximately 15.2 acres of the site to Rural Suburban (RS). The request also involves Variance requests from Section 3217 "Minimum Sight Distances" of the Boone County Zoning Regulations. The subject properties involved in the request are 1820, 1828, and 1846 North Bend Road, an approximate 4.5 acre parcel located immediately to the north and east of 1820 North Bend Road and immediately to the south of 1586 Grandview Drive and 2253, 2259, 2271, 2277, 2283, 2289, and 2295 Britt Drive, and an approximate 2.5 acre parcel located immediately to the east of 1846 North Bend Road and immediately to the south of Souther Cemetery and 2221 Blair Drive, Boone County, Kentucky. The request is for a Zone Change to allow a subdivision for single-family residences and Variances to allow reductions in the required sight distances at the intersection of the proposed subdivision access road and North Bend Road.

Dear Mr. Eyre:

The following represents the conditions of approval for the Zoning Map Amendment as agreed to by the Boone County Planning Commission's Zone Change/Concept Development Plan Committee. If you, as the applicant, agree to these conditions, please have the property owners of record sign the appropriate spaces on the following page. Please return this letter with the original signatures of the property owners to the Boone County Planning Commission office by February 14, 2005.

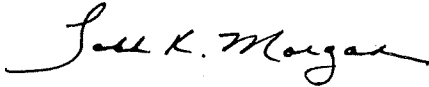
CONDITIONS

1. No tree removal, grading, or construction work of any kind shall occur before the North Bend Road improvements (North Bend Road Project) are completed and entirely open to the public between the I-275 interchange and Graves Road. This development shall use "Old" KY 237 for access after it has been demonstrated that the sight distance requirements from Article 32 of the Boone County Zoning Regulations are being met. Any Preliminary Plat, Grading Plan, Improvement Plan, or other Plans approved by the Boone County Planning Commission prior to the completion and opening of the North Bend Road improvements described above shall clearly state this restriction.

Mr. Darren T.R. Eyre
February 7, 2005
Page 2

2. Primary access for the subdivision shall not be through Cardinal Cove Subdivision.
3. The "green areas" shown on the Concept Development Plan will be delineated as conservation easements on the subdivision final plats. No fences or structures will be permitted in the conservation easements.
4. The driveways on lots 2 and 5 must be on the eastern side of the lots.

Sincerely,

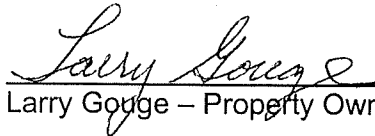


Todd K. Morgan, AICP
Planner

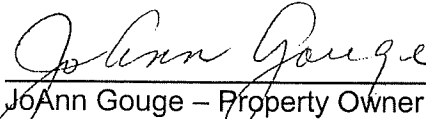
TKM/pr

AGREEMENT

We, Larry Gouge, JoAnn Gouge, Kenneth Aylor, J. J. Miller, and Raymond O. Godsey, Jr., agree to the listed conditions of approval for a Zoning Map Amendment for the approximate 47 acre tract which is described on the preceding page.


Larry Gouge – Property Owner

2/14/05
Date


JoAnn Gouge – Property Owner

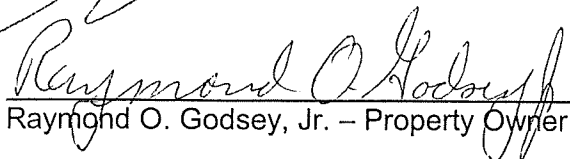
2/14/05
Date


Kenneth Aylor – Property Owner

14 FEB 2005
Date

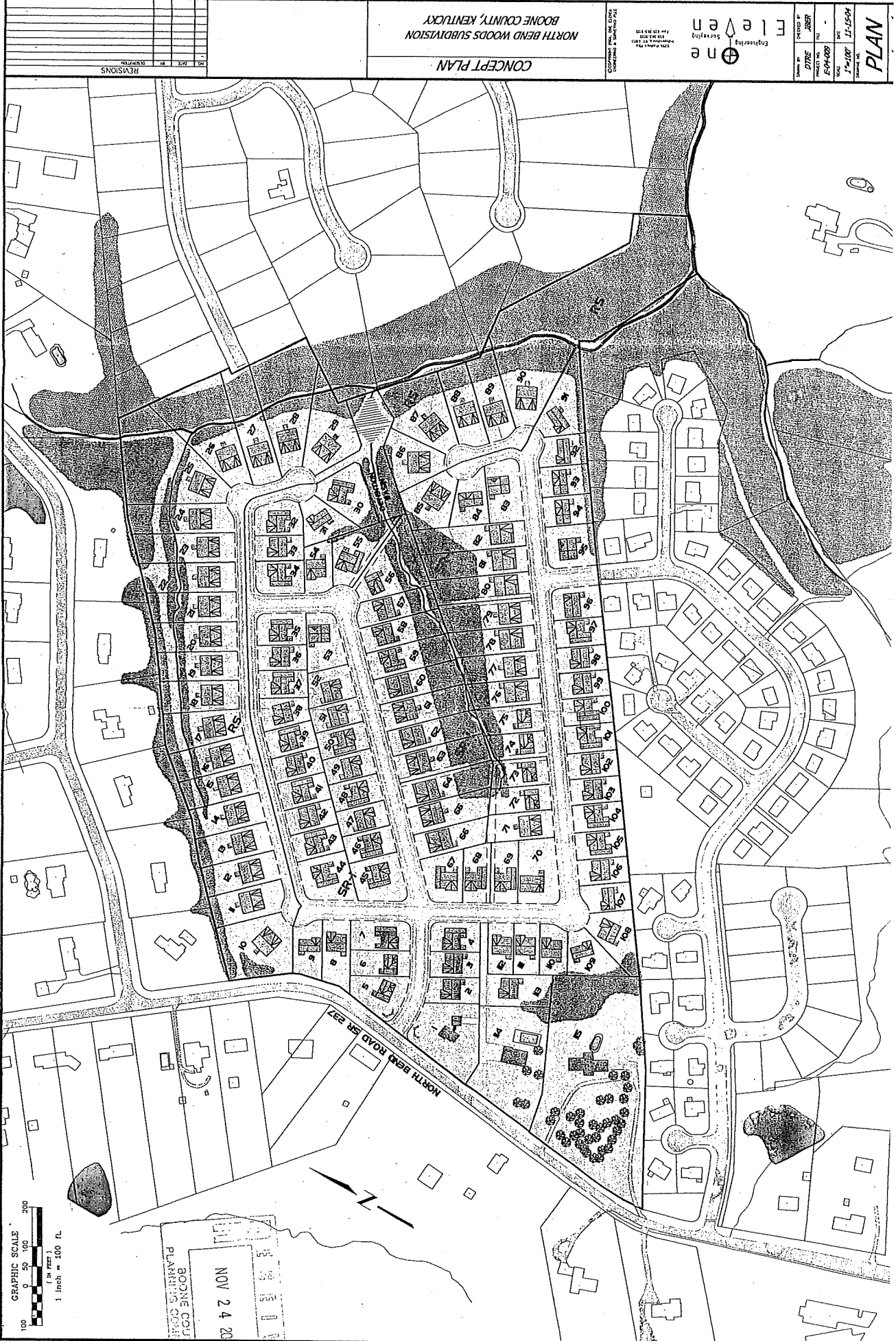

J. J. Miller – Property Owner

2-14-05
Date


Raymond O. Godsey, Jr. – Property Owner

Feb 14, 2005
Date





CONCEPT PLAN

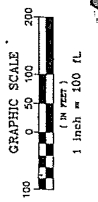
NORTH BEND WOODS SUBDIVISION
BOONE COUNTY, KENTUCKY

ne
Engineering
Planning
Surveying

PROJECT NO.	11-15-04
DATE	11-15-04
NO. OF SHEETS	1
NO. OF LOTS	1
NO. OF ACRES	1.00
SCALE	1" = 100'
DATE	11-15-04
PROJECT NO.	11-15-04
DATE	11-15-04
NO. OF SHEETS	1
NO. OF LOTS	1
NO. OF ACRES	1.00
SCALE	1" = 100'
DATE	11-15-04

REVISIONS

NO.	DATE	DESCRIPTION



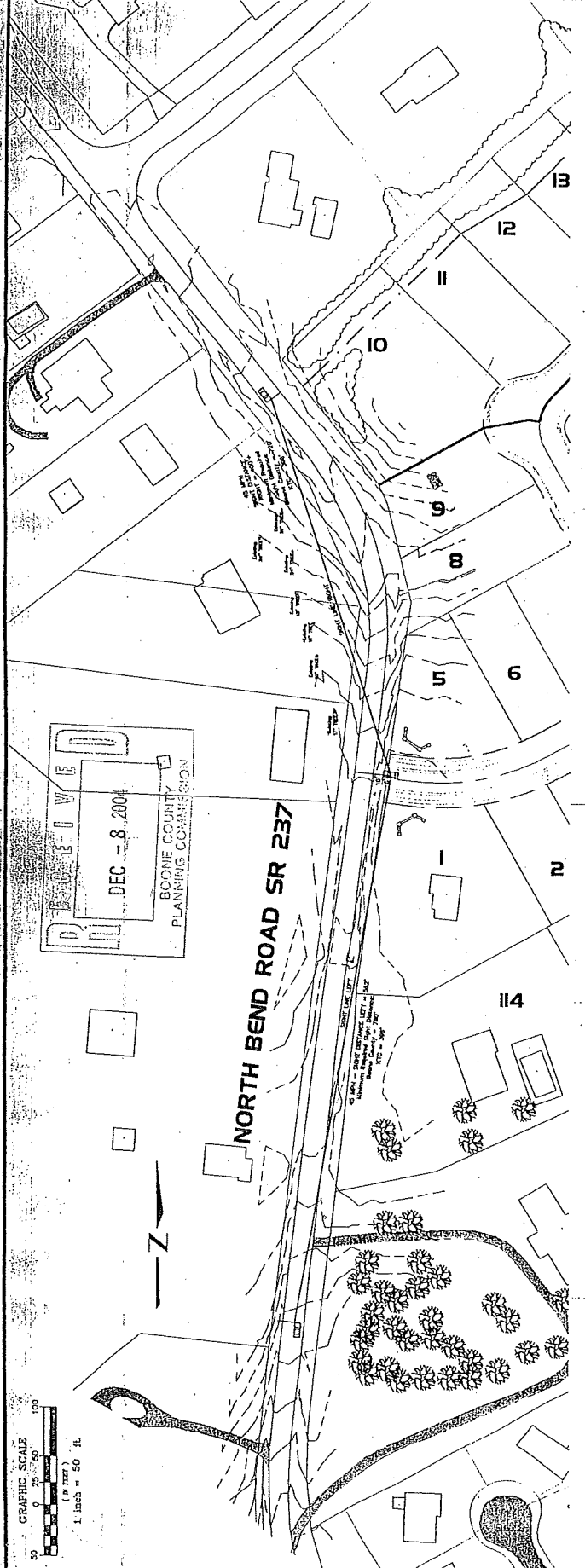
NOV 24 2004
BOONE COUNTY
PLANNING COMMISSION

NO.	DATE	REVISIONS
1		
2		
3		
4		
5		
6		
7		
8		
9		
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15		
16		
17		
18		
19		
20		

SIGHT DISTANCE EXHIBIT
NORTH BEND WOODS SUBDIVISION
BOONE COUNTY, KENTUCKY

FLAEN Engineering Surveying
1020 Parkway
Boone, KY 40309
Phone: 606-335-1100
Fax: 606-335-1101
E-mail: info@flaen.com

PROJECT NO. 2005-001
DATE: 11-20-05
DRAWN BY: J. B. BROWN
CHECKED BY: J. B. BROWN



STATION	EXISTING GROUND ELEVATION	PROPOSED GRADE ELEVATION
0+00	97.2	97.2
1+00	98.9	102.2
2+00	105.9	104.2
3+00	110.1	107.7
4+00	112.4	112.4
5+00	112.7	112.5
6+00	113.0	112.4
7+00	114.1	113.4
8+00	109.8	114.6
9+00	108.1	107.9
10+00	100.9	102.6
11+00	98.9	97.4
12+00	95.7	95.7
13+00	97.2	97.2

Variance Plans
Variances denied
by the Boone County
Planning Commission
on 2/16/05. SEE
COMMITTEE REPORT

RECEIVED

1999 APR - 8 P 12:43

GENERAL WARRANTY DEED

USE
CLERK
12.00 pd

PROPERTY TRANSFER TAX PAID \$ 5.44
MARILYN K. ROUSE, CLERK

RETURN TO Katz Teller Grant & Heid

KNOW ALL PERSONS BY THIS INSTRUMENT:

That JOSEPH B. AYLOR, a widower and unmarried, the GRANTOR, for and in consideration of the sum of Ten Dollars (\$10.00) paid to the GRANTOR by the GRANTEE herein, the receipt of which is hereby acknowledged, does hereby bargain, sell and convey to the following named GRANTEE, JOSEPH B. AYLOR, Trustee of the Joseph B. Aylor Real Estate Trust dated March 16, 1999 the following described real estate located in Boone County, Kentucky (the "Property"), to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR THE LEGAL DESCRIPTION OF THE PROPERTY BEING CONVEYED BY THIS DEED.

Property Address: 1820 North Bend Road
Hebron, Kentucky

Grantors' Address: 1820 North Bend Road
Hebron, Kentucky 41048

Grantee's Address: 1820 North Bend Road
Hebron, Kentucky 41048

Group No.: 2002

The Property described in this Deed is the a parcel of the real estate conveyed to Joseph B. Aylor and Blanche Aylor, his wife, jointly and in the case of death of either to the survivor, by Deed from Mrs. Laura Aylor, Jameson C. Aylor and Norma Aylor, his wife, dated September 9, 1946 and recorded on September 14, 1946 in Deed Book 86, Page 198, Boone County Court Clerk's Office, Burlington, Kentucky. Blanche Aylor died on June 5, 1988 and by reason thereof, and the manner in which title was held jointly and in case of death of either to the survivor, Joseph B. Aylor is the sole owner of the Property.

The Property is conveyed subject to and together with all easements, conditions, restrictions and agreements of record and together with all privileges and appurtenances to the same belonging.

TO HAVE AND TO HOLD, forever the same to the GRANTEE, in the fashion and manner stated above in the conveying clause, with covenants of general warranty. (17)

GRANTOR and GRANTEE both certify under oath that the consideration reflected in this Deed is the full consideration paid for the Property (being a nominal consideration), the same being a transfer to the GRANTEE in trust in which the Grantor is the sole beneficiary of the trust and therefore the same being exempt from the transfer tax under K.R.S. § 142.050(2) by virtue of K.R.S. § 142.050(8)(a) and the full estimated value of the Property is

EXHIBIT "A"

Lying and being in Boone County, Kentucky; on the East side of the Hebron-Northbend and Francesville Road near Francesville and described particularly thus: Beginning at a point in the same road, two feet west of the East edge of the existing Blacktop pavement at a corner to Robert Reimer (formerly Goodridge); thence parallel with the center line of same road N 6 E 150 feet to a point; thence leaving same road N 62-56 E 310 feet to a point; thence S 27-04 E 129.9 feet to a point in R. Reimer's line; thence with Reimer's S 63-30 W 392.07 feet to the place of beginning, containing 1.28 acres of land. This tract being the part of the tract conveyed to Grantor and his wife, Blanche Aylor, his wife, by Mrs. Laura Aylor, Jameson C. Aylor and Norma Aylor, his wife by deed dated September 9, 1946 and recorded in deed book 86 page 198 in the office of the Clerk of the Boone County Court, Burlington Kentucky and the same tract conveyed to the Grantor by Mrs. Laura Aylor, Jameson C. Aylor and Norma Aylor, his wife, by deed dated November 12, 1941 and recorded in deed book 78 page 553 in the office of the Clerk of the Boone County Court, Burlington, Kentucky and the same property conveyed to Mrs. Laura Aylor, Jameson C. Aylor and Norma Aylor, his wife, by Grantor and Blanche Aylor, his wife, by deed dated September 9, 1946 and recorded in Deed Book 86, Page 197 in the office of the Clerk of the Boone County Court, Burlington, Kentucky.

State of Kentucky, County of Boone
MARILYN K. ROUSE, Clerk of the Boone County
Court, do certify that the foregoing
Deed was, on the 8 day of April
1949 at 12:43 P.M. lodged in my office
for record, and that it has been duly recorded in
my said office, together with this and the
certificate thereon endorsed. 8
Given under my hand this 8 day of Apr
MARILYN K. ROUSE
Charles H. Ylmer D.C.

47688

GENERAL WARRANTY DEED

KNOW ALL PERSONS BY THIS INSTRUMENT:

That JOSEPH AYLOR (also known as Joseph B. Aylor), a widower and unmarried, the GRANTOR, for and in consideration of the sum of Ten Dollars (\$10.00) paid to the GRANTOR by the GRANTEE herein, the receipt of which is hereby acknowledged, does hereby bargain, sell and convey to the following named GRANTEE, AYLOR INVESTMENTS LIMITED PARTNERSHIP, a Georgia limited partnership authorized to transact business in the Commonwealth of Kentucky, its successors and assigns forever, the following described real estate located in Boone County, Kentucky (the "Property"), to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR THE LEGAL DESCRIPTION OF THE PROPERTY BEING CONVEYED BY THIS DEED.

Property Address: North Bend Road
Hebron, Kentucky

Grantors' Address: 1820 North Bend Road
Hebron, Kentucky 41048

Grantee's Address: 1820 North Bend Road
Hebron, Kentucky 41048

Group No.: 2002

RECEIVED
1989 APR - 8 P 12:48
13.00

The Property described in this Deed is the same real estate conveyed to Joseph Aylor and Blanche Aylor, his wife, jointly with remainder in fee simple to the survivor of them by Deed from Worley Morris and Allene Morris, his wife, dated October 15, 1966 and recorded on October 19, 1966 in Deed Book 174, Page 48, Boone County Court Clerk's Office, Burlington, Kentucky. Blanche Aylor died on June 5, 1988 and by reason thereof and the manner in which title was held jointly with remainder in fee simple to the survivor, Joseph Aylor is the sole owner of the Property.

The Property is conveyed subject to and together with all easements, conditions, restrictions and agreements of record and together with all privileges and appurtenances to the same belonging.

TO HAVE AND TO HOLD, forever the same to the GRANTEE, in the fashion and manner stated above in the conveying clause, with covenants of general warranty.

GRANTOR and GRANTEE both certify under oath that the consideration reflected in this Deed is the full consideration paid for the Property (being a nominal consideration), the same being a transfer to the GRANTEE in exchange for his interest as a partner in the GRANTEE and therefore the same being exempt from the transfer tax under K.R.S. §

PROPERTY TRANSFER TAX PAID \$
MARILYN K. ROUSE, CLERK

Katz-Tuller Grant & Heid

RETURN TO:

(17)

Located on the North Bend Road about three (3) miles northwest of Hebron and bounded as follows: BEGINNING at a point in the centerline of North Bend Road, said point being a common corner to Grantor and Joseph Aylor property; thence N 60-15 E along the dividing line between Grantor and Joseph Aylor a distance of 838.20 feet to a point; thence continuing along said dividing line N 38-E a distance of 986.70 feet to a fence post just West of a small branch; thence down said branch as it meanders S 51-30 E a distance of 200.19 feet to a point; thence S 36-0 W parallel to and 200 feet South of the dividing line between Grantor and Joseph Aylor, a distance of 1020.94 feet to a point; thence S 60-15 W parallel to and 200 feet South of said dividing line a distance of 858.92 feet to a point; thence S 73-28 W a distance of 131.49 feet to a point in the centerline of North Bend Road; thence N 2-08-30 E along the centerline of said road a distance of 200.00 feet to the place of beginning.

Said parcel of ground contains 8.793 acres more or less.

Said tract of ground is conveyed subject to new State Highway Department Easement recorded in State Highway Book No. 2, page 269,

The above parcel of ground is conveyed, LESS and EXCEPTING the following described 1.363 acre parcel conveyed by Deed from Joseph B. Aylor and Blanche Aylor, his wife, to Jo Ann Gouge and Larry W. Gouge, her husband, dated June 28, 1969 and recorded in Deed Book 186, Page 419, Boone County Clerk's Office, Burlington, Kentucky.

Situate on east side of North Bend Road about (3) miles north of Hebron, Boone County, Kentucky and more particularly described according to the following.

Beginning at a point in the center line of North Bend Road; said point being a corner to grantors and Willard Rusk; thence

North 2 degrees 08' 30" East along the center line of said North Bend Road, for a distance of one hundred sixty four and sixty seven hundredths feet (164.67') to a point; thence

North 60 degrees 15' East, for a distance of three hundred nine and fifty hundredths feet (309.50') to a stake; thence

South 29 degrees 45' East, for a distance of one hundred seventy feet (170') to a stake; thence

South 60 degrees 15' West, for a distance of two hundred sixty eight and sixty one hundredths feet (268.61') to a steel pin set in concrete; thence

South 73 degrees 29' West, for a distance of one hundred thirty one and thirty nine hundredths feet (131.39') to the place of beginning. Said parcel contains an area of 1.363 acres and is a part of the land described in deed dated October 19, 1966 and recorded in deed book 174, page 46 of the Boone County records at Burlington, Kentucky

State of Kentucky, County of Boone
MARILYN K. ROUSE, Clerk of the Boone County
Court, do certify that the foregoing
Deed was, on the 8 day of
April
1969, at 12:48 P.M., lodged in my office
for record, and that it has been duly recorded in
my said office, together with this and the
certificate thereon endorsed.
Given under my hand this 8 day of April
1969
MARILYN K. ROUSE
By Debra J. Hester D.C.

476 90

DEED

Know All Men By These Presents:

CLERK'S OFFICE
SHORT STAR FORM
DEED

Property Transfer Tax Paid \$105.00
JERRY W. ROUSE, Clerk *JWR* D.C.

That CARL R. SMITH and MIMA SMITH, his wife

for and in consideration of ONE HUNDRED FIVE THOUSAND DOLLARS (\$105,000.00) to them paid by the grantees herein, the receipt of which is acknowledged, do bargain, sell, and convey to:

RAYMOND O. GODSEY, Jr. and WILMA J. GODSEY, his wife, for and during their natural lives, with remainder in fee simple to the survivor of them, his or her

heirs and assigns forever, the following described Real Estate, in the City of _____;
Boone
County of ~~Knox~~ and Commonwealth of Kentucky, to-wit: Group No. 965
Present Street Address 448 NORTH BEND ROAD, HEBRON, KY 41048 Plat No. _____
Mailing Address *Same*

Being all of the 10.987 acre lot as shown on plat of Long Ridge Acres Subdivision recorded in Plat Book 8, Page 31 of the Boone County Clerk's records at Burlington, Kentucky and more particularly described as follows:

Situated on the easterly side of North Bend Road north of Tanner Road and BEGINNING at a point in the center line of North Bend Road (Kentucky State Route #237) said point being the northwesterly corner of the grantor's property and the southwesterly corner of the property now owned by Joe Aylor and Blanche Aylor as described in Deed Book 174, page 46, Boone County Clerk's records, Burlington, Kentucky; thence from said place of beginning North 73° 29' East 131.49 feet to a point; thence North 60° 15' East 858.92 feet to an iron pin; thence North 36° 00' East 1020.94 feet to an iron pipe on the southwesterly side of a creek; thence South 51° 30' East 261.8 feet to a point in said creek; thence South 37° 15' East 94.3 feet to a point in said creek; thence departing from said creek South 51° 05' West 284.4 feet to a point; thence South 49° 39' West 403.0 feet to a point; thence South 49° 04' West 965.9 feet to a point; thence South 51° 44' West 202.4 feet to an iron pipe; thence South 56° 26' West 376.5 feet to a point in the center line of North Bend Road, said point being the northwesterly corner of the property now owned by Lewis Morris and Arlene Morris as described in Deed Book 171, Page 91 of said clerk's office; thence along the center line of said road the following described four courses: North 9° 19' West 53.15 feet to a point; thence North 2° 48' West 50.0 feet to a point; thence North 1° 04' East 50.0 feet to a point; thence North 1° 46' East 200.0 feet to a point the place of beginning, containing 10.987 acres, more or less. SUBJECT TO THE RIGHT OF WAY FOR NORTH BEND ROAD (Ky St. Rt. 237)

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging.
TO HAVE AND TO HOLD the same to the said

RAYMOND O. GODSEY, Jr. and WILMA J. GODSEY, his wife, for and during their natural lives, with remainder in fee simple to the survivor of them, his or her

heirs and assigns, forever, the Grantor s, their heirs, executors and administrators, HEREBY COVENANTING with the grantee s, their heirs and assigns, that the TITLE so conveyed is CLEAR, FREE AND UNINCUMBERED, and that they will WARRANT AND DEFEND the same against all legal claims whatsoever.

BEING THE SAME PROPERTY conveyed to the GRANTORS HEREIN, CARL R. SMITH and MIMA SMITH, his wife by deed recorded in Deed Book 201, page 418, in the office of the Clerk of the Boone County Court, Burlington, Kentucky.

IN WITNESS WHEREOF, The said Grantors,

CARL R. SMITH and MIMA SMITH, his wife have

hereunto set hand, this 27th day of December in the year 1976

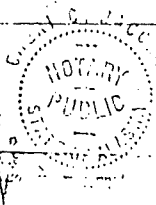
STAMPS

	<i>Carl R. Smith</i> Carl R. Smith
	<i>Mima Smith</i> Mima Smith

ALASKA
State of ~~KENTUCKY~~
County of ~~Kenton~~

The foregoing instrument was acknowledged before me this 27th day of December, 1976 by

CARL R. SMITH and MIMA SMITH, his wife.



Clara C. Jenkins
Notary Public
My commission expires: (Title)
1-17-79

COMMONWEALTH OF KENTUCKY,

SCT.

KENTON COUNTY

Boone Jerry Rouse

JERRY ROUSE, Clerk of the County Court, for the aforesaid, do hereby certify that this instrument of

writing from CARL R. SMITH and MIMA SMITH, his wife

to RAYMOND O. GODSEY, Jr. and WILMA J. GODSEY, his wife

was this day presented to me in my office,

certified as above, and this day left for record at 9:00 A. M.

Whereupon the same, the foregoing certificate, and this certificate were duly recorded in my office.

Given under my hand this 13th day of January in the year 1977

Jerry Rouse
JERRY ROUSE
Clerk

By *[Signature]* D. C.

WARRANTY DEED

From
CARL R. SMITH and MIMA SMITH,
his wife

To
RAYMOND O. GODSEY, Jr. and
WILMA J. GODSEY, his wife

Acknowledged
[Signature] Clerk
[Signature] D. C.

Left for Record 1-13-77

See to 1072 June 105 1072

Recorded in Deed Book No. 226, Page 104

GENERAL INDEX	Index Clerk
GROUP	

This Deed Prepared By
[Signature]
FRANCIS P. BURKE
Attorney at law
Lawyer's Bldg., 106 E. 3rd St.,
Covington, Kentucky

TAYLOR

Re-revised

BOOK 567 PAGE 248
BOOK 562 PAGE 105

JERRY W. ROUSE, CLERK

RECEIVED
OCT 10 10

JERRY W. ROUSE
BOONE COUNTY CLERK

RECEIVED
OCT 14 11:14

CLERK'S OFFICE
LONG STAR FORM
DEED

RECEIVED
OCT 26 2004
BOONE COUNTY
PLANNING COMMISSION

Know All Men By These Presents:

PROPERTY TRANSFER TAX PAID \$ 128.50
JERRY W. ROUSE, CLERK

That Alfred T. Foster, Curator of the Estate of Fred Foster, Jr.,
by Order of the Boone District Court, File #: #85-P-260

whose mailing address is: 4826 Narcissus, Cincinnati, Ohio 45238
for and in consideration of \$128.457
grantees herein, the receipt of which is acknowledged, do bargain, sell, and convey to:

to them paid by the

Akin & Miller Land Developers, a Kentucky partnership, their successors

And assigns forever, the following described Real Estate, in the City of _____

BOONE
County of ~~XXXX~~ and Commonwealth of Kentucky, to-wit:

Group No. 2002

Present Street Address _____ Plat No. _____

Grantee Mailing Address 3693 Akin Lane, Burlington, Kentucky 41005

Steve Dallas

On the Northbend road near Francesville and described thus: TRACT NO. I: BEGINNING at a stone in the said road a corner with Edgar Cropper's lot; thence with a line of said Edgar Cropper's lot N 45 1/2 E 18.60 chains to a stone; thence N 53 1/2 E 28.16 chains to a stone a corner of Cassius N. Cropper's lot; thence with a line thereof S 30 1/2 E 15.83 chains to a stone another corner of Cassius N. Cropper's lot in a line of Mary E. Gaines' lot; thence with her line N 83 1/2 W 16.40 chains to a fence post at the corner of a garden; thence S 47 W 11 chains to a stone in a branch; thence down the branch S 39 E 3.50 chains to a beech tree a corner with Wm. Goodridge; thence with his line S 38-3/4 W 15.80 chains to a black walnut tree; thence S 63 1/2 W 12.80 chains to a stone in the Northbend Road, thence with the meanders of said road N 5 1/2 E 7.16 chains N 40 W 2.87 chains to the beginning, containing 43 acres, 2 roods and 32 poles.

TRACT NO. II: BEGINNING at a stone on a hill side in a line of Mary E. Gaines' lot corner of John Cropper's lot; thence with a line of said Cropper's lot N 30 1/2 W 15.83 chains to a stone thence N 53 1/2 E 18 links to a stone, corner of Edgar Cropper's lot; thence with a line thereof N 30 1/2 W 14.92 chains to a stone on a branch in a line of Wm. P. Cropper's lot; thence with his line down said branch N 50 1/2 E 1.57 chains N 25 E 6.25 chains N 44 1/2 E 4 chains to a stone in the line of the Webb tract; thence with Webb's line S 51 E 6.30 chains to a stone; thence N 50 1/2 E 5.13 chains to a buckeye stump; thence S 38 E 17.11 chains to a sugar tree; thence S 36 1/2 W 6.22 to two sugar trees; thence S 58-3/4 E 3.05 chains to a stone; thence S 76-3/4 E 4.75 chains to a stone, a corner of F.L. Gordon; thence with his line S 33 1/2 W 10.92 chains to a walnut stump; thence N 15 1/2 W 5.06 chains to a stone corner of Mary E. Gaines lot; thence with her line N 83-1/2 W 5.76 chains to the beginning, containing 56 acres, 1 rood and 13 poles.

TRACT NO. III: BEGINNING at a beech tree a corner with Wm. Goodridge in John Cropper's lot; thence with the line of said lot up a branch N 39 W 3.50 chains to a stone; thence leaving the branch N 47 E 11 chains to a fence post a corner of a garden; thence with a line of John Cropper and Cassius N. Cropper's S 83 1/2 E 21.80 chains to a stone a corner with Cassius N. Croppers in line of F.L. Gordon; thence with Gordon's line S 15 1/2 W 10.55 chains to a beech tree;

Steve Dallas

14

thence S 72 E 83 links to a stone; thence with N. Brown's line up Spring branch S 78 1/2 W 9.50 chains S 54 1/2 W 6.75 chains N 63 1/2 W 4.87 chains N 19 W 2 chains N 49 W 7 chains to the beginning, containing 35 acres.

THERE IS EXCEPTED FROM THE ABOVE THE FOLLOWING PARCELS:

- (1) A 2.12 acre parcel conveyed to Akin & Miller Land Developers as recorded in Deed Book 471, page 276 in the Boone County Clerk's Office at Burlington, Kentucky and by correction deed filed in Deed Book 471, page 276 of said Clerk's records.

continued on attachment

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging.

TO HAVE AND TO HOLD the same to the said Akin & Miller Land Developers, a Kentucky partnership, their successors

Heirs and assigns, forever, the Grantor's his heirs, executors and administrators, HEREBY COVENANTING with the grantee's its successors heirs and assigns, that the TITLE so conveyed is CLEAR, FREE AND UNINCUMBERED, and that he will WARRANT AND DEFEND the same against all legal claims whatsoever.

CERTIFICATE OF CONSIDERATION

Grantor and Grantee both certify, under oath, that the consideration reflected in this deed is full consideration paid for the property and Grantee joins in this deed for the sole purpose of making this certificate about the consideration.

Sworn to this 1 day of November in the year 19 94

<p><i>X Alfred T. Foster</i> ALFRED T. FOSTER CURATOR OF THE ESTATE OF FRED FOSTER, JR.</p>	<p>AKIN & MILLER LAND DEVELOPERS BY: <i>J.J. Miller</i> PARTNER BY: <i>John Akin</i> PARTNER</p>
--	--

State of Kentucky
County of ~~KENTON~~ BOONE

The foregoing certification was sworn to before me this 1 day of November, 19 94 by

Alfred T. Foster, Curator of the Estate of Fred Foster, Jr., and

by John Akin, and J.J. Miller, partners of Akin & Miller Land Developers

[Signature]
NOTARY PUBLIC

Commission Expires:

7/15/96

(Title)

IN WITNESS WHEREOF, The said Grantor, Alfred T. Foster, Curator of the Estate of Fred Foster, Jr.

hereunto set his hand, this 1 day of November in the year 19 94

<i>Alfred T. Foster</i>	
ALFRED T. FOSTER, CURATOR	

State of Kentucky
County of ~~WELLS~~ BOONE

The foregoing instrument was acknowledged before me this 1 day of November, 19 94 by Grantor only

Alfred T. Foster, Curator of the Estate of Fred Foster, Jr.

[Handwritten Signature]

NOTARY PUBLIC

(Title)

Commission Expires:

7/15/96

FOSTER TO AKIN
CONTINUATION OF DESCRIPTION

(2) a 67.939 acre parcel conveyed to Akin & Miller Land Developers as recorded in Deed Book 430, page 152 in the Boone County Clerk's Office at Burlington, Kentucky and by correction deed filed in Deed Book 471, page 269 of said Clerk's records.

(3) A .153 acre parcel conveyed to Akin & Miller Land Developers, a Kentucky partnership as recorded in Deed Book _____, page _____ of the Boone County Clerk's Office at Burlington, Kentucky.

(4) There is also excepted from the above described three tracts the following described tract of land which also includes the 1.3 acre tract purchased by Joseph Aylor by deed dated November 12, 1941 and recorded in Deed Book 78, page 553; BEGINNING at the southwest corner of Aylor property and Reimer's Northwest corner and in the center of North Bend road; thence along Reimer and Aylor line North 63 degrees 30' East 845 feet; thence continuing along said line North 38 degrees 45' East 1025 feet; thence North 48 degrees 15' West 156 feet; thence North 61 degrees 15" West 322 feet; thence South 56 degrees 45' West 238 feet; thence North 76 degrees 15' West 56 feet; thence South 52 degrees 10' West 390 feet; thence South 43 degrees 30' West 700 feet to the centerline of North Bend Road; thence along same South 35 degrees 50' East 168 feet; thence continuing along said centerline of road South 6 degrees 30' West 450 feet to the place of beginning and containing 22 acres.

Being the remaining property conveyed to Fred Foster, Sr. by Deed from Fred Foster, Jr. as set forth in Deed Book 211, page 177 of the Boone County Clerk's records at Burlington, Kentucky. Fred Foster, Sr. died on 1-8-81 and by virtue of his Will as recorded in Will Book 30, page 195 of the Boone County Clerk's records, Fred Foster Jr. inherited the property back from his father.

Fred Foster, Jr. is also known as Fredrick Foster and Fredrick R. Foster

The property conveyed herein also includes the personal residence and remaining land surrounding said residence of Fred Foster, Jr.

BOONE DISTRICT COURT

ENTERED

FILE #: 85-P-280

IN RE: THE ESTATE OF: FRED FOSTER, JR.

JUN 29 1994

ALFRED T. FOSTER, CURATOR

PAT GUTZEIT, CLERK
BOONE DISTRICT COURT
BY: _____ D.C.

ORDER

.....
Motion having been made by Alfred T. Foster, Curator of the Estate of Fred Foster, Jr. and the Court having reviewed the proposed deed, and being sufficiently advised;

IT IS HEREBY ORDERED AND ADJUDGED THAT Alfred T. Foster, Curator of the Estate of Fred Foster, Jr. is hereby authorized to convey the remaining tract of land presently owned by Fred Foster, Jr. to Akin & Miller Land Developers. A copy of said Deed being attached hereto. This is a final Order.

Done at Burlington this the 28 day of June, 1994.

Charles T. Moore
JUDGE, BOONE DISTRICT COURT

CLERK'S DISTRIBUTION:

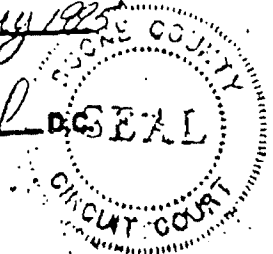
Hon. Stephen K. Dallas
P.O. Box 6205
Florence, KY 41042

STATE OF KENTUCKY

COUNTY OF BOONE

I, PAT GUTZEIT, Clerk of the Circuit/District Courts, do hereby certify that the foregoing is a true and correct copy of the original as recorded in my office. This 28 day of February 1995

PAT GUTZEIT
By: Pat Gutzeit D.C.



State of Kentucky, County of Boone
JERRY W. ROUSE, Clerk of the Boone County Court, do certify that the foregoing Deed was, on the 14 day of Feb.

19 95, at 10:10 A.M., lodged in my office for record, and that it has been duly recorded in my said office, together with this and the certificate thereon endorsed.
Given under my hand this 14 day of Feb. 1995.

JERRY W. ROUSE, CLERK
By: Jerry W. Rouse D.C.

DEED

KNOW ALL MEN BY THESE PRESENTS, That

Joseph Aylor and Blanche Aylor, his wife,

for and in consideration of love and affection for daughter Jo Ann Gouge and son-in-law Larry W. Gouge,

Property Transfer Tax Paid \$ *Exempt*
JERRY W. ROUSE, Clerk *W.D.C.*

the receipt whereof is hereby acknowledged, do hereby bargain, sell and convey to the said Larry W. Gouge and Jo Ann Gouge, his wife, jointly for their natural lives with the remainder in fee simple to the survivor of them, his or her.

holds and assigns to have the following described real estate, lying and being in Boone County, Kentucky to-wit:

Situate on east side of North Bend Road about (3) miles north of Hebron, Boone County, Kentucky and more particularly described according to the following.

- Beginning at a point in the center line of North Bend Road; said point being a corner to grantors and Willard Rusk; thence
- North 2 degrees 08' 30" East along the center line of said North Bend Road, for a distance of one hundred sixty four and sixty seven hundredths feet (164.67') to a point; thence
- North 60 degrees 15' East, for a distance of three hundred nine and fifty hundredths feet (309.50') to a stake; thence
- South 29 degrees 45' East, for a distance of one hundred seventy feet (170') to a stake; thence
- South 60 degrees 15' West, for a distance of two hundred sixty eight and sixty one hundredths feet (268.61') to a steel pin set in concrete; thence
- South 73 degrees 29' West, for a distance of one hundred thirty one and thirty nine hundredths feet (131.39') to the place of beginning. Said parcel contains and area of 1.363 acres and is a part of the land described in deed dated October 19, 1966 and recorded in deed book 174, page 46 of the Boone County records at Burlington, Kentucky

Being a part of the same property conveyed to the Grantors by my deed dated 19th day of October 1966 and recorded in deed book 174 page 46 in the

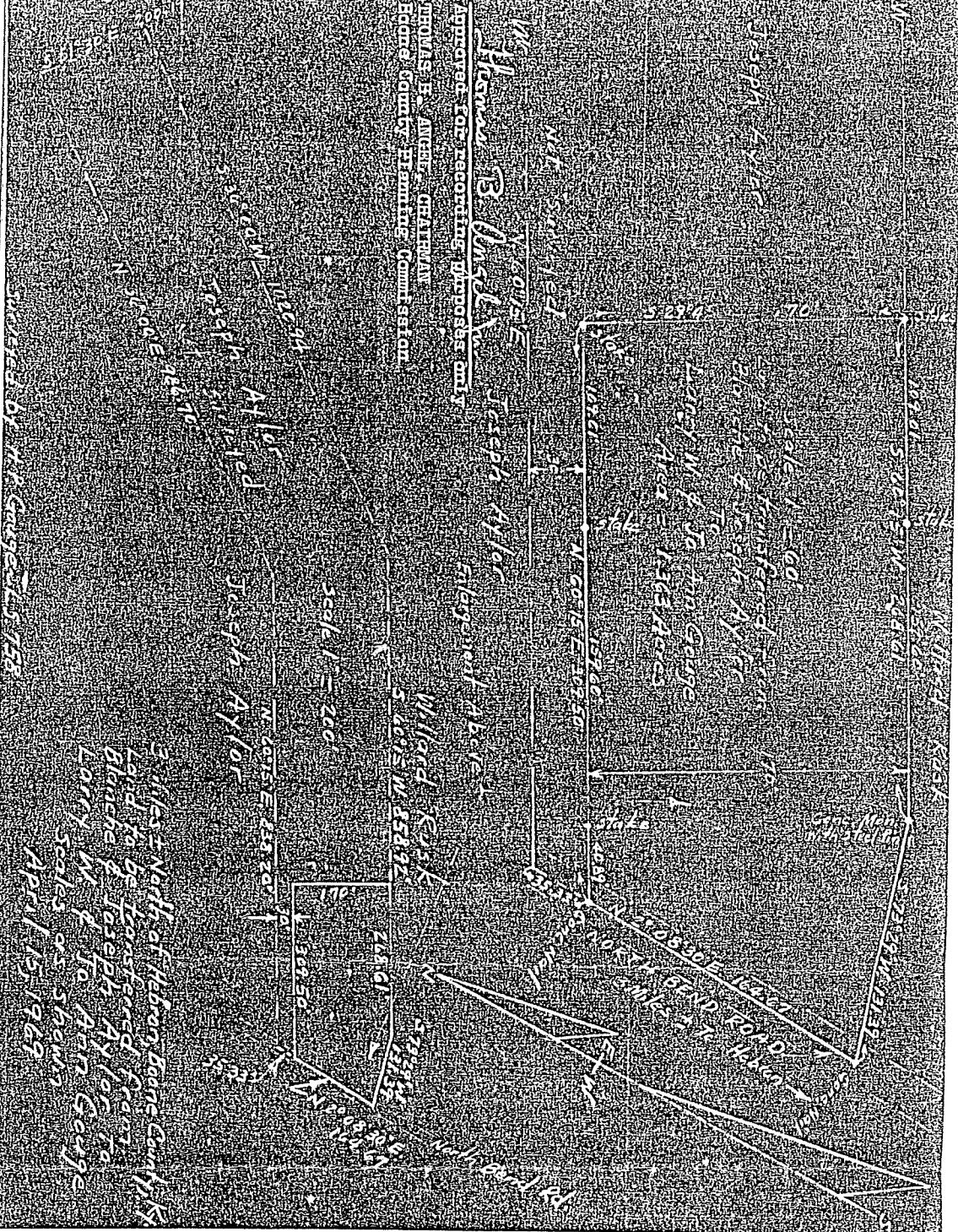
office of the Clerk of the Boone County Court, Burlington, Kentucky. Together with all the privileges and appurtenances to the same belonging to have and to hold the same to the said Larry W. Gouge and Jo Ann Gouge, his wife jointly for their natural lives with the remainder in fee simple to the survivor of them, him or her.

THOMAS H. ANGER, CHAIRMAN
Boone County Planning Commission

Approved for recording purposes only

Wm. B. Ayler
Joseph Ayler
Elaborated Ayler

Willard Cook
5.6375 W 85.892



WITNESSED BY H. H. GAYLES, J. S. T. S.

3 lots North of Highway Boone County Ark.
to be transferred from,
Glanville & Joseph Ayler to
Larry W. & Joseph Ayler
April 15, 1969

heirs and assigns forever, with covenants of general warranty.

In witness whereof the said

Joseph Aylor and Blanche Aylor, his wife

hereunto set their hands this 28th day of June, 1969.

I hereby certify that the foregoing instrument was prepared by:

Duane L. Vincent

DUANE L. VINCENT
Attorney at Law
Florence, Kentucky
STATE OF KENTUCKY, SCT
County of Boone

Joseph B. Aylor
Blanche Aylor

Notary Public

William H. McBee a Notary Public in and for the county and state aforesaid, do certify that the foregoing instrument of writing from *Joseph B. Blanche Aylor* to *Larry W. and Jo Ann Gouge* was this day presented to me in my county by the parties and then and there acknowledged by the said

JOSEPH B. AYLOR and BLANCHE AYLOR

to be their act and deed. Whereupon the same and this certificate are certified to the proper office for record.

Given under my hand and seal of office this 28th day of June 1969

My commission expires 6/14/71

William H. McBee
Notary Public

Recorded in Dead Book
No. 186
Page 419
Recording \$ 45.00
Stamps
Will

Let for Record JUN 30 1969

Knownledged

Larry W. and Jo Ann Gouge

Joseph and Blanche Aylor

WARRANTY DEED

STATE OF KENTUCKY
County of BOONE SCT

JERRY W. ROUSE
Clerk of the County Court in and for the County and State aforesaid, do certify that the foregoing instrument of writing from JOSEPH B. and BLANCHE AYLOR to LARRY W. and JO ANN GOUGE

was this 30th day of June, 1969 produced to me, certified as above and lodged for record at 9:00 o'clock A.M.

Whereupon the same with foregoing and this certificate have been duly recorded in my office. Given under my hand this 30th day of June, 1969.

JERRY W. ROUSE
Jerry W. Rouse
Clerk
D. C.

ORDINANCE 05-14

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, A ZONING MAP AMENDMENT AND DENIAL FOR VARIANCE REQUESTS FROM SECTION 3217 "MINIMUM SIGHT DISTANCES" OF THE *BOONE COUNTY ZONING REGULATIONS* FOR ONE ELEVEN ENGINEERING AND SURVEYING, PLLC (APPLICANT) FOR AYLOR INVESTMENTS LIMITED PARTNERSHIP, LARRY AND JOANN GOUGE, RAYMOND O. GODSEY, JR. AND AKIN & MILLER (OWNERS) FOR A ZONE CHANGE FROM AGRICULTURAL ESTATE (A-2), RURAL SUBURBAN ESTATES (RSE) AND RURAL SUBURBAN (RS) TO SUBURBAN RESIDENTIAL ONE (SR-1) AND RURAL SUBURBAN (RS) FOR AN APPROXIMATE 47 ACRE TRACT. THE REQUEST IS TO REZONE APPROXIMATELY 31.8 ACRES OF THE SITE TO SUBURBAN RESIDENTIAL ONE (SR-1) AND APPROXIMATELY 15.2 ACRES OF THE SITE TO RURAL SUBURBAN (RS). THE SUBJECT PROPERTIES INVOLVED IN THE REQUEST ARE 1820, 1828 AND 1846 NORTH BEND ROAD, AN APPROXIMATE 4.5 ACRE PARCEL LOCATED IMMEDIATELY TO THE NORTH AND EAST OF 1820 NORTH BEND ROAD AND IMMEDIATELY TO THE SOUTH OF 1586 GRANDVIEW DRIVE, AND 2253, 2259, 2271, 2277, 2283, 2289 AND 2295 BRITT DRIVE, AND AN APPROXIMATE 2.5 ACRE PARCEL LOCATED IMMEDIATELY TO THE EAST OF 1846 NORTH BEND ROAD AND IMMEDIATELY TO THE SOUTH OF SOUTHER CEMETERY AND 2221 BLAIR DRIVE, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map, and such Zoning Map Amendment being a zone change from Agricultural Estate (A-2), Rural Suburban Estates (RSE) and Rural Suburban (RS) to Suburban Residential One (SR-1) and Rural Suburban (RS) for an approximate 47 acre tract. The request is to rezone approximately 31.8 acres of the site to Suburban Residential One (SR-1) and approximately 15.2 acres of the site to Rural Suburban (RS). The request also involved Variance requests from Section 3217 "Minimum Sight Distances" of the *Boone County Zoning Regulations*. The subject properties involved in the request are 1820, 1828, and 1846 North Bend Road, an approximate 4.5 acre parcel located immediately to the north and east of 1820 North Bend Road and immediately to the south of 1586 Grandview Drive and 2253, 2259, 2271, 2277, 2283, 2289, and 2295 Britt Drive, and an approximate 2.5 acre parcel located immediately to the east of 1846 North Bend Road and immediately to the south of Souther Cemetery and 2221 Blair Drive, Boone County, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with conditions, for the Zoning Map Amendment and findings for denial of the Variances.

ORDINANCE 05-14

NOW, THEREFORE, BE IT ORDAINED BY THE BOONE COUNTY FISCAL COURT AS FOLLOWS:

SECTION I

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved with conditions, this Zoning Map Amendment being a zone change from Agricultural Estate (A-2), Rural Suburban Estates (RSE) and Rural Suburban (RS) to Suburban Residential One (SR-1) and Rural Suburban (RS) for an approximate 47 acre tract. The request is to rezone approximately 31.8 acres of the site to Suburban Residential One (SR-1) and approximately 15.2 acres of the site to Rural Suburban (RS). The request also involved Variance requests from Section 3217 "Minimum Sight Distances" of the *Boone County Zoning Regulations*, which were denied based upon findings. The subject properties involved in the request are 1820, 1828, and 1846 North Bend Road, an approximate 4.5 acre parcel located immediately to the north and east of 1820 North Bend Road and immediately to the south of 1586 Grandview Drive and 2253, 2259, 2271, 2277, 2283, 2289, and 2295 Britt Drive, and an approximate 2.5 acre parcel located immediately to the east of 1846 North Bend Road and immediately to the south of Souther Cemetery and 2221 Blair Drive, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in an Agricultural Estate (A-2), Rural Suburban Estates (RSE) and Rural Suburban zones is more particularly described in DEED BOOKS 736, 763, 186, 226 and 567, PAGE NOS. 81, 87, 419, 104 and 248, respectively (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

That as a basis for the recommendation of approval for a Zoning Map Amendment request are the findings of fact and conditions and findings for denial of the Variances by the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Ordinance and marked as "Exhibit A."

The Committee recommended approval for the Zoning Map Amendment request based on the findings of fact and conditions and findings for denial of the Variances as set forth in the Committee Report and marked as "Exhibit B."

ORDINANCE 05-14

SECTION III

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

Introduced and given First Reading on the 15th day of March, 2005.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the ___ of April, 2005, and on the same occasion signed in open session by the County Judge/Executive as evident of his approval, attested by the County Fiscal Court Clerk and declared to be in full force and effect.

GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:

MICHELE ROBERTS
FISCAL COURT CLERK

JAMES R. SCHRAND II
BOONE COUNTY ATTORNEY

DATE PUBLISHED

GRAPHIC SCALE
 0 50 100 200
 1 inch = 100 ft.

Concept Development Plan
APPROVED
 Boone County
 Planning Commission
 Date 2/16/15
 Staff [Signature]

NO.	DATE	DESCRIPTION
1	11/13/14	PRELIMINARY
2	01/14/15	REVISIONS

CONCEPT PLAN
 NORTH BEND WOODS SUBDIVISION
 BOONE COUNTY, KENTUCKY

ne
 Engineering
 Surveying
 Planning
 Architecture
 101 E. 10th St.
 Boone, KY 40309
 Phone: 606-339-1100
 Fax: 606-339-1101
 Website: www.ne-engineering.com

PROJECT NO.	15-0107
DATE	06-12-14
SCALE	1"=100'
DRAWN BY	JBER
CHECKED BY	JBER
DATE	06-12-14
PROJECT	PLAN



