

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 2nd Addition to Treetops Estate
- 2. Location of Project 2225 Graves Road
- 3. Total Acreage of Site 5.134
- 4. Current Zoning of Site RSE
- 5. Proposed Zoning (Classification being requested) SR-1
- 6. Proposed Uses (please specify each use) Single Family Residential Housing

- 7. Names of Applicant(s) ECE, Inc.
 Phone Number 859-727-4200 Fax No. 859-342-5852

- 8. Address of Applicant(s) 4205 Dixie Highway
Elsmere KY 41018
 City State Zip

- 9. Name of Property Owner(s) Arlinghaus I, LLC
 Phone Number 859-392-8912 Fax No. _____

- 10. Address of Property Owner(s) 142 Barnwood
Edgewood KY 41017
 City State Zip

- 11. Proposed Building Intensities (please specify) 3.5 D.U.A.

- 12. Are there any existing buildings on the site? Yes
 How many? 6 1 -House 5 - out buildings

- 13. Deed Book 906 Page No. 571 Group No. 2004

- 14. Are you also applying for:
 No Conditional Use Permit
 No Dimensional Variance

- 15. Have you submitted a Concept Development Plan? yes

- 16. Have you had a pre-application meeting with BCPC Staff? No

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

- No Boone County Water District
- N/A Florence Public Services Dept.
- No Duke Energy
- No Sanitation District #1
- No Cincinnati Bell
- No Owen Electric Cooperative, Inc.
- No Boone County Public Works Department
- No Kentucky Transportation Cabinet
- Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

EXHIBIT

“A”

STAFF REPORT

Request of **ECE, Inc. (applicant)** for **Arlinghaus I, LLC (owner)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for 5.134 acres of a 59.65 acre tract located at 2225 Graves Road, Boone County, Kentucky. The request is for a zone change to allow single family residences.

March 4, 2009

REQUEST

The applicant has applied for a zone change from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for 5.134 acres of a 59.65 acre tract located at 2225 Graves Road. The request will allow additional single-family residential lots to be platted in Treetops Estates Subdivision. It should be noted that 54.516 acres of the parent tract is already zoned SR-1.

The Concept Development Plan shows that all or a portion of seventeen (17) single-family residential lots will be platted in the zone change area (intensity range of 2.73 to 3.31 dwelling units per acre) and that Treetops Lane will be extended to Graves Road. All lots will be at least 8,000 square feet in area and will front on a future section of Treetops Lane.

SITE HISTORY

1980 – The zone change area has been zoned RSE since 1980.

2004 – A Preliminary Plat is approved for a 120.22 acre portion of Treetops Estates Subdivision. The plan shows that Treetops Lane will eventually extend to Graves Road and that the zone change area will be reviewed in more detail at a later date.

SITE CHARACTERISTICS

The 5.134 zone change site contains a single-family residence, barn, garage, and shed that are proposed to be demolished. Access to the site is currently provided from a gravel driveway that connects to Graves Road. The topography of the zone change area falls from 878 feet above sea level at the southeast property boundary to 854 feet above sea level at the southwest property boundary. Sanitary sewer and water mains exist in the developed portions of TreeTops Estates and a water main also exists along Graves Road.

ADJACENT LAND USES AND ZONING

Northeast: Electric Substation (RSE & SR-1)

Northwest: Future Section of TreeTops Estates (SR-1)

Southeast: Graves Road, Hebron Fire Station (I-1), and an office/warehouse in Park West International Subdivision

Southwest: Single-Family Residential Dwelling (RSE)

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's "2030 Land Use Plan" designates the site for High Suburban Density Residential uses. This designation is described as "single-family and/or attached housing of up to 8 dwelling units per acre. This classification is typified by townhouse, condominium, and zero-lot line development, and also pertains to existing mobile home parks."

The Land Use Element (Hebron Area and North Hebron Area, pp. 154-156) makes the following statements regarding the general area:

- A. Residential development proposed to access Graves Road, including the portion south of I-275, must be accompanied by improvements to that road.
- B. Acreage next to the interstate, at Graves Road, is appropriate for high profile office uses in order to take advantage of visibility to interstate traffic and to provide a transitional use between the business park development to the east and residential development to the west.
- C. Land in the Williams Road area, north of I-275, is suitable for some Suburban Density residential development when Worldwide Boulevard is completed and water and sanitary sewer are available. A road connection from KY 8 to I-275 warrants further study to determine feasibility and potential impacts on Developmentally Sensitive areas. Such a connection may be more appropriate between the Idlewild interchange and Graves Road near and parallel to I-275.

The Land Use Element provides the following Future Land Use Development Guidelines that relate to the proposal.

- A. Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined. True Open Space subdivision design should be considered to blend new subdivisions in with areas that have a rural character (Utilization of Existing Vegetation and Topography).

- 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.

Business, commercial, or industrial parks should be designed and developed to allow future residential or other uses to access through them where the corridor may extend to large developable tracts or may provide a future road connection. A roadway that is suitable for mixed use development should serve side streets for businesses rather than serving individual businesses directly, include an urban curb and gutter design, and provide pedestrian amenities and green space along the right-of-way. In this way, future residential development could be developed beyond the initial development, but be readily marketed.

Sanitary sewer issues have larger impact on where development occurs than do the other types of infrastructure in Boone County. The presence of sanitary sewers has a direct impact on the lot sizes of residential development in particular. Most residential development in outlying areas without access to sewer service typically develops on lots that are larger than an acre. In fact, septic system permits almost always require residential lots of greater than one acre to accommodate leach areas. On the other hand, the presence of public sanitary sewer facilities have normally resulted an increased demand for more dense single-family residential development. This development often occurs roughly in the range of three dwelling units per acre - which typifies single family projects in Boone County at this time. There is little development occurring in Boone County between these two general density levels. As pointed out in the Housing Element, this phenomenon often results in different housing and lot characteristics adjacent to each other. 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. 140-141).

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 (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 stormwater runoff. Developments must design and incorporate adequate provisions for the channelization and control of the rate of stormwater flow on and from the site. One goal of local storm water programs should be to minimize the amount of storm water generated by decreasing the amount of pavement and encouraging green rooftops. Creating less runoff is a method of managing runoff.

Control and mitigation practices for erosion associated with developments must be provided. At a minimum, developments must seed and mulch all graded areas and provide siltation controls. Stormwater management and erosion control measures must be concurrent with site work in order to be effective. Stormwater management officials must also consider the cumulative effects of increased development runoff in watersheds (Stormwater Management and Erosion Control, pg. 141).

F. 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. Connections between and within commercial and industrial developments allow for more efficient provision of transit service (Access Management, pp. 141-142).

- G. 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. The traditional grid system can provide an alternative to typical suburban design. Parallel and frontage roads should be used to minimize impacts of individual sites on collector and arterial roadways. Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths, but should provide connections to adjoining uses where appropriate. All of the major stream valleys in Boone County should be evaluated closely for public path systems to serve pedestrians, bicycles, and horses. Public open space and recreation sites should be connected to each other and to residential development by bicycle and pedestrian paths where appropriate. Transit Oriented Development (TOD) is discussed in detail in the Transportation Element, and should be examined as a future direction in Boone County development patterns (Transportation and Pedestrian Network, pg. 142).
- H. Developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use (Designs, Signs, and Historic Preservation, pg. 142).

The Housing Element provides the following comment that relates to the proposal:

- A. The areas of greatest projected population growth are in the Florence-Richwood-Union-Burlington area, south along I-75, and in the Hebron-North River area. The western and southern sections of Boone County are projected to experience less population growth, thus, less of a housing need. As noted previously, there is a desire of the population to live in rural areas that are convenient to the centers of commercial activity. This suggests a continuation of the outward movement of housing construction from the 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 significant residential, large lot subdivision

development does occur in some of these western areas, roads and other infrastructure will have to be improved.

Development in established areas takes advantage of existing services and minimizes future strain on the transportation network. The Public Facilities Element shows the existing and planned water lines and other services which will influence the locations of new residential construction. The plans for sanitary sewerage for Boone County are of particular importance when high density residential development is reviewed. Stormwater management is becoming a key issue with the extensive residential development in the county, and needs to be addressed creatively to solve runoff and erosion problems, while creating visually appropriate facilities.

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 (Conclusion, pg. 80).

The Transportation Element provides the following comments that relate to the proposal:

- A. The Transportation plan has served as a guide for long range transportation improvement decisions. The thoroughfare component has assisted in the preservation of right-of-ways for transportation facilities and established a consistent framework for the design of new transportation facilities (Boone County Transportation Plan, pg. 128).
- B. The Transportation Plan is not an amendment to the Comprehensive Plan. Rather, it is intended to be one of many planning tools utilized during the review of applications submitted for development in this county (Boone County Transportation Plan, pg. 128).

The 2005 Boone County Comprehensive Plan's Goals and Objectives include the following pertinent statements:

- A. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed (Overall, Objective).

- B. New development or redevelopment within Boone County is designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are maintained and enhanced. Development within Boone County preserves and promotes a better quality of life (Environment, Goal).
- C. The incremental effects of development on the environment, including, but not limited to storm water, erosion, woodlands, streams, and views shall be evaluated and addressed (Environment, Objective).
- D. Existing vegetation shall be considered as both an important site characteristic and a community resource (Environment, Social Objective).
- E. In order to offer the citizens of Boone County maximum choice in living environment, residential developments shall be judged primarily on the impact on infrastructure, buffering, and development design with only secondary consideration given to the type of dwelling units (Housing, Objective).
- F. 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).
- G. 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).
- H. Safe, efficient and environmentally sound public services and facilities shall exist for all development (Public Services and Facilities, Goal).
- I. Transportation opportunities for pedestrians and bicyclists shall be provided by the development of a network of sidewalks, pathways and roadway lanes (Transportation, Objective).
- J. Priority shall be given toward maintaining, protecting, and improving the capacity and safety of the existing road system (Transportation, Objective).
- K. Traffic impact analysis should be used as a tool to address impacts to the existing roadway system (Transportation, Objective).

Relationship to the Boone County Transportation Plan 2030

- A. The current level of service (LOS) on Graves Road, north of KY 20, is LOS B. There are 1,150 average daily trips on this section of road (Exhibit 2-8).
- B. The current level of service (LOS) on Graves Road, south of KY 237, is LOS B. There are 1,400 average daily trips on this section of road (Exhibit 2-8).
- C. The projected level of service (LOS) on Graves Road, north of KY 20, is LOS B. There are projected to be 2,300 average daily trips on this section of road in the year 2030 (Exhibit 3-9).
- D. The projected level of service (LOS) on Graves Road, south of KY 237, is LOS B. There are projected to be 2,800 average daily trips on this section of road in the year 2030 (Exhibit 3-9).
- E. The plan recommends that Graves Road should be widened from two to four lanes from KY 20 to KY 237. The purpose would be to provide additional capacity and improve north-south mobility in this section of northern Boone County (Exhibit 6-1).

STAFF COMMENTS

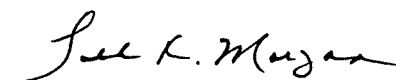
- 1. The County Engineer provided a Memorandum regarding the request. He expresses the following concerns (see attachments):
 - A. The plan shows two curves that are nearly 90° with islands. More information is needed on the designed traffic flow of these islands. Boone County Public Works has a major concern regarding the amount of traffic that will use this route to access Graves Road, Worldwide Boulevard, and North Bend Road to access I-275. Therefore, some traffic calming must be incorporated into the plan. The proposed alignment may be an attempt to do that, but more information is needed to evaluate it.
 - B. Improvements, such as turn lanes, may be needed on Graves Road because of the increased traffic volumes. The Planning Commission should consider placing a condition on the development to make any improvements the County believes is necessary to accommodate the traffic. However, these improvements should be based on measured traffic volumes and field observations. Therefore, the improvements may need to be constructed after the connection has been made.
- 2. Staff has the following comments regarding the proposal:
 - A. The extension of Treetops Lane to Graves will allow people who reside in Treetops Estates, Treetops, and Thornwilde to use the proposed connection to Graves Road. The Comprehensive Plan indicates that future residential development proposed to access Graves Road must be accompanied by improvements to that road.

- B. The 7th Edition of Trip Generation from the Institute of Transportation Engineers (ITE) indicates that the average trip generation per detached single-family residential household on a weekday is 9.57 trips per day.
 - C. The access point should remain where proposed because there are sight distance concerns on Graves Road. The plans shows that motorists will have 950' of sight distance when they look right on Graves Road and 900' feet of sight distance when they look left on Graves Road. Table 32.3 of the zoning regulations states the sight distance requirements are 360' when a vehicle enters a thoroughfare with a posted speed limit of 35 miles per hour.
 - D. Staff is currently working on a Greenways Plan for Boone County (it is not intended to be a regulatory document). The draft plan recommends that a future pedestrian and bicycle trail system be provided along Graves Road. Staff recommends that additional right-of-way should be dedicated or an easement should be provided to help make this trail a future reality.
 - E. The plan shows that the back of three houses will be oriented toward Graves Road. Staff recommends that landscaping and berming features, similar to what was done along Bullitsville Road for Brentwood, should be added along the Graves Road frontage.
- 6. Boone County Schools provided an e-mail indicating that they have no issues with the proposal (see attachments).
 - 7. Hebron Fire provided a fax indicating that they are concerned with the proposed street layout because the raised islands may pose clearance problems for emergency vehicles. A second concern is that car parking in this area may limit or greatly reduce emergency vehicle access (see attachments).

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and Boone County Fiscal Court in terms of Article 3 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area. The Future Land Use Map will not need to be amended if the request is approved.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner

TKM/pr

Attachments:

- *Site Vicinity Map
- *Aerial Map
- *Concept Development Plan
- *2004 Preliminary Plat
- *Zoning Map
- *Future Land Use Map
- *Topographical Map
- *Memorandum From County Engineer
- *E-Mail From Boone County School Board
- *Fax From Hebron Fire Protection District
- *Application

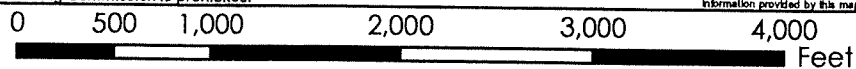
SITE VICINITY MAP

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1 inch equals 1,000 feet



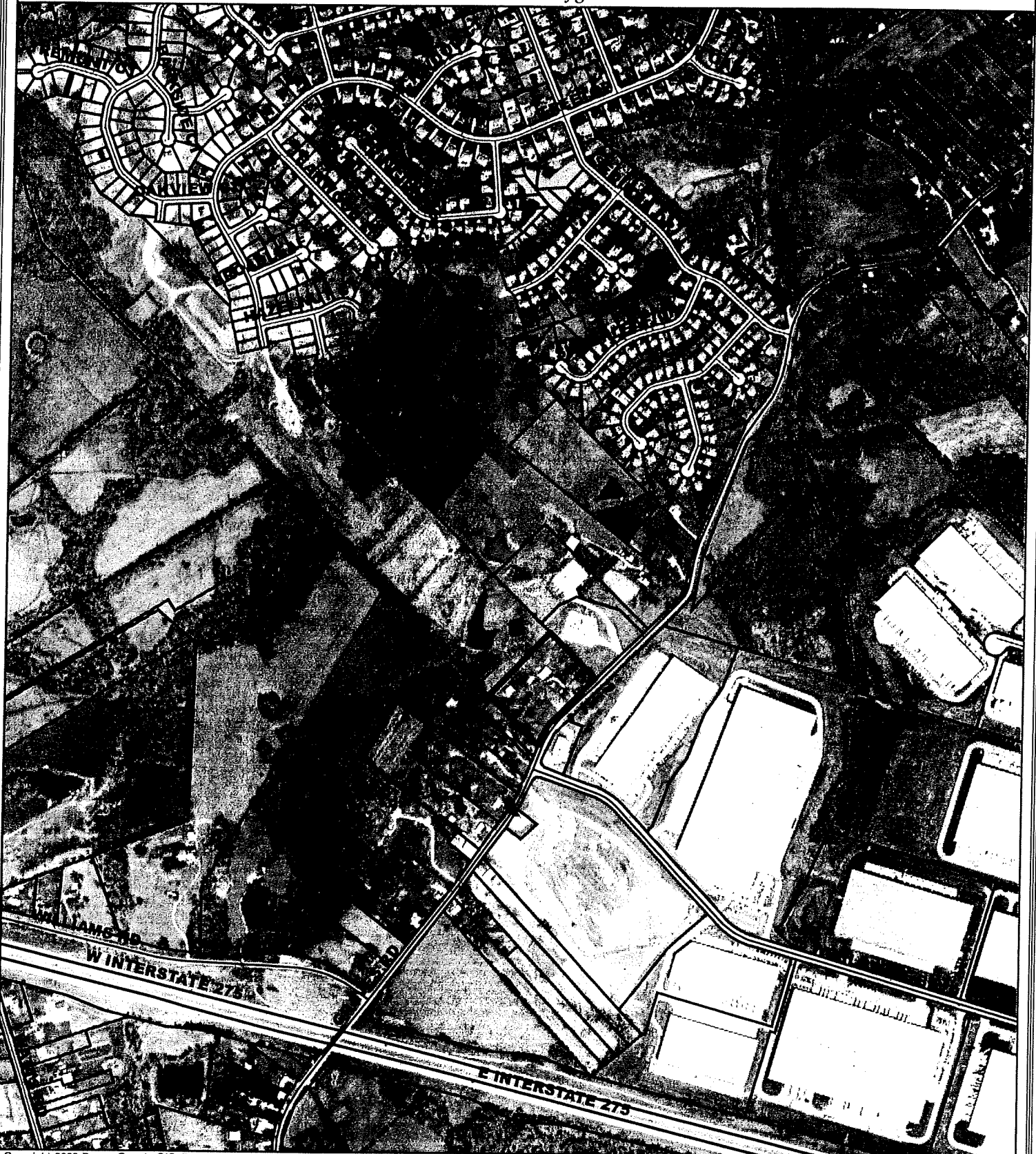
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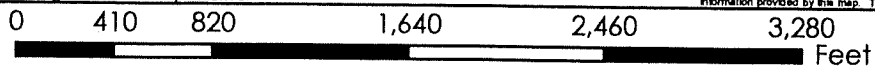
AERIAL MAP

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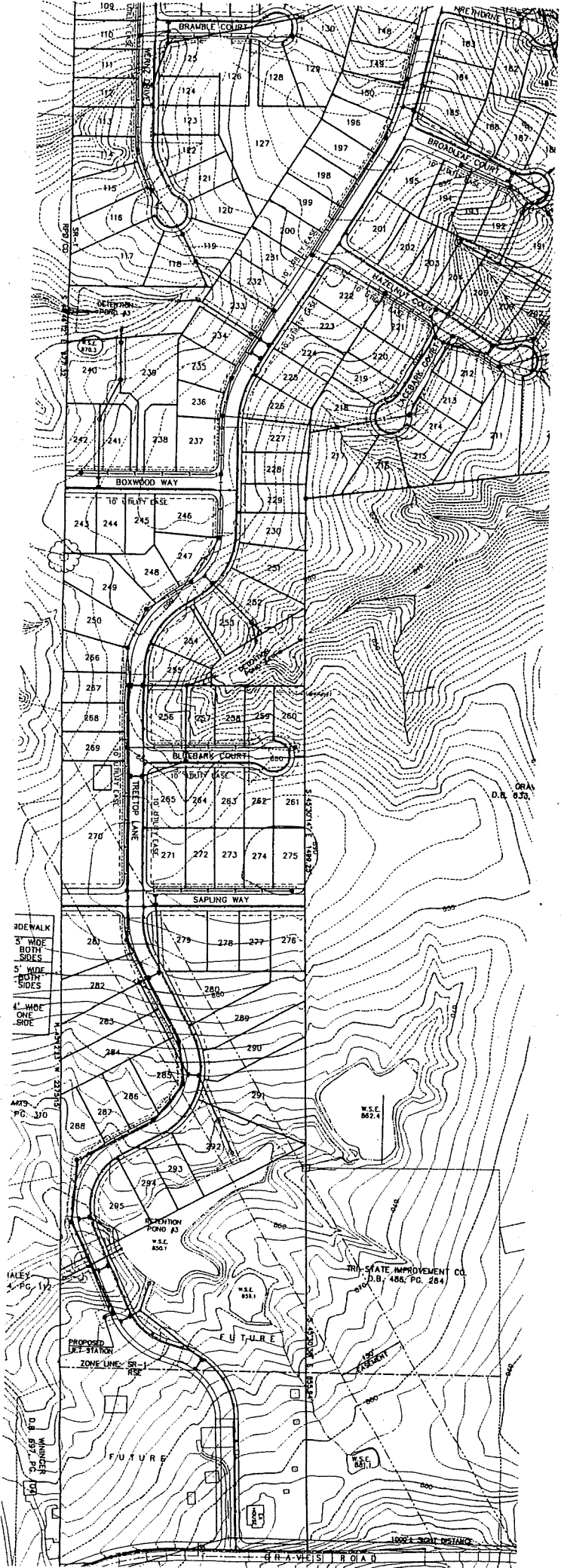


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SIDEWALK
 5' WIDE
 BOTH
 SIDES
 5' WIDE
 BOTH
 SIDES
 4' WIDE
 ONE
 SIDE

MRS.
 P.C. 310

MALEY
 P.C. 172

PROPOSED
 10' UTILITY
 EASEMENT
 ZONE LINE

FUTURE

STATE IMPROVEMENT CO.
 D.B. 486, P.C. 284

FUTURE

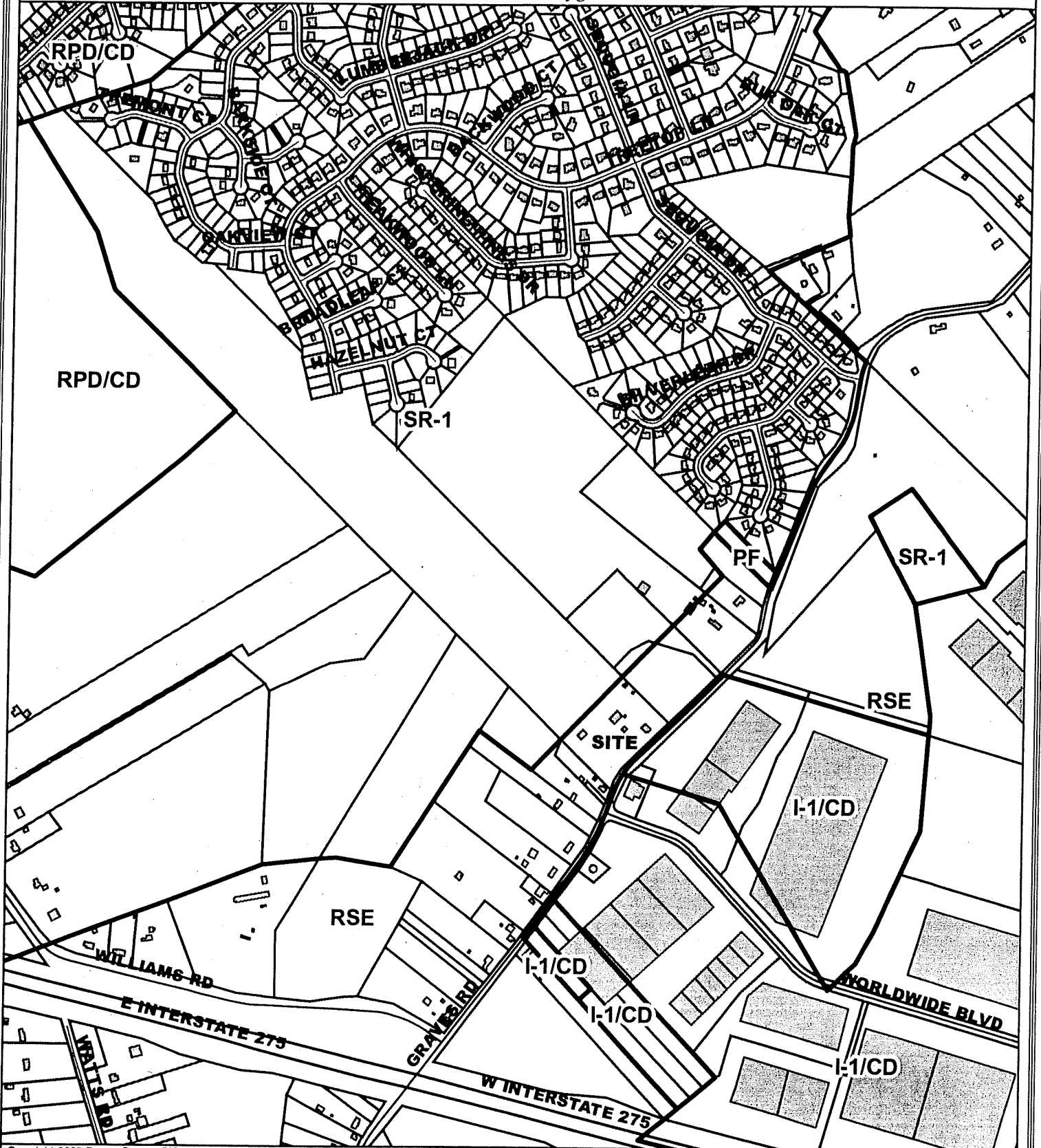
1000' SCALE DISTANCE

BRAMBLE COURT

1000' SCALE DISTANCE

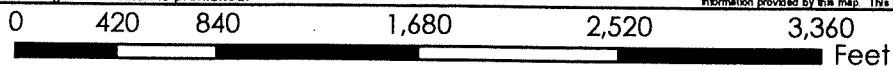
ZONING MAP

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1 inch equals 800 feet

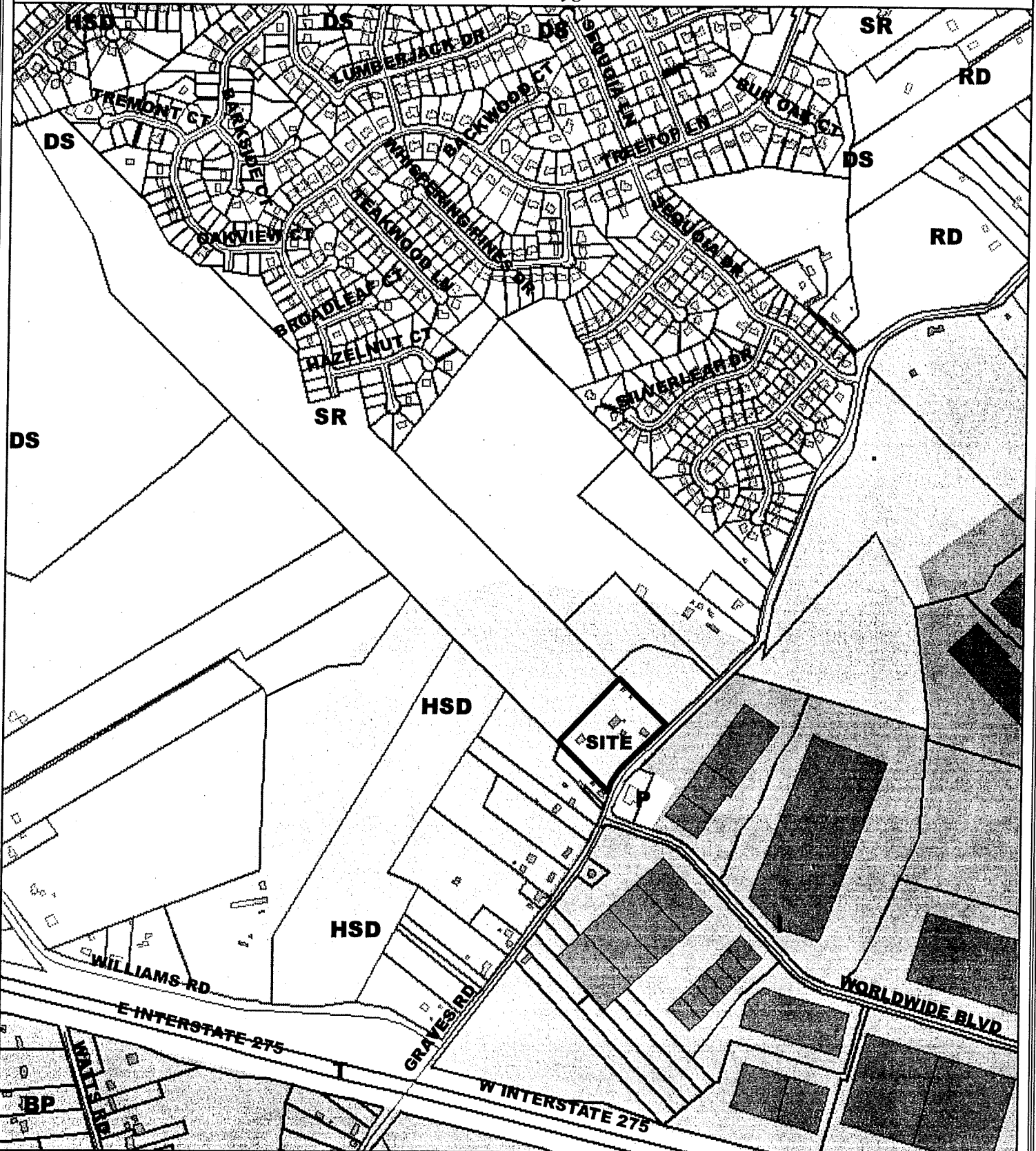


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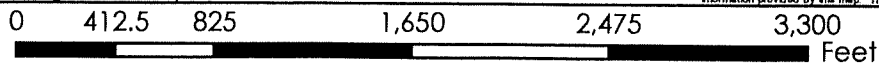
FUTURE LAND USE MAP

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1 inch equals 800 feet

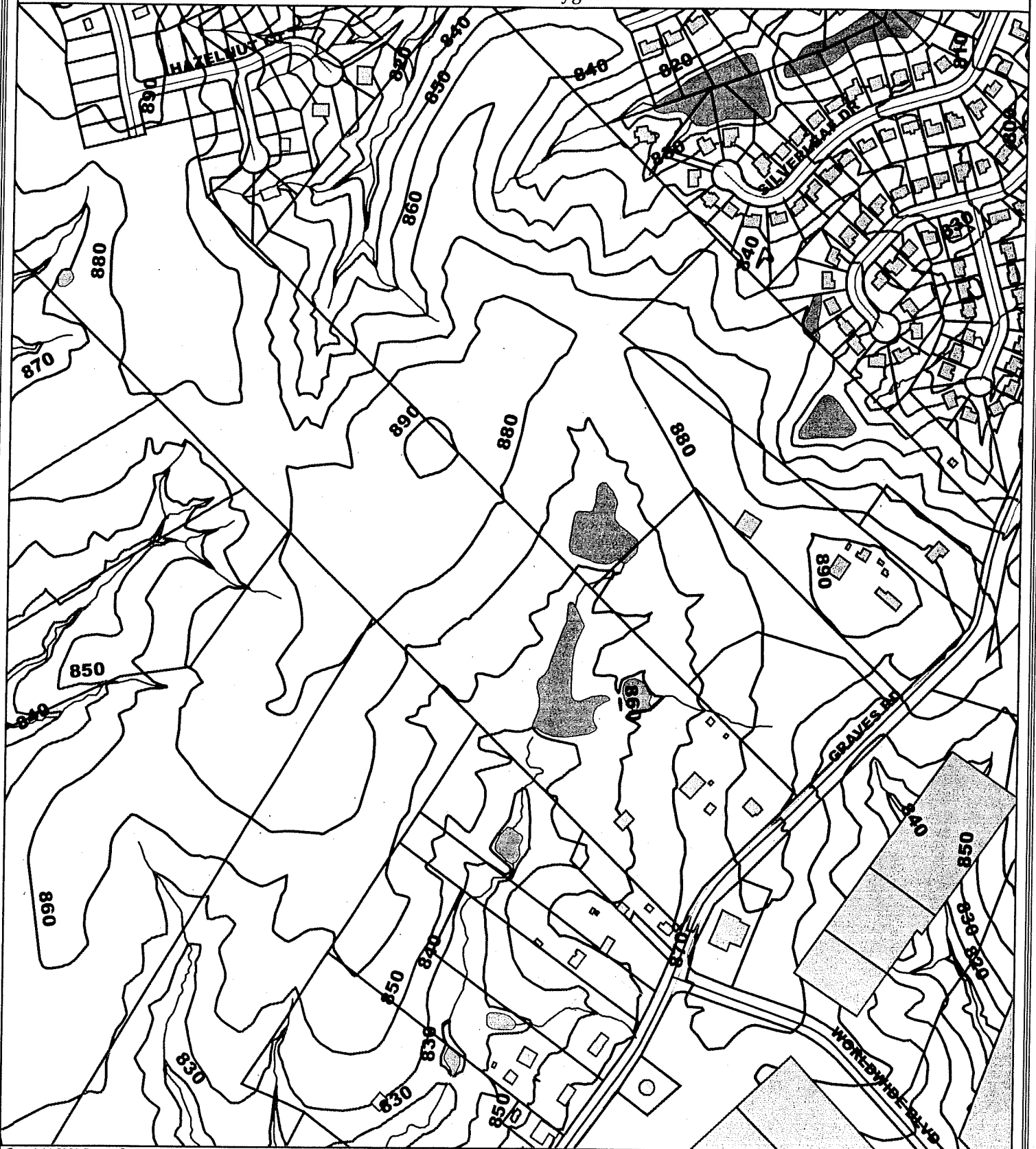


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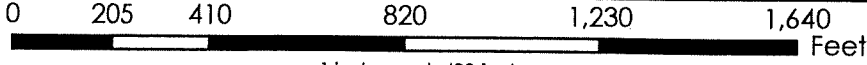
TOPOGRAPHICAL MAP

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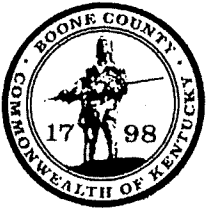
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Boone County Public Works Department

5645 Idlewild Rd.
Burlington, KY 41005

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

Gary W. Moore
County Judge-Executive

Jeff Earlywine
County Administrator

Gregory V. Sketch
PE, PLS County Engineer

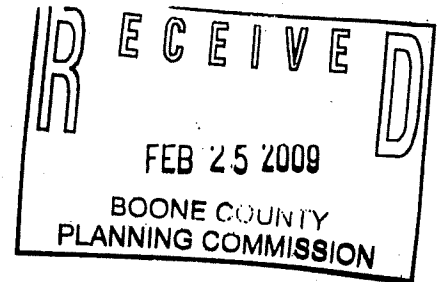
MEMORANDUM

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

FROM: Greg Sketch, PE, PLS
Boone County Engineer

RE: Proposed Zoning Map Amendment for Treetops Estates

DATE: February 25, 2009



This is in response to your request for input concerning the request for a zoning map amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) and a concept development plan for a future 5.134 acre addition to Treetops Estates located on Graves Road. The proposal as submitted raises two concerns with the Public Works Department.

The proposed plan shows a street alignment connecting the previously approved Treetops Lane though the proposed zone change area intersecting Graves Road. The alignment contains two curves that are nearly 90 degrees with islands. More information is needed on the designed traffic flow patterns around these islands. The Department has a major concern regarding the amount of traffic that would use this route to access Graves Road, Worldwide Boulevard and North Bend Road to access I-275. Therefore, I believe that some traffic calming design must be incorporated within the plan. The proposed alignment may be an attempt to do that, but more information is needed to fully evaluate it.

The other concern is that with the potential for high traffic volumes with this connection to Graves Road, improvements, including turn lanes may need to be constructed. The Planning commission should consider placing a condition on the applicant to make any improvements the County believes is necessary to accommodate the traffic. However, these improvements should be based measured traffic volumes and field observations. Therefore, the improvements may need to be constructed after the connection has been made.

Thank you for the opportunity for input in this matter.

c: Jeff Earlywine, Boone County Administrator

Todd Morgan

From: Blevins, Mike [Mike.Blevins@Boone.kyschools.us]
Sent: Monday, February 16, 2009 8:59 AM
To: Todd Morgan
Subject: 2225 Graves road

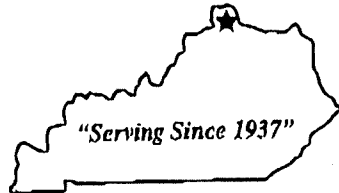
This proposal seems to be consistent with the plans for that area. I do not see any issues for the school district with the rezoning of this 5 acre tract.

Thank you.

Michael Blevins

Chief Operating Officer/Deputy Superintendent

Boone County Schools

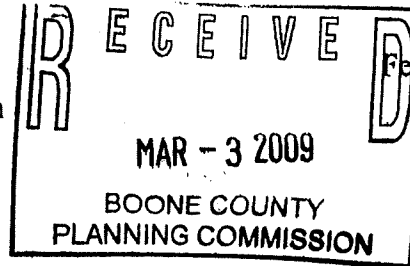


HEBRON

Fire Protection District

3120 North Bend Road • P.O. Box 24 • Hebron, Kentucky 41048 • (859) 586-9009

Todd Morgan
Boone County Planning Commission
2950 Washington Street, Room 317
Burlington, KY 41005




Todd,

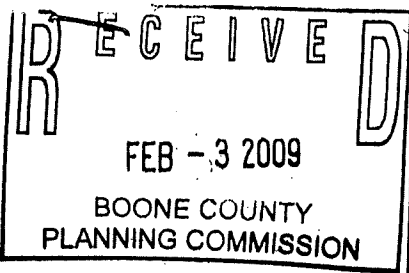
I have reviewed the proposed plan for a zone change request submitted by ECE, Inc. and Arlinghaus I, LLC for the property located at 2225 Graves Road. I have some concerns about the proposed street layout as it pertains to Emergency Vehicle access.

My first concern is for traffic flow and Emergency Vehicle access due to the street layout configuration that has been proposed. I do not have any specifics on the planned traffic flow through this new section as it pertains to the proposed raised islands so I am concerned with the limited and/or inadequate space for larger Emergency Vehicles that will utilize this street for Emergency Access.

My second concern is that parked cars on the street may limit or greatly reduce the needed space for and sight distance for Emergency Vehicle access. This street will be utilized by Emergency Vehicles as an access point to Tree Tops and Thornwilde Subdivisions as needed for Emergency Operations and other non-emergency activities such as fire hydrant testing. I understand that "No Parking" signs are placed in some areas with these same concerns, but are frequently ignored by people who choose to park in these areas despite the signs being posted. One example of this problem has been on Northpointe Boulevard located by Northpointe Elementary School. Frequently during events at the school, due to limited parking at the school, Northpointe Boulevard is completely inaccessible to Fire and EMS Vehicles during Emergency Calls to this area. Northpointe Boulevard has "No Parking" signs on both sides of the street which are frequently ignored which results in delayed response to Emergency Calls for assistance in this area. When these situations arise we are forced to divert Emergency Vehicles through other residential streets which present other issues such as other parked vehicles and children riding bikes and playing in the streets.

I would like to see these concerns addressed prior to the approval of this plan. Other than these traffic concerns I have no other concerns with the proposed Zoning Change.


Assistant Chief David K. Perkins
Hebron Fire Protection District



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 2nd Addition to Treetops Estate
2. Location of Project 2225 Graves Road
3. Total Acreage of Site 5.134
4. Current Zoning of Site RSE
5. Proposed Zoning (Classification being requested) SR-1
6. Proposed Uses (please specify each use) Single Family Residential Housing
7. Names of Applicant(s) ECE, Inc.
8. Address of Applicant(s) 4205 Dixie Highway
9. Name of Property Owner(s) Arlinghaus I, LLC
10. Address of Property Owner(s) 142 Barnwood
11. Proposed Building Intensities (please specify) 3.5 D.U.A.
12. Are there any existing buildings on the site? Yes
13. Deed Book 906 Page No. 571 Group No. 2004
14. Are you also applying for:
15. Have you submitted a Concept Development Plan? yes
16. Have you had a pre-application meeting with BCPC Staff? No
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

(over)

Public Hearing Item No. 2:

Commission Members Present: Mr. Brandstetter, Mr. Carmichael, Mr. Hicks, Mr. Longano, Mr. McMillian, Mrs. Poston - Chairwoman, Mr. Charlie Reynolds, Mr. Rolfsen - Vice Chairman, and Mr. Schwenke - Temporary Presiding Officer.

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

Legal Counsel Present: Mr. Dale Wilson

2. **Applicant:** ECE, Inc. for
Arlinghaus I, LLC (owner)

Request: Zoning Map Amendment

The request of ECE, Inc. (applicant) for Arlinghaus I, LLC (owner) for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for 5.134 acres of a 59.65 acre tract located at 2225 Graves Road, Boone County, Kentucky. The request is for a zone change to allow single-family residences.

Staff Member Todd Morgan presented the Staff Report which included a Power Point presentation (see Staff Report).

Mrs. Poston asked for the applicant's presentation.

Mr. Ray Erpenbeck with Erpenbeck Consulting Engineers, 4205 Dixie Highway, Elsmere, and Mr. Bob Schroder and Mr. Joe Arlinghaus with the Arlinghaus Company, were present on behalf of the request.

Mr. Erpenbeck stated that this will be the final section of Treetops Subdivision. The property is currently zoned RSE and they need a change to SR-1 zoning to continue the development. He noted the locations of two large electrical substations on the north side of the development (Duke Energy and Owen County Electric), existing undeveloped residential property to the south, and the industrial park and firehouse across the road - which is not conducive to RSE development. He noted the letter from Boone County Engineer Greg Sketch (attached to the Staff Report), which indicates a need to discourage through traffic. He stated that the two proposed 90° turns meet the Subdivision Regulations. The island does not interfere with the turning radii. He will provide detailed drawings to the Committee showing how the island will function. He stated that the layout meanders and is not conducive to through traffic. He stated that most of the traffic will be going to KY 237. The location of the connection to Graves Road is

due to sight distance. There is over 900 feet of sight distance in both directions at that location, which is a safe entrance. They will berm along Graves Road to buffer the backyards from the road, the industrial park and firehouse. He stated that the Land Use Plan specifies the property for high-density residential at 8 units per acre for single and attached housing. The request is in compliance with the Comprehensive Plan. They will work with the Committee. He offered to answer any questions. This concluded the applicant's presentation.

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

Ms. Fay Whaley, 2319 Graves Road, asked if the proposed road comes out of the Warms farm. Mr. Erpenbeck responded "yes". She stated that traffic is horrible already and she has to wait to get out of her driveway. She is concerned about another road up there and stated that there should be an intersection at Worldwide. Traffic has increased tremendously on Graves Road. She stated that there will be an entrance on the lower part of Graves Road and this entrance and there is no way to put an intersection or a stop sign. Mr. Costello stated that they would like to have the road line up with Worldwide, but they do not own the land (Mrs. Whaley owns the land). He stated that what they propose meets the sight distance requirements and the required distance from Worldwide. He agreed that there is more traffic on Graves Road and stated that some of it is due to the traffic backups on North Bend Road and people looking for other ways to get to Burlington and Hebron. He stated that in this subdivision, there will be two ways to get to Graves Road, they can also go to North Bend Road, and there is a connection to Thornwilde Subdivision. He stated that there are nine different ways to get into Oakbrook, which distributes the traffic and works well. He stated that the proposed access point is probably in the best location considering all of the variables used to determine the best location for an access point. Mrs. Whaley stated that Graves Road is not wide enough for all the traffic. Mr. Costello agreed. Mrs. Whaley stated that they keep building and then it's *oh, we can't get in and out of here now* – which they should think about ahead of time.

There being no one else present who wished to speak in opposition, Mrs. Poston asked if there were any comments or questions from the Commissioners.

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Mr. Rolfsen asked if there will be landscaping in the middle of the proposed 90° turns or if it will be solid. Mr. Erpenbeck responded that it will probably be landscaped, but that has not yet been determined. The pavement on the main

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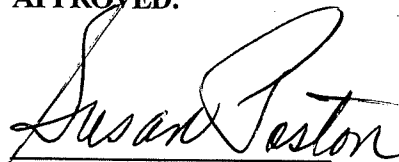
In response to a question from Mr. Schwenke regarding the four lots on Graves Road, Mr. Erpenbeck stated that three of the houses will have backyards facing Graves Road and one could be turned to face Treetops Drive. Mr. Schwenke stated that there could be only two lots with backyards facing Graves Road. Mr. Erpenbeck agreed. Mr. Schwenke stated that the fronts of the houses will likely be brick, but the backs could be brick and vinyl. He does not want the backs of the houses seen from Graves Road, which might be able to be addressed by a berm. If the houses are going to be easily seen from Graves Road, he suggested that they dress up the backs of them with more brick. Mr. Erpenbeck stated that the property will fall away from Graves Road to the low area at the lake. He stated that if they turn the houses on Graves Road, they will be looking at the industrial development. He stated that the berm will give them privacy in the backyards. They will discuss the backs of the houses with the Committee.

Mrs. Poston asked if there were any additional comments.

Mr. Erpenbeck stated that the request is in compliance with the Comprehensive Plan and he believes Staff agrees. He asked for approval.

There being no further comments, Mrs. Poston stated that the Committee Meeting for this item will be on March 18, 2009 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on April 1, 2009 at 7:00 PM. Mrs. Poston closed this Public Hearing at 9:05 PM.

APPROVED:


Susan Poston, Chairwoman

Attest:


Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
APRIL 1, 2009
7:00 P.M.**

Mrs. Susan Poston, Chairwoman, called the meeting to order at 7:00 P.M.

COMMISSION MEMBERS PRESENT:

Ms. Judy Arnett, Secretary/Treasurer
Mr. Ben Brandstetter
Mr. Greg Breetz
Mr. Kim Bungler
Mr. Jim Carmichael
Mr. Mark Hicks
Ms. Janet Kegley
Mr. Jim Longano
Mr. Don McMillian
Mrs. Susan Poston, Chairwoman
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Vice Chairman
Mr. Bob Schwenke, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Mike Ford
Ms. Linda Herald

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Mitchell A. Light, Assistant Zoning Administrator/ZEO
Mr. Todd K. Morgan, AICP, Senior Planner

Approval of the Minutes:

Mrs. Poston stated that the Commissioners received copies of the Minutes of the March 4, 2009 Business Meeting. She asked if there were any comments or corrections. There being no changes to the minutes, Mr. Rolfsen moved that the minutes be approved as written. Mr. Reynolds seconded the motion and it carried unanimously.

Mr. Brandstetter questioned whether any vote either yes or no on the Findings of Fact for Denial would preclude any future change for commercial?

Mr. Wilson stated no as any applicant could come in and request another rezoning whether it be commercial for a different project or a different zone. Nothing tonight would preclude a future rezoning application.

Mr. Hicks asked whether if the Finding of Fact for Denial were denied, would the request go back to the Zone Change Committee?

Mr. Wilson stated that the full Planning Commission could continue deliberating to see if there is another motion for approval or denial with different findings. In the past, the Zone Change Committee has primarily dealt with items that may have been overlooked.

Mr. Carmichael stated he is very familiar with the site as he has visited it several times. He questioned the L-shaped building location to close off the commercial from the residential. Driving down the road you would see commercial and green space entering the subdivision. A stand alone building would not be appropriate. With the submitted design, there is some closure between the commercial and residential uses.

Mr. Bunger stated he would vote against the motion to deny the project. He thought the small shops will serve the residential communities in the area. Most of the activity would occur in the afternoon. It would not cause a significant increase in traffic as it is local traffic.

Mr. Breetz agreed with Mr. Carmichael's comments about the proposed project which segregates the residential from commercial. He feels the public should also have a voice to their neighborhood.

There being no further comments, Mrs. Poston asked for a vote on the motion to approve the Findings of Fact for Denial. She reminded everyone that a Yes vote is in favor of the Findings of Fact for Denial or denial of the project, which found Mrs. Arnett, Mr. Brandstetter, Mr. Breetz, Mr. Longano, Mr. McMillian, Mrs. Poston and Mr. Schwenke in favor. Mr. Bunger, Mr. Carmichael, Mr. Hicks, Mr. Kegley and Mr. Rolfsen were opposed. Mr. Reynolds abstained from voting. The motion to deny by a vote of 8 to 5 is approved.

Mr. Wilson reminded everyone that this recommendation will be forwarded to the Boone County Fiscal Court and the audience should follow-up.

Mrs. Poston stated that the office received letters from Jeanie Knapp and Daniel Knapp after the Public Hearing and they will be forwarded to the Boone County Fiscal Court.

ZONING MAP AMENDMENT

- 2. Request of ECE, Inc. (applicant) for Arlinghaus I, LLC (owner) for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for 5.134 acres of a 59.65 acre tract located at 2225 Graves Road, Boone County, Kentucky. The request is for a zone change to allow single family residences.**

Staff Member Todd Morgan presented the Committee Report, which recommended approval of the request based upon the Findings of Fact, but subject to conditions (See Committee Report).

Mrs. Poston asked if the applicant wanted to make a summary statement in regard to items raised at the Public Hearing or discussed at the Committee Report before the Planning Commission takes action on this request.

Mr. Ray Erpenbeck, ECE, Inc., 4205 Dixie Highway, Elsmere, stated that Mr. Arlinghaus has agreed to the conditions. No one spoke in opposition to the request.

There being no further comments, Mr. Rolfsen moved by resolution to the Boone County Fiscal Court that the request be approved based upon the Committee Report with conditions. Mr. Reynolds seconded the motion.

Mr. Bunger questioned the wording in the Committee Report about improvements to Graves Road. He had the understanding that the improvements would not be designed by the Committee but be designed or recommended by the County Engineer. His understanding is that it would be dependent on a final study and recommendation by the County Engineer. It would also be based upon meeting KDOT specifications.

Mr. Morgan responded that the condition represents the same language from the Committee meeting. He stated that the County and developer were looking at a maximum guideline of not exceeding a deceleration lane and a left turn lane. However, a further study may show something where less improvements would be needed.

Mr. Brandstetter asked about the vertical site distance.

Mr. Morgan responded that the proposed access is the best point on the site and it far exceeds the requirement - over 800 feet for both vertical and horizontal site distances.

There being no further comments, Mrs. Poston asked for a vote on the motion made by Mr. Rolfsen, which passed unanimously.

NEW BUSINESS:

CHANGE IN CONCEPT DEVELOPMENT PLAN

- 3. Request of Jeff Eagle (applicant) for Airport Exchange Hotel Partners (owner) for a Change in Concept Development Plan for a 7.11 acre lot at 1717 Airport Exchange Boulevard, Boone County, Kentucky (Holiday Inn). The request is for a change in the terms of a Special Sign District in an Industrial One/Office Two/Commercial Services/Planned Development (I-1/O-2/C-3/PD) zone to allow alternative signage.**

Mr. McMillian moved to schedule a Public Hearing for the above item on May 6, 2009 at 7:30 P.M. Mr. Rolfsen seconded the motion and it carried unanimously.

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Charlie Rolfsen, Chairman

DATE: April 1, 2009

RE: Request of ECE, Inc. (applicant) for Arlinghaus I, LLC (owner) for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for 5.134 acres of a 59.65 acre tract located at 2225 Graves Road, Boone County, Kentucky. The request is for a zone change to allow single family residences.

REMARKS:

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

FINDINGS OF FACT

1. The Committee has concluded that the request is in agreement with the 2005 Boone County Comprehensive Plan for the following reasons:

- A. The 2005 Boone County Comprehensive Plan's "2030 Land Use Plan" designates the site for "High Suburban Density Residential" uses. This designation is described as "single-family and/or attached housing of up to 8 dwelling units per acre. This classification is typified by townhouse, condominium, and zero-lot line development, and also pertains to existing mobile home parks."

The revised Concept Development Plan shows that all or a portion of seventeen (17) single-family residential lots will be platted in the zone change area (intensity range of 2.73 to 3.31 dwelling units per acre).

- B. The proposal is agreement with the following Future Land Use Development Guideline in the Land Use Element:

"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).

The revised Concept Plan shows berms will be provided along the Graves Road frontage. These berms will promote an aesthetic quality from the road and will buffer the future houses from the industrial subdivision and firehouse located across the street.

- C. The Land Use Element text states that "residential development proposed to access Graves Road, including the portion south of I-275, must be accompanied by improvements to that road" (Hebron Area pg. 154).

The applicant has agreed to a condition that deals with transportation improvements at the future Graves Road/Treetop Lane intersection.

- D. The proposal is in agreement with the following passage from the Housing Element:

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 (Conclusion, pg. 80).

- E. The proposal is in agreement with the following Goals and Objectives:

- 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).

54.516 acres of the parent tract is already zoned SR-1.

- Priority shall be given toward maintaining, protecting, and improving the capacity and safety of the existing road system (Transportation, Objective).
- Traffic impact analysis should be used as a tool to address impacts to the existing roadway system (Transportation, Objective).

The applicant has agreed to a condition that deals with transportation improvements at the future Graves Road/Treetop Lane intersection.

2. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2005 Boone County Comprehensive Plan. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with the conditions.

CONDITIONS

1. The approval is based on the revised Concept Development Plan that was submitted at the March 18, 2009 Zone Change Committee Meeting (see attachments).

2. The developer shall pay for any needed improvements at the intersection of Graves Road and Treetop Lane. The improvements shall not exceed a left hand turn lane and/or deceleration lane which are built to Kentucky Transportation Cabinet specifications. The County Engineer shall have one (1) year to determine what road improvements are necessary after Treetop Lane is extended to Graves Road and is open to the public. The County Engineer's final determination shall be based on a traffic study which is prepared by Boone County Public Works.
3. The landscaping berms shown along the Graves Road frontage shall be a minimum of 3' tall. Columnar evergreen trees shall be planted on the berms every twenty feet on center. All trees shall be selected from Plant List D and shall be 6 feet tall at the time of installation.
4. The driveway on lot 330 shall be located in close proximity to the lot 329/330 common property line.

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 Development Plan Committee Vote.

Public Hearing Item No. 2:

Commission Members Present: Mr. Brandstetter, Mr. Carmichael, Mr. Hicks, Mr. Longano, Mr. McMillian, Mrs. Poston - Chairwoman, Mr. Charlie Reynolds, Mr. Rolfsen - Vice Chairman, and Mr. Schwenke - Temporary Presiding Officer.

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

Legal Counsel Present: Mr. Dale Wilson

2. Applicant: **ECE, Inc. for**
Arlinghaus I, LLC (owner)

Request: **Zoning Map Amendment**

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

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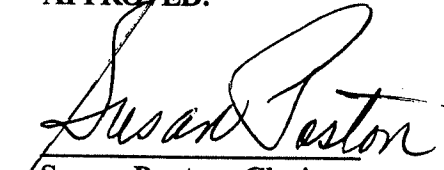
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There being no further comments, Mrs. Poston stated that the Committee Meeting for this item will be on March 18, 2009 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on April 1, 2009 at 7:00 PM. Mrs. Poston closed this Public Hearing at 9:05 PM.

APPROVED:


Susan Poston, Chairwoman

Attest:


Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Charlie Rolfsen, Chairman

DATE: March 18, 2009

RE: Request of **ECE, Inc. (applicant)** for **Arlinghaus I, LLC (owner)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for 5.134 acres of a 59.65 acre tract located at 2225 Graves Road, Boone County, Kentucky. The request is for a zone change to allow 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.

Arlinghaus/Graves Road

March 18, 2009

Charlie Rolfsen

Charlie Rolfsen, Chairman

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Ben Brandstetter

For Project _____ Absent
 Against Project _____
 Abstain _____ Deferred _____

Greg Breetz

Greg Breetz

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Kim Bunger

Kim Bunger

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Janet Kegley

Janet Kegley

For Project Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Judy Arnett (Alternate)

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

Linda Herald (Alternate)

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

Charlie Reynolds (Alternate)

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

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

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

www.boonecountyky.org/pc
www.boonecountygis.com

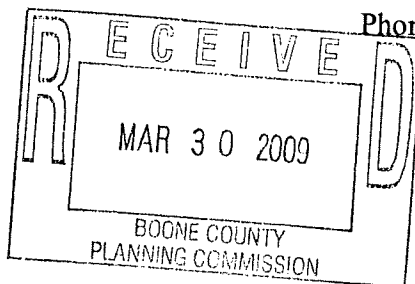
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264

plancom@boonecountyky.org

March 20, 2009

Mr. Joe Arlinghaus
Arlinghaus I, LLC
142 Barnwood Drive
Edgewood, KY 41017



RE: Request of **ECE, Inc. (applicant)** for **Arlinghaus I, LLC (owner)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for 5.134 acres of a 59.65 acre tract located at 2225 Graves Road, Boone County, Kentucky. The request is for a zone change to allow single family residences.

Dear Mr. Arlinghaus:

The following represents the conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their March 18, 2009 meeting. Please sign the space provided at the end of this letter if you are in agreement with the conditions. Please return this original letter to the Boone County Planning Commission office by March 30, 2009.

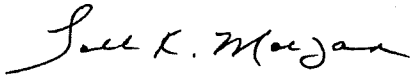
CONDITIONS

1. The approval is based on the revised Concept Development Plan that was submitted at the March 18, 2009 Zone Change Committee Meeting (see attachments).
2. The developer shall pay for any needed improvements at the intersection of Graves Road and Treetop Lane. The improvements shall not exceed a left hand turn lane and/or deceleration lane which are built to Kentucky Transportation Cabinet specifications. The County Engineer shall have one (1) year to determine what road improvements are necessary after Treetop Lane is extended to Graves Road and is open to the public. The County Engineer's final determination shall be based on a traffic study which is prepared by Boone County Public Works.
3. The landscaping berms shown along the Graves Road frontage shall be a minimum of 3' tall. Columnar evergreen trees shall be planted on the berms every twenty feet on center. All trees shall be selected from Plant List D and shall be 6 feet tall at the time of installation.

Mr. Joe Arlinghaus
Arlinghaus I, LLC
March 20, 2009
Page 2

4. The driveway on lot 330 shall be located in close proximity to the lot 329/330 common property line.

Sincerely,

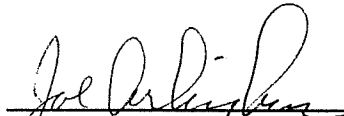


Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM/pr

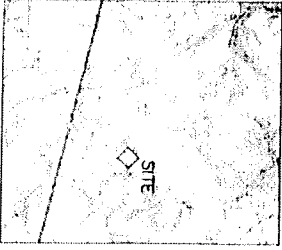
AGREEMENT

I, Joe Arlinghaus, do hereby agree to the listed conditions of approval for the Zoning Map Amendment which is described on the first page of this letter.

 *Erpen Officer*
Mr. Joe Arlinghaus
Arlinghaus I, LLC

3/20/09
Date

cc: Mr. Raymond Erpenbeck, Erpenbeck Consulting Engineers



WILLIAMS
DB 745, PG 310

WHALEY
DB 234, PG 112

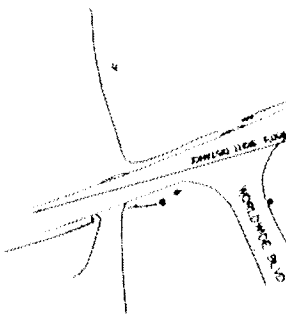
WINNINGS
DB 897, PG 104

NOTE: SEE RECORDS 312 & 313 FOR
DETAILED INFORMATION ON THE
EXISTING LAKES AND THE
PROPOSED LAKES. THE
EXISTING LAKES ARE
LOCATED ON THE
WEST SIDE OF THE
PROJECT. THE
PROPOSED LAKES
ARE LOCATED ON
THE EAST SIDE OF
THE PROJECT.

EAST KENTUCKY SQUARE CO-OP
DB 892, PG 350

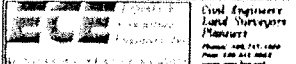
GRAVES
DB 531, PG 274

TR-STATE IMPROVEMENT CO.
DB 486, PG 244
CHERRY CREEK
SEWER SUBSTATION



ZONE/CONCEPT PLAN
SECOND ADDITION TO
TREETOPS ESTATES
BOONE COUNTY KENTUCKY

DEVELOPER: ARLINGHAUS I, LLC
142 BARNWOOD DRIVE
EDGEWOOD, KENTUCKY



NO.	DATE	REVISIONS
1	11/11/11	PRELIMINARY
2	11/11/11	REVISED
3	11/11/11	REVISED
4	11/11/11	REVISED
5	11/11/11	REVISED
6	11/11/11	REVISED
7	11/11/11	REVISED
8	11/11/11	REVISED
9	11/11/11	REVISED
10	11/11/11	REVISED

DATE: 11/11/11
DRAWN BY: J. C. J.

Legal Description

Being a parcel of land located on the north side of Graves Rd. Boone County, Kentucky and being more particularly described as follows:

Beginning at a common corner between Arlinghaus and Tri State Improvement Company (DB 486 PG. 264) at its intersection with the north right of way line of Graves Rd.; thence with said right of way S 45°05'34" W a distance of 23.12' ; thence S 46°30'27" W a distance of 253.65' to the PC of a curve; thence with said curve turning to the left with an arc length of 279.07', with a radius of 569.23', with a chord bearing of S 32°26'28" W, with a chord length of 276.29', to a common corner with Wininger (DB 697 PG 104) ; thence leaving said right of way and continuing with the eastern line of Wininger N 45°12'23" W a distance of 465.00'+/- passing a common corner between Wininger and Whaley (DB 234 PG 104) and continuing with said Whaley's eastern line; thence leaving said Whaley's line and continuing with the current zoning boundary N 46°13'31" E a distance of 544.60'+/- to a point in the western line of said Tri State Improvement Company; thence with said line S 45°30'36" E a distance of 400.00'+/- to the point of beginning.

Containing 5.134 acres

4 M

WARRANTY DEED

Group 2004

KNOW ALL MEN BY THESE PRESENTS:

That JOE ARLINGHAUS AND VIRGINIA ARLINGHAUS, husband and wife,

for and in consideration of a transfer between members and a limited liability company, do bargain, grant, and convey to:

ARLINGHAUS I LLC, A Kentucky Limited Liability Company, its successors and assigns forever, the following described Real Estate located in the County of Boone and Commonwealth of Kentucky, to-wit:

Parcel 1:

Address: 2225 Graves Road, Hebron, Ky 41048

Being located in Boone County, Kentucky and lying on the north side of Graves Road, west of the Graves and Tri-State Improvement Co. property and south of Thornwilde Subdivision and being more particularly described as follows:

Beginning at a set iron pin and cap at the intersection of the west line of the Tri-State Improvement Co. (D.B. 486, pg. 264) and the north right of way line of Graves Road, said right of way line being 15 feet north of the existing center line; thence with said right of way for three calls, S 45°05'34" W, 23.12 feet to a set iron pin and cap; thence S 46°30'27" W, 253.85 feet to a set iron pin and cap on the PC of a curve; thence with said curve to the left 279.07 feet (R=569.23 feet, Chord S 32°26'28" W, 276.29 feet) to a set iron pin and cap on the east line of Winger (D.B. 897, pg. 104); thence with the east line of Winger, Whaley (D.B. 234, pg. 112), Williams (D.B. 745, pg. 310), Tennenbaum (D.B. 850, pg. 538), Jones (D.B. 237, pg. 196), and Jones (D.B. 203, pg. 663) N 45°12'23" W, 2275.15 feet, passing a set iron pin and cap at 2265.15 feet, to a tree on the corner of Montoya (D.B. 646, pg. 280); thence with the east line of Montoya N 44°46'12" W, 977.32 feet to a set iron pin and cap on a corner to Drees (D.B. 830, pg. 507); thence with Drees for three calls, N 45°03'09" W, 1088.95 feet to an existing #4 bar with cap stamped 1781; thence N 13°18'09" W, 264.00 feet to an existing #4 bar with cap stamped 1781; thence N 32°03'09" W, 874.00 feet to a existing pin and cap

Prepared by: Robert Schroder ATTORNEY TO:
Robert Schroder Attorney
5655 Rt 22 E, Owenton KY 40359

BOONE COUNTY
D906 PG 571

stamped 1781 on the south line of Thornwilde Subdivision; thence with said subdivision for five calls N 71°25'50" E, 9.28 feet to an existing #4 iron pin; thence N 70°27'04" E, 82.12 feet to an existing #4 iron pin set iron ; thence N 70°27'04" E, 70.48 feet, said point being N 50° 01'16" E, 0.35 feet from an existing #4 iron pin and cap stamped 1781; thence N 70°26'39" E, 26.72 feet; thence N 72°07'15" E, 0.54 feet to a set iron pin and cap a corner of Graves (D.B. 633, pg. 214); thence with the west line of Graves S 45°30'14" E, 4407.27 feet to a concrete monument on the north west corner of Tri State Improvement Co. (D.B. 486, pg. 264); thence with the west line of said parcel S 45°30'36" E, 855.94 feet, passing an existing iron pin at 835.17, to the point of beginning and containing ~~59.85 acres~~.

Being the same property conveyed to grantors by deed dated September 18 and 19, 2003, recorded in Deed Book 862, page 426, of the Boone County Clerk's office in Burlington, Kentucky.

PARCEL 2:

Address: Rear of 2123 Graves Road, Hebron, Ky 41048

Being located north of Graves Road and lying south of Thornwilde Subdivision, west of Tree Tops and east of the Wernz property and being more particularly described as follows:

Beginning at the intersection of the east line of Graves (D.B. 633, pg. 214 and M.C. 814, pg. 352) and the South line of Thornwilde Subdivision, said point being N 44°49'43" W , 0.79 from and existing iron pin and cap; thence with the east line of Graves S 44°49'43" E, 1410.04 feet to an existing iron pin on the northwest corner of Lot 90, Tree Tops, Section 8; thence with the west line of Tree Tops for three calls S 45°02'27" E, 88.67 feet to an existing #4 iron pin ; thence S 44°52'02" E, 626.68 feet to an existing #4 iron pin; thence S 44°52'02" E, 370.22 feet to an existing #4 iron pin; thence leaving said line and with a new division of the grantor's property S 38°28'33" W, 1018.96 feet to a set iron pin and cap on the original west line of Graves, a common line with Wernz (D.B. 810, pg. 187); thence with said line N 45°30'14" W, 2908.02 feet to set iron pin and cap on the south line of Thornwilde Subdivision; thence with said line for nine calls N 72°07'15" E, 91.20 feet to an existing #4 pin and cap stamped 1781; thence N 72°07'15" E, 141.85 feet to an existing

#4 iron pin; thence N 72°07'15" E, 229.52 feet to an existing #4 iron pin and cap stamped 1781; thence N 72°07'15" E, 101.23 feet to an existing #4 iron pin; thence N 49°09'11" E, 179.08 feet to an existing #4 iron pin; thence N 49°08'54" E, 95.95 feet to an existing #4 iron pin; thence N 49°09'00" E, 130.04 feet to an existing #4 iron pin; thence N 49°09'11" E, 103.04 feet to an existing #4 iron pin; thence N 49°20'59" E, 35.90 feet to the point of beginning and containing 62.378 acres. ✓

Being the same property conveyed to grantors by deed dated September 29, 2003, recorded in Deed Book 862, page 432, of the Boone County Clerk's office in Burlington, Kentucky.

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

ARLINGHAUS I LLC, A Kentucky Limited Liability Company, its successors and assigns forever, with the Grantors and their heirs hereby covenanting with the grantee, its successors and assigns, that the title so conveyed is clear, free and unincumbered, and that they will warrant and defend the same against all legal claims whatsoever, except for current year taxes.

IN WITNESS WHEREOF, The said Grantors JOE ARLINGHAUS AND VIRGINIA ARLINGHAUS, husband and wife, hereunto set their hands, this 9 day of November, 2005.




JOE ARLINGHAUS



VIRGINIA ARLINGHAUS

Commonwealth of Kentucky
County of Kenton

The foregoing instrument was signed, acknowledged and sworn to before me this 9 day of Nov, 2005, by the above Grantors.



Notary Public Ky State at Large
My Commission expires: 10/1/07

CERTIFICATE

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

GRANTORS: JOE ARLINGHAUS AND VIRGINIA ARLINGHAUS
Whose address is 820 Dudley, Edgewood, Ky 41017

GRANTEES: ARLINGHAUS I LLC
Whose address is 142 Barnwood, Edgewood, Ky 41017

BOONE COUNTY
D906 Pg 573

The parties named above swear or affirm that the above amount is the true actual sale price and consideration for the transfer of the property described in this deed. Arlinghaus I LLC is an LLC with the only members being. This transfer is between an LLC and a member, no consideration is passing. Therefore the transfer is exempt from transfer tax pursuant to KRS 142.050(7) (o). The value of the real estate being transferred is approximately \$2,390,560.

Signed by Grantors: Joe Arlinghaus
Virginia Arlinghaus

Signed by Grantee: Joe Arlinghaus
For Arlinghaus I LLC

Commonwealth of Kentucky
County of Kenton

The foregoing instrument was acknowledged and sworn to before me by the above Grantors on this 9 day of Nov, 2005.

Philip Schneider
Notary Public Ky State at Large
My Commission expires: 10/2/07

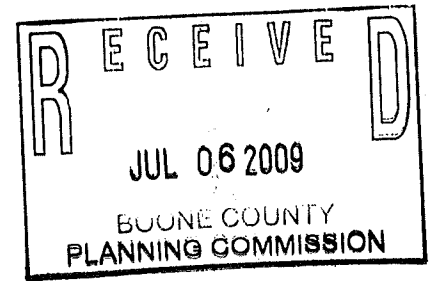
Commonwealth of Kentucky
County of Kenton

The foregoing instrument was acknowledged and sworn to before me by the above Grantee on this 9 day of Nov, 2005.

Philip Schneider
Notary Public Ky State at Large
My Commission expires: 10/7/07

BOONE COUNTY
D906 PG 574

DOCUMENT NO: 331749
RECORDED ON: NOVEMBER 09, 2005 03:29:29PM
TOTAL FEES: \$14.00
GROUP : 2004
COUNTY CLERK: MARILYN K ROUSE
COUNTY: BOONE COUNTY CLERK
DEPUTY CLERK: DONNA COLLINS
BOOK D906 PAGES 571 - 574



ORDINANCE 09-10

AN ORDINANCE RELATING TO THE APPROVAL, WITH CONDITIONS, FOR A REQUEST OF ECE, INC. (APPLICANT) FOR ARLINGHAUS I, LLC (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM RURAL SUBURBAN ESTATES (RSE) TO SUBURBAN RESIDENTIAL ONE (SR-1) FOR 5.234 ACRES OF A 59.65 ACRE TRACT LOCATED AT 2225 GRAVES ROAD, 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 Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for 5.134 acres of a 59.65 acre tract located at 2225 Graves Road, Boone County, Kentucky, which is more particularly described below; and,

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

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY:

SECTION I

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved, with conditions, this Zoning Map Amendment being a zone change from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for 5.134 acres of a 59.65 acre tract

located at 2225 Graves Road, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Rural Suburban Estates (RSE) zone is more particularly described in DEED BOOK 906, PAGE NO. 571 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

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

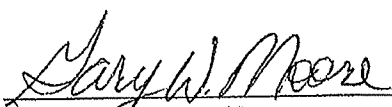
The full Planning Commission recommended approval for this request based on the findings of fact and conditions as set forth in the Findings of Fact for Approval Document and the Boone County Planning Commission Business Meeting minutes and marked as "Exhibit B."

SECTION III

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

Introduced and given First Reading on the 26th day of May, 2009.

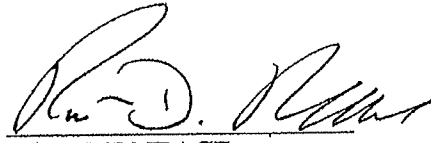
Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 23rd day of June, 2009 and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the County Fiscal Court Clerk and declared to be in full force and effect.


GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:



DAPHNE KORNBLUM
FISCAL COURT CLERK



ROBERT NEACE
COUNTY ATTORNEY

7.7.09

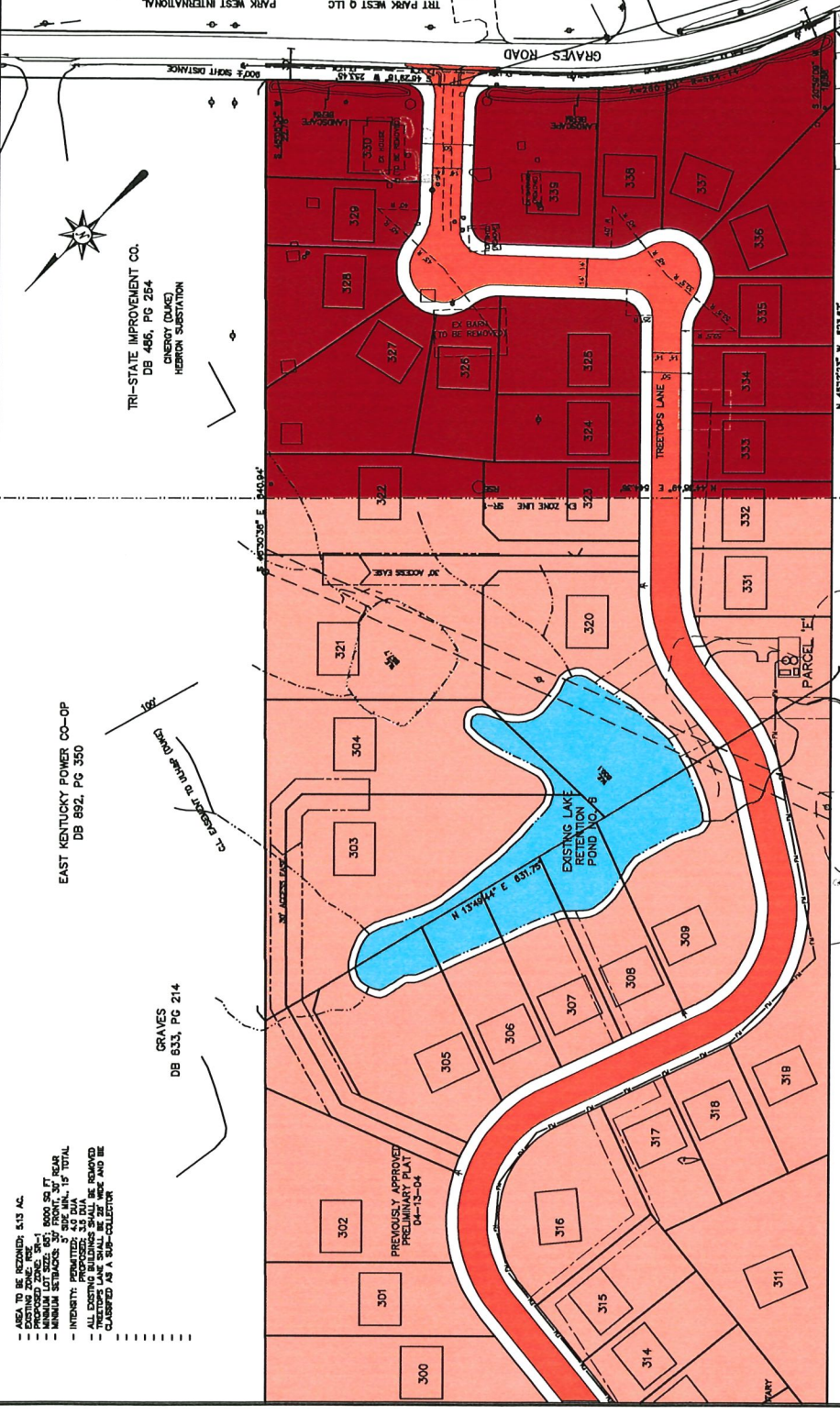
DATE PUBLISHED

- AREA TO BE REZONED: 413 AC.
- EXISTING ZONE: RUC
- MINIMUM LOT AREA: 851, 8000 SQ FT
- MINIMUM SETBACKS: 30' FRONT, 30' REAR
- INTENSITY: PERMITTED: 20 DUA, 15 TOTAL
- ALL EXISTING BUILDINGS SHALL BE DEMOLISHED
- TRETOPS LAKE SHALL BE 30' WIDE AND BE CLASSIFIED AS A BOP-COLLECTOR

EAST KENTUCKY POWER CO-OP
DB 892, PG 350

GRAVES
DB 833, PG 214

TRI-STATE IMPROVEMENT CO.
DB 486, PG 254
ENERGY CHARGES
HEBRON SUBSTATION



DEVELOPER: ARLINGHAUS I, LLC
142 BARNWOOD DRIVE
EDGEWOOD, KENTUCKY

ECE Engineering, Inc.
Land Surveyors
Civil Engineers
Professional Seal
1275 Pine Hwy • Florence, KY 41031
Phone: 859.317.4249
www.eceinc.com

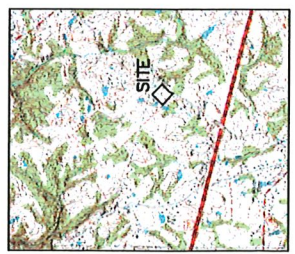
ZONE/CONCEPT PLAN
SECOND ADDITION TO
TREETOPS ESTATES
BOONE COUNTY KENTUCKY

NO.	DATE	BY	DESCRIPTION
1	3-12-09	RWE	REVISE TREEBROWS PER Q&A SHEET

NO.	DATE	BY	DESCRIPTION
1	3-12-09	RWE	REVISE TREEBROWS PER Q&A SHEET

DESIGNED BY: ONECK BY: RHE
SCALE: 1" = 50'
DATE: FEB 2009
DESCRIPTION: CONCEPT PLAN
CONCEPT/ZONE CHANGE PLAN
DRAWING NUMBER: 2439
SHEET: 1 OF 1

WILLIAMS
DB 745, PG 310



Concept Development Plan
APPROVED
Staff *Lois K. Morrison*
Date *4/1/09*

WHALEY
DB 234, PG 112

Boone County
Planning Commission

The owner of all items depicted on this plan is responsible for their accuracy. The user of this plan is advised that the user assumes all liability for any errors or omissions on this plan.