

Na CLKR  
06-2MA004-D

APPLICATION FORM

ZONING MAP AMENDMENT  
BOONE COUNTY PLANNING COMMISSION

NOV - 1 2005

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project TANGLEWOOD SUBDIVISION
- 2. Location of Project 3400 BURLINGTON PIKE
- 3. Total Acreage of Site 50 Acres ± (50.78 AC)
- 4. Current Zoning of Site A-2
- 5. Proposed Zoning (Classification being requested) SR-1
- 6. Proposed Uses (please specify each use) SINGLE FAMILY DETACHED RESIDENCES

- 7. Names of Applicant(s) ONE ELEVEN DEVELOPERS LLC
- Phone Number 859-363-9025 Fax No. 859-363-9025
- 8. Address of Applicant(s) 5294 MADISON PIKE
- INDEPENDENCE KY 41051
- City State Zip

- 9. Name of Property Owner(s) ROSALYN WAHLS TRUSTEE
- Phone Number \_\_\_\_\_ Fax No. \_\_\_\_\_
- 10. Address of Property Owner(s) RR 3 128MG
- MONTICELLO KY 42633
- City State Zip

- 11. Proposed Building Intensities (please specify) SINGLE-FAMILY DETACHED AT 3.3 UNITS/ACRE

- 12. Are there any existing buildings on the site? NO
- How many? \_\_\_\_\_

- 13. Deed Book 830 Page No. 230 Group No. \_\_\_\_\_

- 14. Are you also applying for:
  - \_\_\_\_\_ Conditional Use Permit
  - \_\_\_\_\_ Dimensional Variance

- 15. Have you submitted a Concept Development Plan? YES
- 16. Have you had a pre-application meeting with BCPC Staff? YES

- 17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

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

(over)

# EXHIBIT

“A”

## STAFF REPORT

Request of One Eleven Developers LLC (applicant) for Roslyn Wachs, Trustee (owner) for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for a 50.78 acre tract located on the north side of Burlington Pike, between the properties at 3300 and 3446 Burlington Pike and across from the Burlington Pike/Saddle Ridge Drive intersection, Boone County, Kentucky. The request is for a Zoning Map Amendment to allow a subdivision for detached, single family residences.

December 21, 2005

### REQUEST

The Applicant's submitted Concept Development Plan proposes 153 detached single family home lots (8,000 square foot minimum lot size with 65' of frontage and setbacks of 30' front, 30' rear and 5' minimum - 15' total on the sides) and 17 patio home lots (8,000 square foot minimum lot size with 60' of frontage and setbacks of 25' front, 20' rear and 0' minimum - 10' total on the sides) for a total of 170 dwelling units on the 50.78 acre tract. The proposed density of the subdivision is 3.3 dwelling units per acre. The Suburban Residential One (SR-1) zone permits up to four (4) dwelling units per acre.

The proposed entrance is shown across from Saddle Ridge Drive and utilizes the "Existing 100' Overhead Electric Easement." The proposed 100' boulevard is proposed to have no individual driveway access and all streets within the proposed development are showing sidewalks on both sides. The proposed lots that back-up to Burlington Pike (KY 18) will not face KY 18 and will have no individual driveway access onto KY 18. No sidewalk is proposed for the KY 18 frontage.

Storm water detention is proposed in three areas on lots 8, 96 and 127. Street connections are shown east into the Archambault property (42.45 acres) and north into the Hidden Creek II Subdivision. The adjoining Hidden Creek II Subdivision currently has Preliminary and Improvement Plan approval for a cul-de-sac (Hammer Court) at the approximate location of the proposed connection. The Hidden Creek II developer would need to submit revised Preliminary and Improvement Plans in order for this connection to happen.

The northern portion of the subject property drains into an intermittent blue-line stream (as indicated on the USGS maps) that runs between the subject property and the Hidden Creek II Subdivision. The southern portion of the subject property drains into the Allen's Fork Creek which is a blue-line stream (as indicated on the USGS maps) located along the south side of Burlington Pike (KY 18). Staff has attached comments from Gretchen Bartley, KY Division of Water, regarding this project.

### ADJACENT LAND USES AND ZONING

- North: Single-Family Residences in the Hidden Creek and Hidden Creek II Subdivisions zoned Suburban Residential One (SR-1)
- South: The Saddle Ridge Subdivision and property owned by Poston (18.9 acres) zoned Agricultural Estate (A-2)
- East: Property owned by Green (5.22 acres) and Archambault (42.45 acres) zoned Rural Suburban Estate (RSE)
- West: Single-Family Residences in the Hidden Creek Subdivision zoned (SR-1)

### RELATIONSHIP TO COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's Future Land Use Map designates the site for "Suburban Residential" (SR) uses. This designation is described as "single family housing of up to four units per acre. This classification does not preclude low density or estate residential developed as a formal subdivision." It is critical to note that the Future Land Use Map is a 25 year projection, and is not intended to commit all areas to development immediately. In some areas, phasing may be used to make sure development is supported by infrastructure, and in others development may be delayed until planned infrastructure is provided.

The Land Use Element text makes the following statements that relate to the overall area (Burlington Area, page 150):

"Burlington Proper will continue to experience growth-related pressures. The influence of residential subdivisions in the surrounding areas, and the associated traffic, will necessitate improved traffic controls and management, particularly at KY 18 and KY 338."

"To provide an appropriate entrance to the potential large western Boone County tourism area, KY 18 west of Burlington should maintain a rural appearance through unique subdivision design. As this area develops and anticipated school facilities are built, improvements to KY 18 will be needed, such as shoulders, reconstructed curves, improved sight distances, and sufficient intersection improvements in Burlington at KY 18 and KY 338. Suburban Residential Land Uses depicted on the 2030 Future Land Use Map in this area should not be developed until these conditions on KY 18 are improved, and adequate school capacity can be provided in the area. The next Comprehensive Plan update can be used as a tool to evaluate the progress made regarding infrastructure provision."

"New residential subdivision development in the KY 18 corridor west of Burlington and east of Woolper Road should be designed carefully to respect the rural character. As the Future Land Use Map indicates, the planned Suburban Residential land uses west of Burlington change abruptly in the corridor to Rural Density, Rural Lands, and Developmentally Sensitive further west. Future Suburban Residential development in this area needs to provide sections of lower residential density adjacent to these border areas. A true density step-down is needed beyond the frontage and setback transitional recommendations described in the Development Guidelines section of this Element. Subdivision entrance areas and frontages along KY 18 should also be sensitively designed to retain the rural character of the area."

The Future Land Use Development Guidelines contain the following statements:

- A. Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined ("Utilization of Existing Vegetation and Topography," pg. 140).
- B. As described in the Goals and Objectives, different development densities can occur in Boone County as long as the development is designed in a proper manner and the infrastructure exists or is planned to support the development.

In these conditions, proposed residential developments that have smaller lot sizes than surrounding land uses are recommended to utilize the following design mechanisms to address the impacts on existing development.

The proposed development should consider in its design a band of larger lots and setbacks along the affected perimeter of the site adjacent to existing development to provide an adequate transition.

The proposed development should consider a band of development along the existing main roadway in which the houses face the main road to appear rural, and where the lots in this band are larger than those in the balance of the proposed development. Building setbacks and lot frontages should imitate existing setbacks along the road.

Highly visible portions of the proposed development site should consider green space. The style of green space, including tree types, fencing or other similar features should imitate the existing road corridor views. Grandiose subdivision entryways may not be appropriate depending on existing conditions in the corridor.

These recommendations are site specific and should be evaluated on a case-by-case basis. In fact, there may be other design mechanisms not identified here that may work in some instances ("Development Layout, Lot Sizes, and Setbacks," pp. 140 and 141).

- C. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments. Developments proposed adjacent to planned or established greenbelts should provide pedestrian access where appropriate . . .

Typically, buffering is required and provided between unlike land uses, however, as the development of Boone County fills in previously rural areas, different lot sizes and designs of residential development sometimes impact each other. Where an appropriate gradation of lot size and setbacks cannot be designed into a proposed residential subdivision development of a significantly higher density than existing adjacent residential uses, deliberate vegetation buffering may need to be incorporated into the design to help protect low density residential areas. Buffer areas should use and supplement existing site features where possible ("Buffering," pg. 141).

- D. Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways.

Developments along major roadways in Boone County must include landscaping 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. 141).

- 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 travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points,

adequate space between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system ("Access Management," pp. 141 and 142).

- F. Developments in Boone County must be designed, where appropriate, to improve the County's transportation network system of roadways, and functional classifications 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.

Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths, but should provide connections to adjoining uses where appropriate ("Transportation and Pedestrian Network," pg. 142).

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

- A. Although single-family homes are by far the most numerous, they continue to decrease in their percentage of total Boone County housing. Most new construction of single-family housing will take place on the outer rings of growth ("Housing Types," pg. 75).
- B. Housing development density has become an issue of concern to many existing residents in established, large lot subdivisions in suburban Boone County. Many of these areas developed during the 1960's to the 1980's when land prices were relatively low, few utilities were present, the surrounding land was agricultural, and urban/suburban development had not yet extended out to these areas. Many of these older subdivisions contain two-acre lots or larger. By contrast, most new subdivisions in Boone County are developing at around three units per acre, and sponsor sewer construction if sanitary sewer is not currently available to the site. The issue arises when these new higher density subdivisions are proposed near established low density areas, and centers mainly around development impacts on infrastructure and the residential character of the area ("Housing Densities," pg. 76).
- C. As noted previously, there is a desire of the population to live in rural areas that are convenient to the centers of commercial activity. This suggests a continuation of the outward movement of housing construction from the general Florence area. This movement is accelerated directionally by major thoroughfares such as KY 18, KY 237, US 42 and interstate interchanges. Residential development should occur near established urban or suburban areas, as opposed to leapfrogging to isolated areas, such as the western portion of the county. This will be an increasingly important issue as

public water service is planned and implemented for the western parts of Boone County. For residential development to occur in these outlying areas, adequate and proper infrastructure must be provided, and impact on the natural environment must be minimized.

If public water and sanitary sewer infrastructure is implemented in currently rural areas, there would be demand for suburban subdivision densities. Just because one form of public infrastructure has been improved, however, does not mean the area is ready for suburban development. Other forms of infrastructure must be provided as necessary. It is also possible that some areas of the county are not suitable for suburban or urban density, or may be suitable later in the twenty-five year planning horizon. Development phasing is an option to enable the timing of new development to correlate with the provision of adequate infrastructure. In addition, new subdivision development should include design considerations, and gradation of lot sizes, or both, to lessen the impact on the character of the area. "Bands" of residential lot sizes may be a model to consider in order to ensure compatibility. This is particularly true in areas of agricultural zoning, and could include larger lots or green space along the main road(s), larger lots or a buffer along adjacent low density residential uses, strategic open space, and detailed attention to the orientation of housing units

In general, residential development has occurred at a lower density than planned in the Future Land Use Plan over the last two comprehensive plan updates in Boone County. The development has predominantly been in a limited variety of product, typified by mid-range value single-family subdivisions at approximately three units per acre. The demand for this product appears to remain strong throughout the 25 year Comprehensive Plan planning horizon with some attached housing designed into larger planned developments. Increased density does not necessarily negatively impact the quality of a community or nearby home values. Although neotraditional, true mixing of unit types, connection to green space, and similar concepts of neighborhood design have just begun to be considered by the development industry in Boone County, much work needs to be done in the design realm to implement these ideas correctly, and make them more common. These newer concepts are needed to enable the development industry and local government to address density concerns and strengthen the sense of community, as well as meet the housing demands of a changing population ("Conclusion," pg. 80).

The adopted Goals and Objectives include the following pertinent statements.

- A. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- B. Proper design principles shall be applied in development ("Overall," Objective 3).

- C. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained and improved as needed ("Overall," Objective 4).
- D. 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 enhanced. Development within Boone County preserves and promotes a better quality of life ("Environment," Goal).
- E. 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 should 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).
- F. Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment," Social Objective 4).
- G. A broad range of housing opportunities shall be provided which meet the needs and desires for all household types ("Housing," Objective 1).
- H. Housing supply in Boone County shall be balanced against present and planned commercial, industrial, and education needs. Primary and secondary education capacity shall be evaluated during housing development review ("Housing," Objective 4).
- I. In order to offer the citizens of Boone County maximum choice in living environment, residential development 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).
- J. 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 neighborhood 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).

- K. 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).
- L. Where existing infrastructure, services and the public school system are not adequate, developments shall be phased to coordinate with the provision of these items ("Housing," Objective 14).
- M. New infrastructure systems shall be built to definite planned and balanced capacities and for definite urban and rural forms ("Public Services and Facilities," Objective 2).
- N. Priorities for growth within any individual infrastructure system shall be based on the predicted needs of specific areas as prescribed by the future land use projections of this plan. No infrastructure system shall commit the county to excessive growth by the system's expansion ("Public Services and Facilities," Objective 3).
- O. 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," 2<sup>nd</sup> Goal, Objective 2).
- P. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops ("Transportation," 2<sup>nd</sup> Goal, Objective 3).

#### STAFF CONCERNS

1. Staff is concerned about sight distance at the proposed entrance. Staff believes that the Applicant has selected the location on KY 18 which optimizes sight distance in both directions. However, a traffic study was not provided for Staff to review and determine if this is in fact the best location. The Kentucky Transportation Cabinet has provided a letter based on information sent by Staff (see attached). The letter states that a right turn lane will be required to accommodate movements into the site. Their comments are preliminary and still require a formal Encroachment Permit review. In addition, the applicant needs to evaluate the potential impacts of the proposed development on the KY 18/KY 338 intersection similar to the analysis performed for Hunter's Ridge in 2003-04.
2. Staff compared the intensities of the proposed subdivision with Saddle Ridge, Hunters Ridge, Morgans Crossing, Hidden Creek and Hidden Creek II.

Subdivision	Acreage	Buildable Lots	Dwellings Per Acre
TANGLEWOOD (PROPOSED)	50.87	170	3.3
SADDLE RIDGE	68.6	25	0.36
HIDDEN CREEK	45.5	92	2.02
HIDDEN CREEK II	83.05	207	2.49
MORGANS CROSSING	46.25	130	2.8
HUNTERS RIDGE	289.7	700	2.42

3. The Applicant has not shown any tree preservation or protected open space areas on their Concept Plan. Staff is concerned about the number of trees that will have to be cleared for this proposed project. The 2005 Boone County Comprehensive Plan describes that "existing vegetation shall be considered as both an important site characteristic and a community resource." Efforts were made in the Hidden Creek development to retain wooded areas, particularly near the entrance on KY 18.
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 like to focus on the "phasing" aspect of the letter.
5. Staff received a memorandum from Sanitation District #1 which states that sanitary sewer capacity is currently available, however the applicant has not formally requested to reserve capacity at the affected pump station. The memo goes on to state that capacity may not be available when formally requested.
6. Staff has attached comments from Gretchen Bartley, Environmental Inspector III with the KY Division of Water, with regard to the potential impacts on the intermittent blue line stream as well as Woolper Creek (a blue line stream). Permits may be required from some or all of the following: 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 2005 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. Specifically, the text states "As this area

develops and anticipated school facilities are built, improvements to KY 18 will be needed, such as shoulders, reconstructed curves, improved sight distances, and sufficient intersection improvements in Burlington at KY 18 and KY 338. Suburban Residential Land Uses depicted on the 2030 Future Land Use Map in this area should not be developed until these conditions on KY 18 are improved, and adequate school capacity can be provided in the area. The next Comprehensive Plan update can be used as a tool to evaluate the progress made regarding infrastructure provision.”

8. Staff would like to point out that the KY 18 improvements outlined in the 2005 Boone County Comprehensive Plan have been recommended in the 2006 Boone County Transportation Plan (currently not adopted). No funding is available for these improvements, and KY 18 will be in competition with many other planned road improvements in Boone County in the future.
9. 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 (i.e. house orientation and homes not facing KY 18, location of driveways, subdivision regulation standards, sidewalks along KY 18, etc.);
  - B. Subdivision phasing (timing of plan approvals);
  - C. Dedication of additional right-of-way along KY 18 for future improvements (i.e. turn lanes).

### CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Boone County Fiscal Court in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3 “Amendment” of the 2001-02 Boone County Zoning Regulations and the potential impacts on the existing and planned uses in the area.

Respectfully submitted,

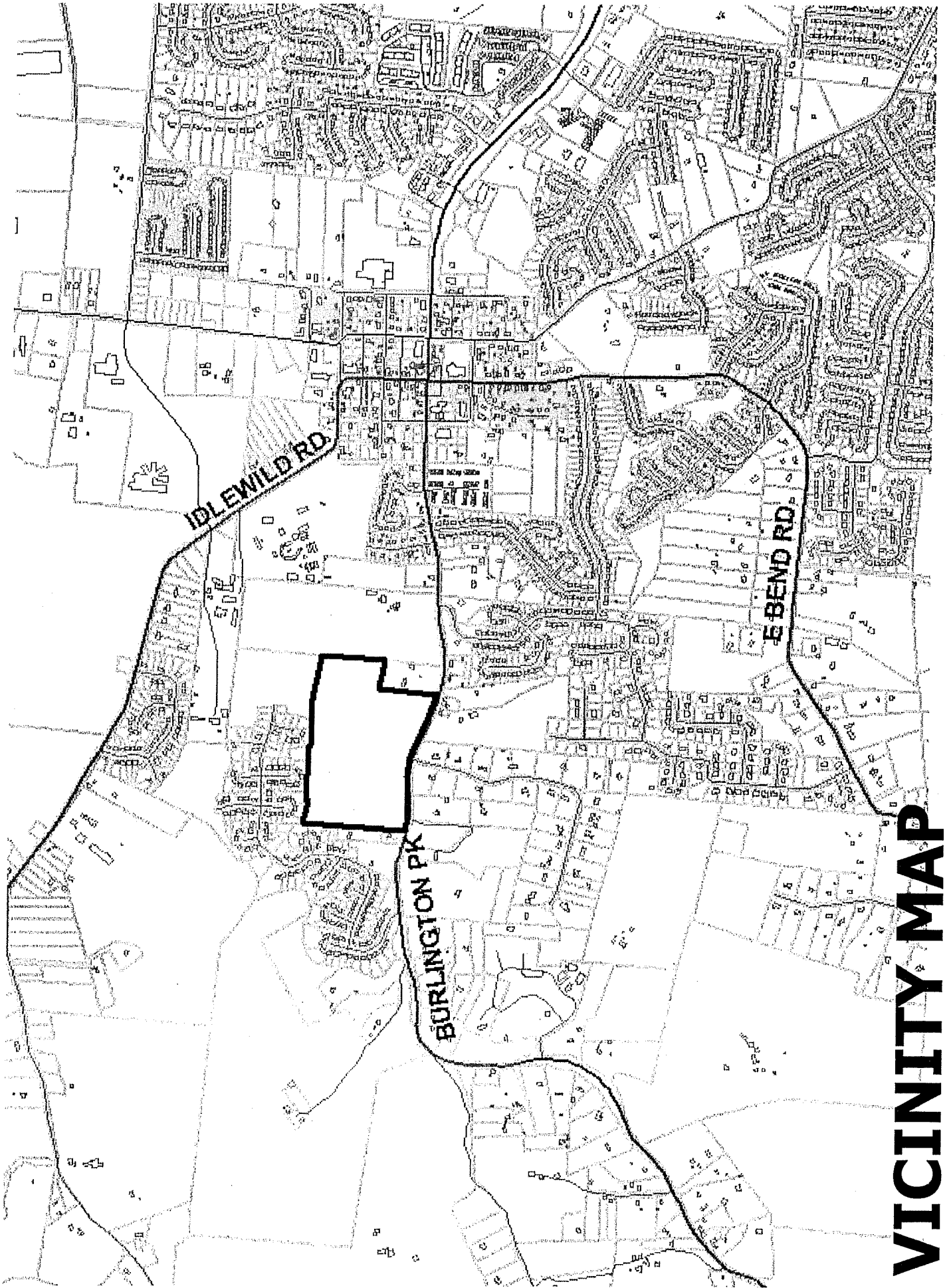


Mitchell A. Light  
Asst. Zoning Administrator/Enforcement Officer

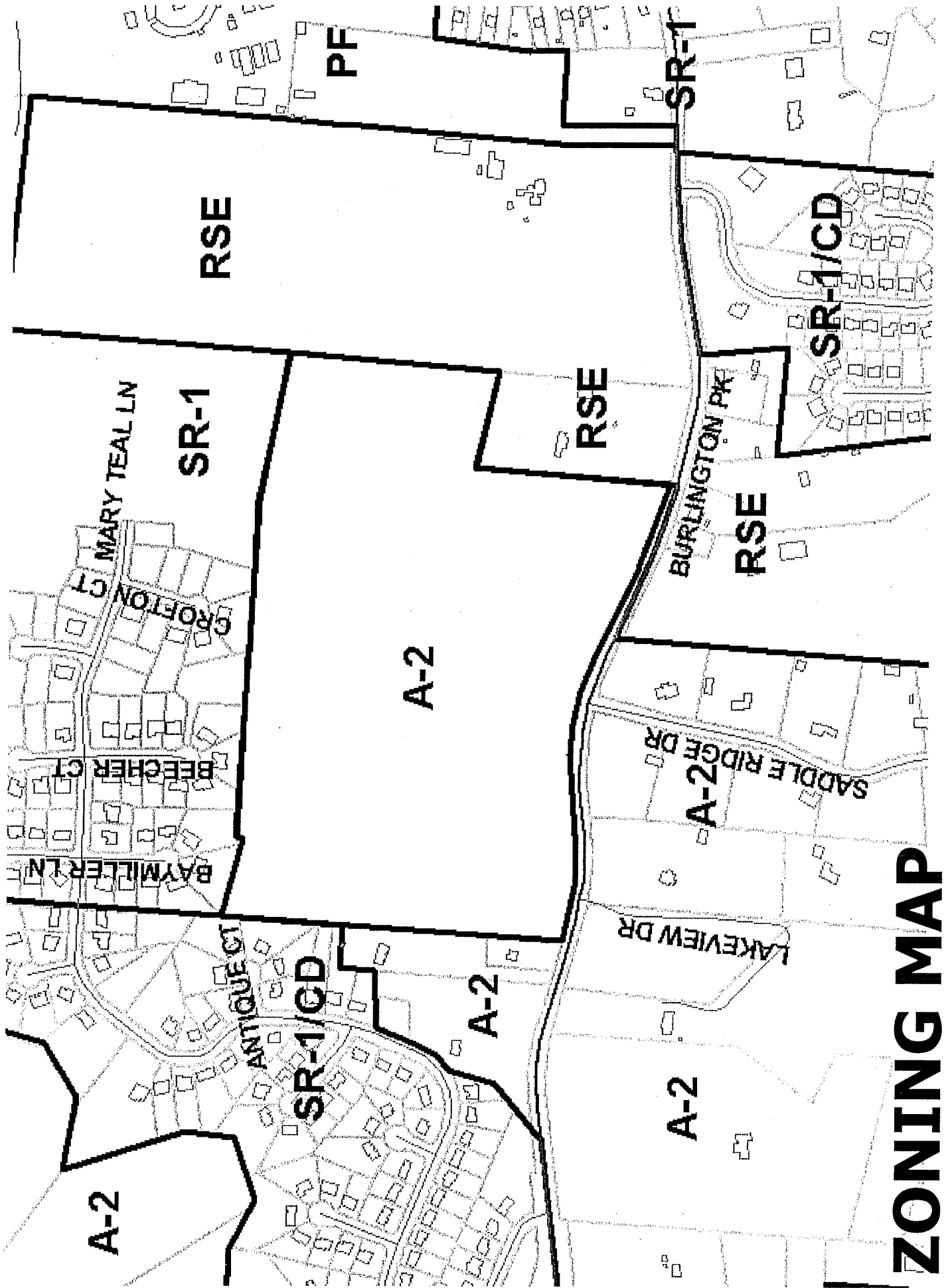
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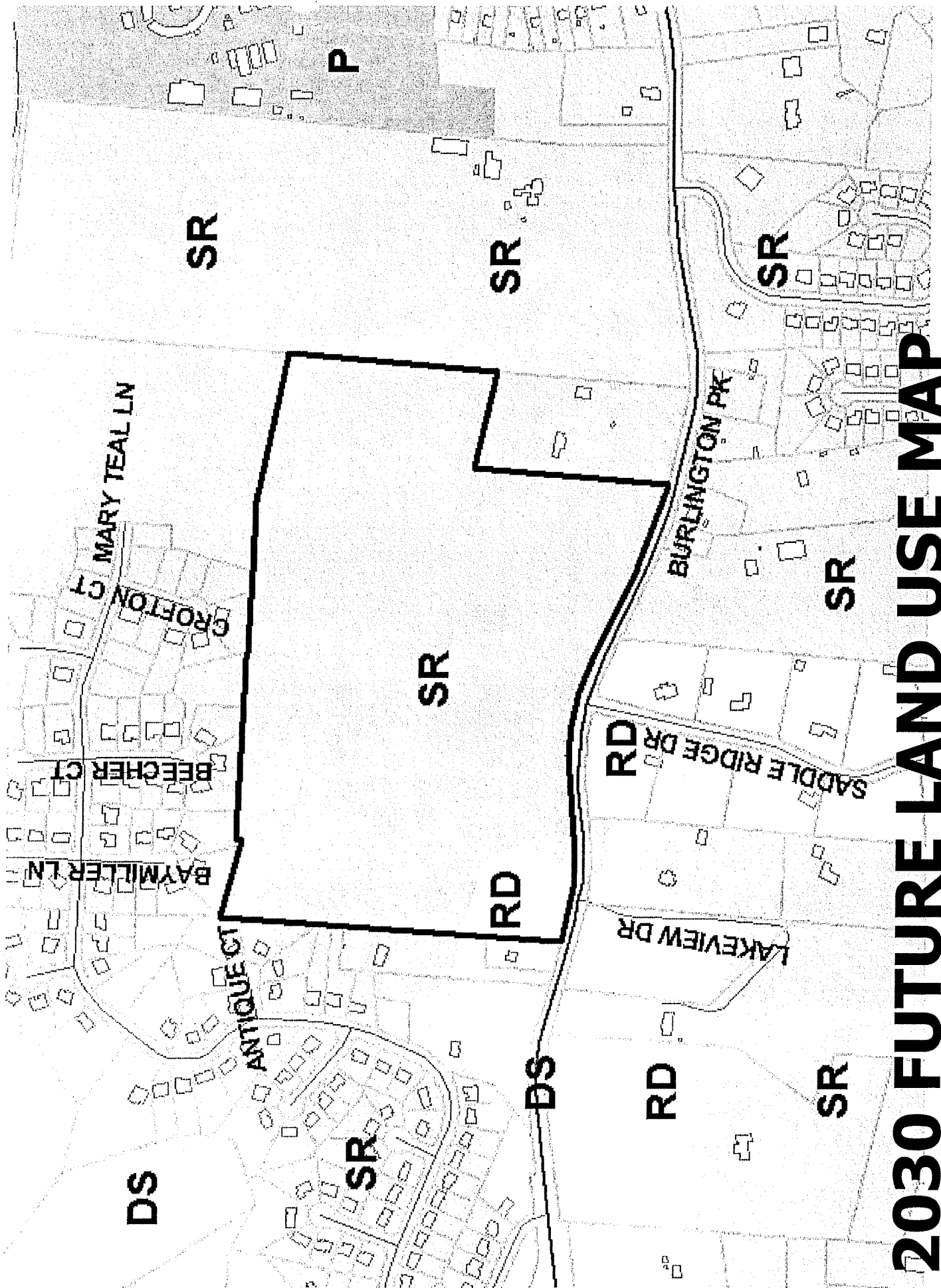
- Vicinity Map
- Zoning Map
- 2030 Future Land Use Map
- Existing Topography
- 2004 Aerial Photography
- Concept Development Plan
- Letter from Boone County Schools
- Letter from KY Transportation Cabinet
- Letter from Gretchen Bartley, KY Division of Water
- Memo from Sanitation District #1
- Application



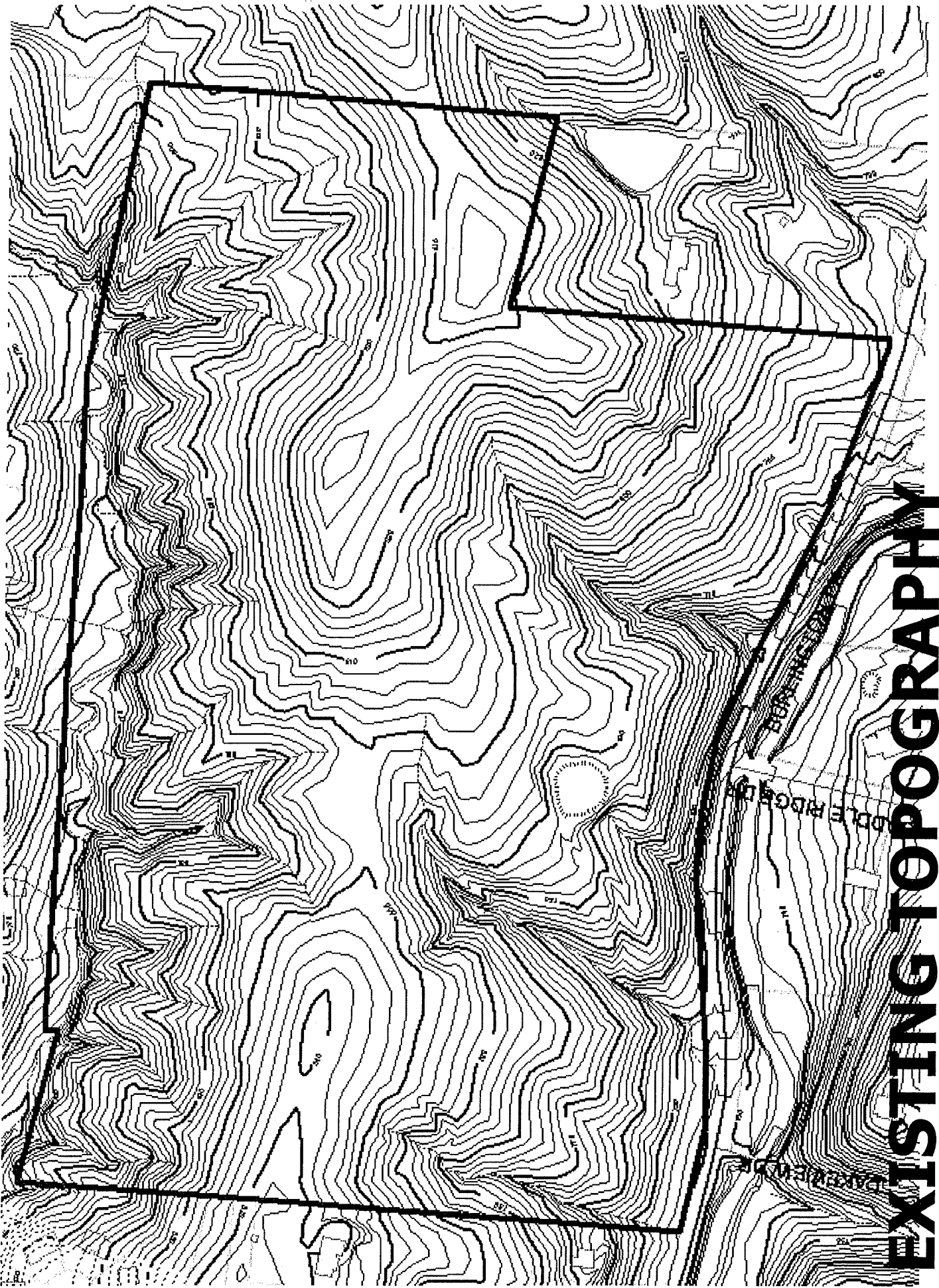
**VICINITY MAP**



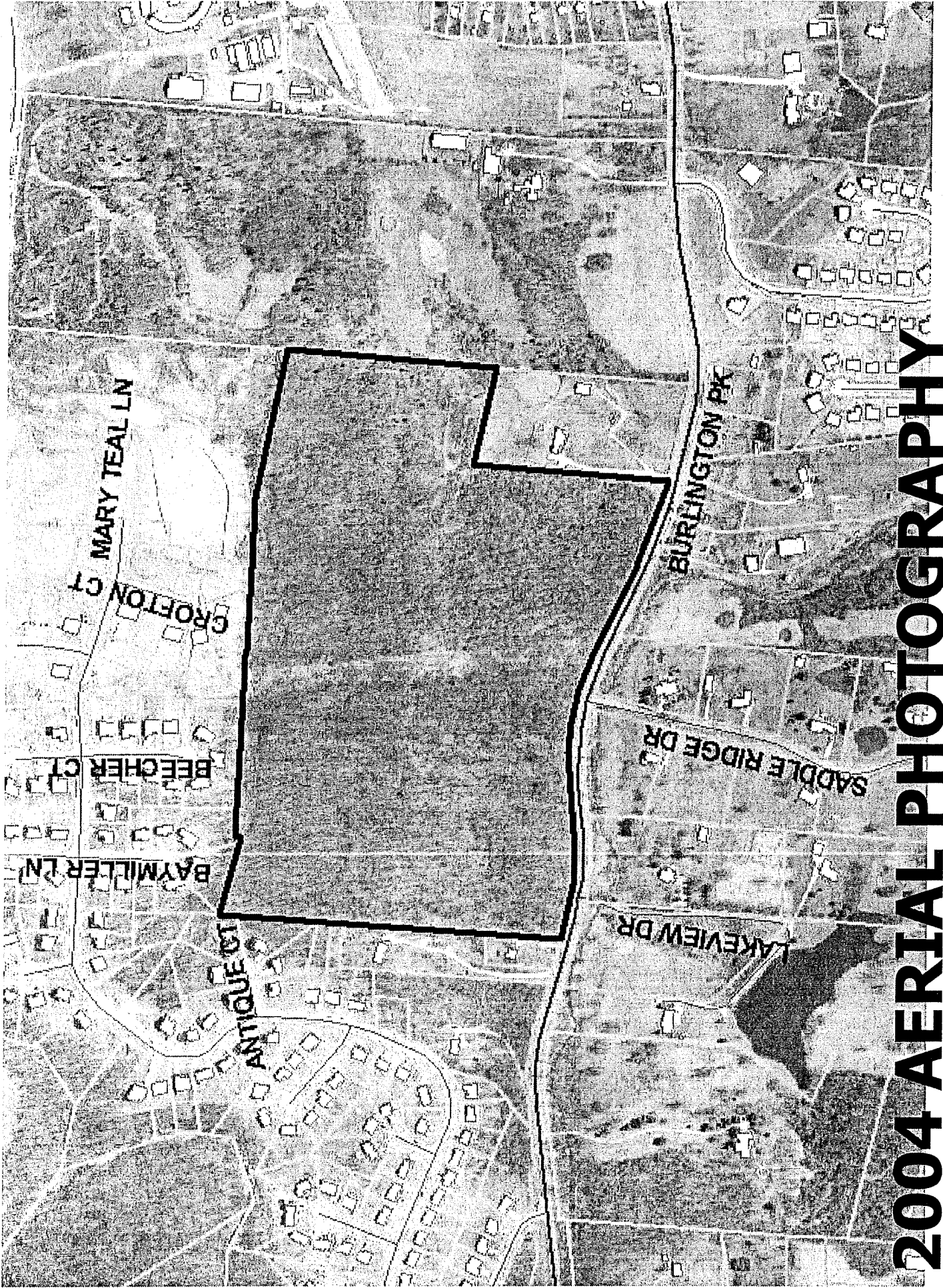
# ZONING MAP



# 2030 FUTURE LAND USE MAP



# EXISTING TOPOGRAPHY



2004 AERIAL PHOTOGRAPHY



A-2

Saddles Ridge Subdivision  
**CONCEPT DEVELOPMENT PLAN**

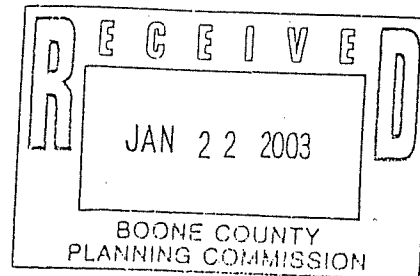
**BRYAN A. BLAVATT**  
Superintendent of Schools

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

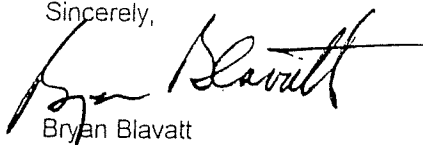
At the outset, I would like to personally thank you and the Planning Commission for all the assistance you have provided to Boone County Schools in the past. We look forward to the continuation of the high level of collaboration between the Planning Commission and Boone County Schools that has taken 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.

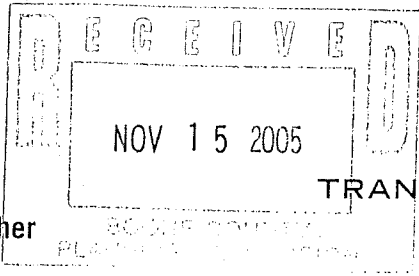
As you know, the school district recognizes and is supportive of continued growth within Boone County. However, the future development of large subdivisions will place an increased strain on the infrastructure of the school district. We believe that the Planning Commission needs to work with developers 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,

  
Bryan Blavatt  
Superintendent of Schools



Ernie Fletcher  
Governor

TRANSPORTATION CABINET

Frankfort, Kentucky 40622  
www.kentucky.gov

Bill Nighbert  
Acting Secretary

Jim Adams  
Deputy Secretary

Marc Williams  
Commissioner of Highways

[Redacted]  
Commissioner of  
Administrative Services

Paul Steely  
Commissioner of Aviation

Roy Mundy  
Commissioner of  
Vehicle Regulation

Mr. Mitchell Light  
Assistant Zoning Administrator  
Boone County Planning Commission  
2995 Washington Street  
Burlington, KY 41005

Subject: Zone Change – Tanglewood Subdivision  
KY 18 – Burlington Pike  
Boone County

November 14, 2005

Dear Mr. Light:

This letter is in response to your letter dated November 8, 2005, regarding a proposed subdivision located on KY 18 in Burlington, Kentucky.

The Department has reviewed the proposed development plans for this site. The plan would meet our standards and specifications for an entrance within a 35 MPH speed zone on KY 18 at the location indicated. The Department will require a right turn lane to accommodate movements into the site.

This is subject to the formal encroachment permitting application that is required to be forwarded to the Department for final review.

This office would like to thank you for this opportunity to comment on these proposed developments in Boone County. If any additional information is desired, or if you have any questions, please feel free to contact me at (859) 341-2700, Ext. 307.

Sincerely,

Edmond C. Thompson  
Permit Supervisor

ECT/csm

Cc: Thomas J. Schomaker, CDE

To: Mitchell Light  
Assistance Zoning Administrator/Enforcement Officer  
Boone Co. Planning and Zoning

From: Gretchen M. Bartley  
Environmental Inspector III  
Kentucky Division of Water  
Florence Regional Office

Date: December 13, 2005

Subject: Requested Comments for "Tanglewood Subdivision" at 3400 Burlington  
Pike, Boone Co., Kentucky

In response to our phone conversation of this morning, I have looked over the map that roughly outlines the concept plan submitted by the Tanglewood Subdivision facility from the standpoint of Division of Water regulations that will apply to the specific location.

Review of the "Concept Plan Map" and comparison of that map with the USGS topographic and Geologic Maps, as well as the site plan map for the adjacent Hidden Creek Subdivision has concluded that there are several issues that the facility will need to address with Kentucky Division of Water as well as US Army Corps of Engineers. These items must be addressed, and the appropriate permits/certifications must be issued before any type of construction activities can begin on that tract of property.

First of all, the development will involve a surface disturbance of more than one acre(s), and will therefore be required to apply for a KPDES General Stormwater Permit for Construction Activities through Kentucky Division of Water's KPDES Branch. The Notice of Intent that serves as the permit application must be submitted to the Kentucky Division of Water's KPDES Branch at least 48 hours prior to commencement of construction activities. Additionally, the facility is required to have developed a Best Management Practice Plan for Erosion and Sediment Control prior to filing the Notice of Intent Form.

Secondly, although the base map used for the "Concept Plan" on which the streets, and lot lines have been superimposed, is a shaded so that the contour lines and topography is a bit difficult to read, however comparison of the overall tract of land to the site plan map for the adjacent Hidden Creek Subdivision, and the USGS Topographic Map combined with some field knowledge of the area, strongly indicates that the northern portion of the subdivision in question will involve impact to an intermittent blueline stream. Although the "Concept Plan" appears to locate the two east - west trending streets parallel to the stream and on the edges of a ridgetop, the location and density of the lots, and location of the northernmost street appear to be such that installation of drainage for the lots and street may require some in-stream work or possible stream alteration.

State and federal water quality regulations require that the appropriate permits/certifications must be issued for any work involving more than 200 linear feet of in-stream work. Any stream with a well defined bed and bank qualifies as a stream for which the permit/certification must be obtained, and the 200 foot requirement is cumulative for all in-stream work located within the same development. Given the dissected topography of the site, and the number of headwater streams indicated by the topographic map, it would therefore be strongly advised that the developer or their agent contact both the US Army Corps of Engineers as well as Kentucky Division of Water's Water Quality Section before going any further in their construction plans.

In addition to being possibly being required to obtain the Permit/Certification required by Sections 401 and 404 of the Clean Water Act, it is also likely that the facility will be required to perform some type of mitigation to off-set any impact and alterations to the unnamed tributary to Allen Fork of Woolper Creek. This mitigation, when required, is part of the permit condition of the US Army Corps of Engineers Permit and the DOW Water Quality Certification, and would be addressed specific to the plans submitted by the Tanglewood facility to USACOE and KyDOW. The design work and approval process can take a considerable amount of time and expenditure. It is advisable that this be done in the planning phase, because commencement of in-stream construction activities prior to obtaining the required permit from the Corps of Engineers usually results in the issuance of a stop work order that is not lifted until the permit and associated mitigation work has been completed.

The "Concept Plan" Map does not appear to involve any actual stream crossing, although there are several headward drainage features that appear to be planned for filling in order to construct the roadways. Generally, it is advisable for the developer to submit a letter along with a general layout of the stream crossing(s) to Division of Water's Water Resources Branch for any stream crossings that may be planned for the site. That branch of the Agency can further instruct the facility as to whether they need an actual permit for a stream crossing, or if the type of activity proposed is covered under an exemption. It is almost certain that a Stream Construction Permit will be required should the development need to install a stream crossing over the blue-line stream (the unnamed tributary of Allen Fork of Woolper Creek) that flows near the northern border of the property.

At the very least the facility will be required to obtain a KPDES Stormwater Permit for Construction Activities. The associated Best Management Practice Plan (BMP) will need to specifically address pollution prevention and protection of the adjacent streams from sediment generated by erosion of soil from the construction site. The slope of the land and high density of the lots proposed for building are a concern: These conditions will make the implementation and maintenance of the erosion/sediment control more challenging.

While the site suitability as related to the topography, geology and soils does not come directly under the regulatory purview of Division of Water' Stormwater Regulations. Site selection (including site suitability) and planning are the two most important tools in developing the Best Management Practice Plan. The "Concept Plan" indicates high density housing situated on a steep slope area where glacial drift lays unconformably on top of bedrock of the Fairmont Formation. This bedrock unit consists of thinly bedded limestone bedrock interbedded with fissile shales. There are several roadways that will be constructed as part of the development, and they appear to be partially excavated into the hillsides and will be connected to each other and Route 18 by a primary access road that will be constructed into a very steep hillside. Given the geology and topography of the area it would seem strongly advisable for the developers to have thoroughly researched the geotechnology of the site and reflect that information, including the potential problems into the design work for the site.

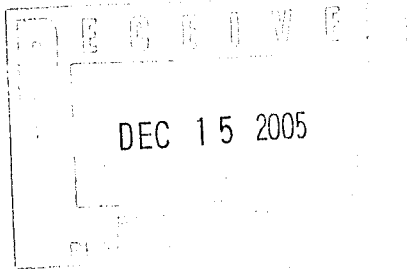
As with all construction sites, our office is willing to meet with the developers to discuss more site specific requirements so as to assist them in achieving and maintaining compliance with DOW Regulations.

Should you have any questions about this comment or need further clarification, please feel free to contact our office at (859) 525-4923.

# FAX TRANSMISSION

**SANITATION DISTRICT NO. 1**

**1045 EATON DRIVE  
FT. WRIGHT KY 41017  
859/578-7450  
FAX: 859/331-2436**



## CONFIDENTIALITY NOTICE

The information contained in this facsimile message, and in any accompanying documents, constitutes confidential information, which belongs to Sanitation District No. 1. This information is intended only for the use of the individual or entity named below. If you are not the intended recipient of this information, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on this information is strictly prohibited. If you have received this facsimile message in error, please immediately notify us by telephone to arrange for its return to us. Thank you.

**To:** Mitchell A. Light

**Date:** December 15, 2005

**Fax #:** 334-2264

**Pages:** 2

(including cover sheet)

**From:** Gary Aman

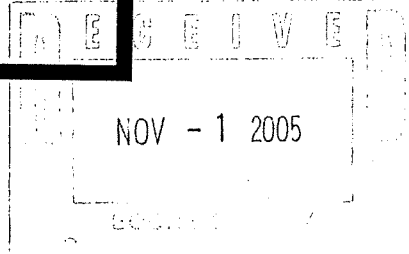
**Subject:** Tanglewood Subdivision

## COMMENTS:

Per Sanitation District No. 1 Rules and Regulations a letter must be submitted asking to reserve capacity for a project at the pump station affected by the project. As of this date, we have not received a request for capacity to be reserved for this project. At the present time capacity, is available to serve the project, however this does not guarantee that capacity will be available when it is requested.

APPLICATION FORM

ZONING MAP AMENDMENT  
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project TANGLEWOOD SUBDIVISION
2. Location of Project 3400 BURLINGTON PIKE
3. Total Acreage of Site 50 Acres ± (50.78 AC)
4. Current Zoning of Site A-2
5. Proposed Zoning (Classification being requested) SR-1
6. Proposed Uses (please specify each use) SINGLE FAMILY DETACHED RESIDENCES
7. Names of Applicant(s) ONE ELEVEN DEVELOPERS LLC  
Phone Number 859-363-9025 Fax No. 859-363-9025
8. Address of Applicant(s) 5294 MADISON PIKE  
INDEPENDENCE KY 41051  
City State Zip
9. Name of Property Owner(s) ROSALYN WACHS TRUSTEE  
Phone Number \_\_\_\_\_ Fax No. \_\_\_\_\_
10. Address of Property Owner(s) RR3 128MG  
MONTICELLO KY 42633  
City State Zip
11. Proposed Building Intensities (please specify) SINGLE-FAMILY DETACHED  
AT 3.3 UNITS/ACRE
12. Are there any existing buildings on the site? NO  
How many? \_\_\_\_\_
13. Deed Book 830 Page No. 230 Group No. \_\_\_\_\_
14. Are you also applying for:  
\_\_\_\_\_ Conditional Use Permit  
\_\_\_\_\_ Dimensional Variance
15. Have you submitted a Concept Development Plan? YES
16. Have you had a pre-application meeting with BCPC Staff? YES
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

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

(over)

ZONING MAP AMENDMENT  
APPLICATION  
PAGE 2

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

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

19. Applicant's Signature James J. Bickel  
Property Owner's Signature Roslyn Wachs

**SECTION B** (To be completed by BCPC Staff)

1. Date Received 11-1-05 11-30-05
2. Review Fee ~~\$ 1922.36~~ RIT 44212 ~~\$934.00 R#44432~~
3. Check what has been submitted:  
 Application  
 Fee  
 Legal Description  
 Concept Development Plan  
 Address of Adjoining Property Owners  
5 Number of copies of plan received\*\*
4. Is application complete? \_\_\_\_\_ Yes \_\_\_\_\_ No
5. Staff Reviewer \_\_\_\_\_
6. Committee Chairman \_\_\_\_\_
7. Scheduled Public Hearing Date \_\_\_\_\_
8. Boone County Planning Commission Action:  
\_\_\_\_\_ Approval  
\_\_\_\_\_ Approval with Conditions  
\_\_\_\_\_ Denial
9. Other: \_\_\_\_\_

**\*\* Five (5) Copies Are Required**

Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005  
(859) 334-2196 - Phone  
(859) 334-2264 - Fax  
plancom@boonecountyky.org - E-mail  
www.boonecountyky.org - Web Page

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

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
COURTROOM 3A  
December 21, 2005  
7:30 P.M.**

**PUBLIC HEARINGS**

**Commission Members Present:** Mr. Barlow, Mr. Breetz, Mr. Carmichael, Mrs. Kegley, Mr. McMillian, Mr. Poe, Mr. Reynolds, Mr. Schwenke, Mr. White, and Mrs. Wilson – Secretary/Treasurer.

**Staff Members Present:** Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; and Mr. Mitch Light, Assistant Zoning Administrator/ZEO.

**Legal Counsel Present:** Mr. Dale Wilson

Mrs. Lisa Wilson, Secretary/Treasurer called the meeting to order at 7:34 PM and introduced the first item on the Agenda:

**Applicant:**     **One Eleven Developers, LLC for  
Roslyn Wachs, Trustee (owner)**

**Request:**       **Zoning Map Amendment**

**The request of One Eleven Developers LLC (applicant) for Roslyn Wachs, Trustee (owner) for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for a 50.78 acre tract located on the north side of Burlington Pike, between the properties at 3300 and 3446 Burlington Pike and across from the Burlington Pike/Saddle Ridge Drive intersection, Boone County, Kentucky. The request is for a Zoning Map Amendment to allow a subdivision for detached, single-family residences.**

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

Staff Member Mitch Light presented the Staff Report which included a Power Point presentation (see Staff Report). He stated that Staff received the Traffic Study just prior to the Public Hearing.

Mrs. Wilson asked for the applicant's presentation.

Attorney Tim Theissen was present on behalf of the applicant. He introduced the principles of One Eleven Developers LLC, Mr. Jim Bertram and Mr. Darren Eyre; the traffic engineer Mr. Mike Hafner; and the property owner Ms. Roslyn Wachs. He submitted an outline of his comments (see Exhibit 1) and a Traffic Impact Study (see Exhibit 2). Following the submitted outline, Mr. Theissen stated that there will be 173 lots, but there will be a detention pond on at least three of the lots. They are asking for SR-1 zoning, which allows up to 4 units per acre, but they are at 3.3 units per acre. The lots are for detached homes. He stated that the distance from the stop sign on KY 18 to the edge of the property is about 3000 feet and the development would be within walking distance of town if there were sidewalks along KY 18. The zoning they are requesting is the same as Hidden Creek Subdivision, but the density at Hidden Creek is a little lower because they had some areas that were not developable. He stated that the proposal complies with the Comprehensive Plan. Public water and sewer are available at the site. The new school will be opening on KY 237. He reviewed the layout of the subdivision. He stated that the proposed subdivision is similar to Hidden Creek Subdivision and to some degree it is an extension of Hidden Creek Subdivision. He stated that there is a place to allow for connection of this subdivision (Tanglewood) to Hidden Creek Subdivision, but the Hidden Creek Preliminary Plat calls for a cul-de-sac in that vicinity rather than connecting to the proposed subdivision. He indicated on the Power Point slide the interconnections that could be provided to two other parcels of land if those parcels develop. He stated that there is new language in the Comprehensive Plan regarding the rural appearance of rural lots. He stated that the lots along KY 18 are larger lots and there are three cul-de-sacs that end on the hill above KY 18. The pie-shaped lots on the ends of the cul-de-sacs are larger lots. He indicated the four lots off the cul-de-sac which have shared access. He stated that the site works uphill from KY 18 and the houses up on the hill can be built facing KY 18. All four of the lots can have access to the rear so that there will not be additional access points on KY 18. He referred to the language in the Comprehensive Plan about adjacent properties and keeping the densities lower there and stated that all of the lots along the east and west sides are larger lots with the houses set apart to create the gradation of densities. He indicated on the Power Point slide a small portion of property that remained the old zoning where they kept the house (the people who had apparently owned the Hidden Creek property) and they also allowed for that. He stated that the proposed development will have a boulevard approach and a wildflower area. The 100-foot wide main street is to make the power lines and the 100-foot easement look better. They want to take advantage of the 100-foot easement rather than putting it in peoples' backyards. He stated that they have talked to the Traffic Engineer about the roundabout and he suggested ways to make it clearer which direction to go since people in Northern Kentucky are not used to roundabouts. There will be a pole sign in the middle of the circle and wildflowers. They met with Greg Sketch of the Public Works Department and he had no major comments other than that the county does not want to maintain that type of median and they may have to create a small homeowners' association to

take care of it. That is the only public improvement in the subdivision. Mr. Theissen stated that the speed limit in this area of KY 18 is 35 MPH and speed is not a major problem. The site is six-tenths of a mile from the stop sign and is close to town. The right-turn decel lane is shown on the plan. The exit out of the subdivision is a two-lane exit with left turn stacking and a second lane for people turning right or going straight into Saddle Ridge. The access point for this subdivision lines up with Saddle Ridge and meets the sight distance requirements. They met with Ed Thompson of the Kentucky Transportation Cabinet and his only comment was to make sure that the right-turn decel lane was provided (see letter from Edmond Thompson, Kentucky Transportation Cabinet, dated November 14, 2005, attached to the Staff Report). Mr. Theissen stated that the Level of Service at the intersection is "A". He reviewed Page 6 of the Traffic Study in regard to the AM peak hour traffic. He stated that 215 is the highest one-hour traffic volume on KY 18 in this area. KY 18 could become busier as development occurs, but it is not there yet and this part of the road is not overburdened at this time. The Traffic Engineer has indicated that the number would be about 1,000 before they start getting concerned. He stated that Page 6 of the Traffic Study shows 3,800 total cars per day through there, which is miniscule compared to Richwood Road and North Bend Road north of Hebron. Reviewing Page 10 of the Traffic Study, he stated that the assumption is a growth rate of 3.8%, which includes standard growth of traffic volumes over the years and the anticipated growth as a result of the Arlinghaus Subdivision about a mile to the west. Page 15 of the Traffic Study addresses why there is a need for a traffic signal at the intersection. Page 16 shows the Level of Service (LOS) at the intersection through the year 2021, and it stays at Level of Service A. He stated that because of the possibility of connecting this subdivision with the property to the east or north, they did an analysis of how many houses can be created at this intersection before it becomes overburdened and it was determined that there could be 527 additional homes in addition to the 170 homes in this subdivision. Even if the adjacent property builds out and there is interconnection with Hidden Creek, they will not get to that number. Page 18 of the Traffic Study is an analysis of Sight Distance. The Traffic Engineer has determined that the access point meets ASHTO and Boone County standards for sight distance. Page 19 is the Conclusions and Recommendations and Page 20 shows the three recommendations which have been incorporated: (1) a right-turn decel lane on KY 18, (2) two left turn lanes out of the subdivision, and (3) updated signage. Pages 21 – 25 show the qualifications of TEC Engineering, a company often hired by counties and municipalities and not necessarily development-friendly. In regard to the Comprehensive Plan, Mr. Theissen stated that the property is in close proximity to Burlington and about one mile closer to Burlington than the Arlinghaus development that has been approved. With the size of lots they have provided, some of which will face to the front, and because of the roadway and the hillside, there will be some natural protection from a suburban type look and the rural appearance will be maintained. The school will be opening and the School Board is addressing new construction and capacity issues. The traffic counts are still low and the traffic projections allow for adequate future capacity

to handle this development and the full build-out. Traffic volumes do not show that a moratorium on development in this area is warranted yet.

Mr. Theissen responded to the Staff Concerns: **Staff Concern #1** They have met the sight distance requirements. **Staff Concern #2** The density in the development is low and less than the limit required by the zoning or recommended by the Comprehensive Plan. **Staff Concern #3** The developer will do whatever he can to protect the trees. The creek runs along the back and all of the lots on the north side are particularly deep with the idea of a creek or stormwater preservation area and a tree preservation area. The only really major large trees are along the creek. A lot of the trees throughout the rest of the site are not large mature trees. They will address the trees at the Committee level. **Staff Concern #4** In regard to the schools and phasing, they have proposed a six-year buildout of 28 – 30 lots per year. **Staff Concern #5** They have not formally requested sewer permits because they are waiting until the development is approved, but they have assurance from Sanitation District No. 1 that there is capacity. **Staff Concern #6** They are prepared to deal with environmental issues and the creek. **Staff Concern #7** They have addressed this concern. This is one of the developments close to town and the traffic volumes do not justify a moratorium on development yet. **Staff Concern #8** They will make the improvements required by the Traffic Engineer in the Traffic Study. **Staff Concern #9 A** The houses are oriented toward the front. **Staff Concern #9 B** They can phase 28 – 30 houses per year. **Staff Concern #9 C** They have provided the right-turn lane. Mr. Theissen offered to answer any questions. The members of the applicant's team, including the Traffic Engineer, were available to answer any questions.

Mr. Jim Bertram, One Eleven Engineering, stated that the lots to the north will be patio homes so that the homes can be closer to the road and provide more green space and tree preservation in the rear. They are 65-foot lots with a 25-foot setback to protect the mature trees along the creek. The 17 patio homes are to preserve the creek area. This concluded the applicant's presentation.

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

Staff Member Mitch Light submitted a letter received at 5:00 PM today from Robert and Susan Meyer, 6242 Saddle Ridge (see Exhibit 3).

Mr. Chuck Reed, a resident of Saddle Ridge for eight years, stated that he attended the Arlinghaus zone change meeting and is still upset about it. He stated that the sight lines in this area are not long enough. The speed limit is not 35 MPH, it is 45 MPH. He stated that the request does not conform to the 25-Year Plan and the improvements in the 25-Year Comprehensive Plan have not been implemented. He questioned when the Traffic Study was done, how long it was

and on what day it was done. He stated that one of the sensing devices was detached from the road and he believes that would make a difference in the readings. He believes the Traffic Study was done on a Tuesday or Wednesday, but it should be done over a week for a true reading of the traffic in the area. He stated that if there are 3,800 cars in a 24-hour period, that is a car every 20 seconds – but at 3 o'clock in the morning there are no cars. He stated that cars have been hit and people have been injured at the intersection and there could be a study of the traffic accident rate. He stated that the proposed density does not conform to the density directly across the street. He stated that this development will not help anyone in Boone County and it is not what Boone County is about in the Comprehensive Plan. It is not the type of development they are looking for, there are road and school issues, and possibly sanitation and water issues. He stated that the Arlinghaus zone change allows for 850 homes, which has not been considered in the traffic study. The traffic study was done to the west of Saddle Ridge and does not include the residents of Saddle Ridge. The traffic study is an inaccurate study. He asked that the request be denied.

Mr. James Van Dresar, 3456 Burlington Pike, lives on the property next to 3446 Burlington Pike and he has a long driveway with a hidden property line. He indicated his property on the Power Point slide. He stated that the comment about the trees is not true and there are tons of mature trees there. He questioned what type of houses will go on the site if this request is approved. He stated that there will be houses up to his back door. He does not agree with the subdivision or the traffic study. He stated that there is more traffic going up and down the road than the traffic study indicates. The road is always busy and the four-way intersection in Burlington is always backed up.

Mrs. Wilson asked if there was anyone else present who wished to speak in regard to this request. There being no response, she asked if there were any comments or questions from the Commissioners.

Mrs. Kegley questioned the depth of the lots on Burlington Pike. She questioned why the detention pond was on Lot 8 rather than on Lot 9 where it would be up against Burlington Pike and provide a little more of a buffer. She asked the applicant to address these concerns at the Committee meeting. Mr. Bertram reviewed the topography and indicated the natural ravine that falls into Lot 8. He stated that they tried to use the natural ravine to detain the water rather than having to do grading and earthmoving. He stated that it will likely be a dry basin so that the trees can stay. They will have a dam with a control structure so that the water can be released and not damage the trees in that area. He stated that it is good planning to use natural ravines to hold the drainage. The point of stormwater detention is to slow down the release of water. In response to a question from Mr. Reynolds, Mr. Bertram stated that they could look at putting the detention pond in the back of the lot, but they are trying to preserve the trees along KY 18. He stated that they will get into the design and do the field topography, and it would be easier to move it at the Improvement Plan stage.

Mrs. Kegley asked the applicant to come to the Committee meeting with areas marked where they can save the trees. Mr. Bertram responded that they like to save trees – it helps to sell the lots and they are conscientious about it.

Mr. Poe stated that the new school on KY 237 is a middle school and the school referenced in Staff Concern #4 and in the Comprehensive Plan is an elementary school. He stated that the Superintendent's letter (attached to the Staff Report) is about phasing in regard to elementary school concerns (Burlington Elementary School). He asked the applicant to address this concern at the Committee meeting.

Mr. Breetz referred to Page 20 of the Traffic Study and the growth rate of 3.8% per year. He asked if that rate is consistent with the Boone County projected growth rate. Mr. Costello responded that the rate has averaged 4% - 5% in some years, so 3.8% is close.

Mr. Breetz questioned the transition of the lots to the adjoining zone change area. Mr. Bertram reviewed the Power Point slide. He indicated transition areas zoned RSE and A-2 and noted the larger lots. He stated that those lots are 70 feet – 75 feet in order to accomplish the Comprehensive Plan. He indicated the larger lots along KY 18. He indicated the flag lots with houses facing KY 18 and rear entry driveways. Those houses will be up on the ridge and they will try to save the trees or do some landscaping there. He noted the larger lots on the perimeter of the site.

Mr. Reynolds asked Mr. Hafner to respond to the questions raised by Mr. Reed regarding the Traffic Study. Mr. Hafner stated that the traffic counts were conducted over a Tuesday, Wednesday or Thursday time period to try to get an average 24-hour count. The counters were placed east and west of Saddle Ridge. They also did manual counts in the morning between 7 AM and 9 AM and in the afternoon between 4 PM and 6 PM that included Saddle Ridge. They did not do a 24-hour count of Saddle Ridge, but they did peak hours. There was a disconnect of the counting device, but when they downloaded the data they had 24 hours of valid data to use for the study.

Mrs. Wilson asked for clarification of the number of lots and the number of units proposed. Mr. Light responded that three of the numbered lots are detention areas and there are 170 buildable lots. Mr. Bertram stated that the allowable density in SR-1 is four units per acre. This 51-acre tract would allow 204 units, but they are at 170 units. The density calculations included the three lots for the detention areas. He stated that the proposed density is much lower than the four units per acre allowed.

Mr. McMillian stated that he does not see any green space or playgrounds in the subdivision. He also does not see any walkways. He asked if the developer thinks the children should play in the streets. Mr. Bertram responded "no" and

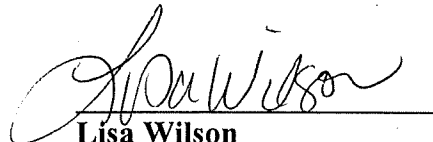
stated that they will look at these issues at the Committee level. He stated that they used the open area on the boulevard for wildflowers. He stated that they are trying to save a perimeter of trees.

Mr. Schwenke stated that the applicant indicated that the homes on the flag lots would face KY 18 and the higher elevation on the other lots would make them not as visible. He asked the applicant to see what the elevation is there and to come to the Committee Meeting prepared to discuss it. He stated that on Camp Ernst the homes with the higher elevation were very visible and he wishes he had known then what he knows now. He asked the Committee to take a hard look at that. In regard to transition, he asked the Committee to look at the size of the lots in this community and the size of the lots in the adjacent communities to the east and west.

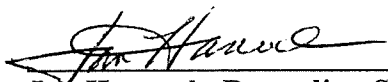
Mrs. Wilson asked if there were any closing comments from the applicant. Mr. Theissen responded that they have tried to answer all of the questions.

There being no further comments, Mrs. Wilson stated that the Committee Meeting for this item will be on January 4, 2006 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on January 18, 2006 at 7:00 PM. Mrs. Wilson closed this Public Hearing.

**APPROVED:**

  
\_\_\_\_\_  
**Lisa Wilson**  
**Secretary/Treasurer**

**Attest:**

  
\_\_\_\_\_  
**Jan Hancock, Recording Secretary**

**Exhibits:**

- 1. Outline of comments presented by attorney Tim Theissen (3 pages)**
- 2. Traffic Impact Study – Tanglewood Subdivision prepared by TEC Engineering, Inc. for One Eleven Developers, December 2005**
- 3. Letter from Robert E. and Susan C. Meyer to the Boone County Planning Commission dated December 21, 2005**

Presentation to  
**Boone County Planning Commission**

By

**One Eleven Developers, LLC**  
(Applicant)

Re:

**Roslyn Wachs Property**  
**51 acres NS Burlington Pike**

December 21, 2005

**Presented by:**  
**Timothy B. Theissen, Esq.**  
**Jim Bertram & Darren Eyre of One Eleven**  
**TEC Engineering, Inc.**

**ONE ELEVEN DEVELOPERS, LLC**

**Roslyn Wachs Property  
51 acres NS Burlington Pike  
December 21, 2005**

**1. Density & Development Issues**

3.39 units per acre (173 lots on 51 acres)

Detached Single Family Homes

SR-1 Zoning

Same as adjoining Hidden Creek Subdivision

Complies with Comprehensive Plan designation (SR)

Public Water available at the site

Public Sewer available at the site

New school on #237 will open before houses built

**2. Subdivision Layout**

Standard Subdivision

Same as adjoining Hidden Creek Subdivision

Allows for connection to "Hammer Court" in Hidden Creek

Allows for connection to adjacent property to the East

Lots along Hwy#18 are enlarged; some face #18 ("rural appearance")

Deep lots along creek (north) to protect creek & trees

Storm water managed per regulations (detention ponds)

Median maintenance-being addressed (possible HOA)

### **3. Traffic Issues**

Traffic Study completed and submitted (TEC)

35 mph on Burlington Pike

Deceleration lane on Hwy#18 provided

Left turn lane on interior street exiting provided

Access point lined up with Saddle Ridge intersection

Meets sight distance requirements

KTC requirements met

No traffic signal warranted (TEC)

Intersection: Level of service "A" (TEC)

No KTC improvement plans to #18

### **4. Comprehensive Plan**

Development is "in close proximity to Burlington"

Concept plan "maintains a rural appearance" by large lots adjacent to #18

New school opening on Camp Ernst Road

Traffic counts are still low enough

Traffic count projections allow for future capacity

The "next Comprehensive Plan update" can evaluate progress

No total development moratorium warranted

**EXHIBIT**

**“B”**

***The Findings of Fact for Denial stated below were read at the February 1, 2006 Business Meeting and were adopted by the Planning Commission with a vote of 7-4.***

**One Eleven Developers, LLC. (applicant) for Roslyn Wachs, Trustee (owner)**

**FINDINGS OF FACT FOR DENIAL**

1. The map amendment request may appear to be in agreement with the adopted Comprehensive Plan and its Future Land Use Map, however the Comprehensive Plan is a 25 year projection and existing infrastructure can not support this development at this time. The Land Use Element is very clear regarding the 25 year planning horizon and that the Comprehensive Plan is required to be updated every five years. The intent is 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. Specifically, the text states "As this area develops and anticipated school facilities are built, improvements to KY 18 will be needed, such as shoulders, reconstructed curves, improved sight distances, and sufficient intersection improvements in Burlington at KY 18 and KY 338. Suburban Residential Land Uses depicted on the 2030 Future Land Use Map in this area should not be developed until these conditions on KY 18 are improved, and adequate school capacity can be provided in the area. The next Comprehensive Plan update can be used as a tool to evaluate the progress made regarding infrastructure provision." At this time, there is no commitment from the State to fund these road improvements on the six-year plan.
2. The Applicant has not demonstrated that the existing zoning classification of A-2 is inappropriate. The site could readily support development under the existing zoning of A-2, which is consistent with the adjoining development across KY 18, and would enable the existing woodlands and site features on the site to be utilized in a development. Development under the A-2 zoning district would respect the rural character of the corridor. Neither has the applicant demonstrated that the requested zoning of SR-1 is appropriate by addressing the need for a density transition in this area. Increasing some lot sizes and providing an easement of questionable applicability do not constitute remedies for the density proposed. The site is not close enough to the central town area of Burlington to warrant a higher density adjacent to existing low density development.
3. The Applicant has not specifically demonstrated that the proposed zoning classification is in agreement with the 2005 Boone County Comprehensive Plan as stated at the December 21, 2005 Public Hearing. The Land Use Element on pages 150 & 151 clearly indicates that sections of Boone County, especially those served by one major roadway, are to be planned and developed hand in hand with necessary infrastructure. The KY 18 corridor, west of the town of Burlington is one such area where the Plan recommends careful development. This was examined in detail during the 2005 Boone County Comprehensive Plan update, particularly the Land Use Element. Since some development is already under construction to the

west, the impacts are yet to be known in light of the fact that there are no funded road improvements or committed school facilities for the corridor. The 2005 Boone County Comprehensive Plan update recognized findings and facts presented during the update process that the level of existing and approved development in this corridor exceeds the adequacy of the road and school infrastructure.

4. The Applicant has not identified any facts which would lead to a finding that there have been major changes of an economic, physical, or social nature not anticipated in the adopted comprehensive plan that substantially alter the area's character nor has the Applicant provided any such facts. Other existing SR-1 zoning in the area was in place before the 2005 Boone County Comprehensive Plan update.
5. The Committee and the applicant have agreed to a number of conditions which should be applied to the development, should it be approved. These conditions are necessary to mitigate foreseeable impacts that may be created by the development. These conditions are outlined in the Committee Report which recommends conditional approval of this application. However, this application should be denied, regardless of the potential conditions, because none of the three statutory criteria of KRS 100.213 have been met. The applicant has worked with the Zone Change Committee during the zoning map amendment process in some respects to alter the proposed development design, however, the resulting Concept Development Plan still does not address issues of density and lot size with adjoining subdivisions as described in the December 21, 2005 Staff Report, road connections to adjacent development, and adequate green space of questionable functionality due to the 100' overhead electric easement.
6. Although the applicant has proposed turning lane improvements to KY 18, these improvements serve to improve access to the development, but do little to address traffic safety concerns along KY 18. This proposed development would add another leg to an existing 3-way intersection where sight distance and reaction time have been a concern. The added decisions that have to be made by a motorist at this location can be expected to make the margin of error smaller. The applicants traffic impact study has not sufficiently addressed the reaction time and similar issues associated with traffic speed, gravel truck numbers, gravel truck stopping distance, and the mixing of school bus turning movements with the significant truck traffic at this location.
7. The Applicant has not furnished information showing that school capacity or facilities including the future site planned in Hunters Ridge Subdivision are imminent.

**THIS COMMITTEE REPORT WAS READ WITH A MOTION  
TO APPROVE. THE VOTE WAS 7 -4 FOR DENIAL**

#2

**ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT**

**TO:** Boone County Planning Commission

**FROM:** Greg Breetz, Chairman

**DATE:** February 1, 2006

**RE:** Request of One Eleven Developers LLC (applicant) for Roslyn Wachs, Trustee (owner) for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for a 50.78 acre tract located on the north side of Burlington Pike, between the properties at 3300 and 3446 Burlington Pike and across from the Burlington Pike/Saddle Ridge Drive intersection, Boone County, Kentucky. The request is for a Zoning Map Amendment to allow a subdivision for detached, single family residences.

**REMARKS:**

We, the Committee, recommend approval of this request based upon the following findings of fact and with the following conditions:

Findings of Fact

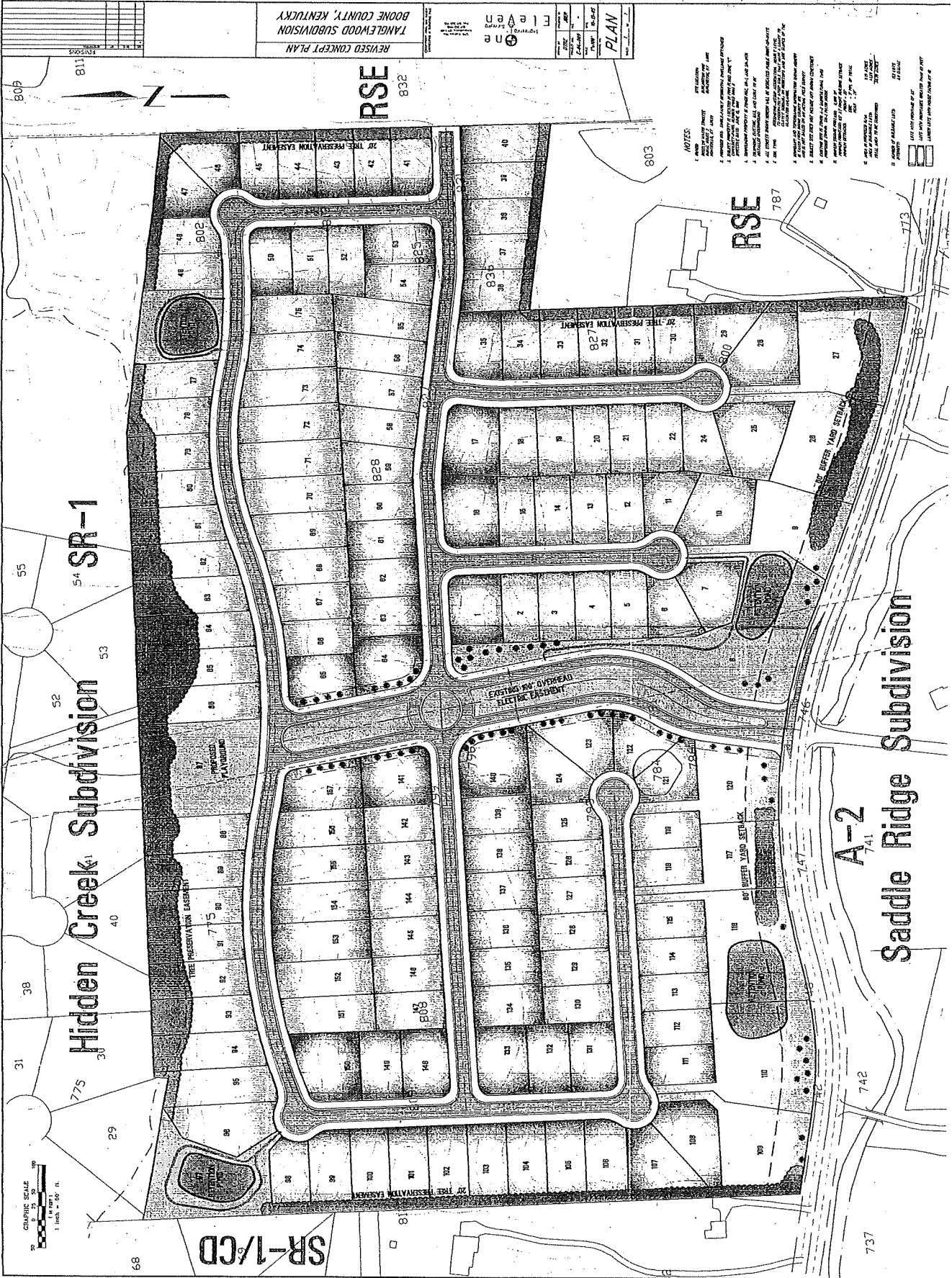
1. The Committee has concluded that the applicant has adequately demonstrated that the existing zoning classification of Agricultural Estate (A-2) is inappropriate for a parcel surrounded by existing and planned residential development, and that the proposed zoning classification of Suburban Residential One (SR-1) is appropriate given the adjacent land uses and densities.
2. The Committee has concluded that the map amendment request is in agreement with the adopted Comprehensive Plan and its Future Land Use Map. Specifically, the Future Land Use Map designates the site for "Suburban Residential" uses. The Suburban Residential classification is described as "single family housing of up to four units per acre. This classification does not preclude 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 3 units per acre, which is within the four units per acre residential uses that the Future Land Use Map would allow in the future. The Committee believes that the timing and infrastructure issues have been adequately addressed by the location of the development near the town of Burlington and the road improvements planned by the developer.
3. The Committee has concluded that the following conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2005 Boone County Comprehensive Plan. The conditions listed below are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

Conditions

1. The property owner agrees to continue working with the owner/developer of the Hidden Creek II Subdivision to provide a street connection to the north (Hammer Court).
2. The property owner agrees that there will be no more than thirty (30) zoning permits issued per calendar year for the proposed development.
3. The property owner agrees to provide sidewalks on both sides of all streets within the development.
4. The property owner agrees to provide Staff with specifications on the proposed playground equipment as part of the Improvement Plan review process.
5. The property owner agrees that there will be no lots less than 65' wide.
6. The property owner agrees that there will be no individual driveway access onto KY 18 or the main boulevard off KY 18.
7. The property owner agrees that the flag lots fronting KY 18 will have a 60' minimum front yard setback and will only have access from within the development.
8. The property owner agrees to install a deceleration lane on KY 18 as well as a left turn lane out of the development as shown on their revised Concept Development Plan submitted to the Zone Change Committee at their January 18, 2006 meeting.
9. The property owner agrees to provide the 20' Conservation Easement along the eastern and western property lines as indicated on the January 18, 2006 revised Concept Development Plan. Along the northern property line, the Conservation Easement will be 10' south measured from the centerline of the creek, and a minimum of 20' from the northern property line. The lot directly adjoining the Archambault property shown on the revised Concept Development Plan as lot 40 will have a minimum side yard setback of 15' along the Archambault property.

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

JAN 27 2006



NO.	DESCRIPTION
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**PLAN**  
 1" = 50'  
 1/4" = 10'  
 1/8" = 5'  
 1/16" = 2.5'  
 1/32" = 1.25'

**REVISED CONCEPT PLAN**  
 TANGLEWOOD SUBDIVISION  
 BOONE COUNTY, KENTUCKY

**FLORIAN**  
 ENGINEERS  
 1000 N. CENTRAL AVENUE  
 SUITE 100  
 BOONE COUNTY, KY 40306  
 (606) 335-1111  
 WWW.FLORIANENGINEERS.COM

**NOTES:**  
 1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
 2. ALL DISTANCES ARE TO CENTERLINE UNLESS NOTED OTHERWISE.  
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**LEGEND:**  
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**SR-1/CD**  
**SR-1**  
**Hidden Creek Subdivision**  
**Saddle Ridge Subdivision**  
**A-2**

**RSE 832**  
**RSE 787**  
**RSE 788**

**100' BUFFER YARD SETBACK**  
**10' BUFFER YARD SETBACK**

**EXISTING 104' OVERHEAD ELECTRIC EASEMENT**

**PROPOSED PLANTINGS**

**TREE PRESERVATION EASEMENT**

**PROPOSED PLANTINGS**

**TREE PRESERVATION EASEMENT**

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**PROPOSED PLANTINGS**

**TREE PRESERVATION EASEMENT**

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
COURTROOM 3A  
December 21, 2005  
7:30 P.M.**

**PUBLIC HEARINGS**

**Commission Members Present:** Mr. Barlow, Mr. Breetz, Mr. Carmichael, Mrs. Kegley, Mr. McMillian, Mr. Poe, Mr. Reynolds, Mr. Schwenke, Mr. White, and Mrs. Wilson – Secretary/Treasurer.

**Staff Members Present:** Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; and Mr. Mitch Light, Assistant Zoning Administrator/ZEO.

**Legal Counsel Present:** Mr. Dale Wilson

Mrs. Lisa Wilson, Secretary/Treasurer called the meeting to order at 7:34 PM and introduced the first item on the Agenda:

**Applicant:** One Eleven Developers, LLC for  
Roslyn Wachs, Trustee (owner)

**Request:** Zoning Map Amendment

The request of One Eleven Developers LLC (applicant) for Roslyn Wachs, Trustee (owner) for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for a 50.78 acre tract located on the north side of Burlington Pike, between the properties at 3300 and 3446 Burlington Pike and across from the Burlington Pike/Saddle Ridge Drive intersection, Boone County, Kentucky. The request is for a Zoning Map Amendment to allow a subdivision for detached, single-family residences.

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

Staff Member Mitch Light presented the Staff Report which included a Power Point presentation (see Staff Report). He stated that Staff received the Traffic Study just prior to the Public Hearing.

Mrs. Wilson asked for the applicant's presentation.

Attorney Tim Theissen was present on behalf of the applicant. He introduced the principles of One Eleven Developers LLC, Mr. Jim Bertram and Mr. Darren Eyre; the traffic engineer Mr. Mike Hafner; and the property owner Ms. Roslyn Wachs. He submitted an outline of his comments (see Exhibit 1) and a Traffic Impact Study (see Exhibit 2). Following the submitted outline, Mr. Theissen stated that there will be 173 lots, but there will be a detention pond on at least three of the lots. They are asking for SR-1 zoning, which allows up to 4 units per acre, but they are at 3.3 units per acre. The lots are for detached homes. He stated that the distance from the stop sign on KY 18 to the edge of the property is about 3000 feet and the development would be within walking distance of town if there were sidewalks along KY 18. The zoning they are requesting is the same as Hidden Creek Subdivision, but the density at Hidden Creek is a little lower because they had some areas that were not developable. He stated that the proposal complies with the Comprehensive Plan. Public water and sewer are available at the site. The new school will be opening on KY 237. He reviewed the layout of the subdivision. He stated that the proposed subdivision is similar to Hidden Creek Subdivision and to some degree it is an extension of Hidden Creek Subdivision. He stated that there is a place to allow for connection of this subdivision (Tanglewood) to Hidden Creek Subdivision, but the Hidden Creek Preliminary Plat calls for a cul-de-sac in that vicinity rather than connecting to the proposed subdivision. He indicated on the Power Point slide the interconnections that could be provided to two other parcels of land if those parcels develop. He stated that there is new language in the Comprehensive Plan regarding the rural appearance of rural lots. He stated that the lots along KY 18 are larger lots and there are three cul-de-sacs that end on the hill above KY 18. The pie-shaped lots on the ends of the cul-de-sacs are larger lots. He indicated the four lots off the cul-de-sac which have shared access. He stated that the site works uphill from KY 18 and the houses up on the hill can be built facing KY 18. All four of the lots can have access to the rear so that there will not be additional access points on KY 18. He referred to the language in the Comprehensive Plan about adjacent properties and keeping the densities lower there and stated that all of the lots along the east and west sides are larger lots with the houses set apart to create the gradation of densities. He indicated on the Power Point slide a small portion of property that remained the old zoning where they kept the house (the people who had apparently owned the Hidden Creek property) and they also allowed for that. He stated that the proposed development will have a boulevard approach and a wildflower area. The 100-foot wide main street is to make the power lines and the 100-foot easement look better. They want to take advantage of the 100-foot easement rather than putting it in peoples' backyards. He stated that they have talked to the Traffic Engineer about the roundabout and he suggested ways to make it clearer which direction to go since people in Northern Kentucky are not used to roundabouts. There will be a pole sign in the middle of the circle and wildflowers. They met with Greg Sketch of the Public Works Department and he had no major comments other than that the county does not want to maintain that type of median and they may have to create a small homeowners' association to

take care of it. That is the only public improvement in the subdivision. Mr. Theissen stated that the speed limit in this area of KY 18 is 35 MPH and speed is not a major problem. The site is six-tenths of a mile from the stop sign and is close to town. The right-turn decel lane is shown on the plan. The exit out of the subdivision is a two-lane exit with left turn stacking and a second lane for people turning right or going straight into Saddle Ridge. The access point for this subdivision lines up with Saddle Ridge and meets the sight distance requirements. They met with Ed Thompson of the Kentucky Transportation Cabinet and his only comment was to make sure that the right-turn decel lane was provided (see letter from Edmond Thompson, Kentucky Transportation Cabinet, dated November 14, 2005, attached to the Staff Report). Mr. Theissen stated that the Level of Service at the intersection is "A". He reviewed Page 6 of the Traffic Study in regard to the AM peak hour traffic. He stated that 215 is the highest one-hour traffic volume on KY 18 in this area. KY 18 could become busier as development occurs, but it is not there yet and this part of the road is not overburdened at this time. The Traffic Engineer has indicated that the number would be about 1,000 before they start getting concerned. He stated that Page 6 of the Traffic Study shows 3,800 total cars per day through there, which is miniscule compared to Richwood Road and North Bend Road north of Hebron. Reviewing Page 10 of the Traffic Study, he stated that the assumption is a growth rate of 3.8%, which includes standard growth of traffic volumes over the years and the anticipated growth as a result of the Arlinghaus Subdivision about a mile to the west. Page 15 of the Traffic Study addresses why there is a need for a traffic signal at the intersection. Page 16 shows the Level of Service (LOS) at the intersection through the year 2021, and it stays at Level of Service A. He stated that because of the possibility of connecting this subdivision with the property to the east or north, they did an analysis of how many houses can be created at this intersection before it becomes overburdened and it was determined that there could be 527 additional homes in addition to the 170 homes in this subdivision. Even if the adjacent property builds out and there is interconnection with Hidden Creek, they will not get to that number. Page 18 of the Traffic Study is an analysis of Sight Distance. The Traffic Engineer has determined that the access point meets ASHTO and Boone County standards for sight distance. Page 19 is the Conclusions and Recommendations and Page 20 shows the three recommendations which have been incorporated: (1) a right-turn decel lane on KY 18, (2) two left turn lanes out of the subdivision, and (3) updated signage. Pages 21 – 25 show the qualifications of TEC Engineering, a company often hired by counties and municipalities and not necessarily development-friendly. In regard to the Comprehensive Plan, Mr. Theissen stated that the property is in close proximity to Burlington and about one mile closer to Burlington than the Arlinghaus development that has been approved. With the size of lots they have provided, some of which will face to the front, and because of the roadway and the hillside, there will be some natural protection from a suburban type look and the rural appearance will be maintained. The school will be opening and the School Board is addressing new construction and capacity issues. The traffic counts are still low and the traffic projections allow for adequate future capacity

to handle this development and the full build-out. Traffic volumes do not show that a moratorium on development in this area is warranted yet.

Mr. Theissen responded to the Staff Concerns: *Staff Concern #1* They have met the sight distance requirements. *Staff Concern #2* The density in the development is low and less than the limit required by the zoning or recommended by the Comprehensive Plan. *Staff Concern #3* The developer will do whatever he can to protect the trees. The creek runs along the back and all of the lots on the north side are particularly deep with the idea of a creek or stormwater preservation area and a tree preservation area. The only really major large trees are along the creek. A lot of the trees throughout the rest of the site are not large mature trees. They will address the trees at the Committee level. *Staff Concern #4* In regard to the schools and phasing, they have proposed a six-year buildout of 28 – 30 lots per year. *Staff Concern #5* They have not formally requested sewer permits because they are waiting until the development is approved, but they have assurance from Sanitation District No. 1 that there is capacity. *Staff Concern #6* They are prepared to deal with environmental issues and the creek. *Staff Concern #7* They have addressed this concern. This is one of the developments close to town and the traffic volumes do not justify a moratorium on development yet. *Staff Concern #8* They will make the improvements required by the Traffic Engineer in the Traffic Study. *Staff Concern #9 A* The houses are oriented toward the front. *Staff Concern #9 B* They can phase 28 – 30 houses per year. *Staff Concern #9 C* They have provided the right-turn lane. Mr. Theissen offered to answer any questions. The members of the applicant's team, including the Traffic Engineer, were available to answer any questions.

Mr. Jim Bertram, One Eleven Engineering, stated that the lots to the north will be patio homes so that the homes can be closer to the road and provide more green space and tree preservation in the rear. They are 65-foot lots with a 25-foot setback to protect the mature trees along the creek. The 17 patio homes are to preserve the creek area. This concluded the applicant's presentation.

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

Staff Member Mitch Light submitted a letter received at 5:00 PM today from Robert and Susan Meyer, 6242 Saddle Ridge (see Exhibit 3).

Mr. Chuck Reed, a resident of Saddle Ridge for eight years, stated that he attended the Arlinghaus zone change meeting and is still upset about it. He stated that the sight lines in this area are not long enough. The speed limit is not 35 MPH, it is 45 MPH. He stated that the request does not conform to the 25-Year Plan and the improvements in the 25-Year Comprehensive Plan have not been implemented. He questioned when the Traffic Study was done, how long it was

and on what day it was done. He stated that one of the sensing devices was detached from the road and he believes that would make a difference in the readings. He believes the Traffic Study was done on a Tuesday or Wednesday, but it should be done over a week for a true reading of the traffic in the area. He stated that if there are 3,800 cars in a 24-hour period, that is a car every 20 seconds – but at 3 o'clock in the morning there are no cars. He stated that cars have been hit and people have been injured at the intersection and there could be a study of the traffic accident rate. He stated that the proposed density does not conform to the density directly across the street. He stated that this development will not help anyone in Boone County and it is not what Boone County is about in the Comprehensive Plan. It is not the type of development they are looking for, there are road and school issues, and possibly sanitation and water issues. He stated that the Arlinghaus zone change allows for 850 homes, which has not been considered in the traffic study. The traffic study was done to the west of Saddle Ridge and does not include the residents of Saddle Ridge. The traffic study is an inaccurate study. He asked that the request be denied.

Mr. James Van Dresar, 3456 Burlington Pike, lives on the property next to 3446 Burlington Pike and he has a long driveway with a hidden property line. He indicated his property on the Power Point slide. He stated that the comment about the trees is not true and there are tons of mature trees there. He questioned what type of houses will go on the site if this request is approved. He stated that there will be houses up to his back door. He does not agree with the subdivision or the traffic study. He stated that there is more traffic going up and down the road than the traffic study indicates. The road is always busy and the four-way intersection in Burlington is always backed up.

Mrs. Wilson asked if there was anyone else present who wished to speak in regard to this request. There being no response, she asked if there were any comments or questions from the Commissioners.

Mrs. Kegley questioned the depth of the lots on Burlington Pike. She questioned why the detention pond was on Lot 8 rather than on Lot 9 where it would be up against Burlington Pike and provide a little more of a buffer. She asked the applicant to address these concerns at the Committee meeting. Mr. Bertram reviewed the topography and indicated the natural ravine that falls into Lot 8. He stated that they tried to use the natural ravine to detain the water rather than having to do grading and earthmoving. He stated that it will likely be a dry basin so that the trees can stay. They will have a dam with a control structure so that the water can be released and not damage the trees in that area. He stated that it is good planning to use natural ravines to hold the drainage. The point of stormwater detention is to slow down the release of water. In response to a question from Mr. Reynolds, Mr. Bertram stated that they could look at putting the detention pond in the back of the lot, but they are trying to preserve the trees along KY 18. He stated that they will get into the design and do the field topography, and it would be easier to move it at the Improvement Plan stage.

Mrs. Kegley asked the applicant to come to the Committee meeting with areas marked where they can save the trees. Mr. Bertram responded that they like to save trees – it helps to sell the lots and they are conscientious about it.

Mr. Poe stated that the new school on KY 237 is a middle school and the school referenced in Staff Concern #4 and in the Comprehensive Plan is an elementary school. He stated that the Superintendent's letter (attached to the Staff Report) is about phasing in regard to elementary school concerns (Burlington Elementary School). He asked the applicant to address this concern at the Committee meeting.

Mr. Breetz referred to Page 20 of the Traffic Study and the growth rate of 3.8% per year. He asked if that rate is consistent with the Boone County projected growth rate. Mr. Costello responded that the rate has averaged 4% - 5% in some years, so 3.8% is close.

Mr. Breetz questioned the transition of the lots to the adjoining zone change area. Mr. Bertram reviewed the Power Point slide. He indicated transition areas zoned RSE and A-2 and noted the larger lots. He stated that those lots are 70 feet – 75 feet in order to accomplish the Comprehensive Plan. He indicated the larger lots along KY 18. He indicated the flag lots with houses facing KY 18 and rear entry driveways. Those houses will be up on the ridge and they will try to save the trees or do some landscaping there. He noted the larger lots on the perimeter of the site.

Mr. Reynolds asked Mr. Hafner to respond to the questions raised by Mr. Reed regarding the Traffic Study. Mr. Hafner stated that the traffic counts were conducted over a Tuesday, Wednesday or Thursday time period to try to get an average 24-hour count. The counters were placed east and west of Saddle Ridge. They also did manual counts in the morning between 7 AM and 9 AM and in the afternoon between 4 PM and 6 PM that included Saddle Ridge. They did not do a 24-hour count of Saddle Ridge, but they did peak hours. There was a disconnect of the counting device, but when they downloaded the data they had 24 hours of valid data to use for the study.

Mrs. Wilson asked for clarification of the number of lots and the number of units proposed. Mr. Light responded that three of the numbered lots are detention areas and there are 170 buildable lots. Mr. Bertram stated that the allowable density in SR-1 is four units per acre. This 51-acre tract would allow 204 units, but they are at 170 units. The density calculations included the three lots for the detention areas. He stated that the proposed density is much lower than the four units per acre allowed.

Mr. McMillian stated that he does not see any green space or playgrounds in the subdivision. He also does not see any walkways. He asked if the developer thinks the children should play in the streets. Mr. Bertram responded "no" and

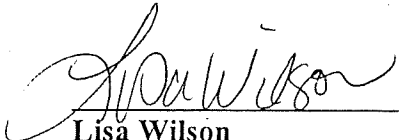
stated that they will look at these issues at the Committee level. He stated that they used the open area on the boulevard for wildflowers. He stated that they are trying to save a perimeter of trees.

Mr. Schwenke stated that the applicant indicated that the homes on the flag lots would face KY 18 and the higher elevation on the other lots would make them not as visible. He asked the applicant to see what the elevation is there and to come to the Committee Meeting prepared to discuss it. He stated that on Camp Ernst the homes with the higher elevation were very visible and he wishes he had known then what he knows now. He asked the Committee to take a hard look at that. In regard to transition, he asked the Committee to look at the size of the lots in this community and the size of the lots in the adjacent communities to the east and west.

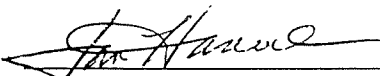
Mrs. Wilson asked if there were any closing comments from the applicant. Mr. Theissen responded that they have tried to answer all of the questions.

There being no further comments, Mrs. Wilson stated that the Committee Meeting for this item will be on January 4, 2006 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on January 18, 2006 at 7:00 PM. Mrs. Wilson closed this Public Hearing.

APPROVED:

  
\_\_\_\_\_  
Lisa Wilson  
Secretary/Treasurer

Attest:

  
\_\_\_\_\_  
Jan Hancock, Recording Secretary

Exhibits:

1. Outline of comments presented by attorney Tim Theissen (3 pages)
2. Traffic Impact Study – Tanglewood Subdivision prepared by TEC Engineering, Inc. for One Eleven Developers, December 2005
3. Letter from Robert E. and Susan C. Meyer to the Boone County Planning Commission dated December 21, 2005

## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Greg Breetz, Chairman

DATE: January 18, 2006

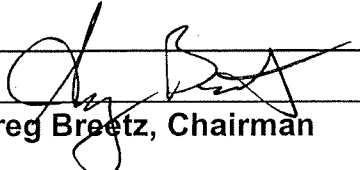
RE: Request of **One Eleven Developers LLC (applicant)** for **Roslyn Wachs, Trustee (owner)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for a 50.78 acre tract located on the north side of Burlington Pike, between the properties at 3300 and 3446 Burlington Pike and across from the Burlington Pike/Saddle Ridge Drive intersection, Boone County, Kentucky. The request is for a Zoning Map Amendment to allow a subdivision for detached, single family residences.

### REMARKS:

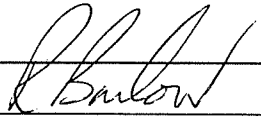
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

One Eleven Developers/Wachs

January 18, 2006

  
 \_\_\_\_\_  
**Greg Breetz, Chairman**

For Project \_\_\_\_\_ Absent \_\_\_\_\_  
 Against Project \_\_\_\_\_  
 Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

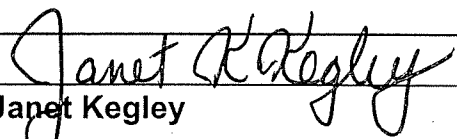
  
 \_\_\_\_\_  
**Randy Barlow**

For Project  Absent \_\_\_\_\_  
 Against Project \_\_\_\_\_  
 Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

\_\_\_\_\_

**Kim Bunger**

For Project \_\_\_\_\_ Absent   
 Against Project \_\_\_\_\_  
 Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

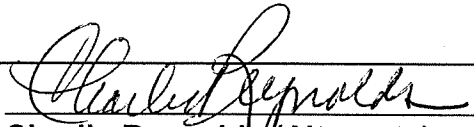
  
 \_\_\_\_\_  
**Janet Kegley**

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 \_\_\_\_\_

\_\_\_\_\_

**Lisa Wilson (Alternate)**

For Project \_\_\_\_\_ Absent \_\_\_\_\_  
 Against Project \_\_\_\_\_  
 Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

**TOTAL:** \_\_\_\_\_ DEFERRED 3 FOR PROJECT 2 ABSENT  
1 AGAINST PROJECT \_\_\_\_\_ ABSTAIN

## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Greg Breetz, Chairman

DATE: January 4, 2006


RE: Request of One Eleven Developers LLC (applicant) for Roslyn Wachs, Trustee (owner) for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for a 50.78 acre tract located on the north side of Burlington Pike, between the properties at 3300 and 3446 Burlington Pike and across from the Burlington Pike/Saddle Ridge Drive intersection, Boone County, Kentucky. The request is for a Zoning Map Amendment to allow a subdivision for detached, single family residences.

### REMARKS:


We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

One Eleven Developers/Wachs

January 4, 2006

  
 \_\_\_\_\_  
**Greg Breetz, Chairman**

For Project \_\_\_\_ Absent \_\_\_\_  
 Against Project \_\_\_\_  
 Abstain \_\_\_\_ Deferred

  
 \_\_\_\_\_  
**Randy Barlow**

For Project \_\_\_\_ Absent \_\_\_\_  
 Against Project \_\_\_\_  
 Abstain \_\_\_\_ Deferred

\_\_\_\_\_

**Kim Bunger**

For Project \_\_\_\_ Absent \_\_\_\_  
 Against Project \_\_\_\_  
 Abstain \_\_\_\_ Deferred \_\_\_\_

\_\_\_\_\_

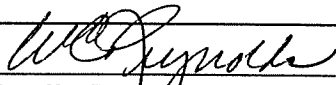
**Janet Kegley**

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 \_\_\_\_

\_\_\_\_\_

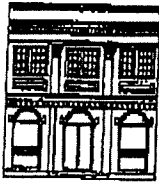
**Lisa Wilson (Alternate)**

For Project \_\_\_\_ Absent \_\_\_\_  
 Against Project \_\_\_\_  
 Abstain \_\_\_\_ Deferred \_\_\_\_

**TOTAL:** 3 DEFERRED \_\_\_\_ FOR PROJECT \_\_\_\_ ABSENT  
 \_\_\_\_ AGAINST PROJECT \_\_\_\_ ABSTAIN

# **SUPPORTING INFORMATION**

BOONE COUNTY PLANNING COMMISSION



2995 Washington Street • Burlington, KY 41005

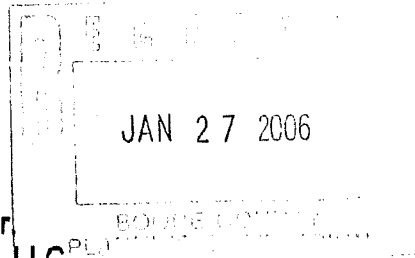
www.boonecountyky.org

Phone: (859) 334-2196

Fax: (859) 334-2264

E-mail: plancom@boonecountyky.org

January 25, 2006



Mr. James J. Bertram, Jr.  
One Eleven Developers, LLC  
5294 Madison Pike  
Independence, KY 41051

RE: Recommended Conditions of Approval for the Request of **One Eleven Developers LLC (applicant) for Roslyn Wachs, Trustee (owner)** for a Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for a 50.78 acre tract located on the north side of Burlington Pike, between the properties at 3300 and 3446 Burlington Pike and across from the Burlington Pike/Saddle Ridge Drive intersection, Boone County, Kentucky. The request is for a Zoning Map Amendment to allow a subdivision for detached, single family residences.

Dear Mr. Bertram:

The following represents the conditions of approval for the above referenced application as recommended by the Planning Commission's Zone Change Committee at their January 18, 2006 meeting. If you, as the applicant, agree with these conditions, please have the property owner sign in the space provided at the end of this letter, and return the original letter to the Planning Commission's office by Monday, January 30, 2006.

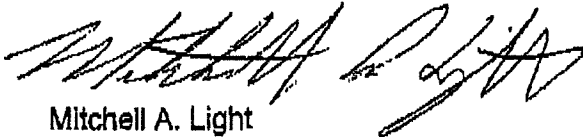
CONDITIONS

1. The property owner agrees to continue working with the owner/developer of the Hidden Creek II Subdivision to provide a street connection to the north (Hammer Court).
2. The property owner agrees that there will be no more than thirty (30) zoning permits issued per calendar year for the proposed development.
3. The property owner agrees to provide sidewalks on both sides of all streets within the development.
4. The property owner agrees to provide Staff with specifications on the proposed playground equipment as part of the Improvement Plan review process.
5. The property owner agrees that there will be no lots less than 65' wide.
6. The property owner agrees that there will be no individual driveway access onto KY 18 or the main boulevard off KY 18.

Mr. James J. Bertram, Jr.  
One Eleven Developers, LLC  
January 25, 2006  
Page 2

7. The property owner agrees that the flag lots fronting KY 18 will have a 60' minimum front yard setback and will only have access from within the development.
8. The property owner agrees to install a deceleration lane on KY 18 as well as a left turn lane out of the development as shown on their revised Concept Development Plan submitted to the Zone Change Committee at their January 18, 2006 meeting.
9. The property owner agrees to provide the 20' Conservation Easement along the eastern and western property lines as indicated on the January 18, 2006 revised Concept Development Plan. Along the northern property line, the Conservation Easement will be 10' south measured from the centerline of the creek, and a minimum of 20' from the northern property line. The lot directly adjoining the Archambault property shown on the revised Concept Development Plan as lot 40 will have a minimum side yard setback of 15' along the Archambault property.

Sincerely,

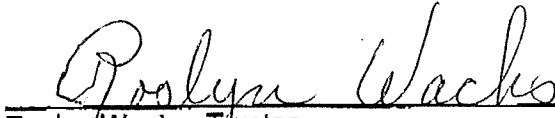


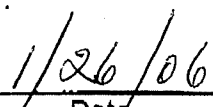
Mitchell A. Light  
Assistant Zoning Admin/Enforcement Officer

MAL/pr

AGREEMENT

I, Roslyn Wachs, do hereby agree to the recommended conditions of approval stated above for the Zoning Map Amendment from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for a 50.78 acre tract located on the north side of Burlington Pike, between the properties at 3300 and 3446 Burlington Pike and across from the Burlington Pike/Saddle Ridge Drive intersection, to allow a subdivision for detached, single family residences.

  
\_\_\_\_\_  
Roslyn Wachs, Trustee  
(owner)

  
\_\_\_\_\_  
Date



*2/13/06*

**WARRANTY DEED**

GROUP NO. 2024

KNOW ALL MEN BY THESE PRESENTS that Roslyn Wachs, a single woman, without consideration does convey to Roslyn Wachs, Trustee of the Roslyn Wachs Trust dated November 9, 2000, her heirs and assigns forever the Real Estate, in County Boone and Commonwealth of Kentucky described in more detail as follows:

Being a tract of an estimated 50.76 acres and described as follows:

Parcel No. 1:

Beginning at the corner of the Castleman and Ridd tract on the Burlington and Bellevue Pike; Thence in a northerly direction with the Riddell line to a corner post in the line fence enclosing said Wilkes' house; Thence with said fence in a westerly direction to the new post, being the corner of said enclosure; Thence in a southerly direction with said fence, passing a post at the end of the enclosure to a point near the center of said Pike, in a line of George Blythe; Thence in an easterly direction with Blythe's line to the beginning embracing the lot of land now enclosed about the said Wilkes' house.

Parcel No. 2:

Lying and being in Boone County, Kentucky, on the Burlington and Bellevue Pike, bounded on the east by lands of Joseph Clements and Charles Birkle (Tract No. 1 above described); On the south by the lands of said Birkle, D. M. Snyder, Leslie Goodridge, George, Blythe and Jerry Blythe, on the west by the lands of the heirs of the late Amos Hall; and on the north by lands of Hubert Gaines. Containing about 57 Acres.

Less the following Exceptions:

- 1) There is excepted from the foregoing boundary about one (1) acre of ground conveyed to J. W. Goodridge, by deed dated April 9, 1913, and recorded in Deed Book 54 Page 340 of the Boone County records at Burlington.
- 2) Also, there is excepted from the foregoing 5.24 acres more or less conveyed by Mary Wachs, a single person to William Bitter, et ux, by deed dated July 25, 1964 and recorded in Deed Book 163 page 316 of the Boone County Court Records at Burlington, Kentucky.

Being the same property conveyed to Frederick W. Wachs and Mary Wachs, his wife, jointly, with right of survivorship, by deed from W. T. Rudicill, et ux, dated September 22, 1947, and recorded in Deed Book 88 page 371 of the Boone County Court Records at Burlington, Kentucky.

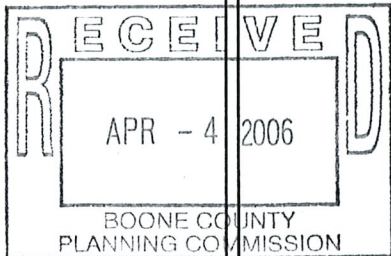
Frederick W. Wachs died June 12, 1956. By virtue of the survivorship clause in the aforementioned deed, upon his death full legal title and sole power to convey said premises, vested in his wife, Mary Wachs. A specific Kentucky Inheritance Tax release for his estate is recorded in Miscellaneous Book 10 page 96 of said records.

Status:	Exempt per KRS 142.050(8)(a)
Estimated Value:	\$700,000.00
Property Address:	Burlington Pike, Burlington, KY
Grantor and Grantee mailing address:	RR 3, 128 MG, Monticello, KY 42633

*Thomas Baldwin  
At Box 6129  
Eun Oh 45206*



# Resolution Of The Boone County Fiscal Court



Resolution No. 06-33

**A RESOLUTION OF THE BOONE COUNTY FISCAL COURT DENYING THE REQUEST OF ONE ELEVEN DEVELOPERS LLC (APPLICANT) FOR ROSLYN WACHS, TRUSTEE (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURAL ESTATE (A-2) TO SUBURBAN RESIDENTIAL (SR-1) FOR A 50.78 ACRE TRACT LOCATED ON THE NORTH SIDE OF BURLINGTON PIKE, BETWEEN THE PROPERTIES AT 3300 AND 3446 BURLINGTON PIKE AND ACROSS FROM THE BURLINGTON PIKE/SADDLE RIDGE INTERSECTION, 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) to Suburban Residential One (SR-1) for a 50.78 acre site generally located on the north side of Burlington Pike/Saddle Ridge Drive intersection, 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 denial for the Zoning Map Amendment.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY FISCAL COURT:**

## 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 denied, this Zoning Map Amendment being a zone change from Agricultural Estate (A-2) to Suburban Residential One (SR-1) for a 50.78 acre site generally located on the north side of Burlington Pike, between the properties at 3300 and 3446 Burlington Pike and across from the Burlington Pike/Saddle Ridge Drive Intersection, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in an Agricultural Estate (A-2) zone is more particularly described in DEED BOOK 830, PAGE NO. 230 (as supplied by the applicant) as recorded in the Boone County Clerk's Office.

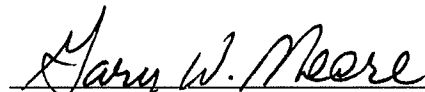
**SECTION II**

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

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

**SECTION III**

That this Resolution is hereby approved and adopted in Open Session of the Boone County Fiscal Court this 14<sup>th</sup> day of February, 2006.

  
\_\_\_\_\_  
**Gary W. Moore, Judge/Executive  
Boone County Fiscal Court**

**Attest:**

  
\_\_\_\_\_  
**Louis Kelly  
Fiscal Court Clerk**

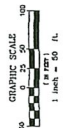
JAN 27 2006



REVISED CONCEPT PLAN  
 TANGLEWOOD SUBDIVISION  
 BOONE COUNTY, KENTUCKY

NO.	DATE	DESCRIPTION
1	10/10/05	PRELIMINARY PLAN
2	11/15/05	REVISED CONCEPT PLAN
3	12/15/05	REVISED CONCEPT PLAN
4	1/10/06	REVISED CONCEPT PLAN

- NOTES:**
1. ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED.
  2. PROPERTY LINES ARE BASED ON AERIAL PHOTOGRAPHS AND FIELD SURVEY.
  3. ALL LOT DIMENSIONS ARE TO BE VERIFIED BY THE BUYER.
  4. ALL LOT DIMENSIONS ARE TO BE VERIFIED BY THE BUYER.
  5. ALL LOT DIMENSIONS ARE TO BE VERIFIED BY THE BUYER.
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  18. ALL LOT DIMENSIONS ARE TO BE VERIFIED BY THE BUYER.
  19. ALL LOT DIMENSIONS ARE TO BE VERIFIED BY THE BUYER.
  20. ALL LOT DIMENSIONS ARE TO BE VERIFIED BY THE BUYER.



Hidden Creek Subdivision  
 SR-1

A-2  
 Saddle Ridge Subdivision

SR-1/CD

RSE

RSE

A-2

Saddle Ridge Subdivision