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BOONE COUNTY
PLANNING COMMISSION

10-ZMA-008-A

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 Rivers Pointe Estates
2. Location of Project Ky. 237, North of Stahl Road
3. Total Acreage of Site 334 Ac.
4. Current Zoning of Site A-1, A-2, RSE
5. Proposed Zoning (Classification being requested) SR-3/C1/O-1/PD
6. Proposed Uses (please specify each use) Residential, Retail, office and associated uses
7. Names of Applicant(s) Jay Bayer, Bayer Becker
   Phone Number (859)261-1113 Fax No. (859)261-1710
8. Address of Applicant(s) 209 Grandview Drive
   Ft. Mitchell (City) KY (State) 41017 (Zip)
9. Name of Property Owner(s) Toebben, Ltd * see attached letters and list of property ownership*
   Phone Number (859)-331-1560 Fax No. (859)-331-9702
10. Address of Property Owner(s) 541 Buttermilk Pike, Suite 104
    Crescent Springs (City) KY (State) 41017 (Zip)
11. Proposed Building Intensities (please specify) 26,000 S.F. of retail
    864 Maximum Residential Units
12. Are there any existing buildings on the site? Yes
    How many? 1 house and 2 barns
13. Deed Book * see attached* Page No. * see attached* Group No. * see attached*
14. Are you also applying for:
    No Conditional Use Permit
    Yes, in PD 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:

    X Boone County Water District
    _ Florence Public Services Dept.
    X Duke Energy
    X Sanitation District #1
    X Cincinnati Bell
    X Owen Electric Cooperative, Inc.
    X Boone County Public Works Department
    X Kentucky Transportation Cabinet
    _ Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

(over)

EXHIBIT
"A"

STAFF REPORT

Request of **Jay Bayer, Bayer Becker (applicant)** for **Toebben, Ltd. and William Toebben (owners)** for a Zoning Map Amendment from Agriculture (A-1), Agricultural Estate (A-2), and Rural Suburban Estates (RSE) to Suburban Residential Three/Commercial One/Office One/Planned Development (SR-3/C-1/O-1/PD) for an approximate 334 acre site located on the east side of North Bend Road approximately 750 feet north of the North Bend Road/Stahl Road intersection, to the east of Deer Creek and Rivershore Farms subdivisions, at the terminus of Stahl Road, and including the properties at 1280 North Bend Road, 1302 North Bend Road, and 1958 Stahl Road, Boone County, Kentucky. The request is for a zone change to allow a mixed residential, retail, and office development.

July 7, 2010

PROPOSAL

This request is for a zone change from Agriculture (A-1), Agricultural Estate (A-2), and Rural Suburban Estates (RSE) to Suburban Residential Three/Commercial One/Office One/Planned Development (SR-3/C-1/O-1/PD) for the approximate 334 acre tract referenced above. The existing A-1 zone is located in the northern part of the property, and the existing A-2 and RSE zones are divided amongst several subareas in the central and southern parts of the site. The submitted application proposes to combine three conventional zoning districts under the PD overlay district.

A Concept Development Plan has been submitted with this request. It is outlined in a 67 page booklet entitled "Rivers Pointe Estates, Zoning Application May 28, 2010." The overall land plan divides the site into twenty (20) phases across the site which are generally separated by open space areas. The twenty sites are numbered from 0 to XIX on the "Regulating Plan" which is on page 43 of the booklet and is also attached to this report. A representative/illustrative plan labeled "Example Master Plan" is also attached. Development options for each phase are outlined in a table on the Regulating Plan sheet. The options include the following seven basic types of structures:

1. large single family lots;
2. single family lots;
3. small single family lots - rear access;
4. cabin homes;
5. townhomes including street access and rear access versions;
6. multi-family buildings including "type A" and "type B" versions; and
7. village center buildings.

Descriptions and proposed development standards for these options including dimensional requirements are provided in pages 44 to 52 of the booklet. An overall description of the proposed land uses, including commercial uses for the village center, additional uses in residential areas, and two electricity producing wind turbines (approximately 60' high) are discussed on pages 6 and 7. The Concept Development Plan proposes a maximum of 864 dwelling units on the overall site, for all phases combined regardless of dwelling type. It does not list the number of units for any of the individual phases. It also proposes a maximum of 23,000 square feet of commercial/office space in the village center (26,000 sf is stated on the application form). The residential density is 2.59 dwelling units per acre for the overall 334 acre site, and approximately 2.65 dwelling units per acre when subtracting out the estimated acreage of the village center area, assuming that it did not contain any dwellings. An existing detached single family residence in the central part of the site is to be retained.

The Concept Development Plan proposes its own street and sidewalk standards which are different than the normal requirements of the *Boone County Subdivision Regulations,* generally with reduced pavement and right-of-way widths. Nine (9) different street sections are outlined on pages 11 to 13 and are shown on a "Street Hierarchy Plan" on page 14. Streets and related improvements, sidewalks, and paths are discussed in the text on pages 9 and 10, including a 8 foot wide path along the main drive from the village center to a neighborhood park which overlooks the Ohio River.

Three access points are proposed along North Bend Road. The main access point is a divided boulevard in the approximate center of the site's North Bend Road frontage (the intersection was built as part of the recent road construction). A right-in only access point is proposed at the south end of the North Bend Road frontage and a full movement access is proposed at the north end. Two access points are proposed on Stahl Road. The first is near the intersection with North Bend Road, and the second is a connection to the existing dead end of Stahl Road. The application materials state that the development will be designed to discourage use of Stahl Road.

The Concept Development Plan booklet provides discussion and/or images of anticipated amenities and open spaces, parking, storm water management, intended community character, building design, signage design, landscaping, and proposed differences/exceptions from the normal requirements on varying issues. A landscape buffer scheme around the perimeter of the development is outlined on pages 56 to 67. No specific buffers between the individual phases within the development are proposed.

The Concept Development Plan booklet also provides a discussion on the "relationship of proposed zone change with Comprehensive Plan" (pp. 18 - 22) and "compliance with Article 15 (PD)" (pp. 31 - 39). A traffic impact study entitled "Traffic Impact Study for Rivers Pointe Estates Residential & Retail Development" (dated May 2010) was also submitted (excerpts are attached). Public water and sanitary sewer service are proposed.

ADJACENT LAND USES AND ZONING

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

A. Detached single family residences are located to the south along both sides, and at the end of, Stahl Road (A-2 and RSE). Two formal subdivisions of detached single family residences (Parlor Grove and Settlers Pointe) are located further to the south (RSE and RS). A wooded hillside area is located to the east and northeast of Settlers Pointe Subdivision, beyond the end of Stahl Road (A-2 and RS).

B. A combination of detached single family residences and agriculture are located to the west of the southern part of the site, along the east side of North Bend Road in proximity to the subject site's North Bend Road frontage (A-2 and RSE). A vacant tract is located on the northeast corner of the North Bend Road/Stahl Road intersection (RSE). A combination of two formal residential subdivisions (Tree Tops and Thornwilde), a vacant/undeveloped area, a church, and detached single family residences on frontage lots are located further to the west along the west side of North Bend Road (RSE, SR-1, and RPD).

C. Two formal subdivisions of detached single family residences (Deer Creek and Rivershore Farms) are located to the west of the central and northern parts of the site (SR-1 and A-2/SR-1/R/PD).

D. A combination of detached single family residences on frontage lots, wooded hillside, agricultural uses, and a small industrial building are located to the north, northeast, and east along the south/west side of River Road (A-1, A-2, and A-2/SR-1/R/PD). A public park is located further to the east between River Road and the Ohio River (A-2 and A-2/SR-1/R/PD).

SITE CHARACTERISTICS

As stated above, the site contains approximately 334 acres. The site has approximately 720 feet of frontage on North Bend Road. The Stahl Road frontage that is in proximity to North Bend Road is approximately 765 feet wide, and the Stahl Road frontage near the dead end is approximately 455 feet wide. There are two detached single family residences on the overall property - one is in the central part of the site near the river bluff and the other is along Stahl Road. The majority of the site is wooded with a few cleared areas, notably along the road frontages. A stream runs across the site in a north-south manner. The southern part of this stream is an intermittent blue line, and it is a blue line stream from the approximate mid point of the site northward. Two ponds exist on the site.

The portions of the site near the road frontages are relatively level. The interior of the site is mostly hilly with a few plateaus. The eastern edge of the property is a river bluff which slopes down to the River Road area. The high points on the site are at approximately el 816 along the North Bend Road frontage and at approximately el 820 near both Stahl Road frontages. The low point is where the stream leaves the site in the extreme northern point at approximately el 472. Soil types on the site include Avonburg silt loam (Av), Cynthiana flaggy silty clay (CyF), Eden silty clay loam (EdE2), Egam silty clay loam (Eg), Jessup silt loam (JeD), and Rossmoyne silt loam (RsB, RsC). Public water and sanitary sewer lines exist in several locations around the site.

SITE HISTORY

Portions of the site were rezoned from A-2 to RSE in 1991 as part of the comprehensive update of the *Boone County Zoning Regulations*.

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's Future Land Use Map provides the following designations for the site (percentage figures are based on drawn GIS polygons):

Rural Density Residential (RD) for approximately 2 percent of the site in the Stahl Road frontage area that is near the intersection with North Bend Road. This designation is described as "low density residential uses of up to one dwelling unit per acre."

Suburban Residential (SR) for approximately 26 percent of the site. The areas with the SR designation are located in the south and southwest parts of the site, in the central and southern parts of the eastern portion of the site, and along the west boundary adjoining Deer Creek Subdivision. 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."

High Suburban Density Residential (HSD) for approximately 6 percent of the site in the southeast corner at the terminus of Stahl Road. 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."

Developmentally Sensitive (DS) for the remaining approximately 66 percent of the site. This designation is described as "areas that have an existing slope of twenty percent or greater for a height of 20 meters, or have unique soil or flooding characteristics which limit the ability of an area to support urban development, or contain significant wooded areas, creeks, wildlife habitat or other natural features that are important to a site's stability and visual character. In addition, developmentally sensitive areas may, in the future, be defined and protected due to historical or visual importance. Any development on land identified as Developmentally Sensitive must be carefully assessed by the developer and the Planning Commission to determine the ability of the land to support the proposed project. The land use priority for areas designated Developmentally Sensitive is preservation of the existing environment, as opposed to development of the land. This shall act as a guideline for any project proposed in Developmentally Sensitive areas; specific sites designated as Developmentally Sensitive require more detailed inventories of soil, slope, wildlife habitat, vegetation, and other possible physical constraints as part of the development plans. These inventories shall be used, along with engineering studies, to determine whether an area designated Developmentally Sensitive can be developed in a fashion which is sensitive to the existing site characteristics. The Developmentally Sensitive areas of Boone County have been identified by utilizing United States Department of Agriculture Natural Resources Conservation Service (formerly Soil Conservation Service) data and mapping, through the Boone County Geographic Information System (GIS). The degree of accuracy of these areas is intended to locate general areas of concern. Actual site assessments will determine the exact boundaries of Developmentally Sensitive areas in Boone County at the time of development, or through a detailed county-wide inventory."

No part of the subject site is designated as "Commercial" (C). There is an area designated as Commercial to the north of the site's North Bend Road frontage. This area is centered on the intersection with Thornwilde Drive and includes land on both sides of North Bend Road.

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

A. Future road access to the KY 8 area from the Graves Road and KY 237 areas would be more suitable than the discussed connection of KY 8 with the I-275 Idlewild Interchange, because of topography and Developmentally Sensitive Areas. Williams Road is planned to connect to KY 237 through Thornwilde Subdivision. With planned public sanitary sewer improvements in the Sand Run Creek and Elijah Creek watersheds, including sewer lift stations, there will be considerable growth

pressures. Development should be clustered on the ridge top areas because of the limited capacity of the existing roadway network, the Developmentally Sensitive areas, and the importance of the stream valleys as greenbelts. Lower density development, such as Rural Density Residential, should provide a transition into the Developmentally Sensitive areas. Similar to Northpointe Subdivision, stream valleys should be left undisturbed to provide open space, buffering, and/or passive recreation areas ("North Hebron Area," pg. 155).

B. With the provision of adequate infrastructure, some Suburban Density Residential development and small amounts of attached housing may extend onto the ridge top areas. Development would need to retain the bluff line vegetation in order to minimize the visual and environmental impacts of residential development. Planned Development or clustered housing should be used to insure proper development of this area, due to environmental and site characteristics. Much of the remaining land in this section contains Developmentally Sensitive and scenic hillsides, and should stay wooded in order to create greenbelts between future developments ("North Hebron Area," pg. 155).

C. Conventional layout subdivisions should be discouraged because of their inefficient circulation systems and excessive site grading requirements. The stream valleys and ridge bluff edges in this section should remain in their current state to provide public open space for the residential development on the ridge tops. Overall, this section should experience growth because of its proximity to I-275, and the Burlington-Hebron areas ("North Hebron Area," pg. 155).

D. In general, Suburban Residential development should be concentrated on land nearest to KY 237, as indicated on the Future Land Use Map. Current conditions of North Bend Road in the Francisville area are not suitable for suburban traffic demands. However, as described in the Transportation Element, the reconstruction of North Bend Road is now a priority project. Unlike most developing areas of Boone County, the north river area contains only one primary means of access, being North Bend Road. Additional development activity in this corridor should not occur until the North Bend Road reconstruction is complete, and major developments must provide their own access to North Bend Road as opposed to accessing local streets like Stahl Road ("North Hebron Area," pg. 156).

E. Residential development east of KY 237, between Rivershore Farms and Parlor Grove subdivisions needs to provide street and pedestrian connections between developments. Without the recommended improvements to North Bend Road, the remaining acreage in this section is suitable only for Rural Density residential growth. Residential development must take care to avoid potential negative impacts to the Developmentally Sensitive hillsides ("North Hebron Area," pg. 156).

The Land Use Element's Future Land Use Development Guidelines provide the following general comments that relate to the proposal.

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

B. 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 . . .

. . . 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 (note - the other being lots larger than one acre). 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 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. W here 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 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 ("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 and 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 ("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. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor. Overhead utility lines should be placed underground

wherever possible, and junction boxes screened from public view. Neo-traditional residential and commercial development should be encouraged to provide quality development that blends with the natural or historic character of parts of Boone County ("Design, Signs, and Historic Preservation," pg. 142).

The Population Element outlines population projections based on the Ohio-Kentucky-Indiana Regional Council of Government's (OKI) transportation analysis zones. The population for the zone where the site is located (896) is expected to increase from 3,939 in the year 2000, to 6,822 in 2010, and to 10,878 in 2020.

The Business Activity Element states the following regarding the general Hebron area.

A. Commercial development in Hebron will center around the intersection of new KY 237 and KY 20 with a limited amount of convenience and neighborhood commercial uses north of the I-275 interchange to serve the SouthPark Industrial Park, Park West Industrial Park, and the growing number of residential subdivisions along North Bend Road. With the amount of residential construction expected in the North River area, larger scale commercial developments, such as drug stores and grocery stores will be needed. Commercial development in this area should be designed to serve the northern part of Boone County. This commercial growth should coordinate with the existing and proposed industrial and residential developments, especially in terms of access ("Recommended Areas of Commercial Activity," pg. 64).

The Housing Element provides the following comments that relate to the proposal or general area.

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. The Union area has a high percentage of single-family housing. Sixty eight percent of all units in Union were constructed between 1990 and 2000. Large lot areas, including Union, will see multi-family construction, although this higher density development should occur close to highway arterials and urban services, and be sensitively developed in terms of building height, setbacks, mass, and visual impact. Throughout Boone County, high density developments should be close to thoroughfares to achieve a gradation of building site dimensions and land uses outlined in the Future Land Use Plan.

Multi-family housing developments should have convenient access to commercial districts or should provide their own supporting commercial uses. The developments should be designed to offer the shortest trips to the most people. High density residential developments help to hold down the cost of individual units due to many variables including lower land cost per unit, lower land development cost and building unit costs per unit. Clustering of the dwelling units allows this by requiring less site work and utility construction. Better design can correlate with more density, and walkable, multi-modal communities. This also provides a supply of affordable housing for county residents ("Housing Types," pg. 75).

B. It is important to offer a variety of housing units, not only in terms of economics, but also because of the county's demographics ("Housing Types," pg. 75).

C. High density residential areas should be located sufficiently near and with convenient access to major streets, highways, and shopping and public facilities. A progression of densities of residential uses from high (multi-family) to low (single family) shall be encouraged. Where traditional progressions of high to low net density are not possible through creative development design, an appropriate and attractive visual transition should be achieved. This could include existing vegetation or new landscaping and/or fencing. Existing vegetation (such as wooded fence rows) should be retained as much as possible to provide buffer strips and stormwater filters. This serves a dual purpose in that woodland is becoming relatively scarce in the eastern uplands of the county, and these areas buffer different land uses. Housing that is proposed on smaller, remnant tracts need to be carefully designed.

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," pp. 76 and 77).

D. The design of true open space housing development should be strongly encouraged, as an alternative to the conventional subdivision divided entirely into ownership lots. To accomplish this, densities within portions of a site can be increased while the overall intensity on the site can remain basically the same. Topography, vegetation, and public improvement costs reduction should be incentives for open space design ("Open Space Subdivision Design," pg. 77).

E. North Bend Road, the highest priority project in the 1999 Northeast Boone County Transportation Study, needs to be upgraded in order to serve additional development in that corridor . . .

Hillside development guidelines should be followed in this area to properly locate structures and avoid complete clearing of natural vegetation along the tops of hillsides so that development does not overwhelm the public view ("North River, I-275 Corridor Area," pp. 78 and 79).

The "KY Transportation Cabinet Six-Year Plan" section of the Transportation Element lists improvements described as "reconstruction and widening of KY 237 (North Bend Rd) from I-275 to just south of KY 8 (River Rd) - construction 2008, 2009, 2010" as a Six Year Highway Plan project (pg. 129). The "Summary of the 2005 Boone County Transportation Plan Recommendations" section lists a "recommended capacity project" described as "Graves Rd improvements" (pg. 130). The Proposed Trail Network exhibit (Figure 11.4, pg. 131) illustrates a "planned" trail lane along the section of North Bend Road which adjoins the subject site, and a "proposed" trail along/across the subject site between North Bend Road and River Road.

The 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. Boone County shall strive to achieve both a diversity and balance in land use. Land use and zoning decisions shall strive to balance the rights of landowners with the rights of the general public in a fair and impartial manner ("Overall," Objective 6).

E. Innovative development design methods shall continue to be pursued and supported through incentives ("Overall," Objective 9).

F. The needs of Boone County's population base are measured and fulfilled through the provision of orderly growth ("Population," Goal).

G. 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).

H. Developmentally Sensitive hillsides in Boone County must be given special consideration, and any proposed development on hillsides designated Developmentally Sensitive shall be carefully reviewed and monitored to adequately maintain the environmental integrity of the hillsides ("Environment," Physical Objective 5).

I. Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment," Social Objective 4).

J. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).

K. Compact, efficient development patterns shall be encouraged for business districts (e.g. industrial, commercial and office) with appropriately sized and well maintained buffer spaces between the business use and other land usage ("Business Activity," Overall Objective).

L. Commercial uses shall be designed and located to coordinate with the surrounding land uses and shall have safe and effective access and ample parking spaces ("Business Activity," Commercial Objective 1).

M. The large scale mixing of commercial and non-commercial uses shall occur in planned developments or in areas where consideration has been given to assure compatibility with surrounding land uses. The location of large scale commercial uses shall take into consideration existing or planned infrastructure conditions so as to protect the existing and future population and businesses. Small scale mixing of commercial uses within residential areas shall be carefully assessed and properly placed so as to enhance the neighborhood. Architectural Design Review and consistent sign standards shall be implemented on a corridor by corridor basis, when justified by legitimate land use planning principles ("Business Activity," Commercial Objective 2).

N. A broad range of housing opportunities shall be provided which meet the needs and desires for all household types ("Housing," Objective 1).

O. 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).

P. In order to offer the citizens of Boone County maximum choice in living environment, residential developments shall be judged primarily on the impact on infrastructure, buffering, and development design with only secondary consideration given to the type of dwelling units ("Housing," Objective 5).

Q. New or redeveloped residential areas shall be designed to establish clearly defined neighborhoods with a mix of retail, public and recreational uses. Established neighborhoods shall be protected and enhanced and deteriorated neighborhoods shall be regenerated ("Housing," Objective 9).

R. Mixed use, higher density neighborhoods shall be encouraged to locate at proposed mass transit stations near commercial districts and public facilities (i.e. parks) and also have convenient access to major streets and highways ("Housing," Objective 10).

S. In order to support the densities needed to sustain mass transit (as recommended by OKI's Regional Transportation Plan) and to foster new affordable housing options, average minimum densities shall be encouraged for mixed-use planned developments. This would allow a variety of housing types but also assure a logical progression of intensities. The highest densities would be in the activity centers of the mixed-use developments where there would also be commercial, retail and public (i.e. parks) uses. The activity centers would not necessarily be the geographic centers of the developments. Residential densities would lessen farther away from the center with conventional lot single-family homes at the edges. This progression of housing types could provide a needed alternative to the usual affordable housing alternative-manufactured homes, but at the same time maintain home ownership patterns and private yard features of the single family home ("Housing," Objective 11).

T. Clustering (increasing net density while not altering overall gross usable density) shall be promoted by appropriate incentives in order to preserve green space, scenic views, other identified significant site features, and land for public facilities or recreation. The usability of green space must be carefully reviewed, and the provision of green space shall not in itself guarantee an increase of density. Clustered housing, or Open Space Subdivisions shall be permitted not only in planned developments, but in appropriately designed subdivisions under conventional zoning ("Housing," Objective 12).

U. 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).

V. 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).

W. New connector streets shall be developed where needed and feasible thus lessening the total dependence on arterial, collector, and local streets. Existing connector streets shall be improved where needed ("Transportation," 2nd Goal, Objective 2).

X. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops ("Transportation," 2nd Goal, Objective 3).

Y. Developers of planned, mixed-use neighborhoods shall design such projects so that residential, retail, office, compatible light-industrial land uses can be served by transit stations or stops, pedestrian and bicycle facilities, open space and public uses ("Transportation," 3rd Goal, Objective 1).

BOONE COUNTY TRANSPORTATION PLAN 2030

A. North Bend Road is illustrated as a "Six Year Highway Plan Project" on the "Operational Improvement Plan Project Locations Map" (Exhibit 5-2, pg. 5-4).

B. Exhibit 6-1 (pg. 6-2) lists the following "Recommended Projects" that are in the general area.

Map ID 6 - New I-275 Interchange: New I-275 interchange in vicinity of Graves Road/Williams Road/Watts Road. This is listed as a high priority project (less than 10 years) in Exhibit 6-13 "Recommended Transportation Plan Project Prioritization" (pg. 6-20).

Map ID 7 - Graves Road: Realign with Bullittsville Road and widen/improve from KY 20 Petersburg Road to KY 237 North Bend Road. This is listed as a medium priority project (11 - 20 years) in Exhibit 6-13 "Recommended Transportation Plan Project Prioritization" (pg. 6-20).

C. Exhibit 6-10 (pg. 6-14) lists the "Year 2030 Recommended Transportation Plan Levels of Service - Two Lane State Routes" for the segments of North Bend Road between Graves Road and Sand Run Road, and between Sand Run Road and KY 8, as LOS C.

D. Exhibit 6-18 "Multi-Use Trail Network" (pg. 6-29) illustrates a "planned" trail lane along the section of North Bend Road which adjoins the subject site, and a "proposed" trail along/across the subject site between North Bend Road and River Road.

STAFF COMMENTS

1. COMPREHENSIVE PLAN

The governing bodies need to determine whether the proposal is in agreement with the 2005 Boone County Comprehensive Plan. The Comprehensive Plan's Future Land Use Map designates the site as Rural Density Residential (approximately 2 percent), Suburban Residential (approximately 26 percent), High Suburban Density Residential (approximately 6 percent), and Developmentally Sensitive (approximately 66 percent). The Developmentally Sensitive designation does not prohibit development, nor like the other designations does it outline specific contemplated land uses. Rather, the somewhat lengthy description (outlined previously) includes the key phrase "any development on land identified as Developmentally Sensitive must be carefully assessed by the developer and the Planning Commission to determine the ability of the land to support the proposed project," meaning that each site and proposal needs to be evaluated on its own merits. It also states "the land use priority for areas designated Developmentally Sensitive is preservation of the existing environment, as opposed to development of the land." Note that the "Hillside Development Guidelines" in Section 3162 of the zoning regulations will need to be followed when applicable.

As stated above, the Commercial designation is not applied to this site, although it is applied nearby at the North Bend Road/Thornwilde Drive intersection area. Commercial uses are approved along Thornwilde Subdivision's North Bend Road frontage. Also as stated above, the proposed residential density is 2.59 dwelling units per acre for the overall 334 acre site, and approximately 2.65 dwelling units per acre when subtracting out the estimated acreage of the village center area, assuming that it did not contain any dwellings. This density figure is comparable to typical subdivisions of detached single family residences in the SR-1 zone.

There are several recurring themes in the text of the Comprehensive Plan as it relates to this area. The Land Use Element mentions appropriate land use, development design, and the Developmentally Sensitive hillside areas in the North Hebron/North Bend Road area multiple times. These statements include:

A. Development should be clustered on the ridge top areas because of the limited capacity of the existing roadway network, the Developmentally Sensitive areas, and the importance of the stream valleys as greenbelts. Lower density development, such as Rural Density Residential, should provide a transition into the Developmentally Sensitive areas. Similar to Northpointe Subdivision, stream valleys should be left undisturbed to provide open space, buffering, and/or passive recreation areas ("North Hebron Area," pg. 155).

B. With the provision of adequate infrastructure, some Suburban Density Residential development and small amounts of attached housing may extend onto the ridge top areas. Development would need to retain the bluff line vegetation in order to minimize the visual and environmental impacts of residential development. Planned Development or clustered housing should be used to insure proper development of this area, due to environmental and site characteristics. Much of the remaining land in this section contains Developmentally Sensitive and scenic hillsides, and should stay wooded in order to create greenbelts between future developments ("North Hebron Area," pg. 155).

C. Conventional layout subdivisions should be discouraged because of their inefficient circulation systems and excessive site grading requirements. The stream valleys and ridge bluff edges in this section should remain in their current state to provide public open space for the residential development on the ridge tops ("North Hebron Area," pg. 155).

D. In general, Suburban Residential development should be concentrated on land nearest to KY 237, as indicated on the Future Land Use Map. Current conditions of North Bend Road in the Francisville area are not suitable for suburban traffic demands ("North Hebron Area," (pg. 156).

E. Additional development activity in this corridor should not occur until the North Bend Road reconstruction is complete, and major developments must provide their own access to North Bend Road as opposed to accessing local streets like Stahl Road ("North Hebron Area," (pg. 156).

F. Residential development east of KY 237, between Rivershore Farms and Parlor Grove subdivisions needs to provide street and pedestrian connections between developments. Without the recommended improvements to North Bend Road, the remaining acreage in this section is suitable only for Rural Density residential growth. Residential development must take care to avoid potential negative impacts to the Developmentally Sensitive hillsides ("North Hebron Area," pg. 156).

The basic direction of this text is that: the Developmentally Sensitive areas, hillsides, bluff lines, and stream valleys should be respected with open space retained/provided; PUD or cluster style development design should be opted over conventional arrangements due to the lay of the land; street and pedestrian connections should be provided; and that Suburban Residential development should generally be concentrated closest to KY 237, and may also extend onto the ridge top areas along with small amounts of attached housing. The references to limiting development until the North Bend Road reconstruction is complete are moot at this point, as the project is functionally complete.

The Land Use Element's Future Land Use Development Guidelines and the Goals and Objectives echo the Land Use Element's "North Hebron Area" text in a more general sense (references outlined previously), as does the Housing Element. Relative to land use and development design, the Housing Element states:

A. Multi-family housing developments should have convenient access to commercial districts or should provide their own supporting commercial uses ("Housing Types," pg. 75), "

B. A progression of densities of residential uses from high (multi-family) to low (single family) shall be encouraged. Where traditional progressions of high to low net density are not possible through creative development design, an appropriate and attractive visual transition should be achieved. This could include existing vegetation or new landscaping and/or fencing. Existing vegetation (such as wooded fence rows) should be retained as much as possible to provide buffer strips and stormwater filters. This serves a dual purpose in that woodland is becoming relatively scarce in the eastern uplands of the county, and these areas buffer different land uses ("Housing Densities," pg. 76).

C. The design of true open space housing development should be strongly encouraged, as an alternative to the conventional subdivision divided entirely into ownership lots ("Open Space Subdivision Design," pg. 77).

D. Hillside development guidelines should be followed in this area to properly locate structures and avoid complete clearing of natural vegetation along the tops of hillsides so that development does not overwhelm the public view ("North River, I-275 Corridor Area," pg. 79).

The Comprehensive Plan does anticipate growth in this area. The Business Activity Element refers to the "growing number of residential subdivisions along North Bend Road" and also states that "with the amount of residential construction expected in the North River area, larger scale commercial developments, such as drug stores and grocery stores will be needed" ("Recommended Areas of Commercial Activity," pg. 64). The Population Element forecasts a substantial increase in population for the traffic zone in question. This forecast is for the zone at large and should not, in and of itself, be construed to endorse a particular land use or intensity on a specific parcel.

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

2. PD OVERLAY ZONE CRITERIA

Staff offers the following comments regarding the requirements set forth in Section 1514 "Planned Development Criteria" of the Boone County Zoning Regulations. Concept Development Plan proposals in Planned Developments are to be primarily evaluated against these criteria. Staff has discussed the bulk of these comments with the applicant.

1. Mixed Use Development and Pedestrian Orientation: The development could be reasonably described as mixed use in the context of this criterion if it were developed as discussed in the Concept Development Plan booklet's text. The text discusses a mixture of varying types of detached single family residences, townhouse and apartment dwellings, and a potential mixture of commercial, office, and residential uses in the village center. The development has the potential under the Regulating Plan to be fairly homogenous with largely detached single family residences and townhouses without the commercial/office uses in the village center and the multi-family dwellings.

Relative to pedestrian orientation, this criterion states "in general, planned developments shall have a pedestrian orientation, where it is possible to live, work, shop, and play in the same immediate vicinity without a required dependence on the automobile." It also includes a number of examples for how this could be accomplished. The overall plan, especially the village core with some exception, accomplishes the direction of this subsection. The types of amenities which are discussed in the booklet and could be provided, and the overall building placement/site arrangement scheme outlined in the Design Guidelines section (particularly the rear access units) lend themselves to the creation of a pedestrian

environment. The exception for the village core is that the buildings on the north side of the main road into the development are laid out in a strip center manner on the illustrative Example Master Plan, with the bulk of the parking between the buildings and North Bend Road (this is inconsistent with the general intent expressed in the booklet). Consideration should be given to configuring this phase in a manner more consistent with the "village" imagery outlined in the booklet. This could be accomplished without most of the parking facing North Bend Road, yet it could still be responsive to the customer base traveling said road.

An 8 foot wide pedestrian path (10' required under the normal subdivision regulations) from the village center to a neighborhood park which overlooks the Ohio River is planned. The booklet also states that the village center and the multi-family areas will have sidewalks on both sides of the street. Based on the distinctions made in the booklet, this presumably does not include townhouse areas.

The proposal eliminates sidewalks in several instances where they are normally required. The booklet's text states that other streets may will have sidewalks on one side of the street (with sidewalks not wrapping around the "bulb" for cul-de-sacs) and that private streets may have no sidewalks. This could potentially result in long expanses of major internal streets with sidewalks on one side. The rationale stated is to minimize clearing, disturbance, etc. (rights-of-way would conceivably be graded in most instances regardless). The normal standards of the subdivision regulations require sidewalks on both sides of most public streets with walks on one side of cul-de-sacs (closed end streets serving 25 or less lots or units).

Rather than applying the proposed reduced standards to the overall development without the benefit of a specific proposal for each phase, Staff recommends that potential reductions be evaluated at the Preliminary Plat and/or Site Plan phase based on the specific use and intensity of each phase, destinations along and between each segment of walk, and effects on site disturbance and clearing. In this manner, assurances would be made that the objectives of the Concept Development Plan booklet and Section 1514 would be met.

2. Compatibility of Uses: This criterion states "measures shall be taken to assure compatibility of land uses within a planned development itself and adjacent sites." It also states in part "compatibility measures/mitigation measures shall exceed the usual minimum standards of this order when needed to address impacts of the proposed development." Due to the general nature of this criterion, it can include a wide range of land use related issues. In this regard, the following observations are offered.

A. Land Use: The governing bodies should evaluate the potential uses for each phase (20 total). Although criterion #1 above advocates mixed use development, the various uses still need to be evaluated pursuant to the Comprehensive Plan and for compatibility with the neighboring properties. In this regard, the commercial uses in the village core, the potential townhouse and multi-family phases, and the two wind turbines should be specifically examined. The wind turbines are approximately 60' high and located at each end of the river bluff area (a picture is on page 16 of the booklet). In addition to the residential uses outlined on the Regulating Plan, specific uses to be permitted and prohibited are outlined on page 6 of the Concept Development Plan booklet (the referenced SR-3, C-1, and O-1 zone permitted use lists are attached to this report).

The Comprehensive Plan's Future Land Use Map does not show Commercial uses on this site, but it is a generalized map with Commercial uses shown to the north at the North Bend Road/Thornwilde Drive intersection. Commercial uses are already approved for Thornwilde Subdivision's North Bend Road frontage as mentioned previously. The Housing Element does state that "multi-family housing developments should have convenient access to commercial districts or should provide their own supporting commercial uses. The developments should be designed to offer the shortest trips to the most people."

Potential townhouse and multi-family phases are shown in several locations around the site's perimeter on the Regulating Plan, including part of the river bluff area and adjoining Deer Creek subdivision. The maximum height of these structures is proposed to be between 3 and 5 stories with buffer yards potentially reduced below the normal standards of Article 36 of the zoning regulations as discussed further below. As discussed above, the text of the Comprehensive Plan notes that "with the provision of adequate infrastructure, some Suburban Density Residential development and small amounts of attached housing may extend onto the ridge top areas."

B. Buffer Yards: A landscape buffer scheme around the perimeter of the development is outlined on pages 56 to 67. This includes the street frontage areas along North Bend Road and Stahl Road. No specific buffers between the individual phases within the development are proposed.

As Staff does not have any issue with the lack of internal buffers due to the substantial amount of open space proposed, many of the perimeter buffer yards have less width, planting materials, or other substantive difference from the requirements of Section 3645 "Buffer Yards" of the zoning regulations. For example, the street frontage area along North Bend Road

(line 1 on the Landscape Buffer Plan) proposes five small trees per 100 linear feet and a fence with stone columns in lieu of the required shrubs. Staff does not oppose the proposed fence instead of shrubs, however, the trees are proposed to be clustered entirely at the ends of the property. A rationale about connecting the plants to the existing mature vegetation at the ends of the property is stated, but this can be accomplished while also still dispersing trees across the street frontage per the established standards.

For another example, the typical buffer along the boundary adjoining Deer Creek Subdivision (line 7 on the Landscape Buffer Plan) illustrates 3 large deciduous trees, 3 medium deciduous trees, and 12 small deciduous trees per 100 linear feet in a 20 foot wide buffer area (denser screening evergreen trees are not shown). This exhibit also shows existing trees on the adjoining property which are not credited toward the buffer plantings under the normal requirements. The affected phase is XIV on the Regulating Plan which calls for townhouses or multi-family buildings (up to 3 to 5 stories). The normal buffer requirements under this scenario is up to Buffer Yard C (for more than 80 units in the developing phase, 20' wide Buffer Yard B otherwise) which is either a 60 foot wide buffer with 10 evergreen trees, 8 large or medium deciduous trees, and 35 large shrubs per 100 linear feet, or a 30 foot wide buffer with a 6 foot high berm, wall, or fence, the same amount of trees as the 60 foot version, and 15 large shrubs. Existing vegetation which is retained on the developing site may be credited toward planting requirements. If the 20 foot wide Buffer Yard B would apply based on the number of units in this phase, at least 5 evergreen trees per 100 linear feet would be among the required plantings.

Like the sidewalk scheme discussed above, Staff recommends that potential differences or reductions to the normal requirements be evaluated during the plan review process. Based on a multitude of unknown variables at this point (exact land uses, building height and bulk, layout of specific phases, parking lot lighting, existing vegetation to be retained, etc.), Staff recommends that any approval of the Concept Development Plan as currently presented use the requirements of Article 36 of the Zoning Regulations as the benchmark for buffers around the perimeter of the development, with the opportunity to request alternate approaches or reductions when the particulars of the specific phases are known.

C. Parking: The Concept Development Plan booklet states that "on street parking within the public right of way and/or on private streets will count toward the overall required parking count for the multi-family, townhome and/or commercial area" (pg. 15). Staff does not take issue with this approach provided that the on street parking to be credited is within a physically defined parking lane that is discernibly separate from the moving

lanes with additional pavement width at these points (street pavement widths are generally proposed to be reduced from the normal standards). The submitted booklet includes several appropriate examples of on street parking solutions on page 15.

The booklet also mentions the use of storm water management methods that are not expressly mentioned in the current regulations, including the use of porous pavements (pg. 16). Porous pavements were evaluated in detail for private parking areas and driveways during the last update of the zoning regulations, and were rejected due to the extensive routine maintenance that they require and a high failure rate. Specified grass pavers are permitted under certain circumstances. Staff recommends that the current regulations be followed in this regard with the understanding that porous pavements could be reevaluated at a future date when the technology advances.

Also relative to parking under the "Garage and Driveway Design" section of the booklet, the proposal states "driveways may be constructed of pervious materials such as crushed granite, gravel, etc. beginning at the property line" (pg. 42; pervious pavements and gravel are also mentioned on pg. 9). This presumably would only apply to detached single family residences. Due to several reasons, Staff is opposed to this part of the proposal (except if used exclusively for the "cabin home" phases, which are intentionally more informal or rustic in character). If improved storm water management is the goal, there are other methods which would not involve the problems inherent with loose aggregate surfacing in a subdivision environment, such as the grass pavers mentioned above or the "two tire strip" approach that is also outlined on page 42 of the booklet.

D. Detached Garages: The Concept Development Plan booklet states "accessory structures shall meet the regulations as prescribed in the Zoning Ordinance, with the exception that detached garages with finished spaces above and/or below should not exceed 1,300 s.f. on the main floor." Section 3153 "Location of Accessory Structures or Use" of the zoning regulations states the combined area of all roofed accessory structures (includes detached garages) on a residential lot that is less than 20,000 square feet (0.46 acres) shall not exceed 50 percent of the gross floor area of the principal structure or 750 square feet, which is larger, and that accessory structures shall not exceed the height of the principal structure.

The language proposed in the booklet could result in detached garages which are very dominating, and potentially larger than the dwellings they serve. Staff does not have strong opposition to the proposed language for the "large single family lot" or "cabin home" products outlined in the proposal, but recommends that the standard language of Section 3153 be used for all other building types.

E. Outside Commercial Display: For "non-residential" uses, the Concept Development Plan booklet states "permanent and seasonal outdoor storage for display purposes may be allowed on hard surfaces in the front, side or rear of the building, which may include sidewalks, porches, concrete pads and parking areas so long as those parking spaces are in excess of those required to meet the minimum standards prescribed herein. Specific locations for such storage and display areas will be determined during the final site plan phase" (pg. 27).

This aspect of the proposal is very different from the requirements of the zoning regulations (Article 35), which allow "sidewalk sales" on a regular basis, but otherwise only allow this type of display on a limited basis with a Temporary Commercial Display (TCD) permit, and only then in the Recreation, C-2, and C-3 zones. It is not permitted in the C-1 zone which is intended to be a neighborhood commercial district.

When considering the residential and agricultural character of the area, much greater definition as to how this would occur should be provided before this type of display is permitted. Based on previous experience, the approach proposed could have very poor results. Staff recommends that this type of display be limited to sidewalks, porches, arcades, and the like in line with the "sidewalk sale" provisions of Article 35 (or similar defined areas which are in close proximity to the building versus in parking areas or along street frontages). Page 27 of the booklet includes a photo of bagged mulch on pallets, which is among the types of display that Article 35 is intended to curtail from occurring on a routine or perpetual basis, especially in an area that is not highly commercial.

F. Commercial Trash Collection: In addition to the enclosed central dumpsters required by Section 3151 of the Zoning Regulations, the booklet states relative to tenants in the village center that "one unenclosed garbage can may (sic) be allowed per tenant so long as such cans are located to the rear of the building and tenant space, or side of the building if not facing a street or parking area" ("Service Areas," pg. 52). This provision is contrary to Section 3151, would be very difficult to enforce, and could result in a range of potential problems. Staff recommends that the normal requirements of the zoning regulations be followed in this regard, which allow individual cans to be used and kept indoors.

3. Open Space: This criterion states that "useable open space(s), in an amount over and above setback and buffer yard areas and open areas required by the underlying zone, shall be provided." Open space areas are shown throughout the development on the Regulating Plan and the Example Master Plan. The text of the booklet states that the development will include over 67 acres of open space "representing approximately 20% of the land area" (pg. 33). The project meets this criterion relative to the amount of open space proposed.

The booklet contains photos of various types of parks and open spaces (pg. 33), and the text provides a discussion on the various types of community facilities and open space amenities which "may" occur without further commitment (pp. 7 and 8). To insure that the requirements of this section are reasonably met, Staff recommends that the applicant commit at a programmatic level to the types of open space improvements/amenities that will minimally be provided. This could include a list of options with the stipulation that a certain number of them will actually be provided throughout the development. The types of amenities that are listed as possibilities in the Concept Development Plan booklet comply with this criterion.

4. Multi-Modal Transportation System: This criterion states "planned development shall incorporate multi-modal transportation elements through the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large." As noted under criterion #1 above, the basic development concept has a pedestrian orientation. Sidewalks and the proposed pedestrian (multi-use) paths are also discussed under #1 above. The Concept Development Plan booklet states that "the developer will continue to work closely with TANK to determine if a bus stop at Rivers Pointe Estates is warranted and desirable" (pg. 21). A newly constructed park and ride lot is located approximately 0.8 miles south of the North Bend Road/Stahl Road intersection. Staff's only additional comment is that the provision of bus stops/pull off lanes could be considered for the main road "loop" through the development (similar to Plantation Pointe), mainly for the use of school buses.

5. Preservation of Existing Site Features: A substantial amount of open space is to be retained as discussed above, as is the creek corridor which runs across the site. The open space to be retained is outlined on the various plan sheets in dark green and light green. The differences between the two needs to be explained by the applicant. Presumably, the dark green areas are intended to be left largely undisturbed (except perhaps for amenity related improvements) and that some level of clearing/disturbance is anticipated for the light green areas.

Based on the language in this criterion and the Comprehensive Plan (i.e, "development would need to retain the bluff line vegetation in order to minimize the visual and environmental impacts of residential development"), Staff recommends

that a buffer area of existing trees be retained along all of the property lines comprising the east boundary of the site, as well as the boundary between Phase XIV and Deer Creek Subdivision. Staff's initial recommendation is to keep a more substantial no disturb area along these boundaries, such as 50 feet. This initially appears feasible based on the plan provided, and these areas could be credited toward the buffer area/planting requirements and include trails, paths, etc., as discussed in the proposal.

6. Landscaping: This criterion states "substantial landscaping shall be provided in a planned development with emphasis given to street scape areas, buffer zones, and the provision of significant landscaping (in terms of size of landscape areas, and quantity and quality of landscape materials) within the developed portions of the site. The use of landscape design guidelines is required for multi-phased projects. The retention of existing healthy, substantial trees should occur wherever possible. Properly designed street tree plantings may be permitted to fulfill some landscaping requirements as part of an overall amenity package."

The Concept Development Plan booklet states that the development shall conform with Article 36 of the zoning regulations as a minimum standard with some noted "exceptions, exclusions and additions" ("Site Landscaping," pp. 54 and 55). First, the booklet states that "street trees" will not be required along street frontages that maintain an appropriate number of existing and new yard plantings along the streetscape. The street trees referenced are presumably those required for single family residences by Section 3619 of the zoning regulations. The basic approach proposed is permissible under Section 3619, and this language would still require the installation of street trees per the normal regulations should the existing and new plantings mentioned not otherwise be provided in a manner commensurate with the typical standards.

Second, this section of the Concept Development Plan booklet states that landscaping elements "may be allowed in the public right-of-way and along edges of private streets" (such features in the public right-of-way is also mentioned in the "Landscaping" section on pg. 36). Staff is not opposed to landscaping along the edges of private streets provided the specific scheme in question is a safe and appropriate solution. Landscape improvements in the public right-of-way will need to be approved by the Boone County Public Works Department.

Third, this section of the booklet contains a paragraph entitled "Front Yard Treatment." It generically lists a number of improvements which front yards should or can include, and it also states that "fences, walls, and gates shall be allowed in front, side and rear yards." Staff has a question for the applicant as to whether these provisions are intended for every phase regardless of use (commercial, office, multi-family, etc.), or whether they are intended just for the detached single family dwelling phases. Staff also has the comment that the basic types of permissible fences, gates and walls should be defined to avoid inappropriate results.

Buffer areas are discussed under #2 and 5 above. This section states "the use of landscape design guidelines is required for multi-phased projects." Aside from the specific comments on the content of the various landscape proposals, sufficient direction was given in the booklet to fulfill the guideline requirement.

7. Architecture: This criterion states "a consistent architectural theme shall be provided in planned developments." It continues to state that the "theme shall largely use traditional, regionally influenced architectural forms and elements and shall allow variations in it," along with a list of representative styles which could fulfill this section. The "Architecture" section (pg. 37) of the booklet provides a comparable list of representative styles, and it states "a consistently high quality of materials, details and craftsmanship throughout the development with each building type will allow the seamless integration of multiple building types and uses envisioned." It also states that there will be "architectural design review by the developer and ultimately by a Retail Owners Association" for the village center (pg. 19).

The booklet in several instances refers to quality or distinctive architecture, and it includes a number of photos which infer the designs of the buildings. While Staff has no issue with the inferred results as they would fulfill the requirements of this section, there is no operational language which would reasonably guarantee that the images and general language in the booklet will be representative of the actual buildings to be constructed in this development.

This section states "the use of architectural guidelines or building prototypes is required for all multi-phased projects." These have not been provided to date, although the booklet refers to "specific design standards" (pg. 19). To insure that the requirements of this section are met, Staff recommends that guidelines and/or prototypes be devised for the attached residential, multi-family residential, and commercial/office buildings, and that these building types be reviewed for compliance with the guidelines/prototypes through the site plan process.

8. Historic and Prehistoric Features: Staff is not aware of any surviving historic or prehistoric features on the site.

9. Signage: Signage is discussed on page 53 of the Concept Development Plan booklet. This section states that signage should conform to the requirements of Article 34 of the Zoning Regulations with some "exceptions, exclusions and additions" noted. It also states that signage should "reinforce the architectural style of the building." Staff takes this phrase to mean that the design of the sign will correlate to and/or use the basic design elements of the building it serves, which is mentioned in this criterion.

Several particular differences from the normal requirements of Article 34 are of note. First, the use of A-frame/sandwich board signs are proposed "along commercial frontage in the Village Center of Rivers Point Estates without requirement for permit per Section 3450, paragraph 5" (the Small Community Overlay District signage requirements). This is acceptable to Staff provided these signs are on or along the sidewalks immediately adjoining the building frontages and not along the outer perimeter of parking areas, in perimeter landscape areas, etc.

Second, an electronic message board sign is proposed to communicate internal community information (no commercial messages). The booklet states that it will not be visible from Stahl Road. Based on the limited information provided at this point, Staff is not comfortable with this aspect of the proposal, especially since it could be readily visible from North Bend Road. Minimally, the location of the sign and its basic design characteristics should be presented (style of sign, size, height, type and intensity of electronic copy, proportion of electronic versus fixed copy).

Third, the booklet proposes to allow "no soliciting" and "open house" signs at the community entrances. Staff does not support the provision to allow open house signs in this manner as they tend to be temporary in nature and are off-premise.

Fourth, the booklet proposes temporary development/construction signs for each housing area in the development and at all of the main entry points (pg. 30). These signs are proposed to be up to 10 feet high and 8 feet wide (80 square feet). Section 3406 of the Zoning Regulations permits such signs to be up to 8 feet high and 50 square feet in residential zones (i.e., the neighboring properties and the majority of this development are substantially residential). Staff has not identified a rationale for the additional size and height for this type of sign.

10. Transportation Connections and Entry Points: This section discusses the provision of various types of transportation connections (streets, sidewalks, trails, etc.). Due to the lack of opportunities because of adjoining development and topography, while also considering planned land uses on the Future Land Use Map, the connection aspect of this criterion is difficult to effectively apply. Section 305.N "Temporary Dead-End Streets and Street Connections to Adjoining Tracts or Areas" of the *Boone County Subdivision Regulations* was also consulted when evaluating this criterion. The site does have two panhandles which extend down the hillside to River Road. Staff would like the applicant to address whether a pedestrian path could be reasonably provided in either panhandle.

This criterion also states that the entry points into the development shall be demarcated in some manner. The "Signage" text of the booklet refers to entrance signs at the various entry points. This criterion states that any structures used for this purpose "shall visually correlate to the planned architectural theme" (parallels the text mentioned above for signage and the architectural guidelines/prototypes).

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

3. STREETS AND TRAFFIC IMPACT STUDY

Street Sections: As stated at the beginning of this report, nine (9) different street sections are outlined in pages 11 to 13 and are shown on a "Street Hierarchy Plan" on page 14. These sections are different from those in the *Boone County Subdivision Regulations*, and generally have reduced right-of-way and pavement widths. Note that the width description for each street type is for the proposed right-of-way and not the pavement (for example, "37' wide connector street" has a 37' wide right-of-way and 22' pavement width to the face of the curb).

Staff has a few comments on these standards. First, the "28' wide lane" (18' pavement width) is proposed to serve phase XI, which is proposed for townhouses (street access) and multi-family. If this street type is intended to directly serve parking spaces, an alternate pavement width should be sought to adequately facilitate turning movements at these points. For reference purposes, two way drives which are double loaded in private parking lots require a 24 foot pavement width.

Second, the "20' wide private rear parking lane" is essentially a service alley potentially with parking pads or drives in close proximity to one another along a 16 foot pavement width (8' lanes - a standard 90 degree parking space is 9' wide). Although traffic volumes and speeds for alleys tend to be low, sufficient width needs to be provided to accommodate two way traffic, service vehicles such as garbage and moving trucks, and turning movements in and out of lots. The normal width required for alleys under the subdivision regulations is 20 feet.

Staff recommends that the Planning Commission review all of the proposed individual street sections in detail. The Boone County Engineer has commented that "the County would like assurance from the developer that they will work with the County on the design and location of these modified sections" (6/25/10 memo from Greg Sketch, PE, PLS, Boone County Engineer, is attached).

Traffic Impact Study and Access: A traffic impact study was submitted with this request. The "Introduction and Summary" and "Recommendations and Conclusions" sections of the study are attached. Staff does not have any comments on the study's methodology. Key points in the study include:

A. Two minor access points are proposed along North Bend Road in addition to the main divided boulevard intersection that was constructed as part of the recent work. The one at the southern part of the frontage is a right-in only access, and the one at the northern part of the frontage is proposed to be full access. The Kentucky Transportation Cabinet, District 6 has basically commented that the additional access points are under evaluation (6/17/10 e-mail from Rick Davis, P.E., Branch Manager - Engineering Support, is attached). The Boone County Engineer has commented that the County would like assurance from the developer that they will work with the County on the location and alignment of the streets that lead to the access point(s) on Stahl Road to minimize the amount of traffic on said road (refer to 6/25/10 memo).

B. A number of improvements which are necessitated by the development at various points in time are outlined in the attached "Recommendations and Conclusions" section. These largely deal with striping, constructing, or extending turn lanes. The applicant should state who will be responsible for the construction of these improvements.

A traffic signal at the main divided intersection on North Bend Road is also recommended by the study to accommodate "2028 build traffic." This is with the caveat "if warranted." Again, the applicant should state who will be responsible for its installation, and provide an assurance that it will be installed at an earlier time if so warranted.

4. STORM WATER MANAGEMENT

The Boone County Engineer has made several comments relative to storm water management, especially that a holistic plan should be designed for the entire development. These comments are outlined in the attached 6/25/10 memo.

5. OTHER OUTSIDE AGENCY COMMENTS

The Hebron Fire Protection District has provided a letter which outlines several fire and emergency response related issues (letter received 7/1/10 from David Perkins, Assistant Chief, is attached).

Staff has requested written comments on the proposal from the Boone County Conservation District, Boone County Schools, Boone County Water District, and Sanitation District #1 regarding their service abilities and/or policies. Such comments have not been received as of this writing. Any written comments received from these agencies will be forwarded to the Zone Change Committee for review.

CONCLUSION

The Boone County Planning Commission and the Boone County Fiscal Court need to evaluate the proposed zone change in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3 "Amendment" of the Boone County Zoning Regulations, the Planned Development requirements stated in Article 15 of the zoning regulations, the 2005 Boone County Comprehensive Plan, and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will need to be amended if this request is approved.

Respectfully submitted,

Kevin T. Wall, AICP
Director, Zoning Services

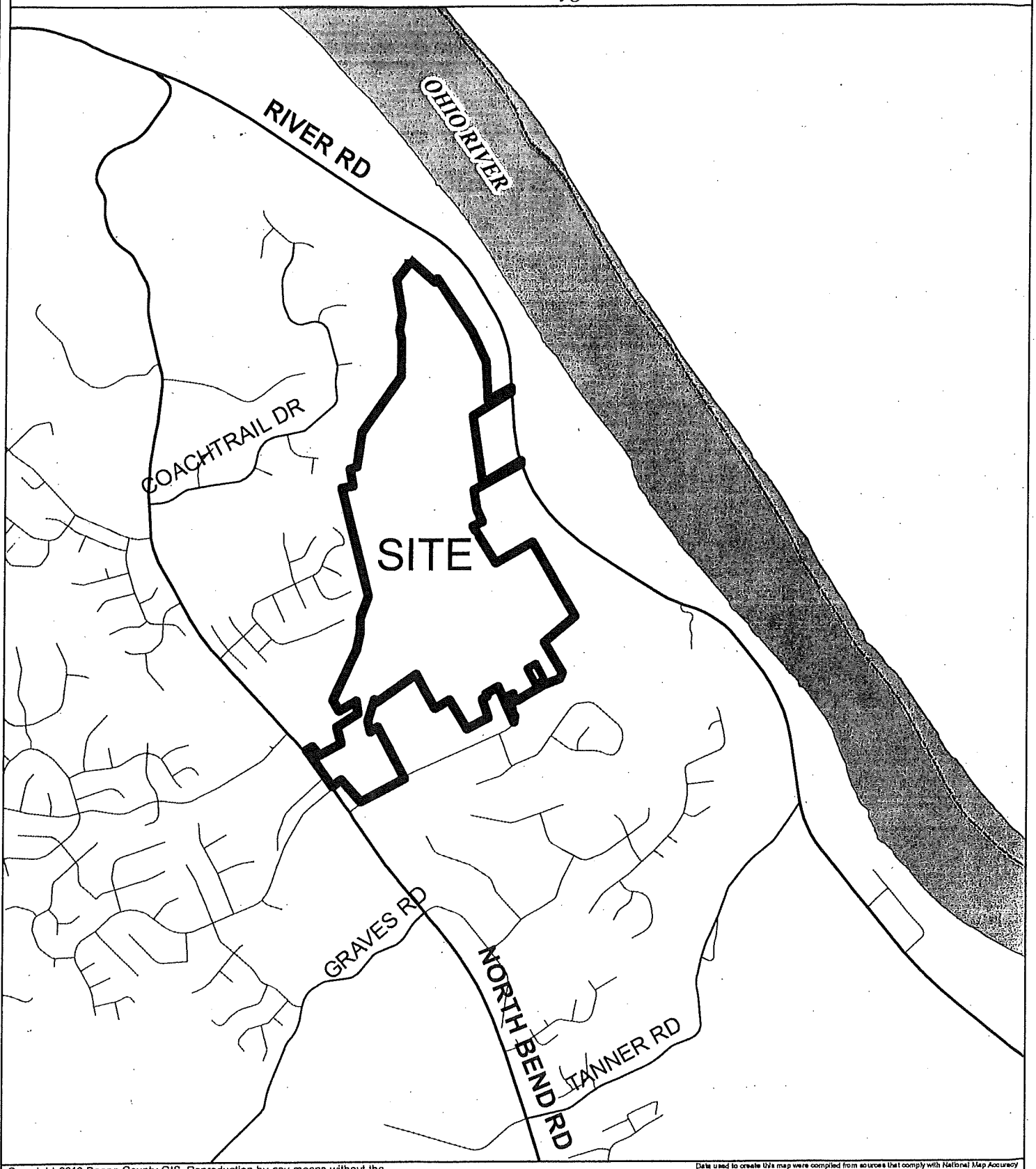
KTW/pr

attachments:

- location map
- aerial photograph w/ zoning
- Future Land Use Map excerpt
- topographic map
- SR-3, C-1, and O-1 zone permitted use lists
- 6/25/10 memo from Greg Sketch, PE, PLS, Boone County Engineer
- 6/17/10 e-mail from Rick Davis, P.E., Branch Manager - Engineering Support, Kentucky Transportation Cabinet, District 6
- letter received 7/1/10 from David Perkins, Assistant Chief, Hebron Fire Protection District
- application materials including "Regulating Plan" and "Example Master Plan" sheets from Concept Development Plan booklet
- "Introduction and Summary" and "Recommendations and Conclusions" sections of traffic impact study

Location

www.boonecountygis.com



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0 1,050 2,100 4,200 6,300 8,400 Feet

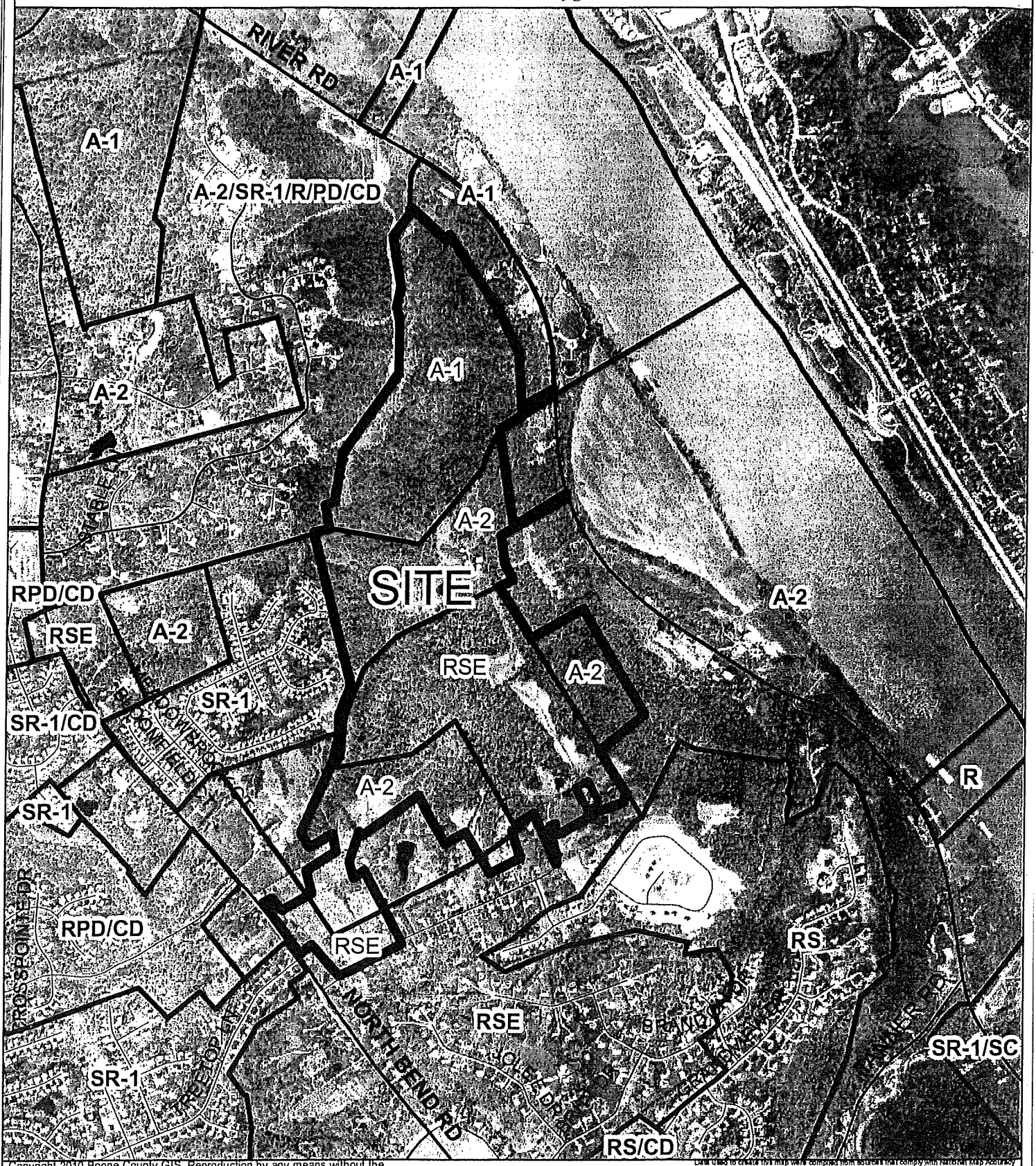
1 inch = 2,052 feet

N W E S

Boone County GIS - Putting Northern Kentucky on the Map

Zoning

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0 750 1,500 3,000 4,500 6,000 Feet

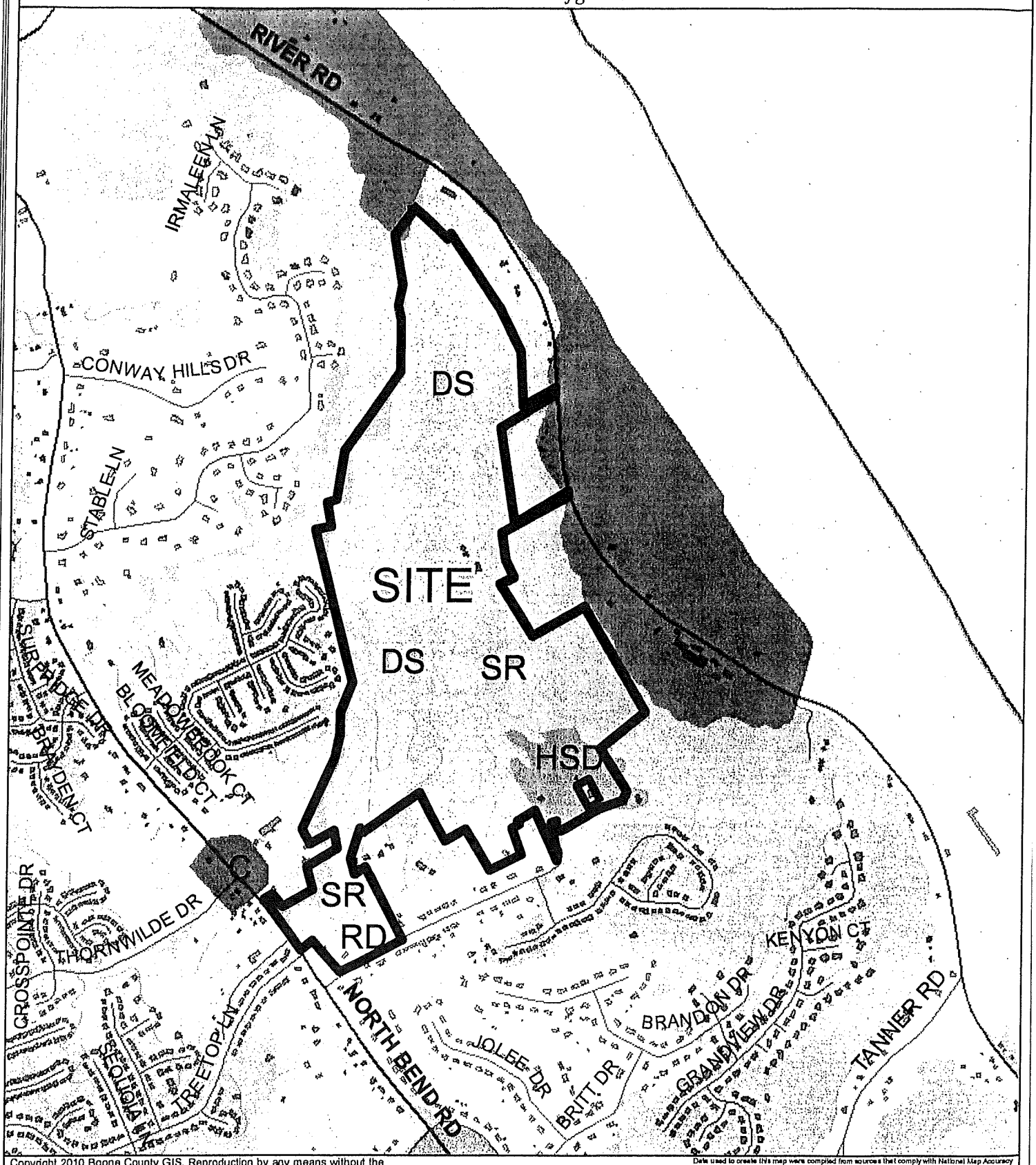
1 inch = 1,443 feet

N W E S

Boone County GIS - Putting Northern Kentucky on the Map

Future Land Use

www.boonecountygis.com



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0 750 1,500 3,000 4,500 6,000 Feet

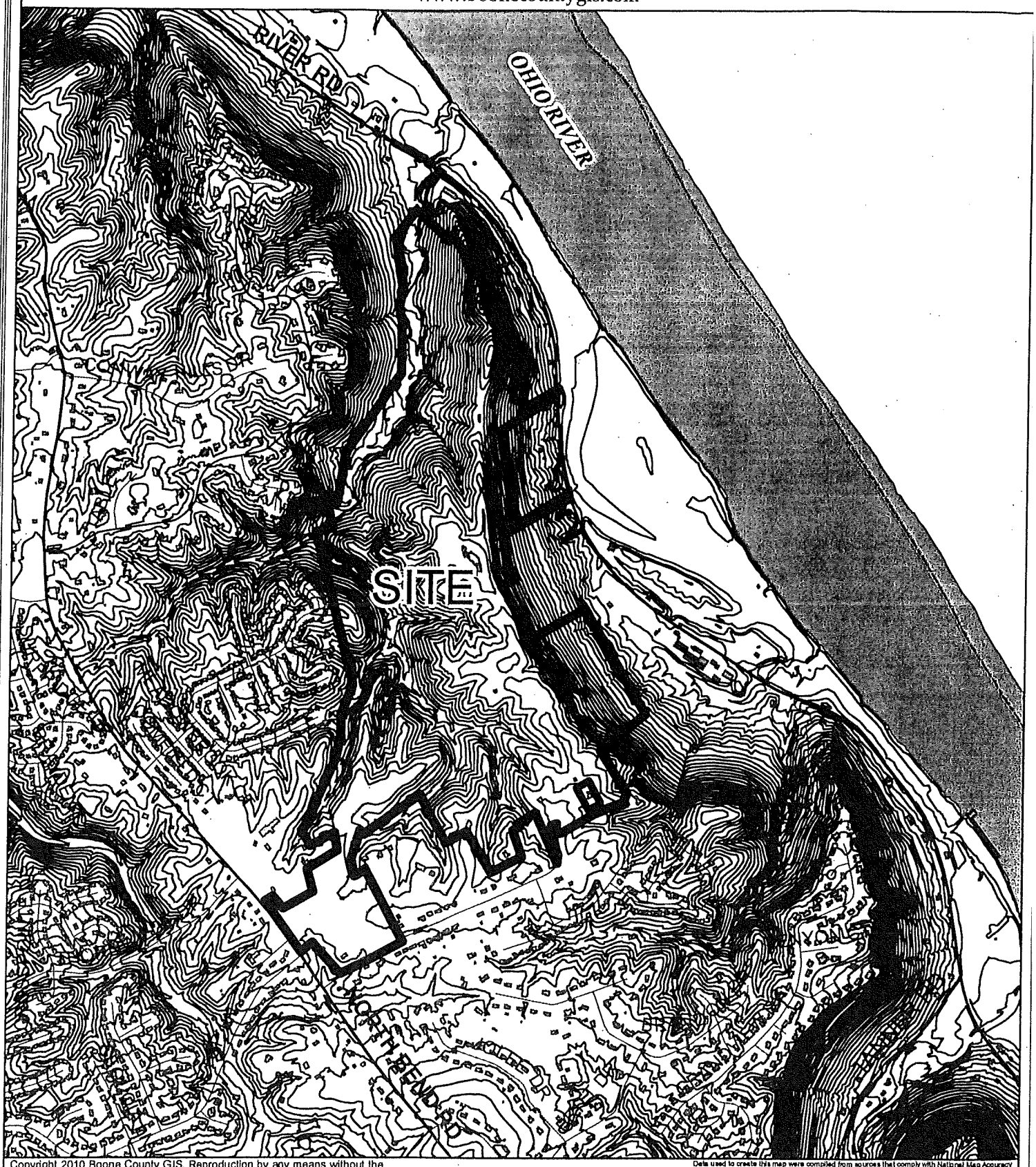
1 Inch = 1,443 feet

N W E S

Boone County GIS - Putting Northern Kentucky on the Map

Topography

www.boonecountygis.com



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0 750 1,500 3,000 4,500 6,000 Feet

1 Inch = 1,443 feet

N W E S

Boone County GIS - Putting Northern Kentucky on the Map

5. Duplex dwelling units with garages, (City of Florence Only) (Site Plan Review required);

6. Nursery and day care centers (Site Plan Review required);

7. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).

SECTION 944
Intensity
The intensity of use in a Suburban Residential Two district shall not exceed eight (8) dwelling units per acre.

SECTION 945
Minimum Size
The minimum size and extent of a Suburban Residential Two district, including all the contiguous private property so designated, shall not be less than five (5) acres.

SECTION 946
Minimum Standards
See Article 31 for dimensional standards and for developing open space and conventional residential subdivisions.

(CITY OF FLORENCE ONLY)
The following standards shall apply to any permitted, accessory or conditional use and structure in this district: See Article 31 for dimensional standards.

1. A 15 X 40 foot driveway will be required for each duplex structure.

2. A common entrance shall be provided to the front of duplex buildings.

3. Each duplex dwelling shall provide landscaping in the front yard as per bufferyard "A" as outlined in Section 3645 .

4. Duplex dwellings shall be encouraged to have a shared driveway with the parking located behind the unit if practical. A garage will be required for each unit which can either be attached or detached to the duplex building.

5. The building shall have the appearance of one building rather than two separate units. Therefore, separate materials and colors which designate one unit from another will not be permitted.

SECTION 950
SUBURBAN RESIDENTIAL THREE (SR-3)
The purpose of the Suburban Residential Three district is to provide a compact, high suburban density neighborhood environment which permits an intermixed variety of dwelling types. Such districts will be located on suitable lands within established or proposed urban entities where adequate infrastructure facilities and services are available or proposed, and where the SR-3 zone may act as an appropriate transition between other districts.

SECTION 951
Principally Permitted Uses
The following uses are permitted:

1. Detached single-family dwelling units;

2. Patio homes in accordance with Section 3159;

3. Duplex dwelling units;

4. Townhouse dwelling units (Site plan review required) (See Article 30);

5. Apartment dwelling units (Site plan review required) (See Article 30);

6. Condominium and landominium dwelling units (Site Plan Review required);

7. Recreation, defined in this district to be:

   a. Historic sites, structures, monuments and other exhibits available for public viewing;

   b. Tennis courts;

   c. Play lots or tot lots, playgrounds, play fields or athletic fields;

   d. Swimming beaches and swimming pools;

   e. Picnicking, hiking or walking areas and trails;

   f. General, leisure, ornamental and other parks, spaces, trails, bikeway systems and urban pedestrian networks.

8. Garden plots and similar forms of communal or organizational farming practices;

SECTION 952
Accessory Uses
Accessory uses, buildings, and structures customarily incidental and subordinate to any of the permitted uses including:

1. Accessory uses for a dwelling unit:

   a. garages and parking;

   b. structures such as fences and walls;

   c. buildings such as storage sheds, private greenhouses and gazebos;

   d. storage of a recreational vehicle or unit (according to Article 31)

   e. private swimming pool, sauna, bathhouse and similar accessories;

   f. the keeping and use of pets;

2. Signage (according to Article 34);

3. Parking (according to Article 33);

4. Temporary buildings incidental to construction.

5. Clubhouses, community centers and similar common assembly or shared facilities where the facility is an integral part of a residential development, and the membership is limited to residents of a common development or neighborhood (Site Plan Review required);

6. Accessory dwelling unit;

7. Family day care.

SECTION 953
Conditional Uses and Criteria
The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted use; or b) the activity will not contradict the compact and intermixed residential character of the district; and c) the arrangement of uses, building or structures will be compatible with the organization of permitted and accessory uses to be protected in the district.

1. Nursery and child care centers (Site Plan Review required);

2. Churches, synagogues, temples and other places of religious assembly for worship (Site Plan Review required):

3. Cemeteries including mausoleums (Site Plan Review required);

4. Unlighted athletic fields;

5. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).

SECTION 954
Intensity
The intensity of use in a Suburban Residential Three district shall not exceed eight (8) dwelling units per acre.

SECTION 955
Minimum Size
The minimum size and extent of a Suburban Residential Three district, including all the contiguous private property so designated, shall not be less than five (5) acres.

SECTION 956
Minimum Standards
See Article 31 for dimensional standards and for developing open space and conventional residential subdivisions.

SECTION 957
Concept Development Plan Required
A Concept Development Plan, per the requirements of Article 3 "Amendment," shall be submitted with all Zoning Map Amendment applications that request the Suburban Residential Three district.

SECTION 960
URBAN RESIDENTIAL ONE (UR-1)
The purpose of the Urban Residential One district is to provide an urban scale, residential environment for smaller family types who do not require or desire the low density attributes to character typical of suburban districts. Housing will consist of the more compact dwelling types. Such districts will be located on suitable lands within established or proposed urban entities with adequate infrastructure (available or proposed) and accessibility to urban activity centers.

ARTICLE

10

COMMERCIAL DISTRICTS

SECTION 1000
Intent

The intent of this article is to create and provide: a) the necessary selection of goods and services required by urban and suburban neighborhoods, communities and regions; b) sites which are capable of centrally serving trade area populations; c) sites which are appropriately supported and served by necessary infrastructure; d) the implementation of an overall identifiable, cohesive urban and suburban form which is compact and efficient in design and makes efficient use of parking, multi-modal forms of transportation, open space and other physical characteristics of the land and improvements. In addition, this article is intended to prevent the excessive commercialization from wasting or blighting public and private facilities and land.

SECTION 1010
COMMERCIAL ONE (C-1)

The purpose of the Commercial One district is to provide the convenience goods and personal services required for daily living needs. Districts will be located on suitable lands central to the neighborhood trade area with direct access from neighborhood collector roads or minor arterials. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.

SECTION 1011
Principally Permitted Uses

The following uses are permitted:

1. Hardware stores;
2. Eating and drinking establishments including alcoholic beverages;
3. Grocery stores and supermarkets;
4. Stores with retail sales of meat, fish, seafood, dairy and poultry products;
5. Fruit and vegetable stores; bakeries, candy, nut and confectionery stores;
6. Convenience stores;
7. Liquor, beverage, drug and proprietary stores;
8. Banking services, savings and loan associations, credit unions and other credit services; **(THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY)** The business of cashing checks or accepting deferred deposit transactions as regulated by KRS 368.010 to 368.120 shall not be included in this permitted use.

9. Insurance carriers and agents;

10. Real estate operators, agents, lessors and real estate sub-dividing and developing services, operative builders and related services;

11. Accounting, auditing and bookkeeping services;

12. Postal services and packaging services provided the use is essential for pick-up and delivery convenience and not storage or transfer activities more appropriate to an employment district;

13. Physician, dental, optical goods and services;

14. Veterinary services and pet grooming services but not including the boarding of animals;

15. Beauty and barber services and tanning salons;

16. Nursery and day care centers;

17. Laundering, dry cleaning and dyeing services including self-service;

18. Alteration and garment repair and custom tailoring;

19. Shoe repair, shoe shining and hat cleaning services;

20. Family clothing, shoe stores, specialty clothing or boutiques and other apparel retail trade;

21. Jewelry stores;

22. Radio, t.v., music supplies, cameras, photographic supplies and specialty household appliances;

23. Art, craft and hobby supplies and products, gifts and novelties;

24. Antiques and used merchandise;

25. Books, stationery, newspapers and magazines;

26. Florists excluding greenhouses;

27. Sporting goods including bicycles;

28. Draperies, curtains, upholstery and floor coverings;

29. Paint, glass and wallpaper stores;

30. Photo finishing services;

31. Recreation centers, gymnasiums, clubs and similar athletic uses;

32. Video stores;

33. Funeral homes and crematoriums excluding cemeteries or mausoleums.

SECTION 1012

Accessory Uses

Accessory uses, buildings and structures customarily incidental and subordinate to any of the permitted uses defined to be:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
    a. Temporary exhibit spaces;
    b. Aquariums, botanical gardens and other natural exhibitions;
    c. Stages and similar assembly areas;
    d. Indoor target ranges and similar athletic uses;
2. A dwelling unit of the property owner, or owner-operator, manager, or employee of the business including:
    a. Private garage and parking;
    b. Structures such as fences and walls;
    c. Buildings such as storage sheds;
    d. The keeping and use of appropriate household pets;
3. Signage (See Article 34);
4. Parking (See Article 33);
5. Temporary buildings incidental to construction;
6. Outside storage, display, loading, uncrating or unpacking areas which are an integral function of a permitted use and do not create outside spaces which will tend to enlarge or overpower the activities of permitted uses, and which are conducted in accordance with Section 3154;
7. Retail sale of motor fuels;
8. Drive-up photo finishing services and automatic teller services;
9. The rental of trucks and trailers, (only permitted to be displayed in the side or rear of the property);
10. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155;
11. Recycling collection containers.

SECTION 1013

Conditional Uses and Criteria

The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided: a) the activity is an integral and subordinate function of a permitted commercial use, professional or personal service; or b) the activity will further add to, not detract from, the creation of a compact, multi-purpose and pedestrian oriented commerce center; and, c) the arrangement of uses, buildings or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

1. Gasoline filling stations and automotive repair facilities;

2. Churches, synagogues, temples and other places of religious assembly for worship;

3. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(c).

SECTION 1014
Intensity
The intensity of use in a Commercial One district of under two (2) acres shall not exceed 8,000 square feet of gross floor area per acre of land.

The intensity of use in a Commercial One district larger than two (2) acres shall not exceed 11,000 square feet of gross floor area per acres of land.

SECTION 1015
Minimum Size
There is no minimum size or extent required of a Commercial One district.

SECTION 1016
Minimum Standards
See Article 31 for dimensional standards. (Site Plan Review required for all permitted uses, See Article 30)

SECTION 1020
COMMERCIAL TWO (C-2)
The purpose of the Commercial Two district is to provide comparable shopping goods, personal and professional services, and some convenience goods required for normal living needs as well as major purchase opportunities. Districts will be located on suitable lands primarily central to regional trade areas and to some extent the community as a whole and such districts have access from expressways or arterial roads. District facilities and plans will be organized to provide central and convenient collection of vehicles, pedestrians and multi-modal forms of transportation within the district's facilities and major shopping spaces.

SECTION 1021
Principally Permitted Uses
The following uses are permitted:

1. All principally permitted uses of a Commercial One (C-1) district;

2. All the principally permitted uses in an Office One (O-1) district; with the exception of principally permitted use #27 in Section 1111.

3. Eating and drinking establishments including alcoholic beverages; **(THE FOLLOWING PASSAGE APPLIES TO THE CITY OF WALTON CITY LIMITS ONLY)** Eating and drinking establishments including alcoholic beverages and accessory drive-in facilities;

4. Department stores, mail order houses, direct retail selling organizations of general merchandise;

5. Furniture, home furnishings including specialty and floor coverings;

6. Specialized upholstery and furniture repair or refinishing services;

ARTICLE

11

EMPLOYMENT DISTRICTS

SECTION 1110
OFFICE ONE (O-1)

The purpose of the Office One district is to create a low density, low rise office environment and to provide professional and personal services and employment opportunities in close proximity to and compatible with residential districts. The Office One district shall accommodate smaller scale and independent office uses, which are not located within a larger Office Two district or which do not need or desire to be located in a commercial district. Office One districts are located on suitable lands within established or planned urban entities where adequate infrastructure and services are available or proposed.

SECTION 1111

Principally Permitted Uses

The following uses are permitted:

1. Bank related services or credit unions;
2. Business and personal credit services and title services;
3. Security brokers, investment services and finance companies;
4. Insurance agents, brokers and services;
5. Real estate agents, brokers and management services;
6. Real estate management services and builders offices excluding any outside storage equipment and the like;
7. Photographic services;
8. Eating and drinking establishments including alcoholic beverages;
9. Direct mail and advertising services;
10. Stenographic services and other duplicating and mailing services;
11. News syndicate services and employment services;
12. Research, development and testing services of an office nature;
13. Business and management consulting services and associations;

14. Motion picture, audio-visual and similar media production and distribution services;

15. Physician and dental services including medical, dental laboratories and clinics;

16. Legal, engineering, architectural, education and scientific research services;

17. Accounting, auditing and bookkeeping services;

18. Charitable and social services administration offices;

19. Professional membership organizations and labor organizations and civic associations;

20. Telephone exchange stations, telegraph message centers, radio broadcasting studios, television broadcasting studios and other communication centers and offices excluding any relay, transmitting or receiving towers or similar unattached, erected equipment;

21. The administration, management and any related office use or activity of commercial, business, service, professional, industrial, religious, private institutional, or similar organization, incorporation, companies, associations and such uses. Includes all integral stenographic reproduction, mailing, research, sales and similar office functions, as determined by the Zoning Administrator;

22. Veterinary services not including the boarding of animals;

23. Business colleges or schools;

24. Recreation centers, gymnasiums and other related recreational facilities;

25. The retail sale of office supplies and equipment;

26. Funeral homes and crematoriums excluding cemeteries or mausoleums.

27. Sexually Oriented Business as defined in Article 40 and applicable standards in Article 31.

SECTION 1112
Accessory Uses
Accessory uses, buildings, and structures customarily incidental and subordinate to the purposes of the district including:

1. Recreation uses or spaces of integral relation to the developed portions of the district including:
   a. Temporary exhibit spaces;
   b. Aquariums, botanical gardens and other natural exhibitions;
   c. Stages and similar assembly areas;
2. Accessory uses for an office facility:
   a. Garages and parking;
   b. Structures such as fences and walls;
   c. Buildings such as storage sheds;
3. Signage (See Article 34);

4. Parking (See Article 33);

5. Automatic teller machines;

6. Single-family dwelling unit;

7. Drive-through facilities operated in conjunction with a permitted use, and which are conducted in accordance with Section 3155;

8. Recycling collection containers.

SECTION 1113
Conditional Uses
The following uses and appropriate accessories subject to the approval and qualifications of the Board of Adjustment and Zoning Appeals provided; a) the activity is an integral and subordinate function of a permitted office use; or b) the arrangement of uses, buildings, or structures will be compatible with the organization of permitted and accessory uses to be protected in the district:

1. Child and adult care centers;

2. Convenient stores;

3. Beauty and barber services and tanning salons;

4. Laundering, dry cleaning and dyeing services, including self-service;

5. Shoe repair, shoe shining and hat cleaning services;

6. Florists, excluding greenhouses;

7. Horse related uses, including riding and boarding stables, as defined by KRS 100.111 (2)(C).

SECTION 1114
Intensity
The maximum total intensity of all uses in an Office One district shall not exceed 16,000 square feet of gross floor area per acre.

SECTION 1115
Minimum Size
The minimum size or extent required of an Office One District is one acre.

SECTION 1116
Minimum Standards
See Article 31 for dimensional standards. (Site Plan Review is required for all permitted uses) (See Article 30).

THE FOLLOWING PASSAGE APPLIES TO THE CITY OF FLORENCE CITY LIMITS ONLY.
No dwelling used as a residence can be altered, converted or remodeled to satisfy any of the standards as uses authorized in the Office One (O-1) zone as permitted uses or conditional uses. Newly constructed structures are necessary to satisfy the requirements and standards of the Office One (O-1) zone.

Boone County
Public Works Department

5645 Idlewild Rd.
Burlington, KY 41005

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

Gregory V. Sketch
PE, PLS County Engineer

Gary W. Moore
County Judge-Executive

Jeff Earlywine
County Administrator

RECEIVED
JUN 25 2010
BOONE COUNTY
PLANNING COMMISSION

MEMORANDUM

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

FROM: Greg Sketch, PE, PLS
Boone County Engineer

RE: **Proposed Toebben Ltd. Zoning Map Amendment**

DATE: June 25, 2010

This is in response to your request for input concerning the request for a zoning map amendment from Agricultural One (A-1), Agricultural Two (A-2) and Rural Suburban Estates (RSE) to a Planned Development (PD) of Suburban Residential Three (SR-3), Commercial One (C-1), and Office One (O-1) with a concept development plan for a future 344 acre development located at North Bend Road and Stahl Road. The proposal as submitted has three issues that the County would want the Planning Commission to be aware of in its consideration. These are issues that can be addressed at the design stages of the project should the zoning map amendment be approved.

First, the proposal is a Planned Development (PD) that shows some street widths that are not consistent with the street sections in the current Boone County Subdivision Regulations. I am aware that this type of deviation is allowed in PD's but the County would like assurance from the developer that they will work with County on the design and location of these modified sections.

Second, the proposal shows a secondary access point onto Stahl Road, a County maintained road. The County is not opposed to this access point as it will provide an alternative access for emergency vehicles, but the County would like assurance from the developer that they will to work with the County on the location and the alignment of the streets that lead to it that would minimize the amount of traffic.

Third, given the size of this proposed development, it is vital that a stormwater management plan is designed for the entire development and not in each individual phase or section. Also, given the location of the proposed development to the Ohio River, alternatives to standard detention requirements may be considered. The County would again want assurance from the developer that they to work with the County on the development of the stormwater plan and possible alternatives to detention.

Thank you for the opportunity for input in this matter.

c: Jeff Earlywine, Boone County Administrator

Kevin Wall

From: Davis, Rick (KYTC-D06) [Rick.Davis@ky.gov]
Sent: Thursday, June 17, 2010 3:20 PM
To: Kevin Wall
Cc: Minckley, James (KYTC-D06)
Subject: Toebben - Rivers Pointe on KY 237 North Bend
Attachments: RE: Rivers Pointe Estates

Kevin,

We have been in discussions with Toebben and their engineers for some time now. We have been provided initial traffic impact studies, development plans, etc to review. They are interested in additional access points on KY 237 for the commercial businesses. This is in addition to the main entrance. We are working with them on potential types of businesses and trip generations to determine the feasibility of this. I think most issues are resolved and we are awaiting official responses (attached is the latest). We are more than happy to meet with you and discuss any of these issues.

Thanks,

Rick Davis, P.E.
Branch Manager - Engineering Support
Kentucky Transportation Cabinet
421 Buttermilk Pike
Covington, KY 41017
859-341-2700 X311
rick.davis@ky.gov

Kevin Wall

From: Etta Reed [ettareed@bayerbecker.com]
Sent: Wednesday, June 09, 2010 3:47 PM
To: Minckley, James (KYTC-D06)
Cc: Griggs, Anthony (KYTC D06); Davis, Rick (KYTC-D06)
Subject: RE: Rivers Pointe Estates

James –

Thank you for reviewing and granting our request. We will be forwarding copies of the Traffic Impact Study to you in the near future.

Etta M. Reed, PE
Principal

bayer becker

Bayer Becker
6900 Tylersville Road
Mason, OH 45040
(513) 336-6600 ext.103
www.bayerbecker.com
Since 1968

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From: Minckley, James (KYTC-D06) [mailto:James.Minckley@ky.gov]
Sent: Wednesday, June 09, 2010 3:38 PM
To: Etta Reed
Cc: Griggs, Anthony (KYTC D06); Davis, Rick (KYTC-D06)
Subject: RE: Rivers Pointe Estates

Etta,

We have reviewed the proposed trip generation for the General Store. Since there is no real comparable ITE land use for the proposed general store, the trip generation can be based on the counts for Kremer's Market, adjusted for the increased square footage, since it is a local and comparable land use. If you have any questions please feel free to contact me.

Thanks,

James A. Minckley, P.E.
Traffic Engineering & Permits Section Supervisor
KYTC District 6
(859) 341-2700 ext. 320
James.Minckley@ky.gov

From: Davis, Rick (KYTC-D06)
Sent: Tuesday, May 18, 2010 9:36 AM
To: Minckley, James (KYTC-D06)
Cc: Griggs, Anthony (KYTC D06)
Subject: FW: Rivers Pointe Estates

James,

Here is the detailed information that we discussed (w/ attachments). Please review and comment on how to proceed.

Thanks,

Rick Davis, P.E.
Branch Manager - Engineering Support
Kentucky Transportation Cabinet
421 Buttermilk Pike
Covington, KY 41017
859-341-2700 X311
rick.davis@ky.gov

From: Etta Reed [mailto:ettareed@bayerbecker.com]
Sent: Tuesday, May 18, 2010 8:58 AM
To: Davis, Rick (KYTC-D06)
Cc: 'Jay'
Subject: Rivers Pointe Estates

Rick –

Thank you for taking the time to meet with us yesterday to discuss the Rivers Pointe Estates project on KY 237.

As discussed, our client is proposing to construct a 6000 SF General Store, similar to Kremer's Market, on Buttermilk in Crescent Springs. In addition to a deli, produce and other grocery items, the General Store would possibly include a novelty post office for the apartments and main street residents to help bring people into the market and create a sense of activity. The general store will have indoor and outdoor seating of 25 +/- total for lunch and dinner. Kremer's Market consists of 5100 SF and is not open during the AM Peak hour, however the proposed General Store would be. Average customer counts for Kremer's Market during peak season are as follows:

Mid-Day Peak - 11-12AM: 50 enter/50 exit (ave. rate=19.61 trips/1000 sf)
12-1PM: 50 enter/50 exit (ave. rate=19.61 trips/1000 sf)

PM Peak - 4-5 PM: 40 enter/40 exit (ave. rate=15.69 trips/1000 sf)
5-6 PM: 50 enter/50 exit (ave. rate= 19.61 trips/1000 sf)

As you are aware, ITE does not have a General Store land use. In preparing the trip generation for the Traffic Impact Study we looked at both the convenience store and a supermarket (see attached ITE land use descriptions). The following is a summary of the trip generation calculations from the KYTC trip generation spreadsheet:

Convenience Store (851) – AM Peak: 201 enter/201 exit
PM Peak: 160 enter/154 exit

Supermarket (850) – AM Peak: 12 enter/8 exit
PM Peak: 52 enter/50 exit

We propose to utilize the Kremer's Market average trip generation rates to determine the number of trips to be generated by the General Store. Since Kremer's is not open in the AM Peak Hour, we propose to utilize the PM Peak Hour generations for both the AM and PM Peak hours.

Please review the above information and provide input regarding our request to use Kremer's Market customer count data for the General Store land use.

Thanks in advance for any assistance you can provide.

Etta M. Reed, PE
Principal

bayer becker

Bayer Becker
318 South College Avenue
Oxford, OH 45056
(513) 523-4270
www.bayerbecker.com
Since 1968

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"Serving Since 1937"

HEBRON
Fire Protection District

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

RECEIVED
JUL – 1 2010
BOONE COUNTY
PLANNING COMMISSION

Kevin Wall, AICP
Director, Zoning Services
Boone County Planning Commission

Kevin,

We have reviewed the Zoning Application for the Rivers Point Estates Planned Development Packet that was provided to the Hebron Fire Protection District by your office. We have also met with Toebben Developers along with the architects and development planners to discuss the development along with our thoughts and ideas. The following comments are items that we feel need to be addressed and discussed further:

1. Streets with a 12% or greater slope. While streets of this nature may not present normal everyday issues they do present some unique challenges for emergency vehicles during various emergency and non-emergency operations. Aerial Ladder Truck operation may or may not be possible on a street with this degree of slope. More discussion on street location and building type would need to be discussed before we can give an accurate determination for this issue. Special inclement weather considerations would need to be in place for emergency vehicle travel during snow and ice conditions.
2. Emergency Vehicle Access to the back of the development. Due to the layout and configuration of the Development there will be added time for emergency vehicle access to the back sections of the development due to travel distances through the residential street systems. Although there are three entrance points to the development there will be a time factor due to the travel distance on these type of streets in relationship to the entrance points.
3. Private Streets with Gates. Any community gates would be required to be operated using the current Knox Box gate opening system that is currently used within the Hebron Fire Protection District. Code access or siren operated gates would not be approved.
4. Emergency Vehicle access for rear lanes and alleys. The plan discusses rear access drives for several types of residential occupancies that need to be discussed in further detail to ensure that the drives are adequately design to allow for proper emergency vehicle access to these structures.
5. Traffic calming road sections. There are several sections of roadway which contain "traffic calming" design features. These features must be design to permit adequate access for the largest emergency vehicles that will travel these streets. We do have some concern at this time, after reviewing the roadway plan and landscape plan, that there may not be adequate space allowed for this purpose. There will need to be more documentation and calculations supplied to ensure that there will be no access and travel restrictions for emergency vehicles.
6. Increased traffic on Stahl Road. There is some concern on the increase of traffic on Stahl Road and how this will impact emergency vehicle travel on this small rural roadway. Stahl road is

currently narrow and is not striped with designated lanes. This has presented challenges in the past for emergency vehicles when passing oncoming vehicles in the past. With the projected increase in vehicles traveling this road this will definitely become a more frequent issue and needs to be addressed to ensure that the road is of adequate width and is marked with designated travel lanes.

7. Residential Sprinkler Systems. We have met with Toebben Developers and have discussed the idea of making this a 100% Fire Sprinklered community. Due to the nature of the development and some of the other items that we have addressed we feel that this is an important safety feature that would greatly enhance the safety and protection of this development. While this item is not a "code requirement" in the Kentucky at this time, we feel strongly that this development should be considered for this type of safety feature. Should all of the structures within this development have sprinkler systems installed at the time of construction we would be willing to entertain the idea of less restrictions for other areas of concern that we have for the development. There are also many benefits to the developer and all of the occupants and families that would make this development their home. Reduced business and homeowners insurance premiums, greatly increased life safety and property protection, lower number of fire hydrants to install due to greater allowable spacing requirements, and the possibility of smaller water supply mains throughout the development.

If you have any comments or questions about the items that we have addressed please do not hesitate to call or email me with them.

David K. Perkins

David Perkins, Assistant Chief
Hebron Fire Protection District

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JUN - 1 2010
BOONE COUNTY PLANNING COMMISSION

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 Rivers Pointe Estates
2. Location of Project Ky. 237, North of Stahl Road
3. Total Acreage of Site 334 Ac.
4. Current Zoning of Site A-1, A-2, RSE
5. Proposed Zoning (Classification being requested) SR-3/C1/O-1/PD
6. Proposed Uses (please specify each use) Residential, Retail, office and associated uses
7. Names of Applicant(s) Jay Bayer, Bayer Becker
   Phone Number (859)261-1113 Fax No. (859)261-1710
8. Address of Applicant(s) 209 Grandview Drive
   Ft. Mitchell (City) KY (State) 41017 (Zip)
9. Name of Property Owner(s) Toebben, Ltd * see attached letters and list of property ownership*
   Phone Number (859)-331-1560 Fax No. (859)-331-9702
10. Address of Property Owner(s) 541 Buttermilk Pike, Suite 104
    Crescent Springs (City) KY (State) 41017 (Zip)
11. Proposed Building Intensities (please specify) 26,000 S.F. of retail
    864 Maximum Residential Units
12. Are there any existing buildings on the site? Yes
    How many? 1 house and 2 barns
13. Deed Book * see attached* Page No. * see attached* Group No. * see attached*
14. Are you also applying for:
    No Conditional Use Permit
    Yes, in PD 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:

- [X] Boone County Water District
- [ ] Florence Public Services Dept.
- [X] Duke Energy
- [X] Sanitation District #1
- [X] Cincinnati Bell
- [X] Owen Electric Cooperative, Inc.
- [X] Boone County Public Works Department
- [X] Kentucky Transportation Cabinet
- [ ] Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)

(over)

_____ Boone County Building Department
_____ Northern Kentucky Health District
_____ USDA NRCS/Boone County Conservation District
_____ KY Division of Water
X Local School District
X Local Fire District
X Other: Insight Cable

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

19. **ORIGINAL Property Owner's Signature** _____
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

ORIGINAL Applicant's Signature _____
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

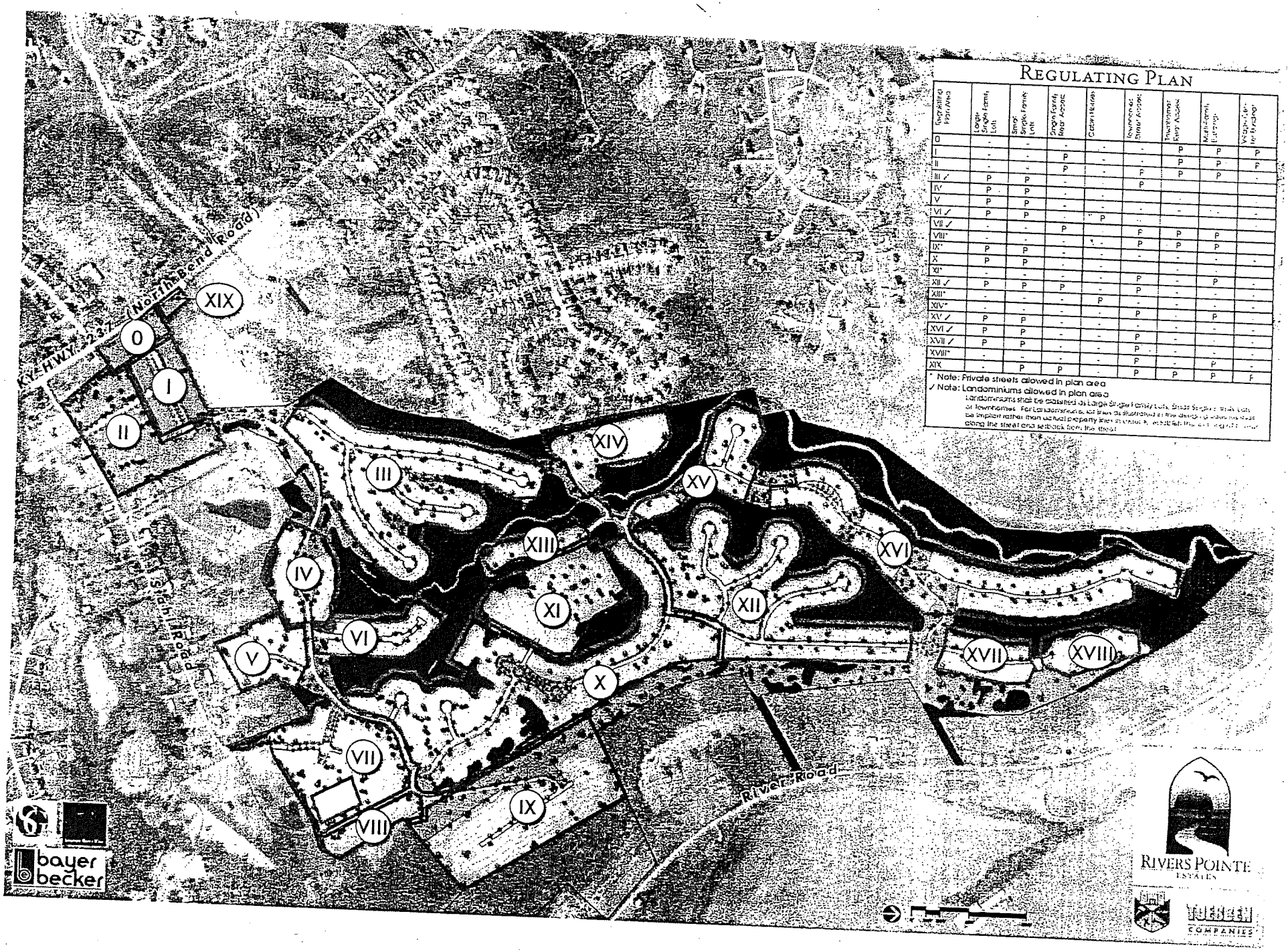
SECTION B (To be completed by BCPC Staff)

1. Date Received 5/28/10
2. Review Fee $8,967.48 R#60872
3. Check what has been submitted:
_____ Application
_____ Fee
_____ Legal Description
_____ Concept Development Plan
_____ Address of Adjoining Property Owners
_____ Number of copies of plan received**
4. Is application complete? _____ Yes _____ No
5. Staff Reviewer KEVIN WALL
6. Committee Chairman _____
7. Scheduled Public Hearing Date 7/7/10
8. Boone County Planning Commission Action:
_____ **Approval**
_____ **Approval with Conditions**
_____ **Denial**
9. Other: _____

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

Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
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.**



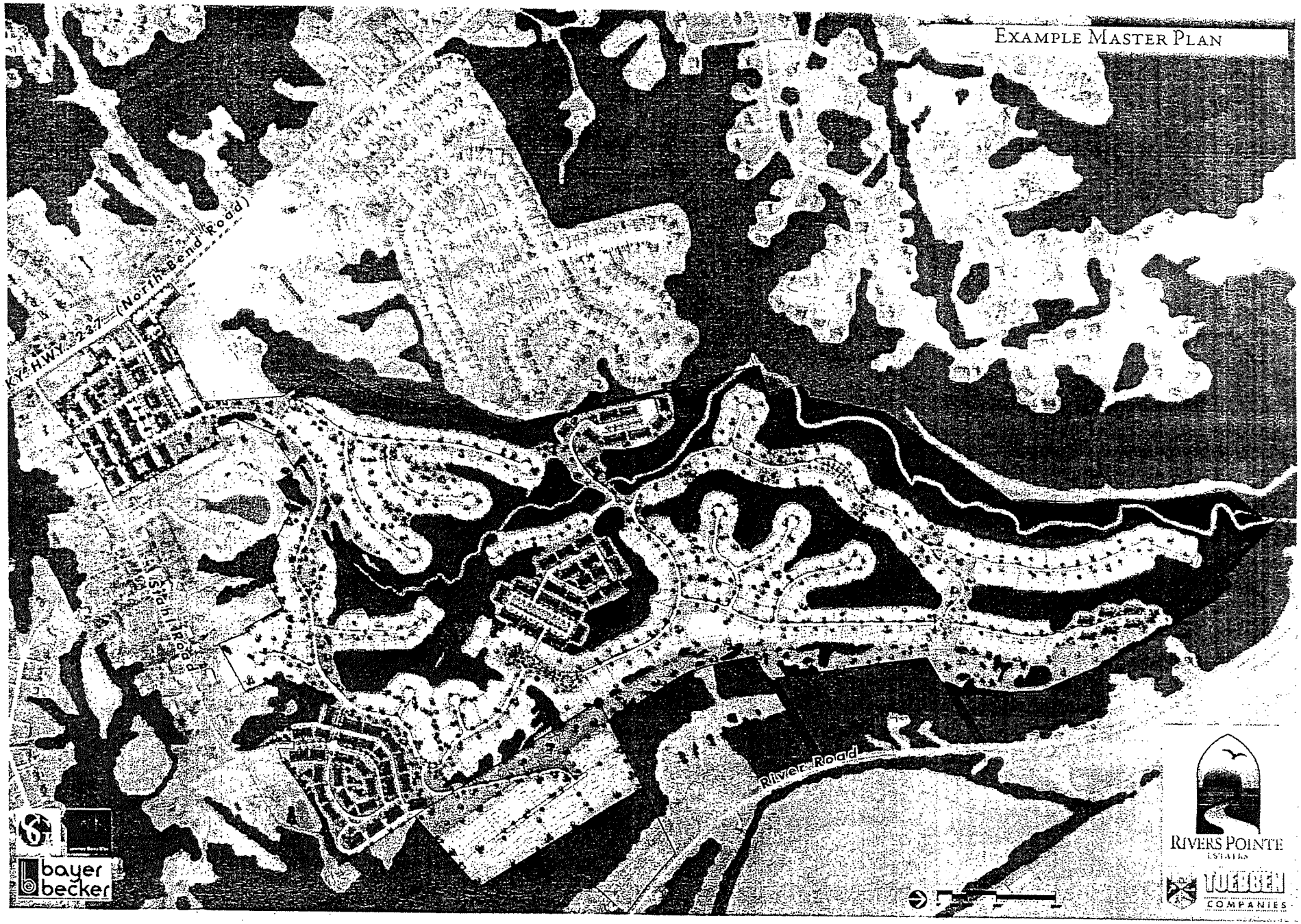
Regulating Plan

Regulating Plan Area	Large Single Family Lots	Small Single Family Lots	Single Family Mixed Access	Cabana Homes	Townhomes as Stand Alone	Townhomes Easy Access	Multi-Family Flat Style	Village Center Mixed Use Building
0	-	-	-	-	-	P	P	P
I	-	-	P	-	-	P	P	P
II	-	-	P	-	-	P	P	P
III ✓	P	P	-	-	P	-	-	-
IV	P	P	-	-	P	-	-	-
V	P	P	-	-	-	-	-	-
VI ✓	P	P	-	-	-	-	-	-
VII ✓	-	-	P	-	P	P	P	-
VIII*	-	-	-	-	P	P	P	-
IX*	P	P	-	-	-	-	-	-
X	P	P	-	-	-	-	-	-
XI*	-	-	-	-	P	-	P	-
XII ✓	P	P	P	-	P	-	-	-
XIII*	-	-	-	P	P	-	-	-
XIV*	-	-	-	-	P	-	P	-
XV ✓	P	P	-	-	-	-	-	-
XVI ✓	P	P	-	-	P	-	-	-
XVII ✓	P	P	-	-	P	-	-	-
XVIII*	-	-	-	-	P	-	P	-
XIX	-	P	P	-	P	P	P	P

* Note: Private streets allowed in plan area

✓ Note: Condominiums allowed in plan area

Condominiums shall be classified as Large Single Family Lots, Small Single Family Lots or Townhomes. For condominiums, as shown as illustrated on the design guidelines shall be applied rather than actual property lines as shown in exhibit A, which will require [illegible] along the street and setback from the street


EXAMPLE MASTER PLAN
KY-H.WY.-237-(North Bend Road)
River Road
RIVERS POINTE
ESTATES
TURNER
COMPANIES
bayer becker

Introduction and Summary

Purpose of Report and Study Objectives

The purpose of this study is to determine the traffic impacts of the proposed Rivers Pointe Estates residential and retail development, located east of North Bend Road (KY 237) and North of Stahl Road, in Boone County, Kentucky, and to satisfy Boone County's and the Kentucky Transportation Cabinet's (KYTC) requirements for traffic impact studies.

According to the Kentucky Transportation Cabinet's *Traffic Impact Study Requirements*, the purpose of a traffic impact study is to determine the appropriate location, spacing, and design of access points necessary to mitigate the traffic and operational impacts on the highway; and to determine the need for any improvements to the adjacent and nearby roadway system to maintain a satisfactory level of service and safety and to protect the function of the highway system while providing appropriate and necessary access to the proposed development.

Executive Summary

The proposed residential and retail development is to be built on approximately 335 acres in Boone County, Kentucky, east of North Bend Road (KY 237) and north of Stahl Road. The proposed development is a planned development which allows great flexibility in unit types and location. For traffic analysis purposes, we are using approximately 465 single-family detached houses, 247 residential condominiums/townhouses, 152 apartment units, 15,000 S.F. of specialty retail, 2000 S.F. of general office space, and a 6500 S.F. general store. A full build-out year of 2038 was assumed for the proposed development.

Access to the residential portion of the proposed development is to be provided on North Bend Road (KY 237) at the existing Rivers Pointe Estates Access, approximately 300' north of Treetop Lane. Residential access will also be provided at two locations along Stahl Road, however the development will be designed to discourage the use of Stahl Road.

Access to the commercial portions of the proposed development is to be provided via internal drives on Rivers Pointe Estates Access and at two additional locations along North Bend Road (KY 237). The internal drives on Rivers Pointe Estates Access are to be full-movement accesses, located approximately 200' east of North Bend Road (KY 237). Proposed Access A is to be a full-movement access, located approximately 340' north of Rivers Pointe Estates Access. Proposed

Access B is to be a right-in only access located approximately 245' south of Rivers Pointe Estates Access.

The following intersections comprise the study area of this report and were analyzed to determine the levels of service for the 2013 opening day and 2038 design year conditions:

- North Bend Road (KY 237) and Proposed Access A.
- North Bend Road (KY 237) and Proposed Access B.
- North Bend Road (KY 237) and Rivers Pointe Estates Access.

Based on the analysis contained in this report, the following improvements are recommended to accommodate ***2013 build traffic*** (including traffic generated by the proposed development):

- Stripe the southbound left turn lane on North Bend Road (KY 237) at Rivers Pointe Estates Access to provide 190 feet of storage.

Based on the analysis contained in this report, the following additional improvements are recommended to accommodate the opening of the General Store. Said General Store is anticipated to be constructed in ***2018***:

- Construct westbound left turn lane on Rivers Pointe Estates Access at the internal access drive to provide 50 feet of storage.
- Extend existing northbound right turn lane on North Bend Road (KY 237) at Rivers Pointe Estates Access to provide 190 feet of storage.

Based on the analysis contained in this report, the following additional improvements are recommended to accommodate the construction of the Specialty Retail Centers and the General Office space. Said Retail and Office uses are expected to be open in ***2023***:

- Stripe the southbound left turn lane on North Bend Road (KY 237) at Proposed Access A to provide 190 feet of storage.
- Construct eastbound left turn lane on Rivers Pointe Estates Access at the internal access drive to provide 50 feet of storage.

Based on the analysis contained in this report, the following additional improvements are recommended to accommodate ***2028 build traffic*** (including traffic generated by the proposed development):

- Install a traffic signal at North Bend Road (KY 237) and Rivers Pointe Estates Access, if warranted.

Based on the analysis contained in this report, the following additional improvements are recommended to accommodate ***2038 build traffic*** (including traffic generated by the proposed development):

- Extend the striping of the southbound left turn lane on North Bend Road (KY 237) at Rivers Pointe Estates Access by 75 feet, providing 265 feet of storage.
- Extend the northbound right turn lane on North Bend Road (KY 237) by 100 feet, providing 290 feet of storage.

The recommended turn lane storage lengths identified above do not include a taper. As required by the Kentucky Transportation Cabinet *Highway Design Manual*, the standard taper length can vary from 8:1 to 15:1.

Qualifications

The technical material and data contained in this document was prepared by Bayer Becker under the supervision and direction of a Professional Engineer licensed to practice in the State of Kentucky.

Recommendations and Conclusions

Improvements to Accommodate Base Traffic

No roadway improvements are recommended to accommodate ***no-build traffic*** (not including traffic generated by the proposed development).

Additional Improvements to Accommodate Site Traffic

Based on the analysis contained in this report, the following improvements are recommended to accommodate ***2013 build traffic*** (including traffic generated by the proposed development):

- Stripe the southbound left turn lane on North Bend Road (KY 237) at Rivers Pointe Estates Access to provide 190 feet of storage.

Based on the analysis contained in this report, the following additional improvements are recommended to accommodate the opening of the General Store. Said General Store is anticipated to be constructed in ***2018***:

- Construct westbound left turn lane on Rivers Pointe Estates Access at the internal access drive to provide 50 feet of storage.
- Extend existing northbound right turn lane on North Bend Road (KY 237) at Rivers Pointe Estates Access to provide 190 feet of storage.

Based on the analysis contained in this report, the following additional improvements are recommended to accommodate the construction of the Specialty Retail Centers and the General Office space. Said Retail and Office uses are expected to be open in ***2023***:

- Stripe the southbound left turn lane on North Bend Road (KY 237) at Proposed Access A to provide 190 feet of storage.
- Construct eastbound left turn lane on Rivers Pointe Estates Access at the internal access drive to provide 50 feet of storage.

Based on the analysis contained in this report, the following additional improvements are recommended to accommodate ***2028 build traffic*** (including traffic generated by the proposed development):

- Install a traffic signal at North Bend Road (KY 237) and Rivers Pointe Estates Access, if warranted.

Based on the analysis contained in this report, the following additional improvements are recommended to accommodate ***2038 build traffic*** (including traffic generated by the proposed development):

- Extend the striping of the southbound left turn lane on North Bend Road (KY 237) at Rivers Pointe Estates Access by 75 feet, providing 265 feet of storage.
- Extend the northbound right turn lane on North Bend Road (KY 237) by 100 feet, providing 290 feet of storage.

The recommended turn lane storage lengths identified above do not include a taper. As required by the Kentucky Transportation Cabinet *Highway Design Manual*, the standard taper length can vary from 8:1 to 15:1.

Refer to Appendix K for a Concept Plan of the recommended improvements.

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
PUBLIC HEARING
JULY 7, 2010
7:30 P.M.

COMMISSION MEMBERS PRESENT:

Mr. Greg Breetz
Mr. Kim Bunger, Secretary/Treasurer
Mrs. Linda Herald
Mr. Jim Longano
Mr. Don McMillian
Mrs. Susan Poston, Temporary Presiding Officer
Ms. Lisa Reeves
Mr. Bob Schwenke
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mr. Ben Brandstetter
Mr. Mike Ford, Vice Chairman
Mrs. Janet Kegley
Mr. Mark Hicks
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:
Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director, Zoning Services

Mr. Kim Bunger, Secretary/Treasurer, called the meeting to order at 7:45 P.M. and introduced the first item on the Agenda:

ZONING MAP AMENDMENT

1. **Request of Jay Bayer, Bayer Becker (applicant) for Toebben, Ltd. and William Toebben (owners) for a Zoning Map Amendment from Agriculture (A-1), Agricultural Estate (A-2), and Rural Suburban Estates (RSE) to Suburban Residential Three/Commercial One/Office One/Planned Development (SR-3/C-1/O-1/PD) for an approximate 334 acre site located on the east side of North Bend Road approximately 750 feet north of the North Bend Road/Stahl Road intersection, to the east of Deer Creek and Rivershore Farms subdivisions, at the terminus of Stahl Road, and including the properties at 1280 North Bend Road, 1302 North Bend Road, and 1958 Stahl Road, Boone County, Kentucky. The request is for a zone change to allow a mixed residential, retail, and office development.**

Secretary/Treasurer, Kim Bunger, opened the Public Hearing by explaining the Zone Change process and the order of the meeting.

Staff Member, Kevin Wall presented the Staff Report, which included a Powerpoint presentation (see Staff Report). The 334 acre site has frontage on North Bend Road and Stahl Road. The existing zoning of the site is Agriculture (A-1), Agricultural Estate (A-2) and Rural Suburban Estates (RSE). The Comprehensive Plan and Future Land Use Map indicates Suburban Density Residential, Developmentally Sensitive, High Suburban Density and Rural Density. The site has some hilly topography. Mr. Wall identified the submitted Concept Development Plan and Regulating Plan. The Regulating Plan describes how the project will develop. It has 20 phases (0-XIX) and the applicant outlines a variety of building products in each phase. Each phase has several options - large single family lots, single family lots, small single-family lots, town homes, multi-family buildings and village center buildings. For each one of the residential options, there are descriptions and proposed design standards, which are outlined in the submitted 67 page booklet. There is also a description of land uses - commercial uses for the village center, additional uses in the residential areas and two wind turbines. The Plan includes its own street, sidewalk and landscaping standards. In addition, there are planned open space and community amenities. Mr. Wall then proceeded to show photographs of the site and the surrounding area. He stated that there are several references to the Comprehensive Plan and Section 1514 (Planned Development) of the Zoning Regulations in the Staff Report. Mr. Wall offered to answer any questions related to the Staff Report at the end of the applicant's presentation.

Mr. Jay Bayer, Bayer Becker Engineers, representing Toebben Ltd., explained that his firm has been working on this project with the Toebben family for the past 8 years. This project is extremely different from most projects that have been presented to the Planning Commission. This project has involved assembling land for the past 18 years. The owner has met with the Planning Commission staff, the Hebron Fire Department and the Water

and Sanitation Districts in order to gather input. They also conducted a national search for a planning and landscape architectural firm. They have also spoken to realtors. They have had the luxury of taking the time to study the site looking at the overall picture and the fine details to bring a fantastic plan to Boone County. The Toebben name is one of the most respected names in the business community.

John Toebben, Toebben Ltd., noted that it is their next legacy project in Boone County. Rivers Pointe Estates will have a broad mix of housing and neighborhood villages. For over 55 years, Toebben Ltd. has produced exceptional living communities throughout the tri-state area. The largest community, Country Squire Estates, started in 1967 in Villa Hills is a wonderful example of their abilities. Toebben Ltd. is still building in this neighborhood today. He stated that the Toebben family actually live in the houses in the community they build. This will be true with Rivers Pointe Estates. Mr. Toebben stated that he has traveled throughout the United States all his life to study new housing projects and to see what works and why people choose to call them their homes. The opportunities with this site are exceptional. His company has been very patient. The submitted Concept Development Plan complements all of the special areas of the site. He noted that during the past 12-14 years, he discussed the site with planners across the United States. He noted as part of the process, his company held a 3 day charette and invited builders, engineers, realtors, landscape architects, architects and representatives from Boone County Planning Staff and the Boone County Engineer. All the individuals provided input. Mr. Toebben also explained that his company hired a nationally known marketing research firm from Chicago, Tracy Cross and Associates, to develop a detailed marketing plan. This plan was incorporated into the master plan. Our team has designed a destination community that will make people want to be outdoors - to walk, to bike and to engage with what this site has to offer. We have developed a plan that respects our neighbors and our local heritage. There is a risk involved with any new housing project even with the present day recession which is the worst since the Great Depression. It will change the housing we will see from now on and in the future. We are not doing the same old subdivision. We are creating a landmark for Boone County. We are taking the best of what works and incorporating it into a timeless design. This project will take decades to build out. The plan adapts to what people may want now and in the future. We need your cooperation to make Rivers Pointe Estates a reality. We hope you can embrace the creativity and appreciate the time invested in the Plan. In conclusion, Rivers Pointe Estates is about promoting family. It is about spending time with your neighbors and coming home to a place where you think you are on vacation every day.

Hunter Gee of Smith Gee Studio, Nashville, Tennessee introduced himself. He stated that he has been working on the project for about a year. Mr. Gee introduced a power point presentation. It is a great opportunity for collaboration-department officials and planners, engineers, landscape architects both local and nationally. Smith Gee Studio has worked on mixed use projects across the country for over 20 years. Among the projects include Celebration, Florida. They have been the town architects for the project for 14 years and Baldwin Park, the same developer of Celebration. Our projects tend to be place making,

creating a place out of development, a place between buildings. These communities are generally mixed use, mixed housing, mixed levels of price points and community facilities. The developers held a 3 day charette, walked the entire site and met with many consultants. The 334 acre site has a stream on the west side of the property, which forms a barrier between the site and two existing subdivisions. The east side is defined by a ridge overlooking the Ohio River. There are a few flat areas on the site, which speaks to the high density housing in the Comprehensive Plan. The site is heavily wooded near the stream. One of the most important transportation projects in the area has been completed, which is the widening of North Bend Road. The Tobbens worked closely with the State to identify the primary entry to the site. The developer also looked at off-site examples such as old neighborhoods like Park Hills. There was a mixture of architectural styles, different topography, soft intersections for special places in streetscapes and homes, pedestrian friendly streets (stone walls and steps, driveways, street lights). This historic element has been incorporated into the design of the development. The developers also took a look at newer communities in the immediate area to evaluate the current market. The developer also met with local officials, planning department, county engineer, fire department and the school board. Comments were made to start with the site's assets and work around it, build traffic calming into the design of the development, be flexible in design of emergency response and provide housing options for more than just families because of school crowding, retired folks, young couples and single persons. In presenting the project, the developer must meet at least one of the 3 criteria for granting a zone change and the Planned Development and Concept Plan criteria. Mr. Gee stated that the Planning Commission will see evidence of all 3 criteria. Mr. Gee referred to the slide presentation showing compliance with the Comprehensive Plan. First, the development is consistent with the overall objectives of the Comprehensive Plan. Second, the existing zoning is inappropriate. The current zoning allows for one residential unit per 1-5 acres. The Comprehensive Plan recommends 4-8 units per acre as well as the Developmentally Sensitive. They are not in alignment with each other. The current Agricultural zoning is no longer appropriate given the area's recent growth and the KY 237 improvements did factor in 1,000 dwelling units on the site. Third, there has been changes economically, physically and socially. The downturn in economy has caused a need to provide a variety of housing types (fewer larger lots), diversity and affordibility. About 10 years ago, the national suburban housing market has shifted from a majority of the market being a typical family, husband, wife and children to less than 50% of the market. The social trend is to "Age in Place" - grow up in a community and often you can't come back to the same community because of cost or housing type.

Mr. Gee began to describe the Rivers Pointe Estates Concept Development Plan or Master Plan. First, one of the assets of the site is the view from the bluff to the Ohio River. Another asset was the stream and wooded areas along with the road frontage along North Bend Road to help with traffic. The Village Center is the most urban place in the project. Because of the history of the area, the Village Center is modeled after its rural heritage or agricultural history, thus a small midwestern hamlet. There is an unrefined charm with the Village Center. There will be a boulevard street with a 23,500 square foot commercial

center with small chops, a café, perhaps a chapel, a general store like Kremers, etc. The commercial buildings will be surrounded by a village green. There will also be several different housing types in the Village Center - townhouses on both sides of the street and small single family homes with rear alley access.

The Village Center will be more dense and it will be where the action is and where people meet. The Village green will be open space for festivals and picnics. It will be a quiet area at times as well as a busy area. It is also a place where you might live above an office or retail space. Examples of the townhomes were shown along with the single family homes. At the end of the boulevard, there will be a community center, a local gathering space for the entire development. As you leave the Village Center, it becomes more natural like visiting a national park. Some of the landscape features will reflect more of a natural feel. There will be no mass grading for the street. When you travel on the boulevard, up on the hill on the left side, houses will sit back from the road. The first neighborhood park is Laverne Circle, a space where you can throw a football. Houses will front facing the neighborhood park. There will be some sculptures in the public space. From KY 237 to the riverfront overlook along the main road will be a public 8 foot multi-use path for bikes and pedestrians. This will connect to the existing path on KY 237. Throughout the development, there will be little green windows - pinch points where you see natural areas full of streams and woods. Continuing up the hill there is an area of higher density suburban residential uses in the corner. It could be small single family lots, townhomes or multi-family buildings clustered in the southeast corner of the site consistent with the Comprehensive Plan. Along the edge of the bluff is a second element - two possible types of multi-family units. One type could attract retired couples overlooking the river with no yard. Once you come to the public overlook, there would be a gathering spot perhaps a walking stand for trail walking or a community facility for weddings. Seven lots are proposed via a private road in the flat area below the bluff edge. These are 300 feet wide estate lots. A continuous green band will be established to preserve the edge of the bluff and views. There will be opportunities for a possible trail, vineyard or orchards. Just like the history of the area, the agricultural products could be sold at the proposed General Store. Finally, there are traditional estate lots proposed along the riverfront. Infinity Park is proposed like a Savannah Square with lush gardens, sculptures, etc., not like the active Laverne Park. As part of this, there would be stately single-family homes with reduced setbacks.

Next to Infinity Park, there will be some additional townhomes around a green. In the central area, the topography changes quite a bit where garages will be sunk below and be located on the side. There will also be a private lane area with cabin homes. It is like a chalet in the mountains nestled in the hillside and overlooking the creek or stream. The street is carefully designed through the topography in an effort to create a more bike/pedestrian friendly place and to create a climate unique to Boone County. As you make it down to the creek, there will be playgrounds and shelters. Driveways may include tire strips in steep areas. At the tip of the ridge, there will be a combination of cabin homes and townhomes, two and three story homes tilted toward the side or back toward the river.

Mr. Gee then proceeded to explain how the request fits in with the Planned Development (PD) requirements. First the PD zone should promote choice and variety excellence environmental, more useful open space and not just left over SLOIDS, more efficient use of land, consistency with the Comprehensive Plan and quality signage. First, mixed-use and pedestrian orientation is encouraged-walking community and mixed housing where people know their neighbors. Second, compatibility of uses is represented with building quality and architectural styles that make each mixed use fit in with one another and each building type can fit in the same development. Third, a Regulating Plan has been submitted to determine the product types and locations. It is intended to be flexible and respond to the changing housing market. There is an overall cap on the total number of housing units (864 units).

Fourth, there will be consistency and quality in classic architectural styles. The large single family lots will range in size from 80-300 feet wide. Garages will be attached and detached. The small single family lots will have a minimum 60 foot lot frontage. It will be a front loaded product with garages in front, on the side and in the rear. The proposed rear access single family homes will primarily be located in the Village Center. The cabin homes may have detached garages across the street or be attached to the unit. The proposed front access townhomes will have driveways on the side along with the garages.

The rear access townhomes will be a similar concept. The two types of multi-family units will be 3 stories with parking in the rear and overlooking the river. The Village Center buildings will be storefronts and have pedestrian friendly streetscapes. The proposed signage will be quality design and craftsmanship. There will be very detailed signage guidelines, which will be submitted at Site Plan approval. They are proposing an electronic message board in the Village Center and not along KY 237. It will serve the residents within the community. In addition, sandwich boards are being proposed. There will be passive and active open space areas, perhaps a dog park. Four parks are being proposed, Laverne Circle, Infinity Park, Lorup Court and North Overlook.

The multi-modal transportation network could include a bus stop near the Village Center. They have discussed a future possible connection between the existing Park and Ride and the Village Center. Other multi-modal components are the 8 foot wide multi-use path and the proposed streets. People can use the pathways either walking or biking to the Village Center. The street design will include a maintenance agreement to handle landscaping maintenance, street lights and materials for cross walks. The street sections were designed around the project to achieve a balance between automobiles and pedestrians, bicycles and emergency vehicles. The street network is laid out by the type of housing and it will be flexible in order to meet the market needs.

Fifth, the main entrance of the project was designed with the assistance of the Kentucky Transportation Cabinet to accommodate a development of 1,000 residential units. The goal of the project is to encourage most of the traffic to use the main entrance off KY 237. The staff and emergency response officials encouraged a secondary entrance off Stahl Road. In order to make the Village Center vibrant, we need most of the traffic to use the main

road. Sixth, in terms of preserving the existing site features, the owner did not want the site to be mass graded. The site will be surgically graded to accommodate the roads and buildings and to preserve as much open space. Seventh, the landscaping features will include buffering, walls and fences, berms and public art. An effort was made to protect the existing vegetation along the perimeter of the site. The goal is to be a good neighbor.

Eighth, in terms of utilities and infrastructure, the owner has met with SD#1. There is a small area on a private street with a limited number of lots. This area makes it difficult for public sewer. This area may be on a septic system while the rest of the development would be on a public gravity system. Water already exists along KY 237 and Stahl Road. Duke Energy and Owen Electric will be providing electric and gas services. A number of green infrastructure measures will be included in the development (rain barrels, porous pavement and rain gardens). The developer would also like to include wind turbines on the site for clean energy purposes.

Ninth, Mr. Gee outlined the project's conformance with the Boone County Comprehensive Plan. This includes the Population, Environment, Economy, Business Activity, Housing, Agricultural, Transportation and Land Use (see PowerPoint slides). It is stated in the submitted application materials and in the Staff Report. The type of community proposed and mixed uses and housing types is consistent with Elements of the Comprehensive Plan. There is an opportunity to promote local agriculture with this project and multi-modal transportation. There is one element of the land use that is not consistent. There is a Commercial area in the Comprehensive Plan planned north of the site. However, we feel the small Village Center within the context of this development and the area, and within walking distance of everyone within the area really supports the Goals and Objectives of the Comprehensive Plan.

Tenth, the phasing of the project will be a 20-30 year buildout. It averages about 35 housing units per year. He stated that the School Board has indicated that they are comfortable with that number or generally about 12 students per year. Finally, the developer is asking the Board to keep flexibility and creativity in mind with this project. This is a unique opportunity to create something special and new to Boone County and to the Cincinnati region.

At this time, Secretary/Treasurer Bunger asked if there was anyone in the audience who wanted to speak in favor of the request or as a proponent and later against the project?

Mr. Eugene Avergon, 2412 Frontier Drive, stated that he just moved from North Carolina where he served as a county Parks and Recreation Commissioner and Greenways Commissioner. His concern relates to the access roads along Stahl Road. A community already exists on Stahl Road, where children play, animals are free to roam and joggers can safely walk. With this development, there will be 2 large developments at the 2 extreme ends of the road. Both are high density developments. Stahl Road is not designed to handle the additional traffic. It would lose all of its living quality. It would be

a conduit for rapid access to KY 237. It won't be a safe conduit. He would not like to lose his community in favor of gaining the new community. We need both. He suggests a relocation of one of the massive high density areas to help alleviate the size and scale of the impact to assure safety. He stated that he is not asking the county to spend more money on Stahl Road but is asking the developer to make adjustments so they are not bombarded with unsafe conditions.

Jose Castrejon, Vice-President of Landscaping Architecture, with McGill, Smith and Punshon, 3700 Park 42 Dive, explained that he was a participant in the developer's charette because he was a local design professional. The proposal is not a typical subdivision but has a true sense of a community. Examples of this is Mariemont, Ohio. This type of development will serve as a guide to create communities and not just a subdivision after the recession is over.

Charlie Wind, 1292 North Bend Road, spoke in favor of the request as the Toebbens have reassured him that they would buffer as many people as possible. He expressed that he would be unhappy if he lived off Stahl Road. In terms of the number of homes, he feels that the quality of subdivisions that Toebben has built in the past, it is in their best interest as neighbors to do the best they can. With the scope of the project being 20-30 years, it won't occur tomorrow. With the amount of green space, it is comforting to know that the site won't be mass graded and completely dense like nearby subdivisions. He stated he is in favor of development because of the amount of homes nestled into the site and the quality of the homes.

Mr. Keith Noel, attorney representing Bob and Susan Flick, 1717 Stahl Road, explained that his client lives adjacent to areas 7, 8 and 9 as noted in the Regulating Plan (pg. 43). His client owns 50 acres at the end of Stahl Road. Mr. and Mrs. Flick currently live in a rural, tranquil and peaceful country setting. They brought the first 10 acres in the early 1980's. They built their home in 1987 and added 40 acres later on. You cannot see their home from Stahl Road. If this application is granted, the tranquil setting they purchased 25 years ago will be gone. Areas 7, 8 and 9 on the Regulating Plan, especially area 9 is the single family area sitting on the ridge. The applicant is asking for large and small single family residences. During the presentation, the applicant said that they are only building 7 estate lots in area 9 that are three hundred (300) foot wide. It is not what the Regulating Plan stipulates - it could be small single family 60 foot lots. The applicant uses the words "might, may, possibly, could, perhaps, flexible" in their application. It is the nature of Planned Development as the devil is in the details. In area 8, they are proposing all multi-family (townhomes and multi-family buildings), which is next to the Flick front yard. In area 7, they are proposing single-family, townhomes and multi-family, which is next to the Flick driveway. What are the details of the multi-family housing? The multi-family housing will be 6 unit buildings and 8 unit buildings up to 3 stories tall. Type A multi-family can include apartments and outdoor parking lots. Type B multi-family can include outdoor parking and buildings may be 5 stories high. The applicant is not locking in the proposed uses. There are 28 multi-family buildings proposed in areas 7 and 8 next to Mr. and Mrs. Flick. Under

the Planned Development Overlay, they are allowed to put more than 28 multi-family buildings in these areas so as long as they can squeeze them in and they don't exceed the 864 figure across the 334 acres. The first question regarding the multi-family that the Planning Commission must decide whether any multi-family should be allowed on this site at all. From Cardinal Cove to Rivershore Farms Subdivisions there are only 2 out of 11 subdivisions approved for multi-family - Thornwilde and North Pointe. Nothing has been built yet. Should the Planning Commission allow multi-family on the subject site, it clearly should not be in areas 7 and 8 near Mr. and Mrs. Flick's house. It is not consistent with the Zoning Regulations and Comprehensive Plan. Also, the applicant should follow the landscaping buffer and setback requirements. The applicant should not be allowed to lessen the buffer requirements especially with the planned multi-family. The proposed wind turbines at 60 feet in height generate noise. There is a developing medical ailment called wind turbine syndrome. One of the 2 wind turbines is proposed in area 8 adjacent to Mr. and Mrs. Flick's property. How could you buffer a 60 foot tall turbine that makes a noise. The Flick property is about 20 feet below the elevation of areas 7 and 8. A 60 foot wind turbine will look like the Carew Tower. The applicant's presentation made the project seem really nice, but his client is not happy. Why didn't Mr. and Mrs. Flick be invited to the design charette? Do you think Mr. Flick would have something to say about a cluster of multi-family units and a 60 foot high wind turbine outside his window? The Zoning Regulations are intended to protect private property owner rights. Mr. Noel submitted his written remarks (See Exhibit 1).

Mr. Bob Flick, 1717 Stahl Road, has lived in the Francisville area for 37 years. He stated that he never thought a huge development would be built next to him. He feels that a good buffer zone should be built between the proposed multi-family and existing single-family. Wouldn't it make sense to move the multi-family to the inside of the development and place the single-family next to him. Why doesn't the developer take care of the "old timers?" He is concerned about people feeding his horses.

Jo Anne Ellena, 1718 Grandview Drive, stated she is in support of Mr. Noel's comments except she is unsure about the wind turbine. She expressed a concern about the displacement of animals when the site is developed other than the packet areas. What is the stability of the ground when you build on ridges and steep slopes? It seems like it will impact the environment. There are a lot of considerations to be made.

Secretary-Treasurer Bunger briefly explained the zone change process as the Planning Commission offers a recommendation to the Boone County Fiscal Court. The Fiscal Court will make the final decision on the application.

Trip Arbaugh, 1303 North Bend Road, explained that he and his wife live directly across the Village Center. He asked why is the C-1 and O-1 zoning districts more applicable than the current residential zone? The intent of Article 10 of the Zoning Regulations is also to prevent excessive commercialization from wasting or blighting public and private facilities and land. At the present time, there are 22 out of 35 commercial units within a 1.4 mile that

are vacant and 2 other undeveloped lots within the same area. The SR-3 zone is defined as a compact high subdivision density and that it is an appropriate transition between other districts. This clearly is not the case for this development as there are not any more dense zoning districts surrounding this property. Why is this more appropriate than the current RSE zone, which allows 1 residence per acre? Our concerns are noise as we live directly across from the proposed village Center. Also, lighting, how will you buffer the lights with multi-story buildings? What landscape buffering is proposed to control these issues or concerns? Not only does it include commercial and or office, it also includes 2 additional stories of residential. How can this not have a negative impact on the neighbors? Under the utilities and infrastructure portion of their proposal, it states that there will be ponding of water for extended periods of time or instances when the post development peak runoff exceeds the pre-development peak. This is of great concern and with a large amount of the existing green space directly across from our property being removed, Section 31.25 of the Zoning Regulations state that post development runoff must be equal to pre-development water runoff. It also states that water runoff shall not adversely impact natural drainage from an uphill drainage basin or a downhill drainage basin or adjacent properties. Why is there going to be three access points on KY 237? The Future Land Use Guidelines of the Comprehensive Plan states that "proposed residential developments that have smaller lot sized than surrounding land uses are recommended to utilize the following design mechanisms to address the impacts on existing developments. The proposed development should consider a band of larger lots and setbacks along the affected perimeter of the site adjacent to the existing development to provide adequate transition." Mr. Arbaugh submitted his written remarks (See Exhibit 2).

Mr. Ed Massey, 1789 Stahl Road, resident of the area and school board member, expressed a major concern about education piece of this project. The developer has not addressed the school board but an employee of the school board. The school district is still experiencing explosive growth impacting the schools. Other developers who have come into the area have often provided sites for building schools. North Pointe Elementary was built with the idea that the improvement of KY 237 would occur. For the first time KY 237 is a safe road and can accommodate bus traffic. Congestion will increase if this development occurs as planned. The main entrance to the development does not align with Tree Tops Lane causing left turn problems for bus traffic from both subdivisions. It seems logical that the main entrance should be moved to align with Tree Tops Lane creating a future traffic signal or a third roundabout. He stated the school district is averaging building a school a year. We are the fastest growing school district in the state. We have the largest elementary school in Kentucky - 1,300 students. Twelve students a year is not realistic. The School Board has not been offered land for an elementary, middle or high school. The School District was not invited to the charette. In terms of traffic, Stahl Road cannot support the additional traffic from the multi-family units. No sign can be used to discourage people from using Stahl Road. Stahl Road is already overcrowded because of Settler's Pointe Subdivision. He stated that he owns the corner lot near Stahl Road and KY 237 and the only access to it is from Stahl Road. He is going to acquire part of a lot that is landlocked and is located adjacent to the development. There

is no planned access to this area from the Village Center. Eight years ago, he requested a zone change from residential to office. He was told there is no commercial development beyond Remkes for North Hebron except for an existing spot for a small area across from Thornwilde Subdivision. The idea was to keep Northern Boone County green according to the Comprehensive Plan. How could the proposed Village Center fit in now versus what was proposed before - a small law office. It was denied because it did not conform to the Comprehensive Plan as it was commercial development. According to the Comprehensive Plan, the existing commercial center will probably not expand significantly because of the new highway. Mr. Massey noted that he would like more time for input. He was not invited to the charette. The community needs more input and the project needs more time. This project needs to be rehashed for another 18 years and be resubmitted. Mr. Massey submitted his written remarks. (See Exhibit 3).

Connie Kiskaden, 1841 Stahl Road, stated she has 10 grandchildren that come to her house and play in the road because there are no sidewalks. The front entrance will be a bottleneck and because of this they will travel down Stahl Road. She expressed a concern about alleys and safety of children and crime. Perhaps, they should move the multi-family buildings.

Dan VanMeter, 7511 River Road, wanted to know about storm water impact. He has experienced cracks in the drywall and outside walls of his house. He hired an engineer and spent $20,000 in 2 years to address this problem.

William Sanders, 2252 Britt Drive, noted that he first learned about this project after reading the sign. First, he recommended changing the size of the sign posted on the property and use plain English so that residents can actually see what is proposed, for example 864 houses proposed. Second, the area north of the roundabouts should all be single family residences and not multi-family buildings. It should include churches, schools, a library and a playground. Third, a bike path has been constructed along KY 237. Children can now get to the neighborhoods on their own for class projects and traffic from multi-family buildings and commercial uses will affect this activity. Fourth, the Diocese of Covington is thinking about building a new school or church in Hebron. Mr. Toebben could donate the land and the Boone County School District wouldn't have to worry about another school. Commercial doesn't need to be there since there is 50% vacancy in Hebron. A school and church at the entrance would be a great thing to do. Mr. Sanders submitted his written comments (See Exhibit 4).

John Smith, 1805 Stahl Road, thought that the people living in the proposed multi-family area would not use the main road but zip out Stahl Road. Stahl Road is not ready for this and would like the Planning Commission to vote this project down.

Beth Kamradt, 1590 Jolee Drive, stated that during rush hour in the morning the traffic is already backed up to the second roundabout. The planning that went into the design of the roundabout didn't take into account two lanes going out past Remkes. In addition, the park

and ride is drawing traffic from the south. All the traffic coming from north has to wait for the traffic coming to the park and ride. In addition, there will be 864 units on a one lane road up to the Remkes' traffic signal. In the mornings, school buses are backing up beyond the second roundabout. It is difficult leaving Parlor Grove Subdivision. The road should be expanded to two lanes in each direction. Conner Middle School is at capacity. Is it 12 students per year per type of school-elementary, middle and high school? Does it make sense that only 360 students will come from an 864 unit development? She stated 75% of the households will have children or 2 children per household or about 1,396 children, the number of students will be somewhere between 360 and 1,396. She doesn't know where the money or land will come from and doesn't want more children at schools at capacity and with portable classrooms. She isn't concerned because she is a teacher but is concerned about her son. She stated she is not against development but we have to make sure it is not alone on the backs of our children.

Mr. Costello explained that the School District has purchased land for a new elementary school in Thornwilde. There is no funding in place to build it. It doesn't address over-crowdness at Conner Middle and Conner High Schools. He stated that the School District (Staff) has communicated with the developer and has written a letter to the developer. The Planning Commission does not have a copy of the letter. There were concerns about capacity.

Mr. Richard Graves, 2432 Frontier Drive, expressed his concern about changes in the plans due to the economy and housing market as stated by Mr. Toebben - the worst market since the Great Depression. We will get Celebration if everything goes according to the applicant's plan including the economy. We will get the down side no matter what. If building Celebration (development) proves to be economically unsound, Toebbens will build whatever they can within the rules that will turn a profit. We will suffer the burdens. Stahl Road will end up clogged or be converted into a pocket highway. No one will be able to discourage the traffic from swamping Stahl Road. The benefits of this project no matter how attractive is speculative, but the burdens are as close to certain as to anything gets in this uncertain world.

George Hummeldorf, 2485 Frontier Drive, is concerned about the high density residential near both ends of Stahl Road. There will be more traffic on Stahl Road. In Settler's Point, there was a change in developers due to the down economy and smaller homes were built. This affected his property value. This might happen with this development and Toebben will sell off the land. It is also too flexible. He felt that the number of students was low considering the high density housing.

Norma Perkins, 1943 Stahl Road, emphasized her concerns about the impact of the current pastoral setting and the proposed multi-family setting along with noise buffer and traffic. She inquired whether the parks, trails and streams would only be available to the new residents or to everyone in the community?

Jim Minnick, 1174 Waterford Court, expressed his concern about the proposed multi-family buildings and their height next to Deer Creek Subdivision. It has the smallest buffer zone proposed in the project.

Bob Herzog, 1727 Stahl Road, restated that the developer said they would discourage residents from using Stahl Road. Even if they put a 10 foot wall to keep traffic off Stahl Road, they would cross onto Mr. Flick's property to get to KY 237. There would probably be 400 cars.

Shirley Millar, 669 North Bend Road, stated that her primary concern is related to the fact that her daughter, son-in-law and grandson live directly across from the Village Center and that the Planned Development overlay will be supercede the existing zoning a subdivision regulation with waivers. These regulations were in place to guide growth and development in a consistent and planned manner. The applicant's summary on page 3 of their booklet discusses 1,000 units. Is it 1,000 or 864 units? Which is correct? The next concern is sidewalks as the applicant only wants to put them on one side where as the Subdivision Regulations requires them on both sides of the street. Is this really pedestrian friendly? Children shouldn't walk on a street without sidewalks. Another concern is seasonal temporary banners. Article 34 (34.9 and 34.20) states that they are not permitted in the zone and Temporary Advertising Displays require a permit. Are they proposing these ideas thinking that no one will catch them or regulate them? The Village Center will allow retail, restaurants, office and personal services. This would also allow liquor stores, numerous uses that would generate a considerable amount of traffic and would put people outside in the evening - more noise and lighting. Areas 0 and 19 are not identified and what type of buffering are they proposing along North Bend Road? It is also mentioned that horse related uses are a Conditional Use in the proposed zoning district. Is this a way to get the use approved without having to go before the Board of Adjustment and have conditions put on the use? How will the applicant share parking from the retail area with the multi-family area? How can the applicant not include loading areas in the retail area? How can the applicant not be required to screen garbage cans? The applicant states that community amenities may include pools, tennis courts, etc. The application does not require them to do it. It is misleading. Mrs. Millar expressed a concern about allowing A-frame and sandwich board signs since they are only allowed on Main Street in Florence. There are no details about the entrance sign. The applicant wants to make exceptions to the normal landscaping requirements in Article 36. Also, landscaping is not normally permitted in public rights-of-way. I am opposed to this project and urge the Planning Commission to look at the regulations, where high density residential should be located at Ky 237/KY 20 and in the middle of the subdivision and not around the perimeter where it affects an existing neighborhood.

Bee Wend, 1292 North Bend Road, noted that she lived in the area for 40 years. You could count more farm equipment going down North Bend Road than cars. We have Parlor Grove, Tree Tops, Thornwilde, and Deer Creek. Did I want them? No, for all of the newcomers to not want this is not fair. For people concerned about the animals, they should have been here when Parlor Grove Subdivision was built. Change is constant and we have to deal with it. The Planning Commission has done a good job - compromising to make it right. Toebben is a custom builder and not a track builder. They will do the best they can. We have to live with change.

Diane Vines, 1864 Stahl Road, stated that we have to have change but it has to have common sense. This proposal doesn't make sense. The Remke development under Toebben has 3 empty buildings. It doesn't have the history like older businesses in Hebron.

What he wants to develop out there is Cincinnati. There is not enough room for that out in the area. Toebben doesn't have anything to offer but empty buildings and eyesores.

Richard Soper, representing Boone County Conservation District, stated that he is not in favor or against the development. He wanted to just submit a letter from the organization as part of the process (See Exhibit 5)

Bob Flick, 1717 Stahl Road, mentioned that he was made aware from someone else that there may be four Union soldiers buried on the subject property. He thought the staff should look into this issue. He noted that he has an Indian Burial Mound on his property and that some soldiers were found closer to the Airport.

Secretary-Treasurer Bunger asked if Staff wanted to add anything. Mr. Wall responded that a lot of the points were mentioned previously and there are 15 pages of concerns identified in the Staff Report. Mr. Bunger asked if the Planning Commission members have any questions?

Mrs. Poston inquired whether the primary road would be a boulevard without parking and stop signs? Mr. Gee answered that the primary road is a divided boulevard with on-street parallel parking. She asked how many stop signs would be installed? If there are a lot of stop signs, there will be a lot of people on Stahl Road. Mr. Gee explained that they have not laid out a stop sign plan but they will take a look at it before the Committee Meeting. They have not anticipated a lot of stop signs. The County Engineer requested that the streets be designed for traffic calming purposes. The streets are narrower and cross walks will be made of pavers. Mr. Gee emphasized that they want the traffic to go through the Village Center for commercial activity purposes.

Mr. Costello reported that the applicant did provide a traffic study. Is the main boulevard a limited access road? Mrs. Poston responded that her concern is the number of stops like Oakbrook Road, which would make people flow on Stahl Road. Mr. Costello indicated that the staff has always had a concern about the connections to Stahl Road due to the width and conditions of the road. There needs to be more than one way in and out of this large development for emergency response.

Mr. Longano asked whether the connection to Stahl Road could be gated and only emergency vehicles be allowed to use it? Mr. Wall stated that it could but we should obtain input from the Hebron Fire Department, the Boone County School District and the Boone County Engineer. Has this been done before? Mr. Wall stated that he was not aware of an example with similar circumstances.

Mr. Schwenke asked whether there is information available about the number of houses already developed and empty lots from subdivisions in the area? Mr. Wall responded that it can be provided and this information is available based on the type of housing unit, single family versus multi-family. It is updated on a routine basis.

Mr. Breetz inquired about phasing. How far back will the primary road be built? Will it be spotty during different time periods? An example of this is the patio homes project near KY 237 and Tanner Road. Some of this project has been built but some of it is not well maintained. It is an eyesore. This information would be helpful at the Committee meeting. There should be more details on the pedestrian access. Will there be any recreational facilities within the development? What are the green "legs" leading down to River Road? Will there be trails leading to the park?

Mr. Bayer stated that the Roman numerals in the one exhibit are not phases but pods of the development. The first phase would be to construct the main drive to provide a view of the river. The first phase will also be dependent on the provision of sanitary sewer by SD#1 and the need to provide a diverse mixture of housing units so that the public can have options. We don't believe it will be any faster than 30-35 units per year based on the market studies. The commercial will not be in the first phase as housing units are needed to support it. The residential in the Village Center will come later when the commercial is built.

Mr. McMillian asked whether the utilities will be installed underground? Mr. Bayer answered "yes". Utilities may be overhead as they approach the site but they will be underground on the site.

Mrs. Poston inquired why is the multi-family housing being proposed on the perimeter? Mr. Bayer answered that they used the Comprehensive Plan as the guiding light because the location of high density residential at the end of Stahl Road. The design of the Village Center drove the need for high density residential in the front portion of the project. Mrs. Poston noted that the multi-family could go anywhere since the developer is applying for a Planned Development Zone Change for the entire property. Mr. Bayer said essentially it could, but this plan is what they have designed because of the views. This should be examined closely at the Committee meeting as stated by Mr. Bunger.

Mr. Breetz asked about the lighting along the roadways? What will be the downcast of light because of the sky views? Mr. Costello noted that the County doesn't require street lights but the 3 cities require developers to install them. It is the option of the developer.

In response to Mr. Bunger, Mr. Gee stated that the application is for 864 total units. He will provide a copy of the letter sent to them by the School District and the estimates on the number of students. Mr. Gee noted there are a lot more details about the project in the application booklet.

Mr. Noel stated that the applicant continues to say that the project is consistent with the Comprehensive Plan. They don't want you to read the details. They are referring to the Future Land Use, one component of the Comprehensive Plan. The Future Land Use map is a crystal ball projection 25 years into the future. It attempts to look at the year 2030. It

says that high density residential might be appropriate on the ridge top not now but in 2030. It further states when 2030 comes along, small amounts of attached housing may extend onto the ridge lines. According to their traffic study, 50 % of the housing units will be multi-family. Is this a small amount of multi-family? No. If it is the year 2030, what is the type of multi-family allowed? No where in the Plan does it refer to apartments. It talks about condominiums and townhomes. If you look at the details of the Comprehensive Plan, there should be no high density residential next to Mr. & Mrs. Flick. If you do allow it, where should it go? The multi-family should be held to the interior of the property. The high density residential traffic will use Stahl Road if it located near Mr. Flick.

Bonnie Griffin, 1692 Grandview Drive, wanted to know if Toebben owns land that connects to KY 8, where traffic can be routed to relieve the traffic on KY 237? She expressed a concern about the view of the wind turbine. Mr. Bunger stated he will announce the date and time of the Committee meeting. It is a public meeting. The date and time of the Committee meeting is posted on the Planning Commission's web page.

Mr. Massey noted that the School Board has a representative on the Planning Commission, but is not present at the Public Hearing. With a development of this size, it is important that the School Board be involved. The school is the central part of the community. It would have been great if Mr. Toebben could have done a presentation about this project before the School Board. He feels that the main project entrance should be analyzed for school bus traffic turning movements. On page 140 of the Future Land Use Development Guidelines of the Comprehensive Plan, it states that "the proposed development should consider in its design a band of larger lots and set backs along the affected perimeter of the site adjacent to the existing development to provide an adequate transition." Multi-family dwelling units are not adequate transition. The buffer between the proposed mulitimillion dollar homes and the homes along Stahl Road is the multi-family units. This is not right.

Mr. Wilson noted that Mr. Ford was not at the Public Hearing and will not be participating in the request. Mr. Costello explained the procedure for notifying agencies. A letter about the project went to the Superintendent. It is up to the Superintendent to decide what action to take and who to inform.

There being no further comments, Secretary/Treasurer, Kim Bunger stated that the Committee Meeting for this item will be on July 21, 2010 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on August 4, 2010 at 7:00 P.M. Secretary/Treasurer Bunger closed this Public Hearing at 10:55 P.M.

APPROVED:

for Kim Bunger

Kim Bunger
Secretary/Treasurer

Attest:

Kevin P. Costello, AICP
Executive Director

EXHIBITS:

-Exhibit #1 Specific Requests made by Bob & Susan Flick submitted by Mr. Noel
-Exhibit #2 Concerns submitted by Trip & Susan Arbaugh
-Exhibit #3 Written remarks submitted by Ed Massey
-Exhibit #4 Written comments submitted by William Sanders
-Exhibit #5 Letter submitted by Richard Soper for the Boone County Conservation District
-Exhibit #6 Letter submitted by Kimberly D. Patton

EXHIBIT 1
JULY 7, 2010
PUBLIC HEARING #1

SPECIFIC REQUESTS MADE BY BOB AND SUSAN FLICK

(TOEBBEN PROPERTIES/RIVERS POINTE ESTATES)

1. BACKGROUND

Bob and Susan Flick reside at 1717 Stahl Road, Hebron, KY 41048.

They are owners of property (approximately 50 acres) immediately adjacent to site.

Their property, including their home, directly abuts Areas 7, 8 and 9 of site (see Regulating Plan on page 43 of application booklet).

2. MULTI-FAMILY HOUSING

If any multi-family housing is approved for site, none of it should be permitted in Areas 7, 8, and 9. Only single family housing should be permitted in Areas 7, 8, and 9.

Any multi-family housing should only be permitted in the interior of the site, away from adjacent property owners.

3. BUFFER

Regardless of type of housing permitted in Areas 7, 8, and 9 (even if only single family housing as requested above), the Buffer standards set forth in Article 36 of the Zoning Regulations should be enforced in these Areas.

The Article 36 Buffer standards should not be "lessened" in Areas 7, 8, and 9.

4. WIND TURBINE

No wind turbine should be permitted in Areas 7, 8, or 9 (regardless of the type of housing or Buffer in those Areas).

Submitted by Keith Noel, Esq. (Attorney for Flicks) at July 7, 2010 Public Hearing before Boone County Planning Commission and intended to become part of official record.

EXHIBIT #2
JULY 7, 2010
PUBLIC HEARING #1

Trip & Susan's Concerns

Why is the C1 and O1 zone more applicable than the current residential zone? The intent of the article 10 of the zoning regulations is ~~also~~ Also to prevent excessive commercialization from wasting or blighting public and private facilities and land. At the present time there are 22 out of 35 commercial units within 1.4 mile that are vacant. + 20 other lots undeveloped within Samoa Ave.

The SR3 zone is defined as a compact high subdivision density and that it is an appropriate transition between other districts. This clearly is not the case for this development as there are not any more dense zoning districts surrounding this property. Why is this more appropriate than the current RSE zone which allows 1 residence per acre?

Concerns-

Noise – ~~Live directly across from the proposed Village Center.~~ what plans are there to prevent excessive noise...control of lighting from buildings.
→ lights from traffic → privacy

How close is the Village Center to # 237?

What landscaping and buffering is proposed to control these issues ? Not only does it include commercial and/or office it also includes 2 additional stories of residential. How can this not have a negative impact on the neighbors? → privacy

or concerns

* Portion of town 5 is at or exceeds limits for Echo

Under the utilities and infrastructure portion of their proposal it states that there will be ponding of water for extended periods of time or instances when the post development peak runoff exceeds the predevelopment peak . This is of great concern ~~with the already storm water runoff issues and~~ with a large amount of the existing green space directly across from our property being removed. Section 31.25 of the zoning regulations state that post development runoff must be equal to the predevelopment water runoff. It also states that water runoff shall not adversely impact natural drainage from an uphill drainage basin or a downhill drainage basin or adjacent properties.

he kept using the word water in what we want

Access points ?? Why 3 on 237???

The future land use guidelines of the comprehensive plan provides that " proposed residential developments that have smaller lot sizes than surround land uses are recommended to utilize the following design mechanisms to address the impacts on existing developments. The

funny he doesn't talk about regular streets

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

Blankenship Massey & Steelman PLLC
ATTORNEYS AND COUNSELORS AT LAW

Randy J. Blankenship*†
C. Ed Massey*†•
Samantha Steelman*

www.nkylawyers.com

*Licensed in Kentucky
†Licensed in Ohio
•Licensed in Indiana

EXHIBIT #3
JULY 7, 2010
PUBLIC HEARING #1

July 7, 2010

Boone County Fiscal Court
Boone County Planning and Zoning Commission

IN RE: TOEBBEN APPLICATION FOR RIVERS POINTE ESTATES zoning map amendment from RSE/A-1/A-2 to a SR-3/C-1/O-1/pd overlay

Dear Court and Committee members;

In considering this request of the Toebben Companies, I would like for the Fiscal Court and the Planning and Zoning Committee to consider several issues:

A) EDUCATION: This plan does not provide for a school site for an elementary school, middle or high school. As the County has developed, Boone County has become an explosive growth district. For many years running, our County has experienced growth annually that would support an new school. North Point is already overcrowded and a new elementary school is projected for construction in Thornwilde. This development will most certainly add to the overcrowding problem. According to my review of the plan there are no specific numbers with regards to growth. Furthermore, the additional population will increase the traffic congestion in north Hebron and make it more difficult to transport students. This is particularly true given the access points into and from the proposed development. The committee should consider site development for a school as Arlinghaus Builders did for North Point and as Drees did for Thornwilde. Erpenbeck elementary was also constructed on a site donated to the Board of Education. One thing that makes Hebron so attractive is the school system and this should be a major consideration.

B) TRAFFIC: This development will cause an inordinate amount of traffic on Stahl Road. Given the proposed 5 story multi-family dwellings at the end of Stahl Road, there is no way to "discourage" the use of Stahl Road. The road is not wide enough to accommodate more traffic. Since the development of Settler's Pointe, the number of vehicles traveling the road has increased significantly. This has caused a deterioration of the quite and serene environment to which the residents of Stahl Road have become accustomed. Furthermore, heavy construction equipment will harm the existing roadway. The proposed access points are not sufficient to access the proposed development without the access points on Stahl road.

504 Erlanger Road • Erlanger, KY 41018 • Phone: (859) 426-9000 • Fax: (859) 426-9001
20 South Main Street Dry Ridge, KY 41035-0086 • Phone: (859) 823-5351 • Fax: (859) 824-5167

Additionally, there are additional considerations due to the main entrance to the development being in close proximity to the entrance of Tree Tops. This potentially causes a hazard for vehicles and or school buses trying to move in the area. Close entrances cause reduced reaction times and henceforth lead to more accidents. The widening of KY 237 has finally made the ingress and egress into the North Hebron area sage. The additional congestion due to the proposed development and the main entrance into the development will cause multiple safety hazards and concerns.

C) COMMERCIAL/RETAIL: It has been long stated that portions of northern Boone County need to remain green. To date, there is no commercial development beyond Rempke except for a small location across from Thornwilde that has not been developed. This proposed plan calls for significant commercial and retail development.

In fact, approximately eight (8) years ago, my father, Charles Massey sought to have a parcel just over an acre zoned from residential to commercial. This was soundly rejected on the premise that there was to be NO further commercial development in this area and the run off caused by blacktop and parking areas would render the area hazardous.

D) ACCESS TO LOT AT CORNER OF KY 237 AND STAHL ROAD: The development does not call for any access to the lot adjacent to the development at the corner of KY 237 and Stahl Road. This is simply poor planning. Assuming this committee recommends commercial development in north Hebron then the lot at issue should be zoned commercial. There is no provision for access points onto that lot so a person would have to exit the development to gain access to that lot.

These are some considerations that should be debated by the committee and by the Fiscal Court. Thank you for your attention to these matters.

Respectfully,

C. Ed Massey
Stahl Road Resident
Boone County School Board Member
(859)743-0318
cedmassey@nkylawyers.coml-

EXHIBIT #4
JULY 7, 2010
PUBLIC HEARING #1

1. HAVE A SECOND PUBLIC HEARING
2. BEFORE SECOND PUBLIC HEARING POST A REQUEST FOR ZONING CHANGE SIGN IN LETTERS 6" HIGH AND IN PLAIN ENGLISH SO THAT RESIDENTS CAN ACTUAL SEE WHAT IS BEING PROPOSED. WOULD HELP TO PLACE A DIAGRAM ALSO.
3. **THE AREA NORTH OF THE ROUNDABOUTS SHOULD ALL BE SINGLE FAMILY RESIDENTIAL HOMES AND PEACEFUL AND QUIET.** IT SHOULD INCLUDE AT THE MOST – CHURCHES, SCHOOLS, A LIBRARY, AND A PLAYGROUND FOR THE CHILDREN OF OUR FINE COMMUNITY.
4. A WONDERFUL BIKE AND WALKING PATH TO CONNECT ALL THE RESIDENTIAL NEIGHBORHOODS HAS BEEN CREATED BY THE 237 IMPROVEMENTS. FINALLY CHILDREN CAN GET TO FELLOW CLASSMATES HOUSES ON THEIR OWN FOR SCHOOL PROJECTS AND FOR PLAY. THEY WALK , THEY RIDE THEIR BIKES. PUTTING IN OFFICES, RETAIL AND APARTMENTS CREATES TRUCK TRAFFIC AND A CLIENTELE THAT WILL RESTRICT MY CHILDRENS' USE OF THESE SIDEWALKS FOR GETTING TO THEIR FRIEND'S AND CLASSMATES HOUSES BECAUSE OF SAFETY ISSUES.
5. WE DON'T NEED OFFICES OR RETAIL IN THIS FINE RESIDENTIAL AREA, BOTH OF WHICH WILL BLIGHT OUR AREA WITH THEIR VACANCIES GIVEN THAT THE RETAIL CURRENTLY NORTH OF 275 IS ONLY 50 PERCENT OCCUPIED. OUR EXIT OFF THE HIGHWAY ALREADY HAS BEEN TURNED INTO A TRUCKSTOP, AND OUR HAVEN IS THE RESIDENTIAL AREA NORTH OF THAT FIRST ROUNDABOUT. WE DON'T NEED TO FURTHER RUIN THE AREA WITH MORE STRIP MALLS/OFFICES ("VILLAGE CENTER").

William Sanders

6. We have vacancy at the apartments north of 275 in Hebron. We don't need more apartments or the transient residents who live there. Apartment dwellers are not typically as invested in the community as are property owners. Apartments in the heart of our single family home residences will diminish **OUR** property values.

7. A recent article by Owen Electric stated that Wind and solar Power are not Practical alternative energy sources for KY - only Biomass is -- Along those lines we need more green space not more high density residential areas. And we don't need rusting idle 60 foot wind turbines in our backyards.

8. We need more educational institutions and the infrastructure to accommodate any further increase in student numbers. Northpointe elementary is in trailers and the new Thornwilde elementary school is on hold due to a lack of funding. This high density development will only worsen the problem.

9. We recommend the developer contact the diocese of Covington and donate land (15-20 acres) for a church and school. This would solve some of the school issues and help out taxpayers.

10. If it isn't already obvious, we are opposed to the proposed zoning change. We would be satisfied only with single family residential with limited landominiums and with greenspace equal to the acreage devoted to residences.

William Sanders

BOC E COUNTY CONSERVA ON DISTRICT

6028 Camp Ernst Road
Burlington, Kentucky 41005-9520
(859) 586-7903
FAX (859) 586-7683

James B. Walton, Chairman
Rob Hall, Vice Chairman
Monty Taylor, Secretary/Treasurer

Rose Bunger
Debra Messer
Tom Comte
Rick Soper

Staff: Sally Aaron
Kristin Scott
Mary Kathryn Dickerson
Mark Jacobs

EXHIBIT #5
JULY 7, 2010
PUBLIC HEARING #1

7 June 2010

Kevin T. Wall, AICP
Boone County Planning and Zoning Commission
P.O. Box 958
Burlington, KY 41005

RE: Zone Change Application for Rivers Pointe Estates Development

Dear Kevin,

On behalf of the Boone County Conservation District we would like to submit comments regarding the proposed zone change for the Rivers Pointe Estates Project requested by Toebben, Ltd. We have made a concerted effort to review the Concept Development Plan focusing on those issues that may affect the valuable natural resources in Boone County. Our intention is to promote natural resource protection directly related to the public health, safety and general welfare of the citizens of Boone County as is consistent with the responsibilities of the conservation district as directed by **KRS 262**.

We would like to submit the following comments regarding the River Pointe Estates Concept Development Plan for your consideration.

1. **Concept Plan**-In general the concept plan seems to be progressive and indicates an attempt to protect natural features such as stream corridors, and soil and forest resources, and to include them as part of the infrastructure of the community. Clarification pertaining to the extent of development relative to the topography and limits of cuts and fill will be beneficial. We support this concept and are interested in more detail concerning these issues.

2. **Hillsides**-We have serious concerns about the development of the steep hillsides at this site: "Site/Improvement Plan details may call for grading at the limits of, and, beyond the right-of – way to vary from conventional design such as increased slopes (up to 2.5:1) or, based on sound geotechnical input, tying into steeper natural slopes and use of retaining walls or other accessory structures." The Soil Survey of Boone County indicates that a large portion of this site consists of Cynthiana flaggy silty clay loam, 20 to 50 percent slopes. Development on these areas is of particular concern due to the high hazard of erosion. Also, it is well known that development of

The U.S. Department of Agriculture (USDA) Natural Resources Conservation Service and Conservation Districts prohibit discrimination in all programs and activities on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation or marital or family status.

hillsides in the Greater Cincinnati area has been problematic due to the unstable nature of the underlying geological formations and the possibility of landslides. Forested hillsides in Boone County are not only aesthetically pleasing but also protect diverse forest resources, highly erodible soils, unstable slopes and valuable water resources. Protection of these slopes needs to be addressed at this site. The benefits of protecting the forested hillsides of Boone County would be far more beneficial to the community than the long-term problems associated with developing them.

3. **Streams and Riparian Corridors** – Water quality, stream stability and riparian corridor protection at this site are of particular concern. Construction on steep slopes increases the potential for severe erosion which can damage the stream system. We would be very interested in a detailed plan to manage erosion during construction as well as plans for long-term management of storm water and protection of the stream. Protection of existing native riparian vegetation should be a priority and should be substantial due to the severity of slopes and potential for erosion. Statements made in the Utilities and Infrastructure section of the application indicating "the stormwater will be designed with greater post development release rates to limit on site storage" is of concern. This practice can destabilize the stream system.

The Boone County Conservation District is submitting these comments to the Boone County Planning Commission for consideration. The protection of local natural resources is of great importance to every citizen of Boone County. These comments are intended to highlight areas of concern and influence action for proper and permanent protection of local natural resources. We are supportive of some of the concepts put forth in this proposal and are interested in more detail and discussion on these issues. We look forward to your response and the opportunity to discuss these issues with the Planning Commission and staff, and Toebben Ltd.

Submitted on behalf of the Boone County Conservation District,

Thomas E. Comte
Conservation District Supervisor

Rick Soper
Conservation District Supervisor

Mark Jacobs
Conservation Technician

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RECEIVED
JUL - 7 2010
BOONE COUNTY
PLANNING COMMISSION

Kevin Wall
Boone County Planning Commission
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005

EXHIBIT #6
JULY 7, 2010
PUBLIC HEARING #6

July 7, 2010

Re: New Toebben Development Zone Change –North Bend Road (Jay Bayer, Applicant – Public Hearing July 7, 2010)

Dear Mr. Wall,

I am currently out of state and unable to attend the public hearing tonight for the zone change on North Bend Road for approximately 334 acres. I am writing this letter on behave of myself and the other four partners in the Boone County Riverview LLC. We are adjacent property owners to the development off of Route 8. We have over 24 acres that is down river from the land being cleared and re-graded and directly below William Toebben's house.

After receiving the public notice in the mail, I was able to meet with John Toebben to discuss our support of the development. We are in support of the development with one modification.

We would like to see at a minimum a connection to our property from the proposed large lot section of the property over looking route 8. Ideally we would like to see both properties master planned together so that the impact to the valley is well considered and so a connection to the park could be made from North Bend to the river, one that would be much safer for bikes and people than either Tanners or North Bend.

We are planning to meet with Jay Bayer before the next planning commission committee meeting to see what a master plan might look like and what type of connection to Route 8 could be made.

If you need more clarification on my comments please contact me at 513 675 4799 cell.

Sincerely,

Kimberly D. Patton, AIA
810 WESTVIEW DRIVE
HEBRON, KY 41048

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
September 1, 2010
7:00 P.M.

Mr. Charlie Rolfsen, Chairman, called the meeting to order at 7:00 P.M.

COMMISSION MEMBERS PRESENT:

Mr. Ben Brandstetter
Mr. Greg Breetz
Mr. Mike Ford, Vice Chairman
Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Jim Longano
Mr. Don McMillian
Mrs. Susan Poston, Temporary Presiding Officer
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Chairman

COMMISSION MEMBERS NOT PRESENT:

Mr. Kim Bunger, Secretary/Treasurer
Mrs. Linda Herald
Ms. Lisa Reeves
Mr. Bob Schwenke
Mr. Steve Turner

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director of Zoning Services
Mr. Mitchell A. Light, Assistant Zoning Administrator/Enf. Officer

Approval of the Minutes:

Chairman Rolfsen, stated that the Commissioners received copies of the Minutes of the August 4, 2010 Business Meeting. He asked if there were any comments or corrections. There being no changes to the Minutes, Mr. Ford moved that the Minutes be approved as written. Mr. Hicks seconded the motion and it carried unanimously.

BILLS:

Kevin Costello, Planning Commission Executive Director, advised the Commissioners of the **Bills to be Paid,** which included a list of **Expenses** and **Salaries and Benefits** for a time period between 8/5/10 through 9/1/10.

SALARIES AND BENEFITS:		
FICA-BCPC Portion	$	3,615.93
Health/Dental/Life		-1,793.81
Retirement - BCPC Portion		12,014.20
Salaries - Staff Expense		53,565.91
Workers Comp Insurance		1,049.83
TOTAL:	**$**	**68,452.06**
EXPENSES:		
Accounting Fees	$	343.64
Attorney Fees		3,166.66
Auto Expenses		19.95
Consultant/Profess Svcs Fees		706.50
Filing Fees (CLURs)		208.00
Legal Ads/Recruitment		57.97
Miscellaneous Expense		81.34
Office & Board Mtg. Supplies		833.91
Office/Equipment Maintenance		209.96
Office Equipment/Expense		109.91
Office Insurance		2,821.00
Postage Expense		1,000.00
Printing/Pub/Dues/Subscriptions		855.00
TOTAL:	**$**	**10,413.84**
GRAND TOTAL:	**$**	**78,865.90**

Mr. McMillian moved that the bills (expenses and salary and benefits) be approved and paid as presented; and indicated approval of those items which have been paid. Mr. Reynolds seconded the motion and it carried unanimously.

Chairman Rolfsen announced he was changing the order of tonight's Business meeting Agenda. The first item on the Agenda will be the St. Elizabeth Hospital request or Item #2.

ACTION ON PLAN REVIEWS:

2. Technical Design Review - **St. Elizabeth Hospital**
4900 Houston Road

Staff Member, Mitch Light, presented the request. (See PowerPoint presentation). St. Elizabeth is proposing a sign package for internal/directional use and 2 monument signs. One monument sign is already in existence along Houston Road and one monument sign along Turfway Road has to be replaced. Mr. Light showed a 2007 drawing of the monument sign that exists along Turfway Road. There was a condition that if sign logo/cap for this sign changed in the future, then the applicant would have to reapply for Design Review. Mr. Light showed pictures of the new monument sign along Turfway Road, proposed building mounted signs (on the Medical Office Building and on the Main Entrance), lamp pole signs and directional signs. Mr. Light noted that the Technical/Design Review Committee met before the Business Meeting and recommended approval unanimously.

There being no further comments or questions, Mr. Reynolds moved to approve the request based upon the Committee Report. Mr. Ford seconded the motion and it carried unanimously.

ZONING MAP AMENDMENT

1. **Request of Jay Bayer, Bayer Becker (applicant) for Toebben, Ltd. and William Toebben (owners) for a Zoning Map Amendment from Agriculture (A-1), Agricultural Estate (A-2), and Rural Suburban Estates (RSE) to Suburban Residential Three/Commercial One/Office One/Planned Development (SR-3/C-1/O-1/PD) for an approximate 334 acre site located on the east side of North Bend Road approximately 750 feet north of the North Bend Road/Stahl Road intersection, to the east of Deer Creek and Rivershore Farms subdivisions, at the terminus of Stahl Road, and including the properties at 1280 North Bend Road, 1302 North Bend Road, and 1958 Stahl Road, Boone County, Kentucky. The request is for a zone change to allow a mixed residential, retail, and office development.**

Mr. Dale Wilson acknowledged the fact that Board members Mr. Reynolds and Mr. Ford left the meeting room due to a potential conflict with the request as it relates to their employment or spouse's employment.

Staff Member, Kevin Wall, presented the Committee Report, which recommended approval of the request based on Findings of Fact and Conditions (see Committee Report). Mr. Wall noted that the Committee vote was 3-1 in recommending approval with Mrs. Poston, Mrs. Kegley and Mr. Brandstetter voting yes and Mr. Breetz voting no.

Chairman Rolfsen stated that those individuals in favor and in opposition of the request will be given 5 minutes each to make a statement. He asked if the applicant wanted to make a 5 minute summary statement in regard to items raised at the Public Hearing or discussed at the Committee meeting before the Planning Commission takes action on the request? Mr. Jay Bayer, Bayer-Becker Engineers, stated his client would like to defer his comments until after the opposition spoke first.

Mr. Wilson indicated that each side (in favor and against) would be given 5 minutes each to speak. This is the Planning Commission policy, which has been in place for several years. Mr. Ed Massey from the back of the room expressed a concern that the applicant was given time and the opposition time is combined.

Mr. Keith Noel, Attorney for Bob and Susan Flick asked if the Planning Commission had a quorum because he thought Mr. Hicks said he would recuse himself at the Public Hearing. Mr. Hicks stated that he didn't attend the Public Hearing and said he would not recuse himself. Mr. Costello stated there is a quorum of members present. Mr. Noel asked if the Planning Commission would consider expanding the 5 minute rule due to the number of people present. Chairman Rolfsen explained that Mr. Noel didn't represent the other citizens in the room and did not know what their concerns were regarding this project. Chairman Rolfsen stated they should also be given the chance to talk during the 5 minute period. He noted that the public had the opportunity to speak at the Public Hearing and there were numerous Committee meetings. He asked Mr. Flick to come forward to begin the 5 minute summary in opposition of the request.

Mr. Flick noted that in Court both sides get to speak and he expressed a concern about others being allowed to speak. Mr. Flick stated that he has lived at the end of Stahl Road for 23 years. His perception is that 54% of the proposed development is high density, of which he gets a third of it next to him. He is zoned Agriculture for possible 2 acre lots. There is no transition between the properties-maybe 1 acre lots versus 7 dwelling units per acre. There should be more of a gradual transition or steps. The Stahl Road people will get all of the traffic. There will be 3 and 5 story buildings next to him. Mr. Toebben has approximately 1 1/4 to 1 1/8 mile of ridgeline along the Ohio River - similar distance from the county building to Camp Ernst Road. He thinks Mr. Toebben can put some single family houses in the same area.

Mr. Noel noted that 150 units will be built on 18 acres directly next to Bob and Susan Flick. It computes to a density of 8 dwelling units per acre. The Flick property is zoned Agricultural Estate (A-2) and Rural Suburban Estates (RSE) - one house per 2 acres and one acre. Low density Flick property will be next to high density property. There will be 28 apartment buildings with 150 units. It is a mega apartment complex. What is the legal standard that the Planning Commission must follow? It must be able to satisfy the Comprehensive Plan and Section 1514 of the Zoning Regulations. The Comprehensive

Plan requires transition, gradation and progression. High density next to low density is not a transition. Section 1514 requires compatibility between the site property and adjacent property. Again, there is no compatibility with 8 units per acre and the Flick property. The words "transition, gradation, progression and compatibility" appear no where in the Committee Report even though it is stated in the Comprehensive Plan and Section 1514. The Planning Commission's job is to apply this legal standard and not a personal standard - is it good enough for Mr. and Mrs. Flick?

Mr. Ed Massey, 1789 Stahl Road and a Boone County School District Board Member, noted that there is a condition about school capacity. Capacity is not the most effective way of running a school district. Boone County is the fastest growing school district in the State- over 500 students a year. The next building project will be Thornwilde. It is not reasonable to think that all of these developments will only bring 12 students per year. None of the Board members have been addressed about this development. Even though there is a planned emergency access at the end of Stahl Road, there still will be more traffic on Stahl Road. The proposed community is not paying for any expansion of Stahl Road. The present Stahl Road cannot handle additional traffic. It takes more than 5-10 minutes to leave Stahl Road and it will take longer with the proposed development.

At this time, the Chairman received written comments from three individuals who wanted their comments to be forwarded to the Boone County Fiscal Court (Mr. William Sanders, Ms. Shirley Millar and Mr. and Mrs. James Arbaugh, See Exhibits 1, 2 & 3).

Chairman Rolfsen asked if the Applicant wanted to proceed with their five minute summary statement. Mr. John Toebben stated the project has been scrutinized for the past months and at 3 extensive Committee meetings. He thanked the Planning Commission Staff for the time and effort since it is a large and complex project. It will be a standard for the future in Boone County. He also thanked the neighbors and citizens who participated in the debates. The end result is to be neighbor friendly. No one walked away from the Committee meetings, Conditions of the Committee Report and debates feeling there was a battle won. Everyone had to walk away giving and taking. Rivers Pointe Estates will be a landmark community to Boone County. It will help the county prosper. We intend to be good neighbors to the County and to the residents.

At this time, Chairman Rolfsen asked whether there was a motion to proceed? Mrs. Poston moved to approve the request with the attached Conditions by Resolution to the Boone County Fiscal Court based upon the Committee Report. Mrs. Kegley seconded the motion. Chairman Rolfsen asked if there were any questions or discussion?

Mr. Longano asked about Condition #14 or how the average number of units will be determined? Mr. Wall responded that for 100 units, you have to get to Year 2. If at the end of Year 3, they have built 100 units and want to build 100 multi-units going into Year 4, they can do it since they have not exceeded the average density per year.

Mr. Breetz asked about Condition #9 and how it would be regulated in terms of grass pavers and an emergency gate? He thought there would be a gate as discussed at the Committee Meeting. Mr. Wall recalled that the discussion at the Committee Meeting was that the connection would be passive. There was no affirmative requirement of a gate. It could be clarified at this meeting. Mrs. Poston remembered the issue being discussed, but she thought that the connection would be passive enough for emergency vehicles to use while not drawing attention for the public to use it. Mrs. Kegley recalled the same discussion and stated that they even thought about installing a fence so that the emergency vehicles could figure out the location of the access. It should look like a grassy area. Signs could also put up.

Mr. Costello suggested 2 options to consider-possibly amending the condition to include the gate or else have the Fiscal Court make a decision on this matter since they have the final road and access approvals. They can decide whether it is a gate or cable line to only permit emergency vehicle access. The Staff has not discussed a specific design for limiting vehicles.

Mr. Breetz stated that in order to prevent people from using it, a barrier should be installed. There should be an active barrier to restrict flow and not a passive barrier. People may use this connection because it is an easier way out of the subdivision.

Mr. Wilson noted that the condition suggests a right-of-way dedicated to the Fiscal Court. The Fiscal Court can decide this without changing the Condition or the Planning Commission can amend the Condition to recommend a barrier to the Fiscal Court.

Mr. McMillian asked what is an emergency? Chairman Rolfsen responded that if a gate exists, keys are provided to the Sheriff and the Fire Departments. An example would be if a road was blocked and emergency personnel have to evacuate the subdivision because of a gas leak or a utility line break, emergency personnel will have to unlock the gate for a public purpose even if it involves a private utility company.

Mr. Longano stated that he still thinks the condition should not have language saying that the emergency access is passive. We shouldn't leave it to the Fiscal Court on their own to decide. We don't know that for sure what they may think.

Mr. Breetz recommended that an active barrier or gate be included that has a universal lock with keys or combination for use by emergency personnel.

Mr. Wilson noted that there is a motion already on the floor and if someone wants to make an Amendment to the original motion to change a Condition, a Board member would have to make a motion for the Amendment and it would have been seconded. The Board would then vote first on the proposed Amendment and then vote on the original motion.

Mr. Breetz moved that an Amendment be made to Condition #9 to include verbiage about an active barrier or gate. Mr. Wall restated the proposed Amended Condition. A new sentence was added. "This emergency access shall be gated with a locked gate that can be opened by emergency personnel." Mr. Longano also suggested

removing the word "passive" from the first sentence in order to avoid any confusion. Mr. Wall stated that the term passive means low key and not obvious. It is the visual effect to be hidden with grass pavers and now with a gate, it is no longer passive. **Mr. Hicks agreed and seconded the motion. Mr. Wilson asked whether the Applicant agreed to the Amended Condition. Mr. Toebben replied yes that he was agreement with the Amended Condition #9.**

At this time, Chairman Rolfsen asked for a vote on the Amendment to Condition #9 and found that Mr. Brandstetter, Mr. Breetz, Mr. Hicks, Mrs. Kegley, Mr. Longano, Mrs. Poston and Chairman Rolfsen in favor of the Amendment and Mr. McMillian against the Amendment. The Amendment to Condition #9 passed 7-1.

Chairman Rolfsen asked if there was any further questions or discussion on the original motion made by Mrs. Poston and seconded by Mrs. Kegley.

Mrs. Poston commented that it took a lot of time to evaluate the project. While the public was not able to speak much at the Committee Meeting, the members took into consideration all of the information from the public presented at the Public Hearing. We were aware of the community concerns. We examined the proposal and tied down the project based upon their visual and written proposal. The project looks good on paper and will look good in reality. It will be a good development. She appreciated the Committee's work on the project.

Mr. Breetz stated that he agreed with Mrs. Poston that the Committee worked through a lot of details. He felt the Committee didn't work through enough details. There is a whole lot going on in this development and it takes a lot of time to review details. The picture was pretty. There wasn't enough detail to obtain assurance of what we are going to get. One of the things which bothered him was that there was no definition of a clear line. The developer couldn't provide this information and it is misleading about the amount of green space left over since there is no grading plan. There are no details about how they will fit in all of the lots and save the foliage. A development of this type requires more time to examine it and obtain more details. He feels the slow economy is pressuring things to create a need for more development. Mr. Breetz stated that he didn't agree with the commercial use because it will attract people from the surrounding area and not from this development. It is not self sustaining for this development. He expressed a concern that there is an adequate amount of commercial space near the interchange. There are vacant businesses in this area. The commercial is being pushed out North Bend Road and the roads can't support the truck traffic. He also doesn't agree with the residential density. It is way too many houses with the hillsides. The Committee did a very poor job with the transitions. Mr. Flick and his attorney got way more air time on this issue. We didn't get much "give and take" on this issue. The higher density areas could have been moved around on the site. He likes the quality (reputation) of the developer but feels there are not enough commitments on the details. He stated he doesn't feel comfortable with the project and will vote against it.

At this time, Chairman Rolfsen asked for a vote on the original motion made by Mrs. Poston and seconded by Mrs. Kegley. The vote found Mr. Brandstetter, Mr. Hicks, Mrs. Kegley, Mrs. Poston and Chairman Rolfsen in favor of the motion and Mr. Breetz, Mr. Longano and Mr. McMillian against the motion. The motion to approve the request passed 5-3 (with 2 abstentions).

Kevin Costello stated the request will be forwarded to the Boone County Fiscal Court. The minutes from the September 1st Business Meeting will be approved at the Planning Commission's October 6th. Business Meeting and the official documents from the request will be forwarded to the Boone County Fiscal Court on October 7th. It is best to contact the Fiscal Court to find out their meeting schedule.

At this time, Mr. Ford and Mr. Reynolds returned to the meeting room and the Business Meeting.

NEW BUSINESS:

ZONING MAP AMENDMENT - Todd Morgan, Staff

3. **Request of Viox & Viox, Inc. (applicant) for Grace Fellowship Church and John Howard (owners) for a Zoning Map Amendment from Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Public Facilities (PF) for an approximate 27.1 acre site located at 9379, 9447, and 9471 Gunpowder Road, Union, Kentucky. The request is for a zone change to allow a church, school and related facilities.**

Mr. Hicks moved to schedule the Public Hearing for Item 3 for October 6, 2010 at 7:30 P.M. Mrs. Kegley seconded the motion and it passed unanimously.

2009-2010 BOONE COUNTY SUBDIVISION REGULATIONS UPDATE - Kevin Wall and Greg Sketch, Staff

4. **Request of the Boone County Planning Commission Technical/Design Review Committee to consider a series of amendments to the 2005 Boone County Subdivision Regulations and to the 2005 Boone County Street, Storm and Sidewalk Specifications.**

Mr. McMillian moved to schedule the Public Hearing for Item 4 for October 6, 2010 at 7:30 P.M. Mrs. Kegley seconded the motion and it passed unanimously.

EXECUTIVE DIRECTOR'S REPORT:

Kevin Costello, Executive Director, explained that there was a conflict with the Kenton County Airport Board involving the September 23rd Airport Committee meeting. It will be rescheduled for **October 21, 2010 at 12:00 Noon** at the Kenton County Airport Boardroom. It will be hosted by the Kenton County Airport Board.

Second, Mr. Costello is recommending that the Planning Commission consider scheduling a Special Business Meeting for September 22, 2010 at 7:00 P.M. in the Boone County Fiscal Courtroom regarding the Boone County Fiscal Court's Zoning Text Amendment request.

Mr. Reynolds moved to schedule a Special Business Meeting for September 22, 2010 at 7:00 P.M. Mrs. Poston seconded the motion and it carried unanimously.

COMMITTEE REPORTS:

Airport: Mr. Brandstetter
No Report

Administrative/Personnel: Mr. Reynolds
No Report

Enforcement: Mr. Bunger
No Report

Long-Range Planning/Comprehensive Plan: Mr. Schwenke
No Report

Technical/Design Review: Mr. Reynolds
No Report

Executive: Mr. Rolfsen
No Report

CHAIRMAN'S REPORT: Mr. Rolfsen
No Report

OKI Report:
Mr. Breetz announced that there was some special funding (SNK funds) for the construction of the South Airfield Road ($3,000,000) and resurfacing improvements to KY 237 ($4,950,000).

Other:

There being no further business to come before the Planning Commission, Mrs. Poston moved to adjourn. Mr. Ford seconded the motion. The meeting was adjourned by unanimous consent at 8:06 P.M.

APPROVED:

Charlie Rolfsen
Chairman

Attest:

Kevin P. Costello, AICP
Executive Director

Exhibits
1- Letter from William Sanders
2-Letter from Shirley Millar
3-Letter from James Arbaugh

EXHIBIT 1
September 1, 2010-7:00 pm
Business Meeting
Toebben Ltd.

Comments regarding zoning changes for Toebben development

- Developing the land, building upscale to moderate range single family housing with greenspace and open space areas for recreational use, is not the issue here. **Those are not the concerns** of the North Hebron neighbors who are affected by this development. Even upscale landominiums offering riverviews, would involve acceptable zoning changes, because these would be properties inhabited by owners invested in the county.

- The high density multifamily housing, the apartments, and the commercial (retail and office), is what the issues are. Renters do not have a vested interest in our great county.

using the building of multi/family as justification for commercial is a

- Current residents of north Hebron specifically moved to this community because we like it the way it is. We have a village center, with all the commercial and office we already need at the first mile past the interstate. We already have service, convenience, and plenty of "neighborhood strengthening opportunity". We do not want another village center. We do not want intermittent shopping and office buildings all the way up 237. The commission already told us, **no more retail past the roundabouts**. Keep it that way.

- In the overall goals, Objective 6, of the 2005 and the draft of the 2010 comprehensive plan, it calls for land use and zoning decisions "which strive to balance the rights of landowners with the rights of the general public in a fair and impartial manner."

The proceedings of the Zone Change Committee were anything but fair and impartial. One member, Janet Kegley, was obviously not impartial, siding with the builder and stifling conversations at every opportunity, not allowing fair or impartial discussions.

- Additionally, although an attempt was made to address public concerns at the initial committee meeting, the orderly review of public comment was replaced by the developers presenting their development plan Phase by Phase at subsequent meetings. The public's rights have not been equally considered, and we are the current taxpaying property owners, who do not want devaluation of our properties, or the splitting apart of our current community with another village center, where the developer noted would be the place where the "action is", we did not move here to be near the "action", more traffic congesting Stahl Road, and a further burden on our public schools, and fire and safety infrastructures.

- Two of the zoning committee members were not at the public hearing. If you were not at that hearing, you have an obligation to personally review all the submitted public documents, and listen to the audio tape, because the staff report did not do the public comment justice.

- Lastly, what happened to the precept that new developments in the county should have sanitary sewer?, and what about the preservation of our developmentally sensitive areas?. What about the vision of our current residents? We submitted comments to the 2010 Comprehensive plan, as was suggested by

the commission, and all our "vision for the future of the county" was omitted in this new draft which is currently under consideration. Your own tenets for careful and impartial review seem to have been forgotten in the name of tax revenue for the county and income for the applicant.

William Sanders
2252 Bott Dr
Hebron KY 41048

Shirley Miller

EXHIBIT 2
September 1, 2010 -7:0
Business Meeting
Toebben Ltd.

How does this development agree with the Comp Plan??

1. Future land use map calls for 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 also should consider a band of development along the existing main roadway in which the houses face the main road to appear rural and where this band are larger than those in the balance of the proposed development. – This is certainly not the proposal for either North Bend Road nor Stahl Rd. Much has been discussed about the proposed Village area, but if you look closely at their regulating plan section, 0 allows for Village Center Buildings (up to 3 stories high), Townhomes (rear access) & multifamily units up to 5 stories high. (Proposed Condition restricts this??) Section XIX allows these 3 plus townhomes with street access and single family homes. Development should consider building setbacks & lot frontage should imitate existing setbacks. Regulations state that High surburban and Urban density uses in Hebron should remain near the intersection of KY 20 and 237. SR3 is defined as High Suburban Density, in the zoning regulations that you are charged to uphold. I

2. Existing zoning is inappropriate. How can it be inappropriate when it is consistent with the surrounding area?

3. Major changes of an economic, physical or social nature not **anticipated** in the adopted comp plan that substantially alter the area's character. No high density development nor commericial/office has been approved in this area since the adoption of the 2008 zoning regulations. 237 was certainly in the anticipated development stages prior to the 2008 zoning regulations and the comp plan in 2005. There has been a definite downturn in development and some developments that are a result of approved zone change by this same developer have not been completed . ie....tanner cove..approved originally in 2003 and amended in Oct 2004 was originally a Toebben zone change request now sitting with undeveloped concrete pads & overgrown lots and the amenities of pool, picnic areas and walking trails undeveloped. The addition to the North Bend Square Project has not even been started.

There are currently 22 out of 35 commercial units available within a 1.4 of the proposed development. Why is commercial/retail not appropriate?? ~~What is fact~~ On March 2009, Mr Gil Whitacre of Bayer Becker in a zone change request of Toebben Construction before this board for an extension of the North Bend Square Project for a rezoning of 3.68 acres to retail stated "this (North Bend Square Project) is a good terminus (defined as boundary/ finishing point/ last stop/ limit) point for the commercial activity on 237 ~~and also acknowledged that the road improvements were under construction.~~

It is our contention that the following do NOT meet the zoning regulations, subdivision regulations, or the comp plan, as applicable, yet this is the request that you are considering this evening ..

Buffering, lighting, street specs, sidewalks, parking, signs, water retention, impact to existing neighbors,nor the Criteria for a zone change.

As you have observed by hopefully visiting the site, this is an area of residential homes of various sizes, but well maintained. It is not an area of townhomes, multifamily or commercial/office property fronting on the highways.

Recognizing the topography issues with the site....we have no opposition to the applicant being able to construct the ~~234~~ homes within the development taking into consideration the developmentally sensitive areas, topography and preservation of green space. We request that you uphold the zoning regulations, comprehensive plan and subdivision regulations as they are in place and deny the SR3, C2 and O1 zones.

single family

James & Susan Arbaugh
1303 North Bend Rd

EXHIBIT 3
September 1, 2010
7:00 pm
Business Meeting
Toebben Ltd.

ZONING AMENDMENT FOR TOEBBEN

Zoning regulations state that a concept development plan must be submitted for an application involving a PD District and that the concept plan shall be followed and be binding as a requirement of a zone change. However, throughout the entire application process it has been repeatedly said by the applicant that this is only a plan and might be different. There are over 75 references to the word maybe (used in the context of perhaps or possibly) In order to approve a zone change request the findings must include:

Development must recognize the potential impacts upon adjoining property owners and incorporate a transition of land uses, building setbacks and /or landscaping to minimize these impacts. The SR-3 zone by definition states ..the SR-3 Zone may act as an appropriate transition between other districts. A transition of land uses does not mean commercial/retail and multi- family & townhomes on the perimeter and residential in the middle.

Safety – If this development necessitates changes to the trafficking patterns it will create a safety issue to those that are directly contiguous to the property on the west side of 237 where the restripping is to occur for a left turn into the development and to any others traveling south where these changes are being made.

Visual – a 10 foot buffer against a residence where there is the possibility of 3/5 stories high or a commercial/retail development does not minimize the impact nor does a fence with trees/landscaping at each end or a 10 ft berm for a 3 story buildings minimize this impact.

Noise , odors, dust & smoke – not only will the additional 540 residences' vehicles in excess of ~~the beyond~~ the permitted 334 create additional noise, odors, dust & smoke but the proposed **Village & High Density Development** will create **additional** noise & odors, that the residential would not.

Lights – In addition to the lights from the additional traffic , the Village lights & lights from the 3-5 story buildings will create an even greater light nuisance to the existing neighbors both on North Bend and Stahl Rd.

Schools- Not only does this impact the grade school, but middle and high school.Limit the developer to 50 units per year and not an average.

~~Property value of surrounding property~~

In the conditions, I see no protection for these concerns. I urge you to deny the request for the commercial/retail and let the available 22+ commercial/retail spaces within 1.4 miles of this property be utilized. At least, put these both the Village and the High Density in the center of the property and not on the perimeter.

EXHIBIT
"B"

THIS COMMITTEE REPORT WAS ADOPTED WITH THE WORDING OF CONDITION #9 AMENDED ON THE FLOOR BY THE FULL PLANNING COMMISSION AT ITS SEPTEMBER 1, 2010 BUSINESS MEETING.

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: September 1, 2010

RE: Request of **Jay Bayer, Bayer Becker (applicant)** for **Toebben, Ltd. and William Toebben (owners)** for a Zoning Map Amendment from Agriculture (A-1), Agricultural Estate (A-2), and Rural Suburban Estates (RSE) to Suburban Residential Three/Commercial One/Office One/Planned Development (SR-3/C-1/O-1/PD) for an approximate 334 acre site located on the east side of North Bend Road approximately 750 feet north of the North Bend Road/Stahl Road intersection, to the east of Deer Creek and Rivershore Farms subdivisions, at the terminus of Stahl Road, and including the properties at 1280 North Bend Road, 1302 North Bend Road, and 1958 Stahl Road, Boone County, Kentucky. The request is for a zone change to allow a mixed residential, retail, and office development.

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 proposed Zoning Map Amendment is in agreement with the Comprehensive Plan due to the following reasons.

   A. The Comprehensive Plan's Future Land Use Map designates the site for Rural Density Residential (approximately 2% of the site), Suburban Residential (approximately 26%), High Suburban Density Residential (approximately 6%), and Developmentally Sensitive uses (approximately 66%). The Developmentally Sensitive designation does not prohibit development, nor does it outline specific contemplated land uses or densities. Rather, the description of this designation includes the phrase any development on land identified as Developmentally Sensitive must be

carefully assessed by the developer and the Planning Commission to determine the ability of the land to support the proposed project," meaning that each site and proposal needs to be evaluated on its own merits.

The Committee has evaluated the proposal and found it to be consistent with the general land use concept outlined on the Future Land Use Map. The proposal includes varying types of residential uses arranged in "pods" with substantial amounts of permanent open space between them, comparable to the arrangement shown on the Future Land Use Map. Relative to the Developmentally Sensitive designation which applies to the majority of the site, the Committee has concluded that the proposal minimizes disturbance by placing the active development in the physically least restrictive parts of the DS areas, and by retaining the more significant topography, tree cover, and the creek. The text of the Concept Development Plan booklet also includes several detailed measures for minimizing disturbance.

Additionally, the overall residential density of the site is approximately 2.59 dwelling units per acre for the overall tract (approximately 2.65 units per acre when setting aside the village center, assuming that it did not contain any dwellings). This density figure is comparable to typical subdivisions of detached single family residences in the SR-1 zone. As a point of reference, the Goals and Objectives ("Housing," Objective 5) state "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."

B. The Land Use Element ("North Hebron Area," pg. 155) states "with the provision of adequate infrastructure, some Suburban Density Residential development and small amounts of attached housing may extend onto the ridge top areas" and "Planned Development or clustered housing should be used to insure proper development of this area, due to environmental and site characteristics. Much of the remaining land in this section contains Developmentally Sensitive and scenic hillsides, and should stay wooded in order to create greenbelts between future developments."

With the recent completion of the North Bend Road project, adequate infrastructure exists for the project. The overall density is well below the four units per acre prescribed by the Suburban Residential designation, and the project includes attached housing on the site's ridge tops. The proposal uses the Planned Development approach to cluster dwelling units in the gentler parts of the site so that the hillsides and wooded areas will be substantially retained.

This approach also agrees with the statement from the Land Use Element ("North Hebron Area," pg. 155) that "conventional layout subdivisions should be discouraged because of their inefficient circulation systems and excessive site grading requirements. The stream valleys and ridge bluff edges in this section should remain in their current state to provide public open space for the residential development on the ridge tops." The Housing Element includes similar language by stating "hillside development guidelines should be followed in this area to properly locate structures and avoid complete clearing of natural vegetation along the tops of hillsides so that development does not overwhelm the public view" ("North River, I-275 Corridor Area," pg. 79) and "the design of true open space housing development should be strongly encouraged, as an alternative to the conventional subdivision divided entirely into ownership lots" ("Open Space Subdivision Design," pg. 77).

C. The Land Use Element ("North Hebron Area," pg. 156) states "additional development activity in this corridor should not occur until the North Bend Road reconstruction is complete, and major developments must provide their own access to North Bend Road as opposed to accessing local streets like Stahl Road." As noted above, the North Bend Road reconstruction is complete. The proposal includes a primary, divided boulevard entrance on North Bend Road, a secondary access on Stahl Road near the intersection with North Bend Road, and an emergency access at the end of Stahl Road per the agreed conditions.

D. The Housing Element ("Housing Types," pg. 75) states "multi-family housing developments should have convenient access to commercial districts or should provide their own supporting commercial uses." In accordance with this provision, a modest commercial/office phase is planned at the North Bend Road entrance to the development. This phase would have a maximum of 23,500 square feet within multiple buildings, and is designed to appear as a small village center which visually correlates to the residential uses in the proposed development and the adjoining areas. This phase would have a scale and uses similar to the commercial phase that has already been approved along Thornwilde Subdivision's North Bend Road frontage in the immediately vicinity. Based on its self contained "village" arrangement, this phase would not facilitate commercial strip style development on other tracts in the vicinity.

The commercial and mixed use aspects of the development are advocated by Section 1514 "Planned Development Criteria" of the Boone County Zoning Regulations as well. Criterion #1 "Mixed Use Development and Pedestrian Orientation" states "Planned Developments shall generally have a mixed use orientation (combination of differing types of residential, commercial, and/or industrial uses) both within the development itself and relative to the relationship between the proposed planned development and adjacent sites." This criterion also states "in general, planned developments shall have a pedestrian orientation, where it is possible to live, work, shop, and play in the same immediate vicinity without a required dependance on the automobile."

E. The Committee has concluded that the proposal, with the agreed conditions, is in agreement with the applicable Future Land Use Development Guidelines as described in the Comprehensive Plan, and the Goals and Objectives. The Land Use Element's "Future Land Use Development Guidelines" include several provisions that pertain to this proposal which are quoted in the Staff Report. These include landscaping and buffering, signage, architectural design, minimizing disturbance and retaining existing vegetation, access management and impacts on roadways, and storm water management. These basic tenets are also discussed in the Goals and Objectives.

2. The Committee has concluded that the Concept Development Plan including the "Rivers Pointe Estates Zoning Application" booklet dated May 28, 2010, coupled with the agreed conditions, fulfill the applicable requirements of Article 15 "Planned Development District" of the Boone County Zoning Regulations, including Section 1514 "Planned Development Criteria." Compliance with Section 1514 is discussed in the Staff Report for this request, and the property owner has agreed to the conditions listed below which address these comments.

3. 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 and Article 15 "Planned Development District" of the Boone County Zoning Regulations. 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 these conditions.

CONDITIONS

1. The buildings in Areas VII and VIII shall be setback at least 50 feet from the adjoining Flick property, however, the buildings in the 5 story multi-family option for Area VIII shall be setback at least 125 feet as shown on the attached plan exhibit. The normal buffer yard planting and width requirements per Article 36 of the Boone County Zoning Regulations shall be followed along this boundary (line 14 on the Landscape Buffer Plan on page 56 of the Concept Development Plan booklet), in addition to retaining the existing vegetation.

2. Areas VII and VIII shall have a combined maximum total of 150 dwelling units.

3. The four potential multi-family buildings in Area VIII shall be the only structures in the overall development that will be permitted a maximum building height of five (5) stories. The height for the remainder of the buildings and other potential building types in Area VIII shall follow the Concept Development Plan booklet.

4. If the multi-family option is selected for Area VIII, construction shall not begin on these structures until 2020.

5. Parking in front of the village center buildings in Area XIX shall be limited to one tier (one two-way driveway that is double loaded with parking spaces) that is surfaced with pavers or a comparable appearing stamped concrete product.

6. If commercial and/or office uses are built in the village center, the maximum amount of commercial/office floor area permitted is 23,500 square feet. Any single commercial/office building shall be limited to a 10,000 square foot maximum footprint. Regardless of the specific use(s) opted (commercial, office, or residential per the Concept Development Plan booklet), the village center shall include at least three (3) separate buildings.

7. Any outside storage or display in the village center shall either: A) follow the Temporary Commercial Display (TCD) requirements in Article 35 of the zoning regulations, which include the requirement to obtain a TCD or Seasonal TCD Permit; or, B) shall follow the applicable requirements of Section 3154 "Outside Storage, Display, and Loading Areas" of the zoning regulations.

8. Buffer yards/perimeter landscape areas around the boundary of the overall development shall use the requirements of Article 36 of the zoning regulations as the benchmark for width and planting standards. Alternate approaches, such as those proposed in pages 56 through 67 of the Concept Development Plan booklet,

can be proposed and reviewed accordingly by the Zoning Administrator. Approval of alternate approaches will be based on the design characteristics of the individual phase in question (such as placement of buildings and vehicular areas, architectural design, building type, building height and bulk, retention of existing vegetation, and site lighting) and the provision of effective buffering for neighboring properties.

9. The vehicular connection at the dead end of Stahl Road shall be an emergency access only utilizing grass pavers. This emergency access shall be gated with a locked gate that can be opened by emergency personnel. This emergency access shall be constructed by the developer within a dedicated right-of-way so that the Fiscal Court can construct a public street connection at a later time if desired. Any proposal by the developer to construct a full access street connection in this alignment in the future must be reviewed and approved through the formal Change in Concept Development Plan process.

10. The street sections proposed in the Concept Development Plan booklet are accepted in principle, however, the developer shall work with the County on the specific design and location of these modified sections through the plan review process.

11. Sidewalks shall be provided on both sides of the street between the end of the 8' multi-use path at the overlook park/entrance to Area IX and Area XI.

12. Community amenities in the overall development shall minimally include the village green, overlook park, multi-use path between the village center and the overlook park, and a pool facility.

13. The design related aspects of the development, including architectural design for the townhouses, multi-family buildings, and village center buildings, building orientation in the village center, signage, landscaping, site design details, and related matters, shall generally follow the text, photos, and graphic exhibits in the Concept Development Plan booklet. Compliance with this condition shall be determined by the Zoning Administrator, who shall review individual proposals in the development for consistency with the thematic and qualitative commitments and representations in the Concept Development Plan booklet.

14. Developer agrees that it will not build more than an average of 50 units per year regardless of type, calculated from the date of the submittal of the first preliminary plat.

15. Storm water management for the project shall be viewed in a comprehensive manner. As the Improvement Plans for each section are submitted to the Planning Commission for approval, the combined effect of peak flows shall be studied and limited to existing or approved flows for the entire development.

16. The existing tree cover shown in dark green on the Regulating Plan (page 43 of the Concept Development Plan booklet) shall generally be retained. It is understood that this plan sheet is a general concept that has not been engineered, and that disturbance in these areas may occur to match grades, construct infrastructure, community amenities, and the like.

17. The southern wind turbine shown in Area VIII on the Regulating Plan shall be relocated to the overlook park by the entrance to Area IX. As represented by the applicant, the proposed wind turbines are approximately 60 feet in height.

18. On-street parking within the public right of way and/or on private streets to be credited towards the required parking for the multi-family, townhome, and/or commercial/office area (as explained in the Concept Development Plan booklet) shall be provided within a physically defined parking lane that is separate from the moving lanes, with additional pavement width at these points. Examples of this approach are provided on page 15 of the Concept Development Plan booklet.

19. Any porous concrete or asphalt paving products to be used in the development must be approved through the plan review process to assure that these products have a life span and durability comparable to conventional concrete and asphalt paving. The use of gravel as a paving material shall be limited to the home sites in the cabin home phases and those along the private drives that extend from the end of cul-de-sacs.

20. Garbage containers stored outdoors shall be enclosed per Section 3151 "Required Trash Area" of the zoning regulations for all uses that require Site Plan Review.

21. Detached garages for the "small single family lots" product shall follow the normal size and height limitations in Section 3153 "Location of Accessory Structures or Use" of the zoning regulations. The "large single family lots" and "cabin home" products may use the size limitations for detached garages outlined on page 26 of the Concept Development Plan booklet.

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

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BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
PUBLIC HEARING
JULY 7, 2010
7:30 P.M.

COMMISSION MEMBERS PRESENT:

Mr. Greg Breetz
Mr. Kim Bunger, Secretary/Treasurer
Mrs. Linda Herald
Mr. Jim Longano
Mr. Don McMillian
Mrs. Susan Poston, Temporary Presiding Officer
Ms. Lisa Reeves
Mr. Bob Schwenke
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mr. Ben Brandstetter
Mr. Mike Ford, Vice Chairman
Mrs. Janet Kegley
Mr. Mark Hicks
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:
Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director, Zoning Services

Mr. Kim Bunger, Secretary/Treasurer, called the meeting to order at 7:45 P.M. and introduced the first item on the Agenda:

ZONING MAP AMENDMENT

1. **Request of Jay Bayer, Bayer Becker (applicant) for Toebben, Ltd. and William Toebben (owners) for a Zoning Map Amendment from Agriculture (A-1), Agricultural Estate (A-2), and Rural Suburban Estates (RSE) to Suburban Residential Three/Commercial One/Office One/Planned Development (SR-3/C-1/O-1/PD) for an approximate 334 acre site located on the east side of North Bend Road approximately 750 feet north of the North Bend Road/Stahl Road intersection, to the east of Deer Creek and Rivershore Farms subdivisions, at the terminus of Stahl Road, and including the properties at 1280 North Bend Road, 1302 North Bend Road, and 1958 Stahl Road, Boone County, Kentucky. The request is for a zone change to allow a mixed residential, retail, and office development.**

Secretary/Treasurer, Kim Bunger, opened the Public Hearing by explaining the Zone Change process and the order of the meeting.

Staff Member, Kevin Wall presented the Staff Report, which included a Powerpoint presentation (see Staff Report). The 334 acre site has frontage on North Bend Road and Stahl Road. The existing zoning of the site is Agriculture (A-1), Agricultural Estate (A-2) and Rural Suburban Estates (RSE). The Comprehensive Plan and Future Land Use Map indicates Suburban Density Residential, Developmentally Sensitive, High Suburban Density and Rural Density. The site has some hilly topography. Mr. Wall identified the submitted Concept Development Plan and Regulating Plan. The Regulating Plan describes how the project will develop. It has 20 phases (0-XIX) and the applicant outlines a variety of building products in each phase. Each phase has several options - large single family lots, single family lots, small single-family lots, town homes, multi-family buildings and village center buildings. For each one of the residential options, there are descriptions and proposed design standards, which are outlined in the submitted 67 page booklet. There is also a description of land uses - commercial uses for the village center, additional uses in the residential areas and two wind turbines. The Plan includes its own street, sidewalk and landscaping standards. In addition, there are planned open space and community amenities. Mr. Wall then proceeded to show photographs of the site and the surrounding area. He stated that there are several references to the Comprehensive Plan and Section 1514 (Planned Development) of the Zoning Regulations in the Staff Report. Mr. Wall offered to answer any questions related to the Staff Report at the end of the applicant's presentation.

Mr. Jay Bayer, Bayer Becker Engineers, representing Toebben Ltd., explained that his firm has been working on this project with the Toebben family for the past 8 years. This project is extremely different from most projects that have been presented to the Planning Commission. This project has involved assembling land for the past 18 years. The owner has met with the Planning Commission staff, the Hebron Fire Department and the Water

and Sanitation Districts in order to gather input. They also conducted a national search for a planning and landscape architectural firm. They have also spoken to realtors. They have had the luxury of taking the time to study the site looking at the overall picture and the fine details to bring a fantastic plan to Boone County. The Toebben name is one of the most respected names in the business community.

John Toebben, Toebben Ltd., noted that it is their next legacy project in Boone County. Rivers Pointe Estates will have a broad mix of housing and neighborhood villages. For over 55 years, Toebben Ltd. has produced exceptional living communities throughout the tri-state area. The largest community, Country Squire Estates, started in 1967 in Villa Hills is a wonderful example of their abilities. Toebben Ltd. is still building in this neighborhood today. He stated that the Toebben family actually live in the houses in the community they build. This will be true with Rivers Pointe Estates. Mr. Toebben stated that he has traveled throughout the United States all his life to study new housing projects and to see what works and why people choose to call them their homes. The opportunities with this site are exceptional. His company has been very patient. The submitted Concept Development Plan complements all of the special areas of the site. He noted that during the past 12-14 years, he discussed the site with planners across the United States. He noted as part of the process, his company held a 3 day charette and invited builders, engineers, realtors, landscape architects, architects and representatives from Boone County Planning Staff and the Boone County Engineer. All the individuals provided input. Mr. Toebben also explained that his company hired a nationally known marketing research firm from Chicago, Tracy Cross and Associates, to develop a detailed marketing plan. This plan was incorporated into the master plan. Our team has designed a destination community that will make people want to be outdoors - to walk, to bike and to engage with what this site has to offer. We have developed a plan that respects our neighbors and our local heritage. There is a risk involved with any new housing project even with the present day recession which is the worst since the Great Depression. It will change the housing we will see from now on and in the future. We are not doing the same old subdivision. We are creating a landmark for Boone County. We are taking the best of what works and incorporating it into a timeless design. This project will take decades to build out. The plan adapts to what people may want now and in the future. We need your cooperation to make Rivers Pointe Estates a reality. We hope you can embrace the creativity and appreciate the time invested in the Plan. In conclusion, Rivers Pointe Estates is about promoting family. It is about spending time with your neighbors and coming home to a place where you think you are on vacation every day.

Hunter Gee of Smith Gee Studio, Nashville, Tennessee introduced himself. He stated that he has been working on the project for about a year. Mr. Gee introduced a power point presentation. It is a great opportunity for collaboration-department officials and planners, engineers, landscape architects both local and nationally. Smith Gee Studio has worked on mixed use projects across the country for over 20 years. Among the projects include Celebration, Florida. They have been the town architects for the project for 14 years and Baldwin Park, the same developer of Celebration. Our projects tend to be place making,

creating a place out of development, a place between buildings. These communities are generally mixed use, mixed housing, mixed levels of price points and community facilities. The developers held a 3 day charette, walked the entire site and met with many consultants. The 334 acre site has a stream on the west side of the property, which forms a barrier between the site and two existing subdivisions. The east side is defined by a ridge overlooking the Ohio River. There are a few flat areas on the site, which speaks to the high density housing in the Comprehensive Plan. The site is heavily wooded near the stream. One of the most important transportation projects in the area has been completed, which is the widening of North Bend Road. The Tobbens worked closely with the State to identify the primary entry to the site. The developer also looked at off-site examples such as old neighborhoods like Park Hills. There was a mixture of architectural styles, different topography, soft intersections for special places in streetscapes and homes, pedestrian friendly streets (stone walls and steps, driveways, street lights). This historic element has been incorporated into the design of the development. The developers also took a look at newer communities in the immediate area to evaluate the current market. The developer also met with local officials, planning department, county engineer, fire department and the school board. Comments were made to start with the site's assets and work around it, build traffic calming into the design of the development, be flexible in design of emergency response and provide housing options for more than just families because of school crowding, retired folks, young couples and single persons. In presenting the project, the developer must meet at least one of the 3 criteria for granting a zone change and the Planned Development and Concept Plan criteria. Mr. Gee stated that the Planning Commission will see evidence of all 3 criteria. Mr. Gee referred to the slide presentation showing compliance with the Comprehensive Plan. First, the development is consistent with the overall objectives of the Comprehensive Plan. Second, the existing zoning is inappropriate. The current zoning allows for one residential unit per 1-5 acres. The Comprehensive Plan recommends 4-8 units per acre as well as the Developmentally Sensitive. They are not in alignment with each other. The current Agricultural zoning is no longer appropriate given the area's recent growth and the KY 237 improvements did factor in 1,000 dwelling units on the site. Third, there has been changes economically, physically and socially. The downturn in economy has caused a need to provide a variety of housing types (fewer larger lots), diversity and affordibility. About 10 years ago, the national suburban housing market has shifted from a majority of the market being a typical family, husband, wife and children to less than 50% of the market. The social trend is to "Age in Place" - grow up in a community and often you can't come back to the same community because of cost or housing type.

Mr. Gee began to describe the Rivers Pointe Estates Concept Development Plan or Master Plan. First, one of the assets of the site is the view from the bluff to the Ohio River. Another asset was the stream and wooded areas along with the road frontage along North Bend Road to help with traffic. The Village Center is the most urban place in the project. Because of the history of the area, the Village Center is modeled after its rural heritage or agricultural history, thus a small midwestern hamlet. There is an unrefined charm with the Village Center. There will be a boulevard street with a 23,500 square foot commercial

center with small chops, a café, perhaps a chapel, a general store like Kremers, etc. The commercial buildings will be surrounded by a village green. There will also be several different housing types in the Village Center - townhouses on both sides of the street and small single family homes with rear alley access.

The Village Center will be more dense and it will be where the action is and where people meet. The Village green will be open space for festivals and picnics. It will be a quiet area at times as well as a busy area. It is also a place where you might live above an office or retail space. Examples of the townhomes were shown along with the single family homes. At the end of the boulevard, there will be a community center, a local gathering space for the entire development. As you leave the Village Center, it becomes more natural like visiting a national park. Some of the landscape features will reflect more of a natural feel. There will be no mass grading for the street. When you travel on the boulevard, up on the hill on the left side, houses will sit back from the road. The first neighborhood park is Laverne Circle, a space where you can throw a football. Houses will front facing the neighborhood park. There will be some sculptures in the public space. From KY 237 to the riverfront overlook along the main road will be a public 8 foot multi-use path for bikes and pedestrians. This will connect to the existing path on KY 237. Throughout the development, there will be little green windows - pinch points where you see natural areas full of streams and woods. Continuing up the hill there is an area of higher density suburban residential uses in the corner. It could be small single family lots, townhomes or multi-family buildings clustered in the southeast corner of the site consistent with the Comprehensive Plan. Along the edge of the bluff is a second element - two possible types of multi-family units. One type could attract retired couples overlooking the river with no yard. Once you come to the public overlook, there would be a gathering spot perhaps a walking stand for trail walking or a community facility for weddings. Seven lots are proposed via a private road in the flat area below the bluff edge. These are 300 feet wide estate lots. A continuous green band will be established to preserve the edge of the bluff and views. There will be opportunities for a possible trail, vineyard or orchards. Just like the history of the area, the agricultural products could be sold at the proposed General Store. Finally, there are traditional estate lots proposed along the riverfront. Infinity Park is proposed like a Savannah Square with lush gardens, sculptures, etc., not like the active Laverne Park. As part of this, there would be stately single-family homes with reduced setbacks.

Next to Infinity Park, there will be some additional townhomes around a green. In the central area, the topography changes quite a bit where garages will be sunk below and be located on the side. There will also be a private lane area with cabin homes. It is like a chalet in the mountains nestled in the hillside and overlooking the creek or stream. The street is carefully designed through the topography in an effort to create a more bike/pedestrian friendly place and to create a climate unique to Boone County. As you make it down to the creek, there will be playgrounds and shelters. Driveways may include tire strips in steep areas. At the tip of the ridge, there will be a combination of cabin homes and townhomes, two and three story homes tilted toward the side or back toward the river.

Mr. Gee then proceeded to explain how the request fits in with the Planned Development (PD) requirements. First the PD zone should promote choice and variety excellence environmental, more useful open space and not just left over SLOIDS, more efficient use of land, consistency with the Comprehensive Plan and quality signage. First, mixed-use and pedestrian orientation is encouraged-walking community and mixed housing where people know their neighbors. Second, compatibility of uses is represented with building quality and architectural styles that make each mixed use fit in with one another and each building type can fit in the same development. Third, a Regulating Plan has been submitted to determine the product types and locations. It is intended to be flexible and respond to the changing housing market. There is an overall cap on the total number of housing units (864 units).

Fourth, there will be consistency and quality in classic architectural styles. The large single family lots will range in size from 80-300 feet wide. Garages will be attached and detached. The small single family lots will have a minimum 60 foot lot frontage. It will be a front loaded product with garages in front, on the side and in the rear. The proposed rear access single family homes will primarily be located in the Village Center. The cabin homes may have detached garages across the street or be attached to the unit. The proposed front access townhomes will have driveways on the side along with the garages.

The rear access townhomes will be a similar concept. The two types of multi-family units will be 3 stories with parking in the rear and overlooking the river. The Village Center buildings will be storefronts and have pedestrian friendly streetscapes. The proposed signage will be quality design and craftsmanship. There will be very detailed signage guidelines, which will be submitted at Site Plan approval. They are proposing an electronic message board in the Village Center and not along KY 237. It will serve the residents within the community. In addition, sandwich boards are being proposed. There will be passive and active open space areas, perhaps a dog park. Four parks are being proposed, Laverne Circle, Infinity Park, Lorup Court and North Overlook.

The multi-modal transportation network could include a bus stop near the Village Center. They have discussed a future possible connection between the existing Park and Ride and the Village Center. Other multi-modal components are the 8 foot wide multi-use path and the proposed streets. People can use the pathways either walking or biking to the Village Center. The street design will include a maintenance agreement to handle landscaping maintenance, street lights and materials for cross walks. The street sections were designed around the project to achieve a balance between automobiles and pedestrians, bicycles and emergency vehicles. The street network is laid out by the type of housing and it will be flexible in order to meet the market needs.

Fifth, the main entrance of the project was designed with the assistance of the Kentucky Transportation Cabinet to accommodate a development of 1,000 residential units. The goal of the project is to encourage most of the traffic to use the main entrance off KY 237. The staff and emergency response officials encouraged a secondary entrance off Stahl Road. In order to make the Village Center vibrant, we need most of the traffic to use the main

road. Sixth, in terms of preserving the existing site features, the owner did not want the site to be mass graded. The site will be surgically graded to accommodate the roads and buildings and to preserve as much open space. Seventh, the landscaping features will include buffering, walls and fences, berms and public art. An effort was made to protect the existing vegetation along the perimeter of the site. The goal is to be a good neighbor.

Eighth, in terms of utilities and infrastructure, the owner has met with SD#1. There is a small area on a private street with a limited number of lots. This area makes it difficult for public sewer. This area may be on a septic system while the rest of the development would be on a public gravity system. Water already exists along KY 237 and Stahl Road. Duke Energy and Owen Electric will be providing electric and gas services. A number of green infrastructure measures will be included in the development (rain barrels, porous pavement and rain gardens). The developer would also like to include wind turbines on the site for clean energy purposes.

Ninth, Mr. Gee outlined the project's conformance with the Boone County Comprehensive Plan. This includes the Population, Environment, Economy, Business Activity, Housing, Agricultural, Transportation and Land Use (see PowerPoint slides). It is stated in the submitted application materials and in the Staff Report. The type of community proposed and mixed uses and housing types is consistent with Elements of the Comprehensive Plan. There is an opportunity to promote local agriculture with this project and multi-modal transportation. There is one element of the land use that is not consistent. There is a Commercial area in the Comprehensive Plan planned north of the site. However, we feel the small Village Center within the context of this development and the area, and within walking distance of everyone within the area really supports the Goals and Objectives of the Comprehensive Plan.

Tenth, the phasing of the project will be a 20-30 year buildout. It averages about 35 housing units per year. He stated that the School Board has indicated that they are comfortable with that number or generally about 12 students per year. Finally, the developer is asking the Board to keep flexibility and creativity in mind with this project. This is a unique opportunity to create something special and new to Boone County and to the Cincinnati region.

At this time, Secretary/Treasurer Bunger asked if there was anyone in the audience who wanted to speak in favor of the request or as a proponent and later against the project?

Mr. Eugene Avergon, 2412 Frontier Drive, stated that he just moved from North Carolina where he served as a county Parks and Recreation Commissioner and Greenways Commissioner. His concern relates to the access roads along Stahl Road. A community already exists on Stahl Road, where children play, animals are free to roam and joggers can safely walk. With this development, there will be 2 large developments at the 2 extreme ends of the road. Both are high density developments. Stahl Road is not designed to handle the additional traffic. It would lose all of its living quality. It would be

a conduit for rapid access to KY 237. It won't be a safe conduit. He would not like to lose his community in favor of gaining the new community. We need both. He suggests a relocation of one of the massive high density areas to help alleviate the size and scale of the impact to assure safety. He stated that he is not asking the county to spend more money on Stahl Road but is asking the developer to make adjustments so they are not bombarded with unsafe conditions.

Jose Castrejon, Vice-President of Landscaping Architecture, with McGill, Smith and Punshon, 3700 Park 42 Dive, explained that he was a participant in the developer's charette because he was a local design professional. The proposal is not a typical subdivision but has a true sense of a community. Examples of this is Mariemont, Ohio. This type of development will serve as a guide to create communities and not just a subdivision after the recession is over.

Charlie Wind, 1292 North Bend Road, spoke in favor of the request as the Toebbens have reassured him that they would buffer as many people as possible. He expressed that he would be unhappy if he lived off Stahl Road. In terms of the number of homes, he feels that the quality of subdivisions that Toebben has built in the past, it is in their best interest as neighbors to do the best they can. With the scope of the project being 20-30 years, it won't occur tomorrow. With the amount of green space, it is comforting to know that the site won't be mass graded and completely dense like nearby subdivisions. He stated he is in favor of development because of the amount of homes nestled into the site and the quality of the homes.

Mr. Keith Noel, attorney representing Bob and Susan Flick, 1717 Stahl Road, explained that his client lives adjacent to areas 7, 8 and 9 as noted in the Regulating Plan (pg. 43). His client owns 50 acres at the end of Stahl Road. Mr. and Mrs. Flick currently live in a rural, tranquil and peaceful country setting. They brought the first 10 acres in the early 1980's. They built their home in 1987 and added 40 acres later on. You cannot see their home from Stahl Road. If this application is granted, the tranquil setting they purchased 25 years ago will be gone. Areas 7, 8 and 9 on the Regulating Plan, especially area 9 is the single family area sitting on the ridge. The applicant is asking for large and small single family residences. During the presentation, the applicant said that they are only building 7 estate lots in area 9 that are three hundred (300) foot wide. It is not what the Regulating Plan stipulates - it could be small single family 60 foot lots. The applicant uses the words "might, may, possibly, could, perhaps, flexible" in their application. It is the nature of Planned Development as the devil is in the details. In area 8, they are proposing all multi-family (townhomes and multi-family buildings), which is next to the Flick front yard. In area 7, they are proposing single-family, townhomes and multi-family, which is next to the Flick driveway. What are the details of the multi-family housing? The multi-family housing will be 6 unit buildings and 8 unit buildings up to 3 stories tall. Type A multi-family can include apartments and outdoor parking lots. Type B multi-family can include outdoor parking and buildings may be 5 stories high. The applicant is not locking in the proposed uses. There are 28 multi-family buildings proposed in areas 7 and 8 next to Mr. and Mrs. Flick. Under

the Planned Development Overlay, they are allowed to put more than 28 multi-family buildings in these areas so as long as they can squeeze them in and they don't exceed the 864 figure across the 334 acres. The first question regarding the multi-family that the Planning Commission must decide whether any multi-family should be allowed on this site at all. From Cardinal Cove to Rivershore Farms Subdivisions there are only 2 out of 11 subdivisions approved for multi-family - Thornwilde and North Pointe. Nothing has been built yet. Should the Planning Commission allow multi-family on the subject site, it clearly should not be in areas 7 and 8 near Mr. and Mrs. Flick's house. It is not consistent with the Zoning Regulations and Comprehensive Plan. Also, the applicant should follow the landscaping buffer and setback requirements. The applicant should not be allowed to lessen the buffer requirements especially with the planned multi-family. The proposed wind turbines at 60 feet in height generate noise. There is a developing medical ailment called wind turbine syndrome. One of the 2 wind turbines is proposed in area 8 adjacent to Mr. and Mrs. Flick's property. How could you buffer a 60 foot tall turbine that makes a noise. The Flick property is about 20 feet below the elevation of areas 7 and 8. A 60 foot wind turbine will look like the Carew Tower. The applicant's presentation made the project seem really nice, but his client is not happy. Why didn't Mr. and Mrs. Flick be invited to the design charette? Do you think Mr. Flick would have something to say about a cluster of multi-family units and a 60 foot high wind turbine outside his window? The Zoning Regulations are intended to protect private property owner rights. Mr. Noel submitted his written remarks (See Exhibit 1).

Mr. Bob Flick, 1717 Stahl Road, has lived in the Francisville area for 37 years. He stated that he never thought a huge development would be built next to him. He feels that a good buffer zone should be built between the proposed multi-family and existing single-family. Wouldn't it make sense to move the multi-family to the inside of the development and place the single-family next to him. Why doesn't the developer take care of the "old timers?" He is concerned about people feeding his horses.

Jo Anne Ellena, 1718 Grandview Drive, stated she is in support of Mr. Noel's comments except she is unsure about the wind turbine. She expressed a concern about the displacement of animals when the site is developed other than the packet areas. What is the stability of the ground when you build on ridges and steep slopes? It seems like it will impact the environment. There are a lot of considerations to be made.

Secretary-Treasurer Bunger briefly explained the zone change process as the Planning Commission offers a recommendation to the Boone County Fiscal Court. The Fiscal Court will make the final decision on the application.

Trip Arbaugh, 1303 North Bend Road, explained that he and his wife live directly across the Village Center. He asked why is the C-1 and O-1 zoning districts more applicable than the current residential zone? The intent of Article 10 of the Zoning Regulations is also to prevent excessive commercialization from wasting or blighting public and private facilities and land. At the present time, there are 22 out of 35 commercial units within a 1.4 mile that

are vacant and 2 other undeveloped lots within the same area. The SR-3 zone is defined as a compact high subdivision density and that it is an appropriate transition between other districts. This clearly is not the case for this development as there are not any more dense zoning districts surrounding this property. Why is this more appropriate than the current RSE zone, which allows 1 residence per acre? Our concerns are noise as we live directly across from the proposed village Center. Also, lighting, how will you buffer the lights with multi-story buildings? What landscape buffering is proposed to control these issues or concerns? Not only does it include commercial and or office, it also includes 2 additional stories of residential. How can this not have a negative impact on the neighbors? Under the utilities and infrastructure portion of their proposal, it states that there will be ponding of water for extended periods of time or instances when the post development peak runoff exceeds the pre-development peak. This is of great concern and with a large amount of the existing green space directly across from our property being removed, Section 31.25 of the Zoning Regulations state that post development runoff must be equal to pre-development water runoff. It also states that water runoff shall not adversely impact natural drainage from an uphill drainage basin or a downhill drainage basin or adjacent properties. Why is there going to be three access points on KY 237? The Future Land Use Guidelines of the Comprehensive Plan states that "proposed residential developments that have smaller lot sized than surrounding land uses are recommended to utilize the following design mechanisms to address the impacts on existing developments. The proposed development should consider a band of larger lots and setbacks along the affected perimeter of the site adjacent to the existing development to provide adequate transition." Mr. Arbaugh submitted his written remarks (See Exhibit 2).

Mr. Ed Massey, 1789 Stahl Road, resident of the area and school board member, expressed a major concern about education piece of this project. The developer has not addressed the school board but an employee of the school board. The school district is still experiencing explosive growth impacting the schools. Other developers who have come into the area have often provided sites for building schools. North Pointe Elementary was built with the idea that the improvement of KY 237 would occur. For the first time KY 237 is a safe road and can accommodate bus traffic. Congestion will increase if this development occurs as planned. The main entrance to the development does not align with Tree Tops Lane causing left turn problems for bus traffic from both subdivisions. It seems logical that the main entrance should be moved to align with Tree Tops Lane creating a future traffic signal or a third roundabout. He stated the school district is averaging building a school a year. We are the fastest growing school district in the state. We have the largest elementary school in Kentucky - 1,300 students. Twelve students a year is not realistic. The School Board has not been offered land for an elementary, middle or high school. The School District was not invited to the charette. In terms of traffic, Stahl Road cannot support the additional traffic from the multi-family units. No sign can be used to discourage people from using Stahl Road. Stahl Road is already overcrowded because of Settler's Pointe Subdivision. He stated that he owns the corner lot near Stahl Road and KY 237 and the only access to it is from Stahl Road. He is going to acquire part of a lot that is landlocked and is located adjacent to the development. There

is no planned access to this area from the Village Center. Eight years ago, he requested a zone change from residential to office. He was told there is no commercial development beyond Remkes for North Hebron except for an existing spot for a small area across from Thornwilde Subdivision. The idea was to keep Northern Boone County green according to the Comprehensive Plan. How could the proposed Village Center fit in now versus what was proposed before - a small law office. It was denied because it did not conform to the Comprehensive Plan as it was commercial development. According to the Comprehensive Plan, the existing commercial center will probably not expand significantly because of the new highway. Mr. Massey noted that he would like more time for input. He was not invited to the charette. The community needs more input and the project needs more time. This project needs to be rehashed for another 18 years and be resubmitted. Mr. Massey submitted his written remarks. (See Exhibit 3).

Connie Kiskaden, 1841 Stahl Road, stated she has 10 grandchildren that come to her house and play in the road because there are no sidewalks. The front entrance will be a bottleneck and because of this they will travel down Stahl Road. She expressed a concern about alleys and safety of children and crime. Perhaps, they should move the multi-family buildings.

Dan VanMeter, 7511 River Road, wanted to know about storm water impact. He has experienced cracks in the drywall and outside walls of his house. He hired an engineer and spent $20,000 in 2 years to address this problem.

William Sanders, 2252 Britt Drive, noted that he first learned about this project after reading the sign. First, he recommended changing the size of the sign posted on the property and use plain English so that residents can actually see what is proposed, for example 864 houses proposed. Second, the area north of the roundabouts should all be single family residences and not multi-family buildings. It should include churches, schools, a library and a playground. Third, a bike path has been constructed along KY 237. Children can now get to the neighborhoods on their own for class projects and traffic from multi-family buildings and commercial uses will affect this activity. Fourth, the Diocese of Covington is thinking about building a new school or church in Hebron. Mr. Toebben could donate the land and the Boone County School District wouldn't have to worry about another school. Commercial doesn't need to be there since there is 50% vacancy in Hebron. A school and church at the entrance would be a great thing to do. Mr. Sanders submitted his written comments (See Exhibit 4).

John Smith, 1805 Stahl Road, thought that the people living in the proposed multi-family area would not use the main road but zip out Stahl Road. Stahl Road is not ready for this and would like the Planning Commission to vote this project down.

Beth Kamradt, 1590 Jolee Drive, stated that during rush hour in the morning the traffic is already backed up to the second roundabout. The planning that went into the design of the roundabout didn't take into account two lanes going out past Remkes. In addition, the park

and ride is drawing traffic from the south. All the traffic coming from north has to wait for the traffic coming to the park and ride. In addition, there will be 864 units on a one lane road up to the Remkes' traffic signal. In the mornings, school buses are backing up beyond the second roundabout. It is difficult leaving Parlor Grove Subdivision. The road should be expanded to two lanes in each direction. Conner Middle School is at capacity. Is it 12 students per year per type of school-elementary, middle and high school? Does it make sense that only 360 students will come from an 864 unit development? She stated 75% of the households will have children or 2 children per household or about 1,396 children, the number of students will be somewhere between 360 and 1,396. She doesn't know where the money or land will come from and doesn't want more children at schools at capacity and with portable classrooms. She isn't concerned because she is a teacher but is concerned about her son. She stated she is not against development but we have to make sure it is not alone on the backs of our children.

Mr. Costello explained that the School District has purchased land for a new elementary school in Thornwilde. There is no funding in place to build it. It doesn't address over-crowdness at Conner Middle and Conner High Schools. He stated that the School District (Staff) has communicated with the developer and has written a letter to the developer. The Planning Commission does not have a copy of the letter. There were concerns about capacity.

Mr. Richard Graves, 2432 Frontier Drive, expressed his concern about changes in the plans due to the economy and housing market as stated by Mr. Toebben - the worst market since the Great Depression. We will get Celebration if everything goes according to the applicant's plan including the economy. We will get the down side no matter what. If building Celebration (development) proves to be economically unsound, Toebbens will build whatever they can within the rules that will turn a profit. We will suffer the burdens. Stahl Road will end up clogged or be converted into a pocket highway. No one will be able to discourage the traffic from swamping Stahl Road. The benefits of this project no matter how attractive is speculative, but the burdens are as close to certain as to anything gets in this uncertain world.

George Hummeldorf, 2485 Frontier Drive, is concerned about the high density residential near both ends of Stahl Road. There will be more traffic on Stahl Road. In Settler's Point, there was a change in developers due to the down economy and smaller homes were built. This affected his property value. This might happen with this development and Toebben will sell off the land. It is also too flexible. He felt that the number of students was low considering the high density housing.

Norma Perkins, 1943 Stahl Road, emphasized her concerns about the impact of the current pastoral setting and the proposed multi-family setting along with noise buffer and traffic. She inquired whether the parks, trails and streams would only be available to the new residents or to everyone in the community?

Jim Minnick, 1174 Waterford Court, expressed his concern about the proposed multi-family buildings and their height next to Deer Creek Subdivision. It has the smallest buffer zone proposed in the project.

Bob Herzog, 1727 Stahl Road, restated that the developer said they would discourage residents from using Stahl Road. Even if they put a 10 foot wall to keep traffic off Stahl Road, they would cross onto Mr. Flick's property to get to KY 237. There would probably be 400 cars.

Shirley Millar, 669 North Bend Road, stated that her primary concern is related to the fact that her daughter, son-in-law and grandson live directly across from the Village Center and that the Planned Development overlay will be supercede the existing zoning a subdivision regulation with waivers. These regulations were in place to guide growth and development in a consistent and planned manner. The applicant's summary on page 3 of their booklet discusses 1,000 units. Is it 1,000 or 864 units? Which is correct? The next concern is sidewalks as the applicant only wants to put them on one side where as the Subdivision Regulations requires them on both sides of the street. Is this really pedestrian friendly? Children shouldn't walk on a street without sidewalks. Another concern is seasonal temporary banners. Article 34 (34.9 and 34.20) states that they are not permitted in the zone and Temporary Advertising Displays require a permit. Are they proposing these ideas thinking that no one will catch them or regulate them? The Village Center will allow retail, restaurants, office and personal services. This would also allow liquor stores, numerous uses that would generate a considerable amount of traffic and would put people outside in the evening - more noise and lighting. Areas 0 and 19 are not identified and what type of buffering are they proposing along North Bend Road? It is also mentioned that horse related uses are a Conditional Use in the proposed zoning district. Is this a way to get the use approved without having to go before the Board of Adjustment and have conditions put on the use? How will the applicant share parking from the retail area with the multi-family area? How can the applicant not include loading areas in the retail area? How can the applicant not be required to screen garbage cans? The applicant states that community amenities may include pools, tennis courts, etc. The application does not require them to do it. It is misleading. Mrs. Millar expressed a concern about allowing A-frame and sandwich board signs since they are only allowed on Main Street in Florence. There are no details about the entrance sign. The applicant wants to make exceptions to the normal landscaping requirements in Article 36. Also, landscaping is not normally permitted in public rights-of-way. I am opposed to this project and urge the Planning Commission to look at the regulations, where high density residential should be located at Ky 237/KY 20 and in the middle of the subdivision and not around the perimeter where it affects an existing neighborhood.

Bee Wend, 1292 North Bend Road, noted that she lived in the area for 40 years. You could count more farm equipment going down North Bend Road than cars. We have Parlor Grove, Tree Tops, Thornwilde, and Deer Creek. Did I want them? No, for all of the newcomers to not want this is not fair. For people concerned about the animals, they should have been here when Parlor Grove Subdivision was built. Change is constant and we have to deal with it. The Planning Commission has done a good job - compromising to make it right. Toebben is a custom builder and not a track builder. They will do the best they can. We have to live with change.

Diane Vines, 1864 Stahl Road, stated that we have to have change but it has to have common sense. This proposal doesn't make sense. The Remke development under Toebben has 3 empty buildings. It doesn't have the history like older businesses in Hebron.

What he wants to develop out there is Cincinnati. There is not enough room for that out in the area. Toebben doesn't have anything to offer but empty buildings and eyesores.

Richard Soper, representing Boone County Conservation District, stated that he is not in favor or against the development. He wanted to just submit a letter from the organization as part of the process (See Exhibit 5)

Bob Flick, 1717 Stahl Road, mentioned that he was made aware from someone else that there may be four Union soldiers buried on the subject property. He thought the staff should look into this issue. He noted that he has an Indian Burial Mound on his property and that some soldiers were found closer to the Airport.

Secretary-Treasurer Bunger asked if Staff wanted to add anything. Mr. Wall responded that a lot of the points were mentioned previously and there are 15 pages of concerns identified in the Staff Report. Mr. Bunger asked if the Planning Commission members have any questions?

Mrs. Poston inquired whether the primary road would be a boulevard without parking and stop signs? Mr. Gee answered that the primary road is a divided boulevard with on-street parallel parking. She asked how many stop signs would be installed? If there are a lot of stop signs, there will be a lot of people on Stahl Road. Mr. Gee explained that they have not laid out a stop sign plan but they will take a look at it before the Committee Meeting. They have not anticipated a lot of stop signs. The County Engineer requested that the streets be designed for traffic calming purposes. The streets are narrower and cross walks will be made of pavers. Mr. Gee emphasized that they want the traffic to go through the Village Center for commercial activity purposes.

Mr. Costello reported that the applicant did provide a traffic study. Is the main boulevard a limited access road? Mrs. Poston responded that her concern is the number of stops like Oakbrook Road, which would make people flow on Stahl Road. Mr. Costello indicated that the staff has always had a concern about the connections to Stahl Road due to the width and conditions of the road. There needs to be more than one way in and out of this large development for emergency response.

Mr. Longano asked whether the connection to Stahl Road could be gated and only emergency vehicles be allowed to use it? Mr. Wall stated that it could but we should obtain input from the Hebron Fire Department, the Boone County School District and the Boone County Engineer. Has this been done before? Mr. Wall stated that he was not aware of an example with similar circumstances.

Mr. Schwenke asked whether there is information available about the number of houses already developed and empty lots from subdivisions in the area? Mr. Wall responded that it can be provided and this information is available based on the type of housing unit, single family versus multi-family. It is updated on a routine basis.

Mr. Breetz inquired about phasing. How far back will the primary road be built? Will it be spotty during different time periods? An example of this is the patio homes project near KY 237 and Tanner Road. Some of this project has been built but some of it is not well maintained. It is an eyesore. This information would be helpful at the Committee meeting. There should be more details on the pedestrian access. Will there be any recreational facilities within the development? What are the green "legs" leading down to River Road? Will there be trails leading to the park?

Mr. Bayer stated that the Roman numerals in the one exhibit are not phases but pods of the development. The first phase would be to construct the main drive to provide a view of the river. The first phase will also be dependent on the provision of sanitary sewer by SD#1 and the need to provide a diverse mixture of housing units so that the public can have options. We don't believe it will be any faster than 30-35 units per year based on the market studies. The commercial will not be in the first phase as housing units are needed to support it. The residential in the Village Center will come later when the commercial is built.

Mr. McMillian asked whether the utilities will be installed underground? Mr. Bayer answered "yes". Utilities may be overhead as they approach the site but they will be underground on the site.

Mrs. Poston inquired why is the multi-family housing being proposed on the perimeter? Mr. Bayer answered that they used the Comprehensive Plan as the guiding light because the location of high density residential at the end of Stahl Road. The design of the Village Center drove the need for high density residential in the front portion of the project. Mrs. Poston noted that the multi-family could go anywhere since the developer is applying for a Planned Development Zone Change for the entire property. Mr. Bayer said essentially it could, but this plan is what they have designed because of the views. This should be examined closely at the Committee meeting as stated by Mr. Bunger.

Mr. Breetz asked about the lighting along the roadways? What will be the downcast of light because of the sky views? Mr. Costello noted that the County doesn't require street lights but the 3 cities require developers to install them. It is the option of the developer.

In response to Mr. Bunger, Mr. Gee stated that the application is for 864 total units. He will provide a copy of the letter sent to them by the School District and the estimates on the number of students. Mr. Gee noted there are a lot more details about the project in the application booklet.

Mr. Noel stated that the applicant continues to say that the project is consistent with the Comprehensive Plan. They don't want you to read the details. They are referring to the Future Land Use, one component of the Comprehensive Plan. The Future Land Use map is a crystal ball projection 25 years into the future. It attempts to look at the year 2030. It

says that high density residential might be appropriate on the ridge top not now but in 2030. It further states when 2030 comes along, small amounts of attached housing may extend onto the ridge lines. According to their traffic study, 50 % of the housing units will be multi-family. Is this a small amount of multi-family? No. If it is the year 2030, what is the type of multi-family allowed? No where in the Plan does it refer to apartments. It talks about condominiums and townhomes. If you look at the details of the Comprehensive Plan, there should be no high density residential next to Mr. & Mrs. Flick. If you do allow it, where should it go? The multi-family should be held to the interior of the property. The high density residential traffic will use Stahl Road if it located near Mr. Flick.

Bonnie Griffin, 1692 Grandview Drive, wanted to know if Toebben owns land that connects to KY 8, where traffic can be routed to relieve the traffic on KY 237? She expressed a concern about the view of the wind turbine. Mr. Bunger stated he will announce the date and time of the Committee meeting. It is a public meeting. The date and time of the Committee meeting is posted on the Planning Commission's web page.

Mr. Massey noted that the School Board has a representative on the Planning Commission, but is not present at the Public Hearing. With a development of this size, it is important that the School Board be involved. The school is the central part of the community. It would have been great if Mr. Toebben could have done a presentation about this project before the School Board. He feels that the main project entrance should be analyzed for school bus traffic turning movements. On page 140 of the Future Land Use Development Guidelines of the Comprehensive Plan, it states that "the proposed development should consider in its design a band of larger lots and set backs along the affected perimeter of the site adjacent to the existing development to provide an adequate transition." Multi-family dwelling units are not adequate transition. The buffer between the proposed mulitimillion dollar homes and the homes along Stahl Road is the multi-family units. This is not right.

Mr. Wilson noted that Mr. Ford was not at the Public Hearing and will not be participating in the request. Mr. Costello explained the procedure for notifying agencies. A letter about the project went to the Superintendent. It is up to the Superintendent to decide what action to take and who to inform.

There being no further comments, Secretary/Treasurer, Kim Bunger stated that the Committee Meeting for this item will be on July 21, 2010 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on August 4, 2010 at 7:00 P.M. Secretary/Treasurer Bunger closed this Public Hearing at 10:55 P.M.

APPROVED:

for Kim Bunger

Kim Bunger
Secretary/Treasurer

Attest:

Kevin P. Costello, AICP
Executive Director

EXHIBITS:

-Exhibit #1 Specific Requests made by Bob & Susan Flick submitted by Mr. Noel
-Exhibit #2 Concerns submitted by Trip & Susan Arbaugh
-Exhibit #3 Written remarks submitted by Ed Massey
-Exhibit #4 Written comments submitted by William Sanders
-Exhibit #5 Letter submitted by Richard Soper for the Boone County Conservation District
-Exhibit #6 Letter submitted by Kimberly D. Patton

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: August 11, 2010

RE: Request of **Jay Bayer, Bayer Becker (applicant)** for **Toebben, Ltd. and William Toebben (owners)** for a Zoning Map Amendment from Agriculture (A-1), Agricultural Estate (A-2), and Rural Suburban Estates (RSE) to Suburban Residential Three/Commercial One/Office One/Planned Development (SR-3/C-1/O-1/PD) for an approximate 334 acre site located on the east side of North Bend Road approximately 750 feet north of the North Bend Road/Stahl Road intersection, to the east of Deer Creek and Rivershore Farms subdivisions, at the terminus of Stahl Road, and including the properties at 1280 North Bend Road, 1302 North Bend Road, and 1958 Stahl Road, Boone County, Kentucky. The request is for a zone change to allow a mixed residential, retail, and office development.

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.

Bayer Becker/Toebben Ltd./William Toebben
August 11, 2010

Susan Poston

Susan Poston, Chairwoman

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

Ben Brandstetter

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

Greg Breetz

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

Kim Bunger

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

Janet Kegley

Janet Kegley

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

Linda Herald (Alternate)

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

Charlie Reynolds

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

TOTAL: ____DEFERRED 3 FOR PROJECT ____ ABSENT

1 AGAINST PROJECT ____ ABSTAIN

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: August 4, 2010

RE: Request of **Jay Bayer, Bayer Becker (applicant)** for **Toebben, Ltd. and William Toebben (owners)** for a Zoning Map Amendment from Agriculture (A-1), Agricultural Estate (A-2), and Rural Suburban Estates (RSE) to Suburban Residential Three/Commercial One/Office One/Planned Development (SR-3/C-1/O-1/PD) for an approximate 334 acre site located on the east side of North Bend Road approximately 750 feet north of the North Bend Road/Stahl Road intersection, to the east of Deer Creek and Rivershore Farms subdivisions, at the terminus of Stahl Road, and including the properties at 1280 North Bend Road, 1302 North Bend Road, and 1958 Stahl Road, Boone County, Kentucky. The request is for a zone change to allow a mixed residential, retail, and office development.

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Bayer Becker/Toebben Ltd./William Toebben
August 4, 2010

Susan Poston, Chairwoman
For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred ___

Ben Brandstetter
For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred ✓

Greg Breetz
For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred ___

Kim Bunger
For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred ___

Janet Kegley
For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred ___

Linda Herald (Alternate)
For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred ___

Charlie Reynolds
For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred ___

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

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: July 21, 2010

RE: Request of **Jay Bayer, Bayer Becker (applicant)** for **Toebben, Ltd. and William Toebben (owners)** for a Zoning Map Amendment from Agriculture (A-1), Agricultural Estate (A-2), and Rural Suburban Estates (RSE) to Suburban Residential Three/Commercial One/Office One/Planned Development (SR-3/C-1/O-1/PD) for an approximate 334 acre site located on the east side of North Bend Road approximately 750 feet north of the North Bend Road/Stahl Road intersection, to the east of Deer Creek and Rivershore Farms subdivisions, at the terminus of Stahl Road, and including the properties at 1280 North Bend Road, 1302 North Bend Road, and 1958 Stahl Road, Boone County, Kentucky. The request is for a zone change to allow a mixed residential, retail, and office development.

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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.

Bayer Becker/Toebben Ltd./William Toebben
July 21, 2010

Susan Poston, Chairwoman
For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred ✓

Ben Brandstetter
For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred ✓

Greg Breetz
For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred ✓

Kim Bunger
For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred ___

Janet Kegley
For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred ✓

Linda Herald (Alternate)
For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred ___

Charlie Reynolds
For Project ___ Absent ___
Against Project ___
Abstain ___ Deferred ___

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

SUPPORTING INFORMATION

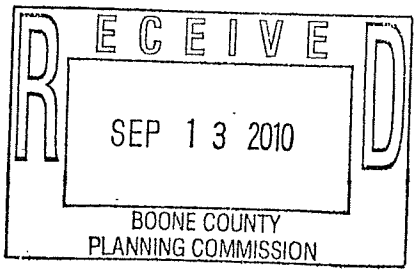
BOONE COUNTY PLANNING COMMISSION

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

September 2, 2010



Mr. John Toebben
Toebben, Ltd.
c/o Mr. Jay Bayer
Bayer Becker
209 Grandview Drive
Ft. Mitchell, KY 41017

FAX: 261-1710

RE: Amended Conditions of Approval for Toebben, Ltd. Zone Change Application from A-1, A-2, and RSE to SR-3/C-1/O-1/PD, North Bend Road/Stahl Road, Boone County, Kentucky

Dear Mr. Toebben:

The following represents the conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their 8/11/10 meeting, and as amended before the full Planning Commission at the 9/1/10 business meeting. Condition #9 regarding the emergency access was amended before the full Planning Commission. If you, as the authorized representative of the property owners agree to these conditions, please so indicate by signing in the space provided at the end of this letter and return the original letter to the Planning Commission's office by Friday, September 10, 2010.

CONDITIONS

1. The buildings in Areas VII and VIII shall be setback at least 50 feet from the adjoining Flick property, however, the buildings in the 5 story multi-family option for Area VIII shall be setback at least 125 feet as shown on the attached plan exhibit. The normal buffer yard planting and width requirements per Article 36 of the Boone County Zoning Regulations shall be followed along this boundary (line 14 on the Landscape Buffer Plan on page 56 of the Concept Development Plan booklet), in addition to retaining the existing vegetation.

2. Areas VII and VIII shall have a combined maximum total of 150 dwelling units.

3. The four potential multi-family buildings in Area VIII shall be the only structures in the overall development that will be permitted a maximum building height of five (5) stories. The height for the remainder of the buildings and other potential building types in Area VIII shall follow the Concept Development Plan booklet.

4. If the multi-family option is selected for Area VIII, construction shall not begin on these structures until 2020.

5. Parking in front of the village center buildings in Area XIX shall be limited to one tier (one two-way driveway that is double loaded with parking spaces) that is surfaced with pavers or a comparable appearing stamped concrete product.

6. If commercial and/or office uses are built in the village center, the maximum amount of commercial/office floor area permitted is 23,500 square feet. Any single commercial/office building shall be limited to a 10,000 square foot maximum footprint. Regardless of the specific use(s) opted (commercial, office, or residential per the Concept Development Plan booklet), the village center shall include at least three (3) separate buildings.

7. Any outside storage or display in the village center shall either: A) follow the Temporary Commercial Display (TCD) requirements in Article 35 of the zoning regulations, which include the requirement to obtain a TCD or Seasonal TCD Permit; or, B) shall follow the applicable requirements of Section 3154 "Outside Storage, Display, and Loading Areas" of the zoning regulations.

8. Buffer yards/perimeter landscape areas around the boundary of the overall development shall use the requirements of Article 36 of the zoning regulations as the benchmark for width and planting standards. Alternate approaches, such as those proposed in pages 56 through 67 of the Concept Development Plan booklet, can be proposed and reviewed accordingly by the Zoning Administrator. Approval of alternate approaches will be based on the design characteristics of the individual phase in question (such as placement of buildings and vehicular areas, architectural design, building type, building height and bulk, retention of existing vegetation, and site lighting) and the provision of effective buffering for neighboring properties.

9. The vehicular connection at the dead end of Stahl Road shall be an emergency access only utilizing grass pavers. This emergency access shall be gated with a locked gate that can be opened by emergency personnel. This emergency access shall be constructed by the developer within a dedicated right-of-way so that the Fiscal Court can construct a public street connection at a later time if desired. Any proposal by the developer to construct a full access street connection in this alignment in the future must be reviewed and approved through the formal Change in Concept Development Plan process.

10. The street sections proposed in the Concept Development Plan booklet are accepted in principle, however, the developer shall work with the County on the specific design and location of these modified sections through the plan review process.

11. Sidewalks shall be provided on both sides of the street between the end of the 8' multi-use path at the overlook park/entrance to Area IX and Area XI.

12. Community amenities in the overall development shall minimally include the village green, overlook park, multi-use path between the village center and the overlook park, and a pool facility.

13. The design related aspects of the development, including architectural design for the townhouses, multi-family buildings, and village center buildings, building orientation in the village center, signage, landscaping, site design details, and related matters, shall generally follow the text, photos, and graphic exhibits in the Concept Development Plan booklet. Compliance with this condition shall be determined by the Zoning Administrator, who shall review individual proposals in the development for consistency with the thematic and qualitative commitments and representations in the Concept Development Plan booklet.

14. Developer agrees that it will not build more than an average of 50 units per year regardless of type, calculated from the date of the submittal of the first preliminary plat.

15. Storm water management for the project shall be viewed in a comprehensive manner. As the Improvement Plans for each section are submitted to the Planning Commission for approval, the combined effect of peak flows shall be studied and limited to existing or approved flows for the entire development.

16. The existing tree cover shown in dark green on the Regulating Plan (page 43 of the Concept Development Plan booklet) shall generally be retained. It is understood that this plan sheet is a general concept that has not been engineered, and that disturbance in these areas may occur to match grades, construct infrastructure, community amenities, and the like.

17. The southern wind turbine shown in Area VIII on the Regulating Plan shall be relocated to the overlook park by the entrance to Area IX. As represented by the applicant, the proposed wind turbines are approximately 60 feet in height.

18. On-street parking within the public right of way and/or on private streets to be credited towards the required parking for the multi-family, townhome, and/or commercial/office area (as explained in the Concept Development Plan booklet) shall be provided within a physically defined parking lane that is separate from the moving lanes, with additional pavement width at these points. Examples of this approach are provided on page 15 of the Concept Development Plan booklet.

19. Any porous concrete or asphalt paving products to be used in the development must be approved through the plan review process to assure that these products have a life span and durability comparable to conventional concrete and asphalt paving. The use of gravel as a paving material shall be limited to the home sites in the cabin home phases and those along the private drives that extend from the end of cul-de-sacs.

20. Garbage containers stored outdoors shall be enclosed per Section 3151 "Required Trash Area" of the zoning regulations for all uses that require Site Plan Review.

21. Detached garages for the "small single family lots" product shall follow the normal size and height limitations in Section 3153 "Location of Accessory Structures or Use" of the zoning regulations. The "large single family lots" and "cabin home" products may use the size limitations for detached garages outlined on page 26 of the Concept Development Plan booklet.

Sincerely,

Kevin T. Wall, AICP
Director, Zoning Services

KTW/vlm

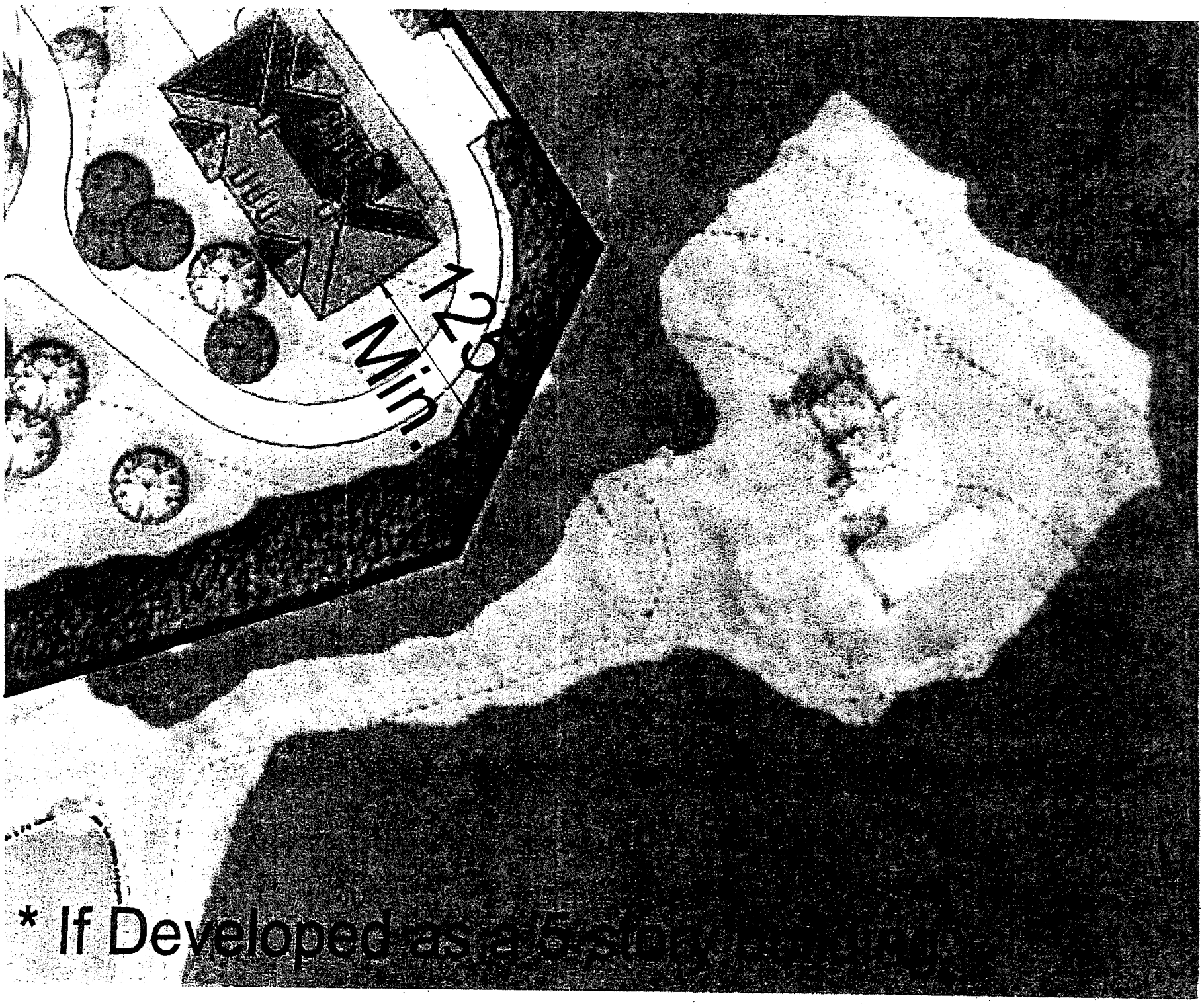
Enclosure

AGREEMENT

I, the authorized representative for the property owners of the 334 acre site located on North Bend Road and Stahl Road, Boone County, Kentucky, agree to the conditions listed herein for the above referenced Zoning Map Amendment application.

John Toebben
Authorized Representative for Property Owners

9/08/10
Date


Min. 12
* If Developed as a 5-story

bayer becker

209 Grandview Drive
Fort Mitchell, KY 41017
P 859.261.1113
F 859.261.1710
www.bayerbecker.com

DESCRIPTION: 334.274 Acres

LOCATION: Hebron, Kentucky

DATE: May 21, 2010

Situated in the County of Boone, Commonwealth of Kentucky, lying on the East side of Kentucky Highway 237, as now constructed, and on the North side of Stahl Road and being part of the property described in deeds to Toebben, Ltd. recorded in D.B. 818, Pg. 258; D.B. 819, Pg. 131; D.B. 907, Pg. 130; D.B. 943, Pg. 547, all of the property described in deeds to Toebben, Ltd. recorded in D.B. 482, Pg. 16; D.B. 801, Pg. 117; D.B. 806, Pg. 366; D.B. 839, Pg. 668; D.B. 874, Pg. 10; D.B. 889, Pg. 295; D.B. 920, Pg. 442; D.B. 942, Pg. 648; D.B. 954, Pg. 560; D.B. 961, Pg. 129; D.B. 968, Pg. 543; D.B. 973, Pg. 103 and EA 74, Pg. 558, all of the property described in a deed to William Toebben recorded in D.B. 867, Pg. 290, all of the Boone County Clerk's Records at Burlington, Kentucky, also, part of the rights-of-way of Kentucky Highway 237, Kentucky Highway 8 and Stahl Road, and being more particularly described as follows:

Begin at the centerline intersection of Kentucky Highway 237 and Treetop Lane (KY Highway 237 centerline station 129+27.27 as shown on Kentucky Transportation Cabinet plans for KY-237 North Bend Road Widening), thence, with the centerline of Kentucky Highway 237, North 35°00'51" West, 4.02 feet to the TRUE POINT OF BEGINNING;

thence, from the TRUE POINT OF BEGINNING, and continuing with the centerline of Kentucky Highway 237, North 35°00'51" West, 121.35 feet;

thence, continuing with said centerline along a curve to the left, having a radius of 5000.00 feet, an arc length of 587.47 feet and a chord bearing North 38°22'48" West, 587.14 feet;

thence, leaving said centerline and with the southeast line of Dortha Whitaker, and southwestward projection thereof, as described in D.B. 158, Pg. 133, North 51° 01' 16" East, 142.90 feet;

thence, with the southwest line of Dortha Whitaker as described in D.B. 178, Pg. 385, South 41° 07' 44" East, 184.83 feet;

thence, with the southwest line of Dortha Whitaker as described in D.B. 84, Pg. 354 (tract 3), South 41° 07' 44" East, 33.00 feet;

thence, with the southeast line of Dortha Whitaker as described in D.B. 84, Pg. 354 (tract 3), North 62° 33' 50" East, 312.17 feet;

thence, continuing with the southeast line of Dortha Whitaker, North 62° 38' 55" East, 341.87 feet;

thence, with the east line of Dortha Whitaker, North 04° 24' 03" West, 54.36 feet;

thence, with the east line of Dortha Whitaker as described in D.B. 495 Pg. 198 and D.B. 84, Pg. 354, North 04° 24' 03" West, 500.01 feet;

thence, continuing with the east line of Dortha Whitaker and also James and Margaret Dolwick as described in D.B. 616, Pg. 1, North 33° 32' 03" West, 361.20 feet;

thence, continuing with the east line of James H. and Margaret B. Dolwick, North 29° 10' 57" East, 243.00 feet;

thence, North 20° 58' 57" East, 198.10 feet;

thence, North 11° 59' 41" East, 265.02 feet;

thence, continuing with the east line of James H. and Margaret B. Dolwick and also the east line of Deer Creek Subdivision, Section 4, North 01° 54' 32" East, 271.00 feet;

thence, continuing with the east line of Deer Creek Subdivision, Section 4, North 21° 12' 48" East, 347.29 feet;

thence, thence continuing with the east line of Deer Creek Subdivision, Sections 4, 6 and 8, North 14° 06' 00" West, 1738.12 feet;

thence, with the south line of Rivershore Farms Subdivision, Section 2, North 73° 21' 04" East, 195.54 feet;

thence, with the east line of Rivershore Farms Subdivision, Section 2, North 14° 53' 43" West, 232.25 feet;

thence, with the east line of Rivershore Farms Subdivision, Section 5, North 56° 33' 44" East, 105.42 feet;

thence, continuing with the east line of Rivershore Farms Subdivision, Section 5, North 10° 51' 08" East, 519.34 feet;

thence, with the east line of Rivershore Farms Subdivision, Section 3, North 34° 44' 42" East, 1048.56 feet;

thence, continuing with the east line of Rivershore Farms Subdivision, Section 3, North 02° 15' 05" East, 442.11 feet;

thence, with the east line of Rivershore Farms Subdivision, Section 3, and also Section 4, North 08° 10' 39" West, 307.29 feet;

thence, continuing with the east line of Rivershore Farms Subdivision, Section 4, North 05° 18' 21" East, 205.13 feet;

thence, North 08° 34' 33" West, 538.37 feet;

thence, with the east line of The Shores Subdivision, Section 1, North 39° 49' 59" East, 267.22 feet;

thence, continuing with the east line of The Shores Subdivision, Section 1, North 04° 04' 50" East, 120.03 feet;

thence, with the southwest line of Bank of Kentucky, Inc. as described in D.B. 969, Pg. 341, South 47° 42' 53" East, 549.38 feet;

thence, with the southeast line of Bank of Kentucky, Inc., North 42° 14' 47" East, 76.56 feet;

thence, with the west line of Bank of Kentucky, Inc. and also the west line of Trinkle Machine and Tool Corp as described in D.B. 792, Pg. 371, South 42° 45' 52" East, 194.83 feet;

thence, with the west line of Trinkle Machine and Tool Corp and also the west line of Carlton Hunt Trinkle as described in D.B. 240, Pg. 271, Perry Elwin Trinkle as described in D.B. 242, PG. 39, Dana J. Van Meter as described in D.B. 875, Pg. 500 and Gregg Landolt as described in D.B. 939, Pg. 451, South 31° 41' 45" East, 815.17 feet;

thence, continuing with the west line of Gregg Landolt and also with the west line of Ronald W. and Terry Moore as described in D.B. 626, Pg. 113, South 24° 09' 37" East, 491.33 feet;

thence, continuing with the west line of Ronald W. and Terry Moore, South 03° 38' 03" East, 579.84 feet;

thence, with the south line of Ronald W. and Terry Moore, and eastward projection thereof, North 59° 28' 39" East, 412.08 feet to the centerline of KY Hwy. 8 (River Road);

thence, with the centerline of River Road, South 03° 57' 32" East, 55.90 feet;

thence, with the north line of Earl Bodenbender, and eastward projection thereof, as described in D.B. 630, Pg. 193, South 59° 28' 39" West, 412.44 feet;

thence, continuing with the north line of Earl Bodenbender, South 59° 28' 39" West, 298.46 feet;

thence, with the west line of Earl Bodenbender and also with the west line Joseph R. Mahan as described in D.B. 497, Pg. 63, David A. Mahan as described in D.B. 599, Pg. 236 and Virginia Moore as described in D.B. 495, Pg. 38, South 08° 32' 18" East, 1038.13 feet;

thence, with the south line of Virginia Moore, and eastward projection thereof, North 59° 42' 20" East, 685.75 feet to the centerline of River Road;

thence, with the centerline of River Road (KY Hwy 8), South 18° 42' 28" East, 51.05 feet;

thence, with the north line of Boone County Riverview, LLC, and eastward projection thereof, as described in D.B. 878, Pg. 751, South 59° 42' 20" West, 879.51 feet;

thence, with the west line of Boone County Riverview, LLC, South 12° 40' 55" East, 308.61 feet;

thence, continuing with the west line of Boone County Riverview, LLC South 20° 14' 01" East, 204.03 feet;

thence, South 63° 27' 08" West, 1.85 feet;

thence, South 32° 32' 01" East, 591.62 feet;

thence, with the south line of Boone County Riverview, LLC, North 63° 36' 43" East, 511.89 feet;

thence, with the west line of Rivers Pointe Stables, LLC as described in D.B. 974, Pg. 804, South 31° 56' 00" East, 1316.96 feet;

thence, with the north line of Robert and Susan Flick as described in D.B. 411, Pg. 229, South 48° 23' 42" West, 647.46 feet;

thence, with the west line of Robert and Susan Flick, South 34° 04' 19" East, 447.05 feet;

thence, continuing with the west line of Robert and Susan Flick, South 32° 18' 35" East, 78.52 feet;

thence, with the north line of Robert and Susan Flick as described in D.B. 303, Pg. 102, South 24° 30' 22" West, 145.68 feet;

thence, continuing with the north line of Robert and Susan Flick, South 69° 56' 52" West, 65.65 feet;

thence, South 72° 20' 52" West, 175.40 feet;

thence, South 58° 42' 52" West, 215.59 feet;

thence, South 54° 48' 52" West, 244.22 feet;

thence, continuing with the north line of Flick, and westward projection thereof, South 72° 31' 52" West, 109.82 feet to the centerline of Stahl Road;

thence, with the centerline of Stahl Road, South 17° 10' 18" East, 46.01 feet;

thence, continuing with the centerline of Stahl Road, South 18° 57' 14" East, 126.57 feet;

thence, South 13° 52' 33" East, 56.29 feet;

thence, South 01° 28' 07" East, 51.16 feet;

thence, South 23° 12' 09" West, 57.06 feet;

thence, with the east line of Bruce G. Gibson, and southward projection thereof, as described in D.B. 652, Pg. 316, North 23° 54' 51" West, 652.01 feet;

thence, with the north line of Bruce G. Gibson, South 51° 44' 08" West, 258.70 feet;

thence, continuing with the north line of Bruce G. Gibson, South 30° 02' 53" East, 39.13 feet;

thence, South 53° 22' 08" West, 82.89 feet;

thence, with the west line of Bruce G. Gibson, South 23° 35' 11" East, 264.31 feet;

thence, with the north line of Walter S. and Louise A. Wyrostek as described in D.B. 401, Pg. 59, South 60° 34' 46" West, 376.95 feet;

thence, with the east line of Steven W. Anneken as described in D.B. 383, Pg. 133, North 23° 35' 11" West, 214.78 feet;

thence, with the north line of Steven W. Anneken, South 53° 24' 07" West, 29.76 feet;

thence, with the east line of Melvin T. and Christine D. Kenton as described in D.B. 610, Pg. 91, North 30° 07' 11" West, 296.80 feet;

thence, with the north line of Melvin T. and Christine D. Kenton, South 60° 12' 49" West, 257.00 feet;

thence, with the northeast line of Dallas and Juanita Robertson as described in D.B. 401, Pg. 59, North 77° 56' 45" West, 137.36 feet;

thence, continuing with the northeast line of Dallas and Juanita Robertson, North 63° 14' 56" West, 380.00 feet;

thence, South 56° 05' 44" West, 200.00 feet;

thence, with the east line of Stephen J. and Robin J. Sallee as described in D.B. 912, Pg. 367, North 32° 12' 20" West, 158.00 feet;

thence, with the north line of Stephen J. and Robin J. Sallee, South 55° 39' 36" West, 258.40 feet;

thence, with the east line of Charles A. and Viola B. Wend as described in D.B. 419, Pg. 229, North 32° 15' 40" West, 31.85 feet;

thence, with the northwest line of Charles A. and Viola B. Wend, South 23° 13' 57" West, 316.64 feet;

thence, continuing with the west line of Charles A. and Viola B. Wend, South 28° 52' 03" East, 104.54 feet;

thence, South 28° 52' 03" East, 50.05 feet;

thence, with the south line of Charles A. and Viola B. Wend, North 62° 38' 55" East, 97.78 feet;

thence, with the west line of Robert and Mona Henson, and southward projection thereof, as described in D.B. 889, Pg. 457, South 28° 10' 32" East, 862.66 feet to the centerline of Stahl Road;

thence, with the centerline of Stahl Road, South 61° 28' 16" West, 169.81 feet;

thence, continuing with the centerline of Stahl Road, South 59° 32' 54" West, 231.49 feet;

thence, South 57° 05' 59" West, 139.98 feet;

thence, South 54° 48' 50" West, 212.09 feet;

thence, with the east line of Charles E. and Shirley A. Massey, and southward projection thereof, as described in D.B. 198, Pg. 620, North 40° 41' 43" West, 452.51 feet;

thence, with the north line of Charles E. and Shirley A. Massey, and westward projection thereof, South 52° 16' 53" West, 186.27 feet to the TRUE POINT OF BEGINNING;

Containing 335.674 acres of land and subject to all easements and rights-of-way of record.

LESS AND EXCEPT THE FOLLOWING: The property known as 1685 Stahl Road, Hebron, KY 41018, conveyed to W. Russell Markesbery in D.B. 876, Pg. 994, being further described as follows:

Situated in the County of Boone, Commonwealth of Kentucky, located at the Northeast end of Stahl Road approximately 0.62 mile East of Kentucky Highway No. 237 and being part of a 115.16 acre tract conveyed in D.B. 435, Pg. 44 and part of a 7.3467 acre tract conveyed in D.B. 561, Pg. 309, both of the Boone County Clerk's Records at Burlington and more particularly described as follows:

Begin at the Northeast corner of Lot 1 of the Elam Powers Subdivision as recorded in P.B. 8, Pg. 26, said point also being in the existing Southeast right-of-way line of Stahl Road (50'R/W); thence with the existing Southeast right-of-way line of Stahl Road North 08°17'20" East, 66.00 feet; thence North 17°09'40" West, 244.35 feet to a found ½" iron pin (LS#2030) at the Northwest corner of a 10.1 acre tract conveyed to Flick in D.B. 303, Pg. 102; thence with the South line of the 7.3467 acre tract, the same being the North line of the 10.1 acre tract, North 72°31'52" East, 82.80 feet to a found ½" iron pin (LS# 2030); thence North 54°48'52" East, 244.22 feet; thence North 58°42'52" East, 92.36 feet; thence through the 7.3467 acre tract North 27°58'55" West, 72.50 feet to a set iron pin and the TRUE POINT OF BEGINNING:

thence, from the TRUE POINT OF BEGINNING and with a new division line through the 7.3467 acre tract and the 115.16 acre tract North 27°58'55" West, 304.92 feet;

thence, North 62°01'05" East, 200.00 feet;

thence, South 27°58'55" East, 304.92 feet;

thence, South 62°01'05" West, 200.00 feet to the TRUE POINT OF BEGINNING.

Containing 1.400 acres of land and subject to all easements and rights-of-way of record.

FOR A TOTAL OF: 334.274 acres of land and subject to all easements and rights-of-way of record. The reference meridian is NAD 83(NSRS2007) Kentucky State Plane Coordinates, North Zone (1601).

The above description was prepared under the direction of Chris R. Gephart, Kentucky Licensed Professional Surveyor No. 3292, for zoning purposes only and not the result of a field survey. Monuments will not be set.

Prior Instrument Reference: D.B. 482, Pg. 16; D.B. 801, Pg. 117; D.B. 806, Pg. 366; D.B. 818, Pg. 258; D.B. 819, Pg. 131; D.B. 839, Pg. 668; D.B. 874, Pg. 10; D.B. 889, Pg. 295; D.B. 907, Pg. 130; D.B. 920, Pg. 442; D.B. 942, Pg. 648; D.B. 943, Pg. 547; D.B. 954, Pg. 560; D.B. 961, Pg. 129; D.B. 968, Pg. 543; D.B. 973, Pg. 103; EA 74, Pg. 558; D.B. 867, Pg. 290.

ORDINANCE 10-13

AN ORDINANCE RELATING TO APPROVAL, WITH CONDITIONS, FOR A REQUEST OF JAY BAYER, BAYER BECKER (APPLICANT) FOR TOEBBEN, LTD. AND WILLIAM TOEBBEN (OWNERS), FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURE (A-1), AGRICULTURAL ESTATE (A-2) AND RURAL SUBURBAN ESTATES (RSE) TO SUBURBAN RESIDENTIAL THREE/COMMERCIAL ONE/OFFICE ONE/PLANNED DEVELOPMENT (SR-3/C-1/O-1/PD) FOR AN APPROXIMATE 334 ACRE SITE GENERALLY LOCATED ON THE EAST SIDE OF NORTH BEND ROAD APPROXIMATELY 750 FEET NORTH OF THE NORTH BEND ROAD/STAHL ROAD INTERSECTION, TO THE EAST OF DEER CREEK AND RIVERSHORE FARMS SUBDIVISIONS, AT THE TERMINUS OF STAHL ROAD, AND INCLUDING THE PROPERTIES AT 1280 NORTH BEND ROAD, 1302 NORTH BEND ROAD AND 1958 STAHL 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 Agriculture (A-1), Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Suburban Residential Three/Commercial One/Office One/ Planned Development (SR-3/C-1/O-1/PD) for an approximate 334 acre site generally located on the east side of North Bend Road approximately 750 feet north of the North Bend Road/Stahl Road intersection, to the east of Deer Creek and Rivershore Farms subdivisions, at the terminus of Stahl Road, and including the properties at 1280 North Bend Road, 1302 North Bend Road and 1958 Stahl 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 Agriculture (A-1), Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Suburban Residential Three/Commercial One/Office One/ Planned Development (SR-3/C-1/O-1/PD) for an approximate 334 acre site generally located on the east side of North Bend Road approximately 750 feet north of the North Bend Road/Stahl Road intersection, to the east of Deer Creek and Rivershore Farms subdivisions, at the terminus of Stahl Road, and including the properties at 1280 North Bend Road, 1302 North Bend Road and 1958 Stahl Road, Boone County, Kentucky. The real estate which is the subject of this approval for a Zoning Map Amendment in an Agriculture (A-1), Agricultural Estate (A-2) and Rural Suburban Estates (RSE) zone is more particularly described in the following DEED BOOKS (as supplied by the applicant) as recorded in the Boone County Clerk's office:

DEED BOOK 973, PAGE NO. 103	DEED BOOK 889, PAGE NO. 295
DEED BOOK 968, PAGE NO. 543	DEED BOOK 943, PAGE NO. 547
DEED BOOK 907, PAGE NO. 130	DEED BOOK 819, PAGE NO. 131
DEED BOOK 818, PAGE NO. 258	DEED BOOK 920, PAGE NO. 442
DEED BOOK 801, PAGE NO. 117	DEED BOOK 806, PAGE NO. 366
DEED BOOK 839, PAGE NO. 668	DEED BOOK 942, PAGE NO. 648
DEED BOOK 874, PAGE NO. 10	DEED BOOK 482, PAGE NO. 16
DEED BOOK 961, PAGE NO. 129	DEED BOOK 867, PAGE NO. 290

SECTION II

That as a basis for the approval of the Zoning Map Amendment request 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 Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report 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 19th day of October, 2010.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 23rd day of November, 2010 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
GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

Daphne Kornblum
DAPHNE KORNBLUM
FISCAL COURT CLERK

add'l Conditions

RIVERS POINTE ESTATES/TOEBBEN PROJECT

Conditions of Approval

22. The developer shall be responsible for coordinating and arranging the installation of a traffic signal at the intersection of Rivers Pointe Boulevard and North Bend Road (Ky. 237) at such time when future traffic warrants dictate the need for such signal, as determined by the Kentucky Transportation Cabinet.

Approved by Fiscal Court action: November 23, 2010

Toebben zoning map amendment and concept development approval approved: 4 yes, 0 nay

JSE

11/24/2010



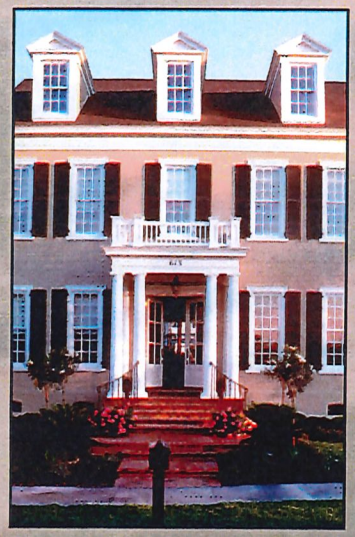
Regulating Plan

Regulating Plan Area	Large Single Family Lots	Small Single Family Lots	Single Family Rear Access	Cabin Homes	Townhomes Street Access	Townhomes Rear Access	Multi-Family Buildings	Village Center Buildings
0	-	-	-	-	-	P	P	P
I	-	-	P	-	-	P	P	P
II	-	-	P	-	P	P	P	-
III ✓	P	P	-	-	P	-	-	-
IV	P	P	-	-	-	-	-	-
V	P	P	-	-	-	-	-	-
VI ✓	P	P	-	P	-	-	-	-
VII ✓	-	-	P	-	P	P	P	-
VIII*	-	-	-	-	P	P	P	-
IX*	P	P	-	-	-	-	-	-
X	P	P	-	-	-	-	-	-
XI*	-	-	-	-	P	-	P	-
XII ✓	P	P	P	-	P	-	-	-
XIII*	-	-	-	P	-	-	-	-
XIV*	-	-	-	-	P	-	P	-
XV ✓	P	P	-	-	-	-	-	-
XVI ✓	P	P	-	-	P	-	-	-
XVII ✓	P	P	-	-	P	-	-	-
XVIII*	-	-	-	-	P	-	P	-
XIX	-	P	P	-	P	P	P	P

* Note: Private streets allowed in plan area

✓ Note: Landominiums allowed in plan area

Landominiums shall be classified as Large Single Family Lots, Small Single Family Lots or Townhomes. For Landominiums, lot lines as illustrated in the design guidelines shall be imp-cit rather than actual property lines in order to establish the spacing of homes along the street and setback from the street.





Rivers Pointe Estates

Zoning Application

May 28, 2010

Rivers Pointe
Estates

Toebben Companies
Boone County, Kentucky

RIVERS POINTE
ESTATES

TOEBBEN COMPANIES

BOONE COUNTY, KENTUCKY

TOEBBEN COMPANIES

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Looney Ricks Kiss

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RIVERS POINTE
ESTATES

TOEBBEN COMPANIES
BOONE COUNTY, KENTUCKY

A.
APPLICATION SUMMARY

Applicant: Toebben Companies

Civil Engineer, Surveyor, Land Planner, Traffic Engineer and Landscape Architect for Applicant:
Jay F. Bayer, PE, PLS, LEED AP with Bayer Becker, Inc.

Architecture and Lead Land Planner for Applicant:
R. Hunter Gee, AIA with Smith Gee Studio, LLC
Jim Constantine with Looney Ricks Kiss Architects, Inc.

Subject Property:
An approximate 334 acre parcel of land in unincorporated Boone County, located along North Bend Rd (KY 237). An approximately 1.4 acre parcel (Parcel #83 on page 24) is not included in this rezoning and PD Concept Development Plan approval. The concept plan has been designed to ultimately include the 1.4 acre parcel in Rivers Pointe Estates at a later date.



EXAMPLE ILLUSTRATIVE MASTER PLAN

Applicant's Request:
A statement of recommendation to the Boone County Fiscal Court in favor of a Zoning Map Amendment from RSE/A-1/A-2 to a SR-3/C-1/O-1/PD Overlay (Suburban Residential Three / Commercial One / Office One Planned Development Overlay District).

Upon approval, the Rivers Pointe Estates zoning map amendment and PD overlay shall supersede the Boone County Zoning Ordinance and Subdivision Regulations. Whenever the requirements of the approved PD Overlay conflict with the requirements of the Zoning Ordinance or Subdivision Regulations, the standards herein shall govern. For any regulations not included herein, the Boone County Zoning Ordinance, Subdivision Regulations and other applicable regulations and ordinances that are current upon the date for which this amendment and PD overlay are adopted shall apply.

As stated in Section 3239 of the Boone County Zoning Ordinance, the Boone County Zoning Administrator may reasonably waive or modify, with conditions, the requirements of Article 32, if it is determined that such action is warranted given the nature of this individual project and such action will serve to preserve the purpose and intent of such regulations.

In accordance with Section 155 of the Boone County Subdivision Regulations, this zoning amendment application shall serve as the written request to seek waivers from the Subdivision Regulations for all portions of the Rivers Pointe Estates adopted zoning map amendment and PD overlay that vary from such regulations. This request shall not prohibit the developer from future requests for waivers.

Rivers Pointe Estates will be governed by a Home/Property Owners Association(s) which will own, operate and maintain all common areas, community facilities and private streets and lanes. The Association will also maintain unique and custom improvements within the public right away as required by Boone County. These may include non-standard light fixtures, street and directional signage, landscaping, hardscaping, custom sidewalk materials, walls, fences, railings, bollards, pavered crosswalks, banners, and other such features. The developer will work with the County to identify such improvements to be maintained by the Association upon Final Improvement/ Site Plan for each phase.

As described herein, the proposed map amendment is generally in agreement with the adopted Comprehensive Plan. Likewise the existing zoning classifications are inconsistent with the Comprehensive Plan. The Comprehensive Plan calls for areas of Suburban Residential (SR) at up to 4 units per acre and areas of High Suburban Residential (HSD) at up to 8 units per acre. The current zoning classifications (RSE, A-1 and A-2) call for between 1 unit per acre and 1 unit per five acres. In addition, the existing zoning is no longer appropriate given the recent growth in the area and the recent improvements to KY237, specifically designed to accommodate significant projected growth in the area including 1000 residential units for this new community.

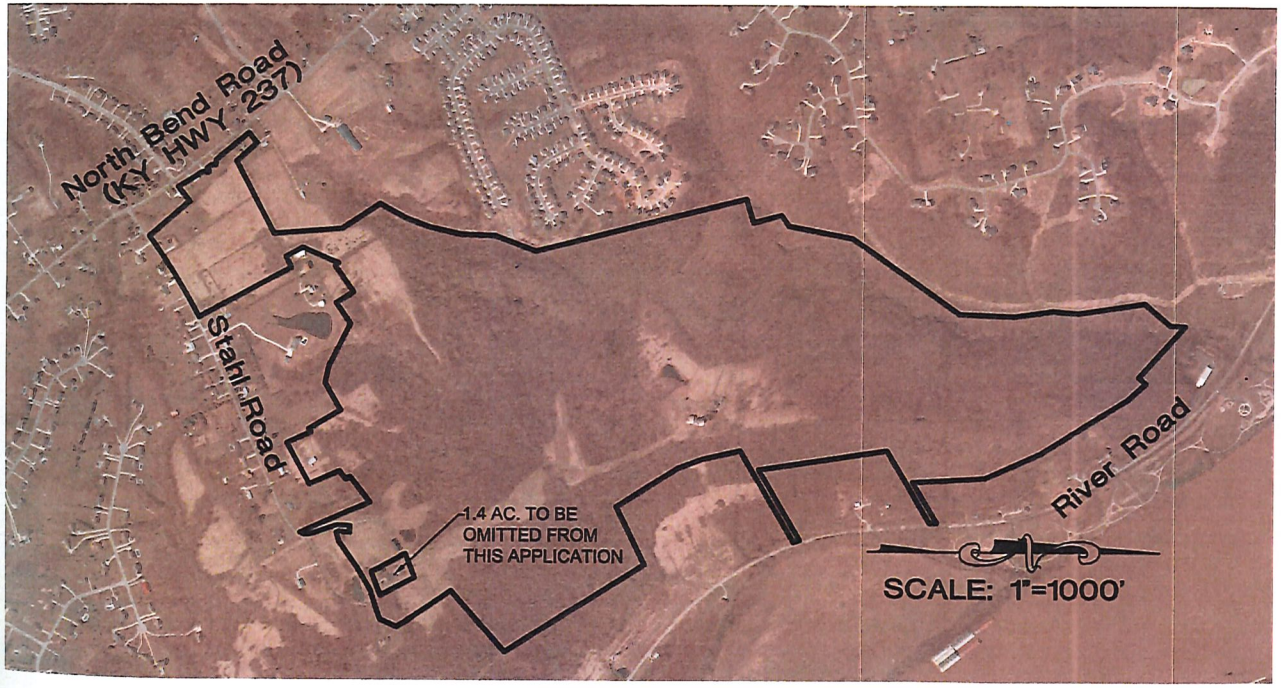
The small neighborhood retail area proposed in the Village Center is appropriate to help the County meet a number of its goals and objectives of the Plan. The Village Center offers a place where the community may gather and where residents may find small shopping conveniences and employment opportunities all within walking and biking distance of their homes, reducing automobile trips and emissions.



Existing Pasture



Spectacular Views of the Ohio River



Project Boundary

General Site Characteristics

The project is situated on approximately 334 acres of property located along the east side of North Bend Rd (KY 237) north of Stahl Road. The property for the project is owned or under contract by Toebben Companies. The topography of the site varies from gently rolling terrain, wooded hillsides and water courses to ridgelines overlooking the Ohio River. Drainage courses flow generally in a northerly direction and merge to flow to the Ohio River north of the project site.

The property consists of a majority of wooded area with some open pasture. Portions of the wooded areas have been selectively timbered. The pasture areas have been used for livestock.

Opportunities and Constraints

The Rivers Pointe Estates site presents a number of great opportunities and challenging constraints for developing a unique community in Boone County. Views to the Ohio River, wooded hillsides and water courses offer value to individual home sites, and offer extraordinary opportunities for community open space and amenities.

In order to minimize the impact of development on the hillsides and wooded areas, attention to grading and design through non-conventional means will take place on the site. Atypical street, lot and building details will ensure a harmonious blend into each area as it is developed.

Street frontage, along North Bend Road (KY 237) and Stahl Road, offers opportunities of multiple connections for adequate emergency access and traffic dispersion. North Bend Road offers an opportunity for a neighborhood center with small-scale commercial uses that could serve the community as an amenity.

For the past 18 years, Toebben Companies have engaged the services and talents of some of the most experienced visionary planners, landscape architects, engineers and marketing firms in the country to produce an exceptional plan for this community.



Aerial view of site

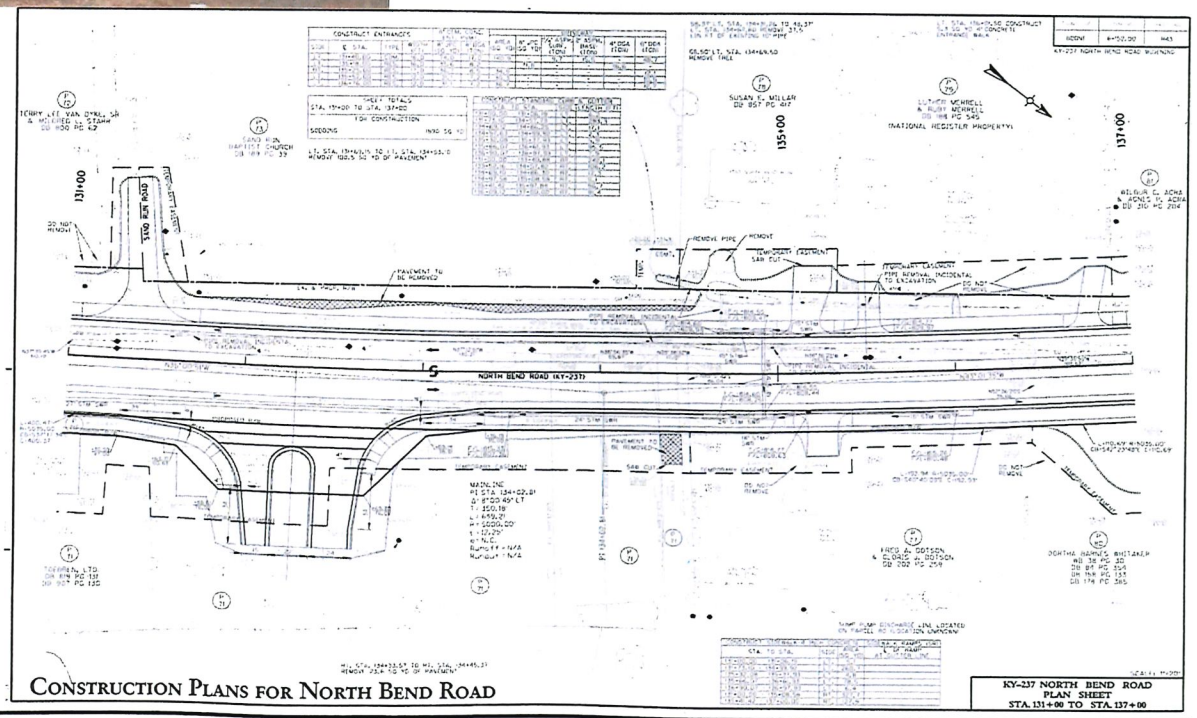


ENTRANCE CONSTRUCTED ON NORTH BEND ROAD

TRANSPORTATION PATTERNS

The project entrance is located on North Bend Road also known as state route KY237. Under the current Boone County Zoning Regulations, North Bend road is classified as an Arterial roadway. Rivers Pointe Estates has been carefully designed to encourage residents within the community to use this main entrance as the primary access to the project, thereby promoting activity in the Village Center. North Bend Road was recently improved by the Kentucky Transportation Cabinet. These improvements include a 3 lane section with a multi-use path along the frontage of this project which continues north to Conway Hills Drive and south to the Interstate 275 interchange. Toebben Companies worked closely with the Kentucky Transportation Cabinet to construct the entrance to Rivers Pointe Estates in conjunction with the North Bend Road project.

The subject property also has existing frontage on Stahl Road. To allow access for emergency vehicles, two access points are being provided from Stahl Road to the community. These points are proposed at approximately 500 feet from North Bend Road and at the eastern end of Stahl Road. The conceptual layout of the internal vehicular circulation is depicted in the Regulating Plan.



CONSTRUCTION PLANS FOR NORTH BEND ROAD

General Description of Land Use Characteristics

Existing Land Uses – Historically, the 334 acre site has been utilized primarily for various agricultural uses and single-family residences. Currently two single-family residences occupy the site.

Proposed Land Uses - Rivers Pointe Estates is envisioned as a highly amenitized, multi-use, mixed-residential community characterized by quality architecture, landscaping, open spaces and amenities. A wide range of home settings, neighborhood characters and experiences are paramount to successfully delivering the vision. Residents may choose to be nestled on a narrow winding lane in the forest overlooking a brook, to be perched high above a long River vista, to be active and connected in the Village Center, or to be secluded in a quiet neighborhood enclave.

Diversity will also be offered in the type of homes, appealing to all age groups, families, singles and retirees. This variety of options in housing offers the opportunity to stay in the neighborhood and "age-in-place", as one's needs change from one housing type to another. Residences will range in size and affordability and will include multi-family, townhomes, landominiums, and single-family homes from small cottage lots through large estate lots. Each housing type may be offered in various settings on the site to optimize the buyer's choices of homes, of settings, and of price point.

A small-scale Village Center may include retail, restaurant, office, personal and professional services, residential, civic and community uses. Upper floors in the Village Center may include residential units, community facilities, retail and/or office space. Refer to Boone County Zoning Regulations zoning districts SR-3, C-1 and O-1 for permitted, accessory and conditional uses with the following exceptions that shall not be permitted: rental of trucks and trailers, indoor target ranges, funeral homes, crematoriums, gasoline filling stations, automotive repair facilities, sexually oriented businesses and drive through facilities.

Additional Principally Permitted Uses shall include agricultural uses as described in Article 9, Sections 941.5 and 941.6, horse related uses as described in Article 9, Section 953.5, Bed and Breakfasts, retail sales of alcoholic beverages (private commercial and Property Owners Association community facilities), automatic teller machines, bike and sport equipment rentals, art, music and dance schools, libraries, museums, art and craft galleries and similar exhibit space, and wind turbines. The Rivers Pointe Estates Regulating Plan identifies allowable locations for uses by building type.

Slopes overlooking the Ohio River below the developing site may be reserved for light agricultural activities including vineyards, orchards, livestock and/or equestrian uses. These uses may be supported by a small ancillary commercial operation (See Regulating Plan), which could include wine, liquor and/or food sales. Agricultural uses may occupy undeveloped portions of the site as the project is phased including potential equestrian uses, structures and fencing in the Village Center area in order to stage the entry prior to constructing all of the Village Center Buildings.



Lifestyle



Cabin Home



Single Family Residence

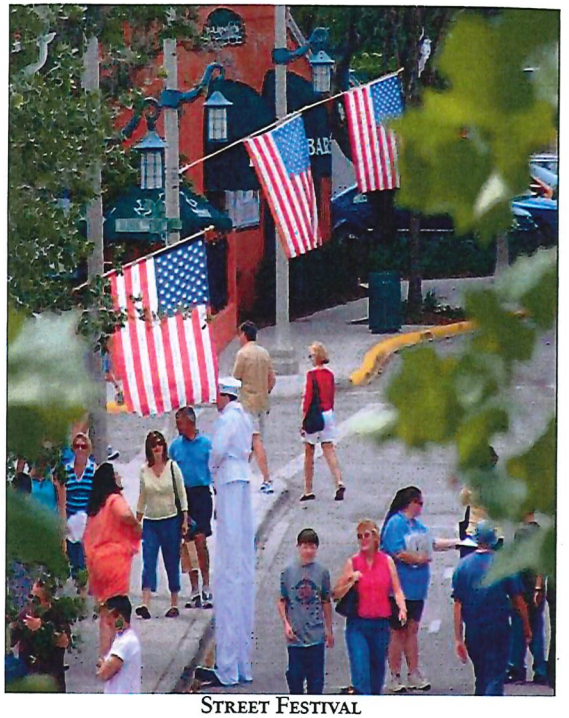
The site's unique location along the bend in the Ohio River offers higher than normal wind velocity and the potential to generate energy through wind turbines. Two wind turbines may serve the Rivers Pointe Estates community and would offer the ability to sell back to "the grid" some day. (See Regulating Plan)

Community amenities may include pools, tennis courts, trails, various sport courts, and other recreational activities. Community structures may include club houses, barns, pergolas, cabanas, picnic shelters, trail resting stations, maintenance facilities and iconic structures such as a lookout tower, clock tower or chapel. Community facilities and structures may accommodate community social gatherings, festivals, weddings and parties programmed by a Property Owners Association. Community buildings may include restroom facilities with showers, a restaurant with bar, a small office for an attendant and maintenance personnel, storage for maintenance equipment, supplies and other various community facilities.

Street festivals, community parades and celebrations may occur within the community and street closures may occur upon approval of Boone County. Newspaper stands, vending machines and video rental kiosks may occur at various community facilities so long as they are properly located.
For purposes of this PD zoning overlay, Table 31.1 in the Boone County Zoning Regulations shall be replaced in its entirety with bulk standards defined in the attached Design Guidelines.



REST STATION



STREET FESTIVAL



RESIDENCES





ACTIVITY WITHIN THE COMMUNITY



CLUBHOUSE CONCEPT

Open Spaces – Rivers Pointe Estates will offer residents a wide range of active and passive open spaces, recreational opportunities and places of relaxation and respite. Over 20% of the land will be open space including acres of hillsides, wooded preserves, agricultural areas and secluded creeksides. Views to the Ohio River and preserved wooded areas will be offered through parks and community outposts. Opportunities to explore the wooded hillsides and creeks will be abundant and a public bike/pedestrian trail will carry pedestrians and bicyclists from the Village Center all the way to a park overlooking the River.

Both formal and informal neighborhood parks will dot the landscape with places for recreation, relaxation, and solitude. Neighborhood parks may act as focal points along the streets or may be out-of-the-way places to discover. The majority of homes will either back toward natural open space or will front toward more formal neighborhood greens. Open spaces may be programmed with such community uses as playgrounds, recreation courts, exercise equipment, horse trails and dog parks.

The Village Green will offer the community a place to gather, to connect and to celebrate. Located at the main entry and as the Village Center focal point, the Village Green will serve as the "commons" for Rivers Pointe Estates. Characterized by simple, public space amenities, the Village Green may offer places to sit and rest, to lie in the grass, to splash in a fountain or to enjoy an ice cream cone in the shade. Community festivities may occur on occasion offering the northern Boone County area an important space for civic gathering and pride.



Dog Park


Formal Open Space


Passive Open Space


Active Open Space


Village Green


River Views


Playground

Streets – The Streets at Rivers Pointe Estates are intended to be a very important character defining part of the public realm. While designed to facilitate safe traffic movements, the streets have also been carefully designed to be attractive, multi-modal, pedestrian friendly aisles through the neighborhood. Conventional street designs have been adjusted to help calm traffic, reduce impervious surfaces and provide a safe environment for families and children. High quality detailing and sensitivity to preserving the natural landscape and slopes will be of utmost importance as each street is designed and constructed.

Areas of unique materials such as pavers, stone walls, fencing, bollards, custom wood or metal guardrails, custom street and traffic signage, custom street lighting and other landscape and hardscape features will be incorporated in and along the public rights of way. Custom street and traffic signs shall conform to MUTCD regulations. Sidewalks may be constructed of stamped, blasted, brushed or stained concrete, pavers or exposed aggregate. Private streets, drives and parking areas may be constructed of pervious surfaces such as pervious concrete/asphalt, pavers and gravel. For unique landscape and hardscape features in the public right-of-way, the developer and Home Owner's Association will work closely with Boone County for proper maintenance of these items. In order to be sensitive to the natural landscape and to create unique places and experiences, unorthodox detailing such as flush curbs, curbless shoulders and other non-conventional methods may be occasionally utilized upon approval of Boone County. Pedestrian and vehicular creek crossings may be constructed as bridges.

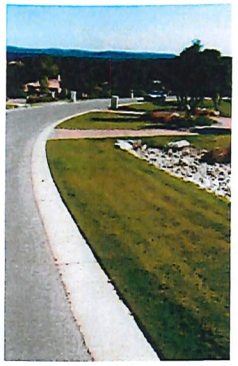
Various forms of traffic calming will be utilized at Rivers Pointe Estates to help reduce speeds and to create a safer community for pedestrians, bicyclists and drivers of automobiles. Narrow lanes, on-street parking, medians, raised speed tables, pavered crosswalks and occasional tight horizontal curves will be utilized to calm traffic throughout the community. Divided "boulevard" medians may be designed as usable open space signaling to drivers to be cautious. On-street parking will help create an awareness of activity that helps slow travel speeds, especially in areas of higher density and more pedestrian activity. On street parking may be allowed in specific areas along all street types. Narrow lanes, landscaping and buildings near the street will help provide visual cues to be cautious and to drive slowly. On short runs around neighborhood parks, in traffic calming features and where topography requires a switchback design, streets will utilize horizontal curves with smaller radii than called for in the Subdivision Regulations (see Street Hierarchy Plan).

Large intersection curb radii often encourage rolling stops and higher turning speeds and create longer, more dangerous pedestrian crossings. This is contrary to the intent of creating a pedestrian friendly environment. At Rivers Pointe Estates curb radii may be 10 ft.(min.) in residential areas and 20 ft.(min.) in commercial areas. In high volume areas where large trucks may frequent, larger turning radii will be appropriately applied. Each intersection will be approved at the preliminary plat stage and will be designed to create a safe condition for all modes of travel.

In places throughout the community, homes may be served by a private rear lane to provide garage access, parking areas, trash pickup and, in some cases, may provide an alternative location for utilities. The developer will work with the County to provide adequate space for snow storage throughout the community, which may occur in guest parking areas and open space.



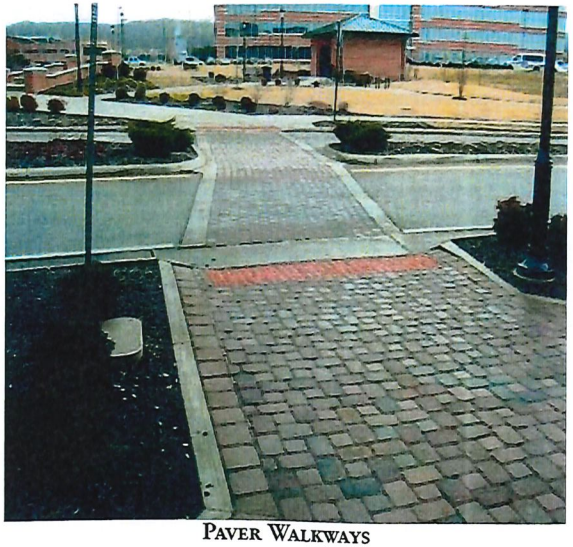
Traffic Calming Intersections



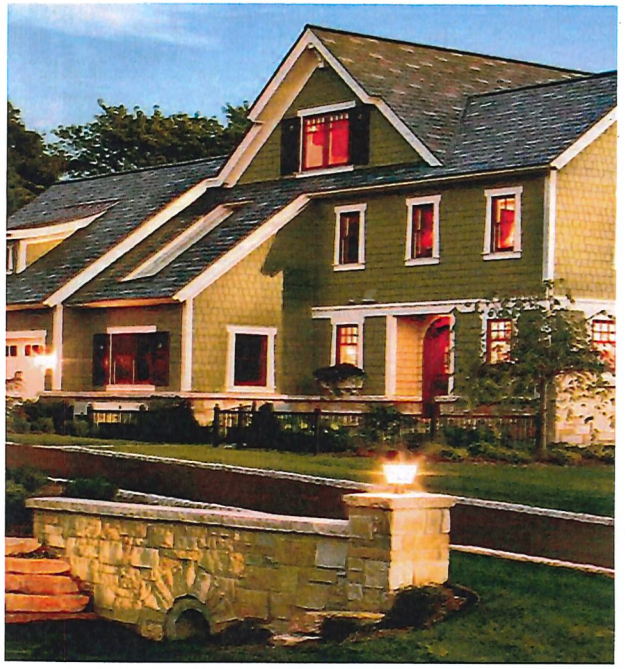
Ribbon Curb



Right-Of-Way Elements



Paver Walkways



Right-Of-Way Elements

The PD provides a menu of specific street sections to be utilized at Rivers Pointe Estates and will allow slight modifications for unique conditions through the Preliminary Plat approval process. The street sections will be carefully applied to each specific location based on the volume of traffic, the density of the product and the desired community character. Each street will be specified to appropriately accommodate automobile traffic while contributing to a high quality, safe, unique place to live. The developer will work with Boone County during the Improvement Plan stage of each phase to assure adequate bus and emergency access will be provided. All public streets will provide a minimum of 10 ft. of maintenance area outside of the curb, either in the public right of way or in a public easement.

The street network of Rivers Pointe Estates has been designed to minimize the impact on the land, to preserve trees and to provide unique neighborhoods within the community. For purposes of this PD zoning overlay, the table on page 5.10 in the Boone County Subdivision Regulations in its entirety, the corresponding street definitions, and select regulations in Section 305 shall be replaced by the Rivers Pointe Estates street sections, Street Hierarchy Plan and other such regulations specifically called out herein. Street rights of way, pavement widths and other dimensional requirements for both public and private streets shall be as noted and illustrated on the Rivers Pointe Estates street sections.

The Street Hierarchy Plan provides a guide and an example of how and where the specific street sections may be applied. However, as the specific product type in each area of the plan remains flexible, so shall the street type. Location and prototype of each street, as illustrated in the Street Heirarchy Plan, will be determined upon Improvement Plan approval for each phase of the project.

Sidewalks may be provided on one (either side) or both sides of the street. On private streets, where traffic volumes are low, where minimal disturbance is desired and/or a unique character is envisioned, no sidewalks may occur. The Village Center area and multi-family areas will have sidewalks on both sides of the street. Due to the unique site constraints and in order to minimize clearing, ridge cutting and general site distrurbance, other streets will have a sidewalk on one side including cul-de-sac streets. In order to minimize the cul-de-sac width and its impact on the ridges and wooded areas, the sidewalk will terminate at the first driveway as you enter the cul-de-sac. A continuous 8 foot wide bicycle/pedestrian path will be provided along one side of the main drive at the end of the Village Center, traversing to a neighborhood park overlooking the Ohio River. This multi-purpose path will be maintained by the Home Owners Association and may occur on both public right-of-way and/or on private land or easement controlled by the HOA.

Decorative street lights may be provided in the Village Center area and along the main drive. In order to maintain a "dark sky", street lighting will be occasional, and will be low glare fixtures that spread light downward and not toward the sky. Street lights shall not be required on other streets but may be provided occasionally. Low landsape and/or bollard type lighting may be provided along trails.

Seasonal temporary banners and festival-type lighting may be hung over public streets as long as they meet public safety standards, required vehicle height clearances and are erected, maintained and dismantled by the Association. A reasonable timeframe for such occurance shall be agreed upon by the County and the Association. Banners and flags may be hung on light poles within the public right of way so as long as they meet public safety standards, do not display private commercial advertising and are hung, maintained and dismantled by the Association.

Surveillance cameras may be located throughout the community and may occur in the public right of way. Cameras shall be provided, erected, monitored and maintained by the developer or the Association.

Due to site constraints and a desire to preserve trees and to minimize the impact on the site from grading, a number of street conditions and details may occur that do not meet the minimum standards of the subdivision regulations. Vertical curves shall meet AASHTO regulations and horizontal curves may occasionally be less than required as described above. Cul-de-sac lengths shall be allowed to exceed standard regulation as illustrated on the Street Hierarchy Plan. Cul-de-sac dimensions shall not be required to be built to commercial/industrial standards, as this would create a detrimental impact on natural features of the site. Access points, location and spacing of drives and the general street layout is to be determined by the Concept Development Plan. Generally, maximum Street grades will not exceed 12%. However, in limited areas, where existing topography requires, streets may exceed 12%. The developer will work with Boone County to minimize any negative impacts of such areas. Block lengths, street locations, intersections and access points shall be determined by the Street Hierarchy Plan.

Due to the unique natural landscape and desired character of Rivers Pointe Estates, non-standard utility locations may be desirable to minimize the disturbance area, to preserve trees or to locate utilities further from public view (e.g. in alleys/rear lanes, beneath the pavement and parallel with the street, etc.). Where utilities are located on private property, utility easements will be provided and will be coordinated (size and location) with the utility companies and Boone County.

The majority of the streets at Rivers Pointe Estates shall be dedicated to the County. Should the county be unable to maintain the public streets for whatever reason, Rivers Pointe Estates Property Owners Association(s) should have the right to perform such maintenance. Upon such occurance, in no way should it obligate the Association to maintain the public streets, nor shall it relieve the County of its normal responsibilities. In places of challenging topographic conditions, streets will be private and will be maintained by an Association (see Street Hierarchy Plan and Regulating Plan). Other streets within the development may be considered to be private upon consulting with the County (e.g. streets within multi-family cluster). Private streets may be gated and shall provide emergency vehicle access through security access codes, crash gates and/or retractable bollards. Private streets may access more than 5 residential units and private drives serving flag lots may be provided to serve no more than two residential lots per the zoning ordinance.



MULTI-USE PATH

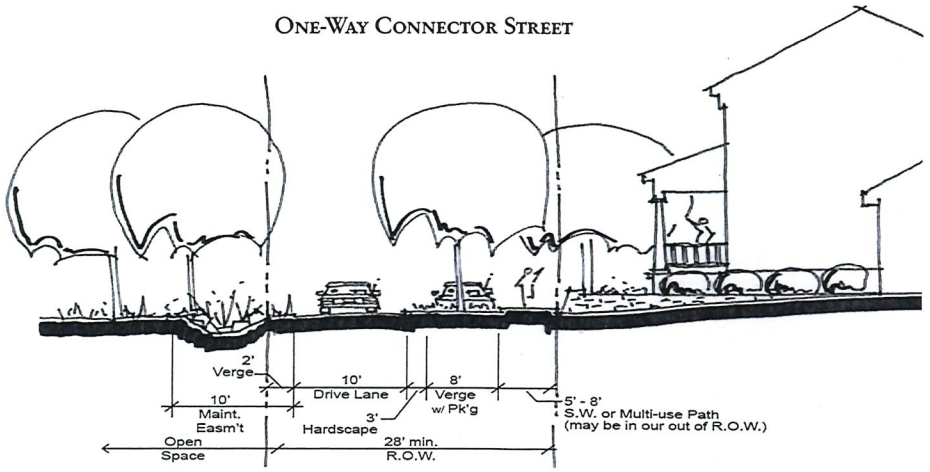


REAR LANE

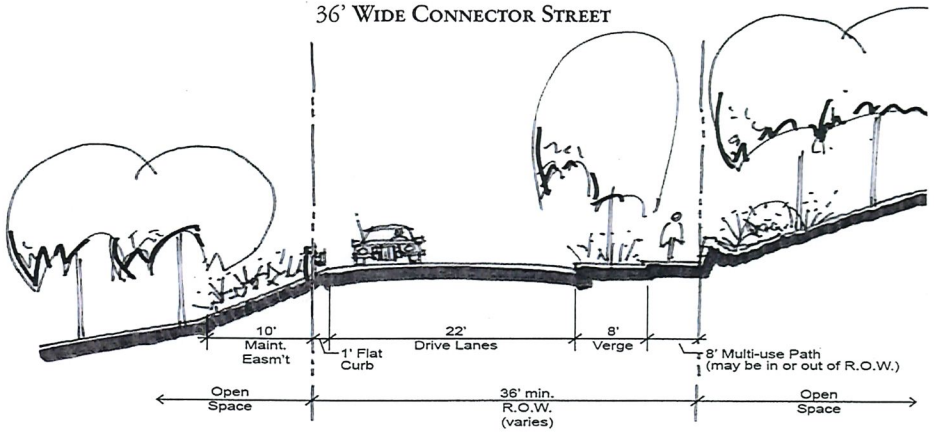


NEIGHBORHOOD STREET

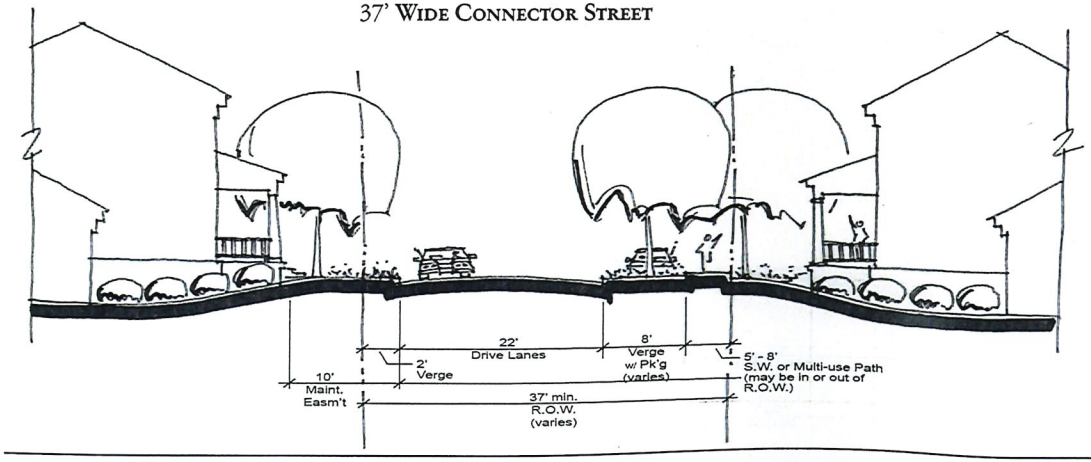
ONE-WAY CONNECTOR STREET



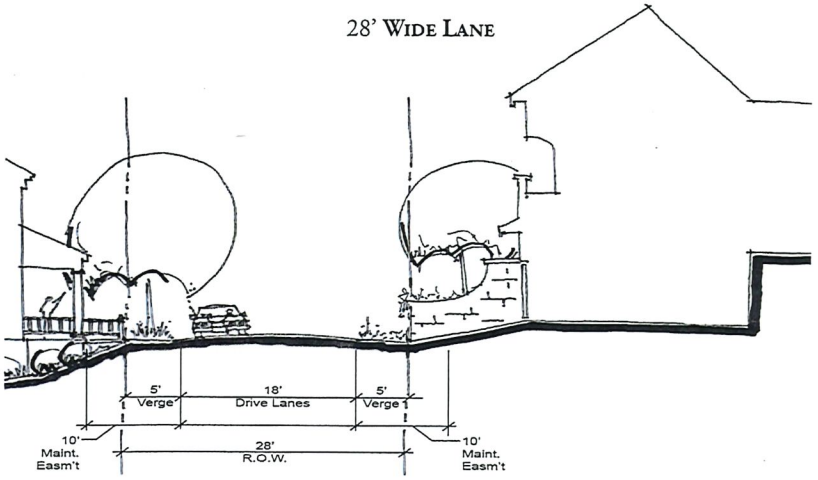
36' WIDE CONNECTOR STREET



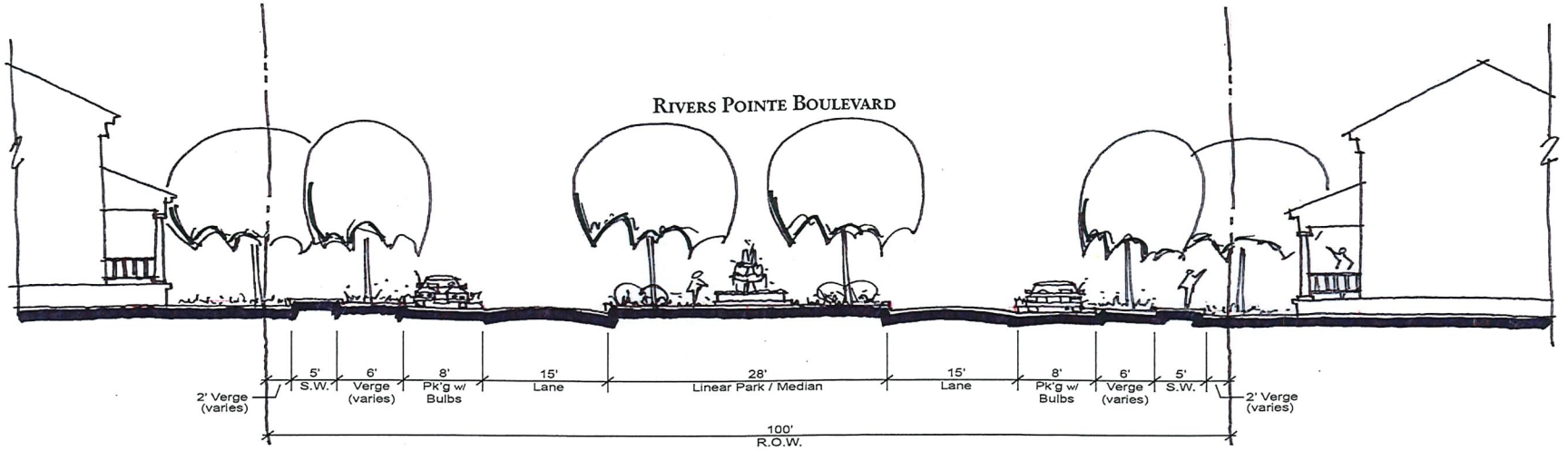
37' WIDE CONNECTOR STREET



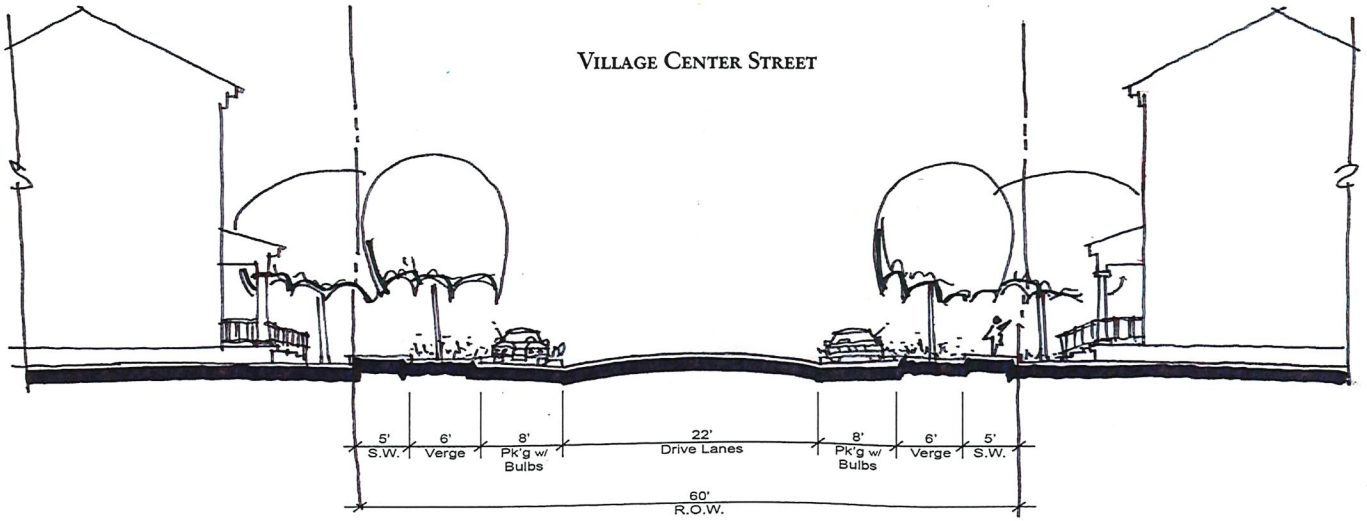
28' WIDE LANE



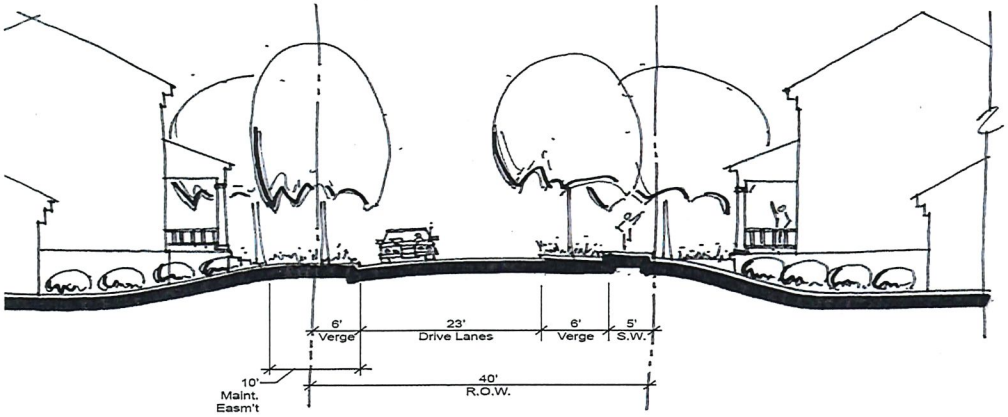
RIVERS POINTE BOULEVARD



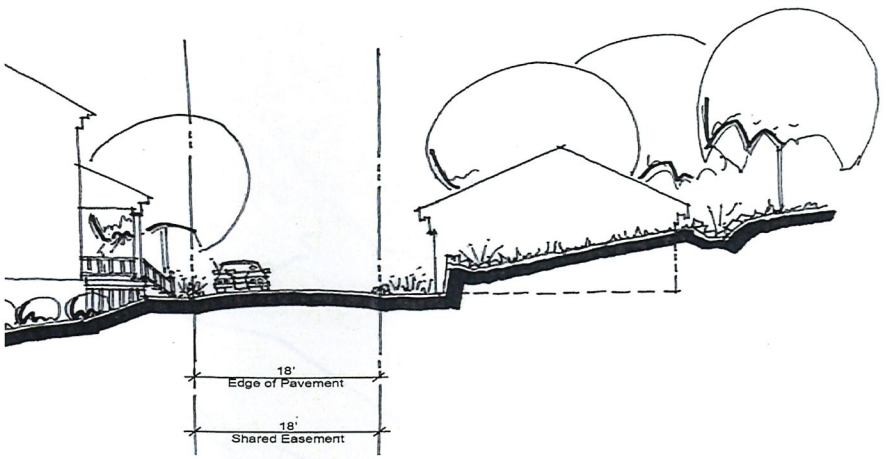
VILLAGE CENTER STREET



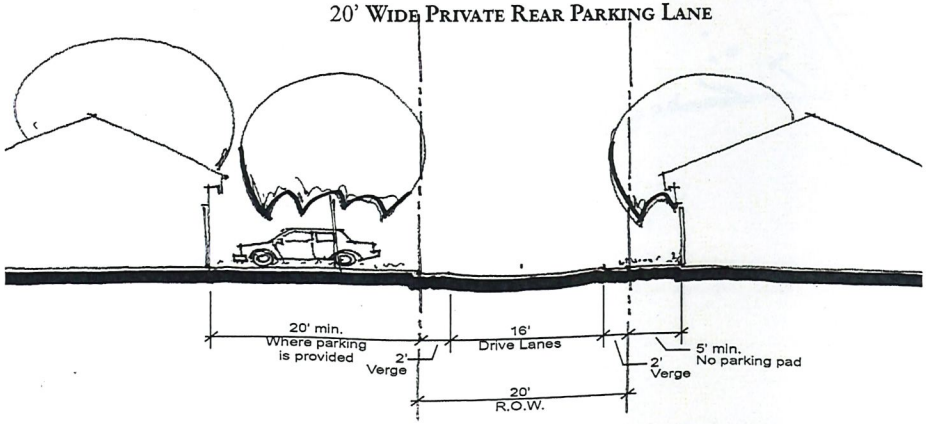
40' Neighborhood Street



18' Wide Private Lane



20' Wide Private Rear Parking Lane



Street Hierarchy Plan



Example Street Plan

Parking Areas

Rivers Pointe Estates will provide adequate parking for all uses within the development. Various types of on-street parking may be allowed to provide guest parking. On street parking may occur on either side of the street or on both sides. For multi-family, townhomes, commercial buildings and community facilities, on-street parking within the public right of way and/or on private streets will count toward the overall required parking count for the multi-family, townhome and/or commercial area. Off-street garage, carport and surface spaces shall count toward the minimum parking requirement for all uses. Parking requirements are as follows:

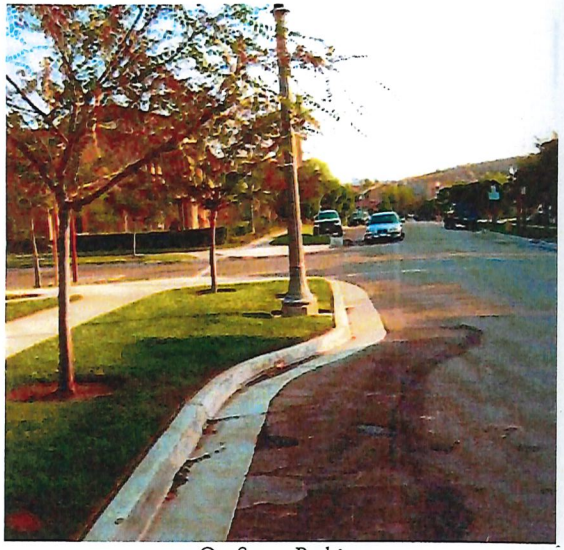
- Single Family Residential – minimum 2 spaces per unit (off-street) (Cabin Homes Exempt)
- Townhomes and Multi-family (efficiency & 1 bedroom) - 1.5 spaces per unit (on-street parking will count toward parking requirement)
- Townhomes and Multi-family (2 bedroom or more) - 2 spaces per unit (on-street parking will count toward parking requirement)
- Village Center Buildings (all commercial and retail) – 4 spaces per 1000 s.f. of commercial g.s.f.
- Restaurants– per zoning ordinance
- Community Facilities – To be determined upon Final Site Plan application. Grass over paver parking may be utilized.

Shared parking will be allowed for uses with different peak parking periods resulting in a reduced parking requirement for specific uses and less impact of impervious surfaces. For example, multi-family parking areas (night-time peak) may be utilized for nearby Village Center uses with day-time peak parking periods. A shared parking plan must be submitted with Final Site Plan/Preliminary Plat and approved by Boone County .

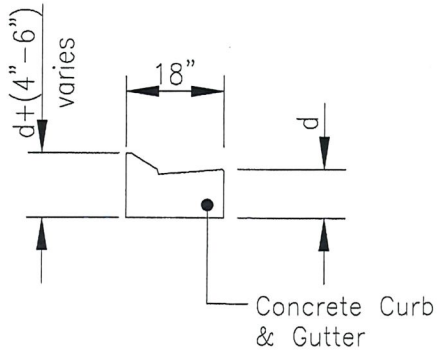
Loading Areas – The Village Center is intended for small scale neighborhood uses and tenants that do not require specific loading areas. These types of uses may be served from the front door or a side/rear service door and do not require a specific loading area as defined by the Boone County Zoning Ordinance. However, a loading area shall be provided at the rear of the General Store envisioned in the Village Center.

Structures & Buildings

See Planned Development Section, Pages 26 and 27.



On Street Parking



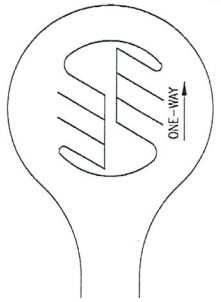
Curb Detail



On Street Parking



On Street Parking



Cul De Sac Parking

Utilities and Infrastructure

Open discussion has occurred throughout the planning process with the utility agencies that will serve the project. Based on these discussions adequate services are or will be in place to serve the proposed community. In order to create this special community, The development team will continue to work closely with all of the affected utility agencies to meet their needs through unique design solutions.

Domestic water will be provided by Boone County Water District. During the recent reconstruction of North Bend Road a tee in the water main was constructed into this community. All water main improvements within the community will be constructed to Boone County Water District standards and properly dedicated to them.

Sanitary sewer service will be provided by Sanitation District No. 1. Several options exist to provide this service. The applicant has been, and will continue to work closely with Sanitation District No. 1 to provide the best solution for the community. All sanitary sewer facilities within the community will be constructed to Sanitation District No. 1 standards and properly dedicated to them. Private sewer pumps flowing to SD1 gravity sanitary sewer mains may be used on individual lots.

In an effort to minimize grading and to preserve existing vegetation, there may be areas in which the utility easements may be less than 15 feet in width. These conditions will be identified during the Preliminary Plat phase and any exceptions will be worked out between the developer and the appropriate utility company.

Storm water infrastructure facilities within the community will be under the review of Boone County and Sanitation District No.1 where appropriate, and properly dedicated to them. The project design team has been exploring the use of innovative storm water BMP's (Best Management Practices) not currently provided within the applicable storm water regulations such as rain gardens, bio-swales, water quality basins, rain barrels or above ground cisterns, and porous pavements. In some cases downspouts may be connected to below grade storage or will be allowed to be piped to yards. The project design team plans to work closely with the Boone County and Sanitation District No. 1 technical staff to fulfill necessary requirements and possibly integrate these new techniques. With this in mind, there may be storm water details and construction methods that, by design, will include the ponding of water for extended periods of time or instances when the theoretical post-development peak runoff exceeds the pre-development peak. With the close proximity of the Ohio River, and its hydraulic capacity, the storm water will be designed with greater post development release rates in order to limit onsite storm water storage volumes thereby reducing clearing areas and saving existing vegetaion.

In addition, considering the natural topography and the idea of minimal disturbance, the typical sections and subsequent Site/Improvement Plan details may call for grading at the limits of, and, beyond the right-of-way to vary from conventional design such as increased slopes (up to 2.5:1) or, based on sound geotechnical input, tying in to steeper natural slopes and use of retaining walls or other accessory structures. The cross slope of the streets will be 3/8"/ft unless approved as otherwise. Narrow gutter pan sections will be constructed to increase the rural feel.

The applicant is very interested in pursuing the benefits of wind energy for the community. Based on the clean nature of this energy, the continuing advances in this technology and the long term nature of this project, the applicant is proposing two wind turbines, with an approximate tower height of 60 feet, to be located as depicted on the Regulating Plan.



Vertical Curb with Drive Apron



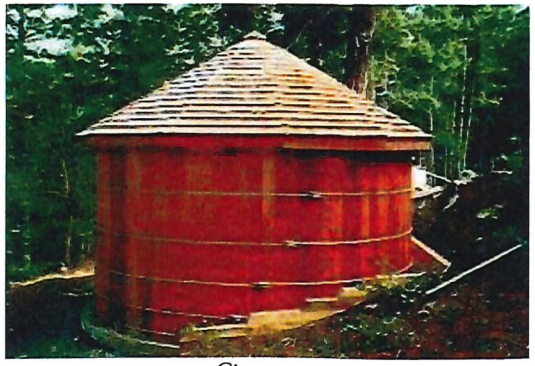
Wind Turbine



Landscaped Island with Narrow Gutter Pan



Bio-Swales



Cisterns



Narrow Streets with Minimal Grading



Denotes possible storm water detention basin location

Relationship of Proposed Zone Change with Comprehensive Plan

The Rivers Pointe Estates Planned Development has been designed in conformance with the goals and objectives of the 2005 Boone County Comprehensive Plan. Specifically, the neighborhood is consistent with the Overall goals and objectives by combining a mix of residential and compatible commercial uses and proper design principles to promote a high quality of life for the community. Rivers Pointe Estates has been designed to promote the health and well-being of its residents by encouraging physical activity, alternate transportation, and greater social interaction. The project is served by adequate infrastructure, both existing, and as part of the planned improvements. The project strives to achieve a diversity and balance in land use by providing neighborhood scale commercial uses to serve the immediate community. Innovative development and design methods have been proposed to create a high quality, unique, aging-in-place community for Boone County.

Population

Rivers Pointe Estates offers Boone County the opportunity for orderly population growth that is balanced and fair. The plan calls for a wide range of residential uses and offers flexibility to respond to market demand over time. Rivers Pointe Estates is designed to be walkable and safe with recreational amenities for all ages. The range of uses, diversity and flexibility offers Boone County opportunities for housing a broad socio-economic population at Rivers Pointe Estates.

Environment

Consistent with the Environment Element of the Comprehensive Plan, Rivers Pointe Estates has been designed to protect the unique physical assets of the site, while offering an enhanced social environment where residents share a sense of pride and community. Combining conservation of the physical environment with social connectivity creates a strong sense of place and a high quality of life.

Rivers Pointe Estates has been designed to minimize impacts on the unique physical characteristics of the site. The streets have been carefully located to minimize grading and clearing and residential uses have been located to optimize preservation of established wooded areas of the site. Higher intensity uses have been specifically located in areas of little or no vegetation.

Wooded areas and creeks will be maintained in their natural states to the extent practicable with opportunities for nature trails and wildlife habitats. Storm water runoff will be controlled as to prevent flooding and erosion of the site and areas downstream of the site. The Homeowner's Association will work closely with the Kentucky Department of Forestry to properly manage the woodlands and eradicate invasive species.



River Views and Overlook Parks



Creek Preservation

Economy

Rivers Pointe Estates fulfills multiple economic objectives of the Boone County Comprehensive Plan. The Village Center offers opportunities for employment of its residents through retail, restaurant and office uses. Portions of the site may be maintained for agricultural uses such as vineyards, orchards or livestock. Energy conservation is promoted through encouraging walking and bicycling to amenities and the Village Center. Alternative energy sources may be provided through wind turbines generating power for the community and/or for individual homes. High speed fiber-optic internet to Rivers Pointe Estates will offer residents the opportunity for home occupation and telecommuting.



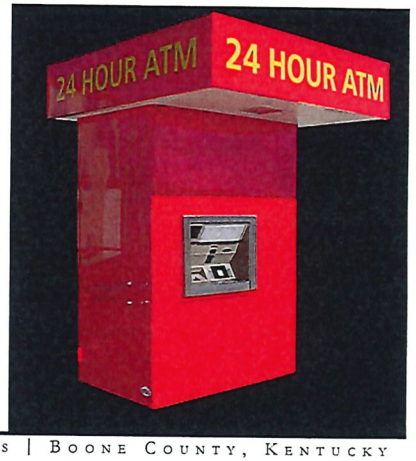
Commercial Village Center

Business Activity

The Village Center at Rivers Pointe Estates is appropriately located and designed to be compatible with the development, the architecture and the surrounding community. Based on a traditional village pattern, the Village Center is compact and efficient and is appropriately integrated with higher density residential uses through pedestrian friendly sidewalks and streetscapes. The Village Center will enhance the neighborhood and the surrounding community by providing convenient, high quality neighborhood scaled commercial uses as an amenity. Specific design standards for architecture, signage and landscaping will provide consistency in quality and character and will be implemented though architectural design review by the developer and ultimately by a Retail Owners Association.



Village Center Business Activity



Housing

Rivers Pointe Estates offers a wide range of housing opportunities with varying sizes, types and affordability. This diversity in housing options will attract all types of residents from singles to families to empty nester and retirees, allowing residents to "age-in-place" as their housing needs change. Adequate infrastructure will be provided to properly serve the residents. While site constraints minimize connectivity to adjacent neighborhoods, the community is designed with multiple access points and inter-connectivity. The mixed-use Village Center offers residents an amenity within walking distance of their homes and is appropriately located relative to existing infrastructure. Higher density housing is located near the Village Center offering a critical mass of residents to help support commercial uses. In order to preserve green space, wooded areas, slopes and other significant site features, the housing at Rivers Pointe Estates has been clustered into neighborhoods of increased net density. Public infrastructure, street capacity, services and public schools (existing and planned) are adequate to support the planned housing at Rivers Pointe Estates.



Town Homes



Landominium



Multi-Family



Condominiums



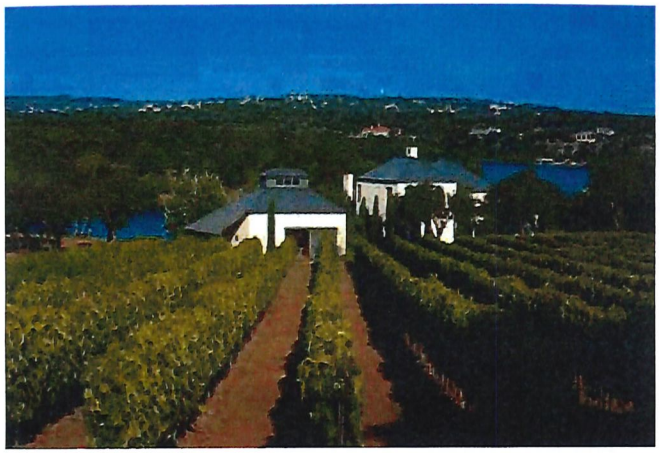
Single Family



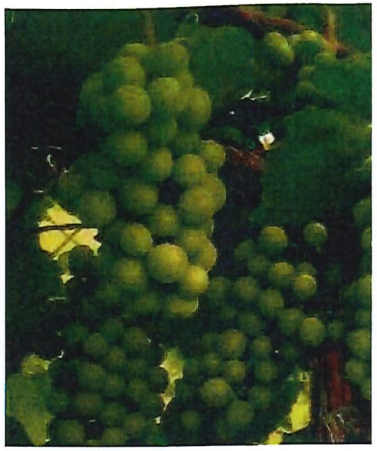
Landominium

Agriculture

Rivers Pointe Estates offers the opportunity to appropriately co-mingle agricultural uses with a mixed-use, residential community. Portions of the site may be grazed with livestock continuing a long tradition of local farming. Locally grown food crops including vineyards and orchards may be implemented along areas of slopes where existing vegetation is limited, and near the Village Center. The Village Center offers the potential to sell locally grown crops at a neighborhood country store. When appropriate, individual lots may be permitted the opportunity to cultivate vegetables in small on-site gardens and architectural greenhouses connected to their residence.



Vineyard



Locally Grown Produce



Greenhouses



Orchards

Transportation

Consistent with the Transportation Element of the Boone County Comprehensive Plan, Rivers Pointe Estates has been designed so that residential, retail and office uses may be served by bus. This mixed use, higher density area is designed to accommodate safe pedestrian access to potential mass transit at the Village Center along North Bend Road. The Village Center will act as a community focal point and commercial node supporting the objective of transit corridors attracting new economic development. The Transit Authority of Northern Kentucky (TANK) services North Bend Road (KY 237) from the newly completed Park and Ride with the Hebron Express (Route 29X). The developer will continue to work closely with TANK to determine if a bus stop at Rivers Pointe Estates is warranted and desirable.

Vehicular, pedestrian and bicycle connectivity from Rivers Pointe Estates to North Bend Road has been incorporated and designed to facilitate walking and bicycling. An 8 foot wide pedestrian and bicycle trail will parallel the main access road through the community connecting residents from the ridge overlooking the River into the Village Center. This trail will be separated from the roadway for safety and may wander through natural areas along the way. Wide sidewalks from the Village Center will connect pedestrians to the newly constructed KDOT multi-purpose path along North Bend Road.

Rivers Pointe Estates' emphasis on creating safe, pedestrian oriented streets will encourage more people to walk, bike and potentially commute on the Hebron Express, contributing to a healthier community, reducing fuel consumption and reducing auto congestion.



Bus Stop

Land Use Element

As stated in the Comprehensive Plan, the Goals and Objectives for the preceeding elements of the Comprehensive Plan also constitute the Goals and Objectives of the Land Use Element. In addition, the Land Use Element outlines general Future Land Use Development Guidelines and provides a Future Land Use Map as one tool to guide zoning decisions.

Rivers Pointe Estates has been designed with both the Development Guidelines and Future Land Use Map in mind. To the extent practicable, the Concept Development Plan for Rivers Pointe Estates is consistent with each of the Development Guidelines:

Utilization of Existing Vegetation and Topography - The project team has carefully assessed the existing site features and has identified useful attributes and features that should be preserved including existing water courses and wooded areas. These elements have been incorporated to provide the community with unique recreational opportunities and places to explore.

Development Layout, Lot Sizes and Setbacks – As described in the Comprehensive Plan's Goals and Objectives, a wide variety of home types, lot sizes and price points will be provided at Rivers Pointe Estates and appropriate infrastructure currently exists in the area and will be supplemented to serve the Rivers Pointe Estates community. The Village Center is designed for a mix of uses including small scale, neighborhood friendly commercial uses and residential ingredients integrated seamlessly, and reminiscent of historic Mid-West villages. Pedestrian amenities and green space will be provided along Rivers Pointe Boulevard and Rivers Pointe Drive connecting the Village Center to the River overlook. The Village Green is the focal point of the Village Center providing a community gathering space that is highly visible from North Bend Road (KY237). Arrival to the community is marked by distinct architecture, landscaping and fencing and subtle signage announcing Rivers Pointe Estates.

Buffering and Landscaping – Rivers Pointe Estates has been designed with appropriate buffering between areas of higher density housing and adjacent neighboring single-family homes. Areas of existing woods will be preserved to maintain adequate buffering in places, while supplemental landscaping will be provided in other places. Rivers Pointe Estates will incorporate high quality landscaping throughout the community. Landscaping may vary from natural preserved wooded areas to more formal streetscapes. Where practicable, existing trees will be preserved both in common open spaces and on individual lots. The Village Center will be adequately landscaped in order to create an attractive streetscape along North Bend Road and an impressive entryway into Rivers Pointe Estates.

Stormwater Management and Erosion Control – Innovative methods of reducing stormwater runoff will be explored and utilized at Rivers Pointe Estates. For example, narrower street sections and pervious surfaces will minimize runoff and will help preserve natural areas for infiltration. The developers will work with Boone County to establish appropriate stormwater management techniques to minimize the impact on natural features and to mitigate erosion.

Access Management, Transportation and Pedestrian Network – Careful attention has been used in the design of the street network providing multiple access points for emergency vehicles and traffic dispersion. The majority of the streets at Rivers Pointe Estates will be dedicated as public right-of-way. The Village Center mixed-use area creates an opportunity for enhanced transit service for Rivers Pointe Estates and the surrounding community. Pedestrian connectivity will be provided throughout the community including sidewalks, trails and multi-purpose bike/pedestrian paths. The character of the community, traffic calming methods, pedestrian friendly streetscapes, community amenities and the neighborhood commercial of the Village Center will all encourage residents of Rivers Pointe Estates to leave their cars at home and utilize the extensive pedestrian network.

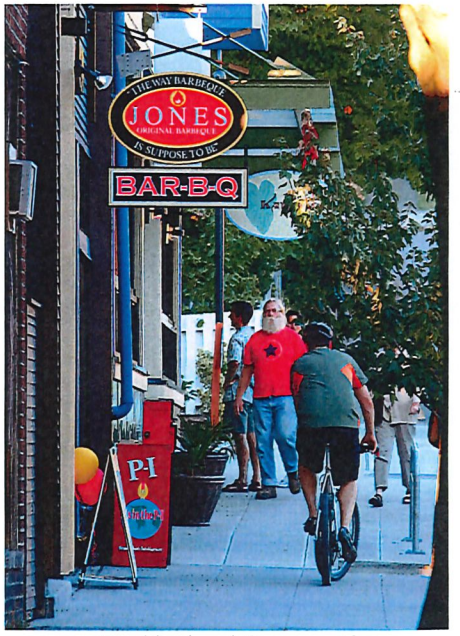
Design, Signs and Historic Preservation – Rivers Pointe Estates is envisioned to mimic Mid-West villages and hamlets through its traditional and agrarian architecture, its highly crafted signage and its unique streetscape, hardscape and landscape design throughout. Front porches, stoops, soft intersections, flush ribbon curbs, custom bollards and railings, fencing, walls, other unique elements will set Rivers Pointe Estates apart from other communities in Boone County. A marker announcing Historic Francisville is proposed along North Bend Road to acknowledge the history of this formerly rural agricultural community.

Future Land Use Map – The Boone County Future Land Use Map places the Rivers Pointe Estates site in Area 17 – North Hebron Area. The site includes several land use categories including High Suburban Density Residential (HSD), Suburban Residential (SR) and Developmentally Sensitive (DS). The plan for Rivers Pointe Estates generally follows the Future Land Use Map guidance by providing a variety of housing options, diversity in neighborhood character and a broad market appeal through clusters of higher density and lower density along with very low density development and preservation in areas of sensitive topographic areas and water courses. While not specifically identified on the Future Land Use Map, the small neighborhood scaled commercial area achieves many of the goals and objectives of the Comprehensive Plan by providing, within walking distance of the homes, opportunities to shop, eat and work all in the same community.

Area 17 specifically calls for clustering development along the ridgetops and preserving stream valleys as green belts. The Rivers Pointe Estates plan does just this and has specifically located potential product type to respond to the natural assets of the site. The stream valley is left undisturbed, where possible, providing open space for the community, buffering between adjacent neighborhoods and passive recreation. A bluffline common area is retained and will be owned by the Association in order to protect vegetation along the Ohio River bluff. In addition, the Comprehensive Plan discusses the recent improvements along North Bend Road (KY 237) as critical to serve the anticipated growth in this area. These improvements have been recently completed and took into account up to 1,000 new residential units at Rivers Pointe Estates.



Streetscapes

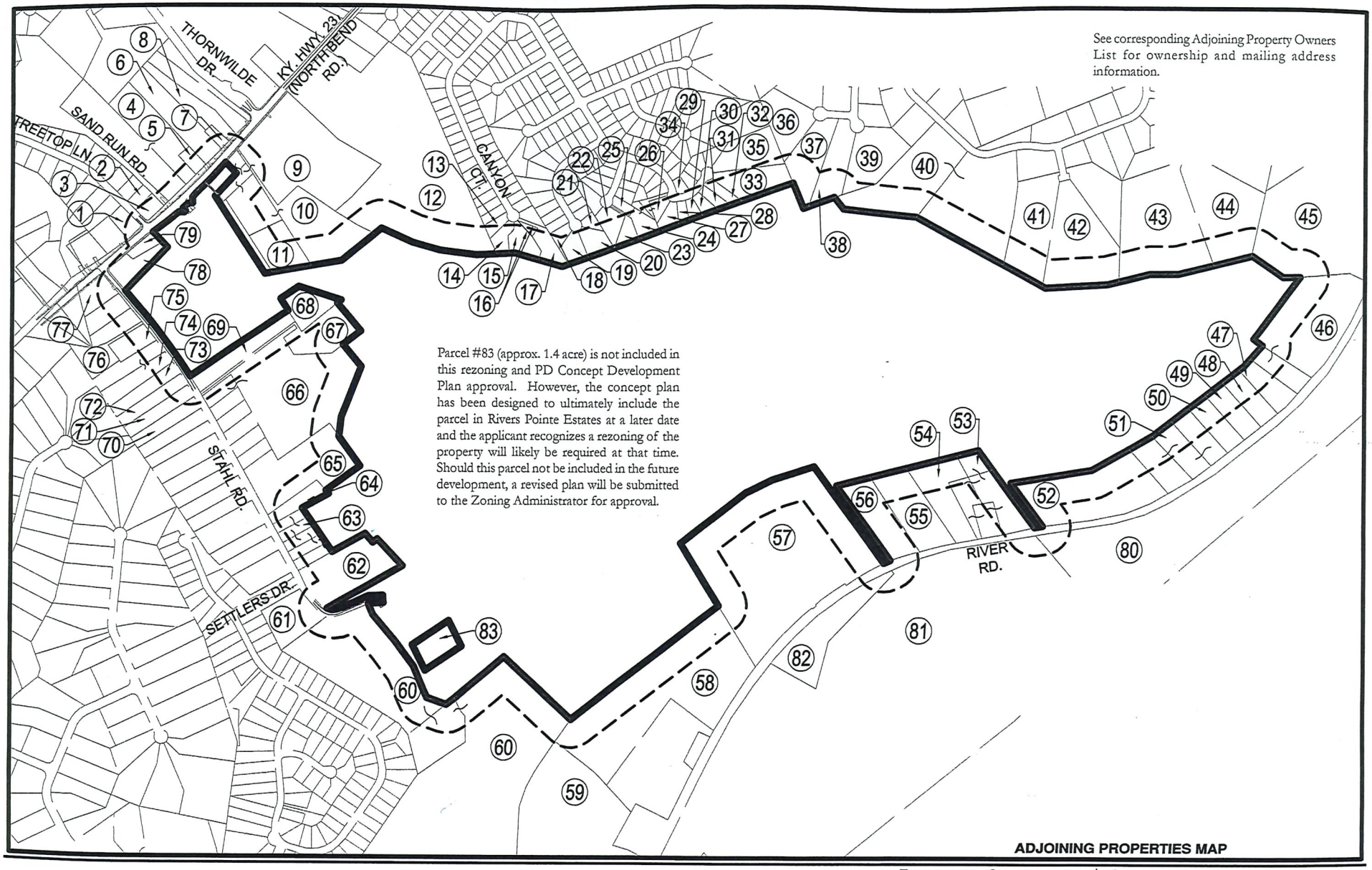


Neighborhood Commercial



The Illustrative Master Plan above is an example of how Rivers Pointe Estates may be developed. Specific locations of product types shall remain flexible and shall conform to the regulating plan herein.

AREA MAP


See corresponding Adjoining Property Owners List for ownership and mailing address information.
Parcel #83 (approx. 1.4 acre) is not included in this rezoning and PD Concept Development Plan approval. However, the concept plan has been designed to ultimately include the parcel in Rivers Pointe Estates at a later date and the applicant recognizes a rezoning of the property will likely be required at that time. Should this parcel not be included in the future development, a revised plan will be submitted to the Zoning Administrator for approval.
THORNWILDE DR.
KY. HWY. 237 (NORTH BEND RD.)
SAND RUN RD.
TREETOP LN.
CANYON CT.
STAHL RD.
SETTLERS DR.
RIVER RD.
ADJOINING PROPERTIES MAP

Geotechnical Study

The map to the below provides the soils classifications for the project vicinity. All improvements for this community will be constructed per Boone County requirements and sound engineering and construction practices.. When necessary, the assistance of a project geotechnical engineer will be sought to insure safe and long lasting infrastructure.



Soil Survey Map for Boone County Kentucky, United State Department of Agriculture, Soil Conservation Service.



Cabin Home



Condominium



Large Single Family



Multi-Family



Small Single Family

Residential Units

All residential uses shall be classified per the PD Overlay design guideline typologies and shall be subject to bulk regulations herein in lieu of Table 31.1 and sections 3159 and 3161 of the Boone County Zoning Regulations. Landominiums shall be classified as Large Single Family Lots, Small Single Family Lots or Townhomes. For Landominiums, lot lines as illustrated in the design guidelines shall be implicit rather than actual property lines in order to establish the spacing of homes along the street and setback from the street. The minimum size of specific internal districts shall not be regulated as the Regulating Plan identifies areas within Rivers Pointe Estates where each residential use/type is allowed.

The PD regulates form rather than maximum internal net densities. Density for specific sub-areas of Rivers Pointe Estates will be limited by lot size, heights and building placement for each residential typology. The overall maximum number of residential units within Rivers Pointe Estates shall be 864 units. Due to the size of the project, the projected timeframe for completion and the ever-changing market, the PD allows for some flexibility with the type and location of residential units. The Rivers Pointe Estates Regulating Plan identifies sub-areas of the community and the allowable residential types for each sub-area. Density will vary from sub-area to sub-area depending on the product ultimately developed in each.

The residences at Rivers Pointe Estates are envisioned to be of a scale and character that is compatible with a traditional village. Single family residential units may range from small 1-story cottages, cabin homes and landominiums to estate homes on large lots.

Single family units will be a minimum of 1000 g.s.f., Townhomes units will be a minimum of 800 g.s.f. and Multi-family units will be a minimum of 550 g.s.f. Generally, residential buildings will range from 1 to 3 stories in height and one small area of the project may include multi-family up to 5 stories. See the Rivers Pointe Estates PD Design Guidelines for specific bulk regulations (setbacks, heights, etc.) for each residential building type.

Accessory structures shall meet the regulations as prescribed in the Zoning Ordinance, with the exception that detached garages with finished spaces above and/or below should not exceed 1,300 s.f. on the main floor. Residential scale attached greenhouses and English gardens shall be permitted on individual single-family lots.

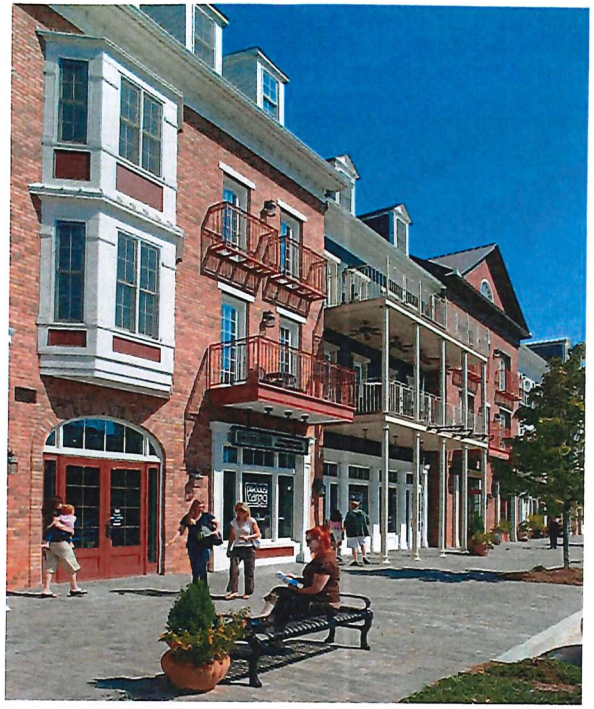
Rivers Pointe Estates is in unincorporated Boone County and shall allow front yard and corner side yard decorative fencing and walls in residential areas per Section 3655 of the Boone County Zoning Ordinance.



Commercial Building Example



Community Building Example



Mixed Use Example



Commercial Building Example

Non-Residential Buildings

Rivers Pointe Estates offers the opportunity for a small Village Center near North Bend Road (Hwy 237) and the site's main entry consisting of neighborhood-scale commercial and mixed-use buildings one to three stories in height. Village Center buildings will offer ground floor commercial or office uses with storefronts and upper floors may be commercial, office, residential or community uses.

All non-residential/commercial uses shall be classified as Village Center Buildings per the PD Overlay design guideline and shall be subject to bulk regulations herein in lieu of Table 31.1 of the Boone County Zoning Regulations. The size of the Village Center is controlled by the Regulating Plan.

Together the Village Center (commercial/mixed use) buildings will be limited to a total of 23,000 g.s.f. of commercial space. Commercial tenants shall be limited to a maximum of 10,000 g.s.f. of commercial space. Residential units above commercial shall not count toward the allowable commercial g.s.f.. However, residential units above commercial uses in the Village Center shall count toward the overall maximum allowable number of residential units for the development.

Permanent and Seasonal outdoor storage for display purposes may be allowed on hard surfaces in the front, side or rear of the building, which may include sidewalks, porches, concrete pads and parking areas so as long as those parking spaces are in excess of those required to meet the minumum standards prescribed herein. Specific locations for such storage and display areas will be determined during the final site plan phase.

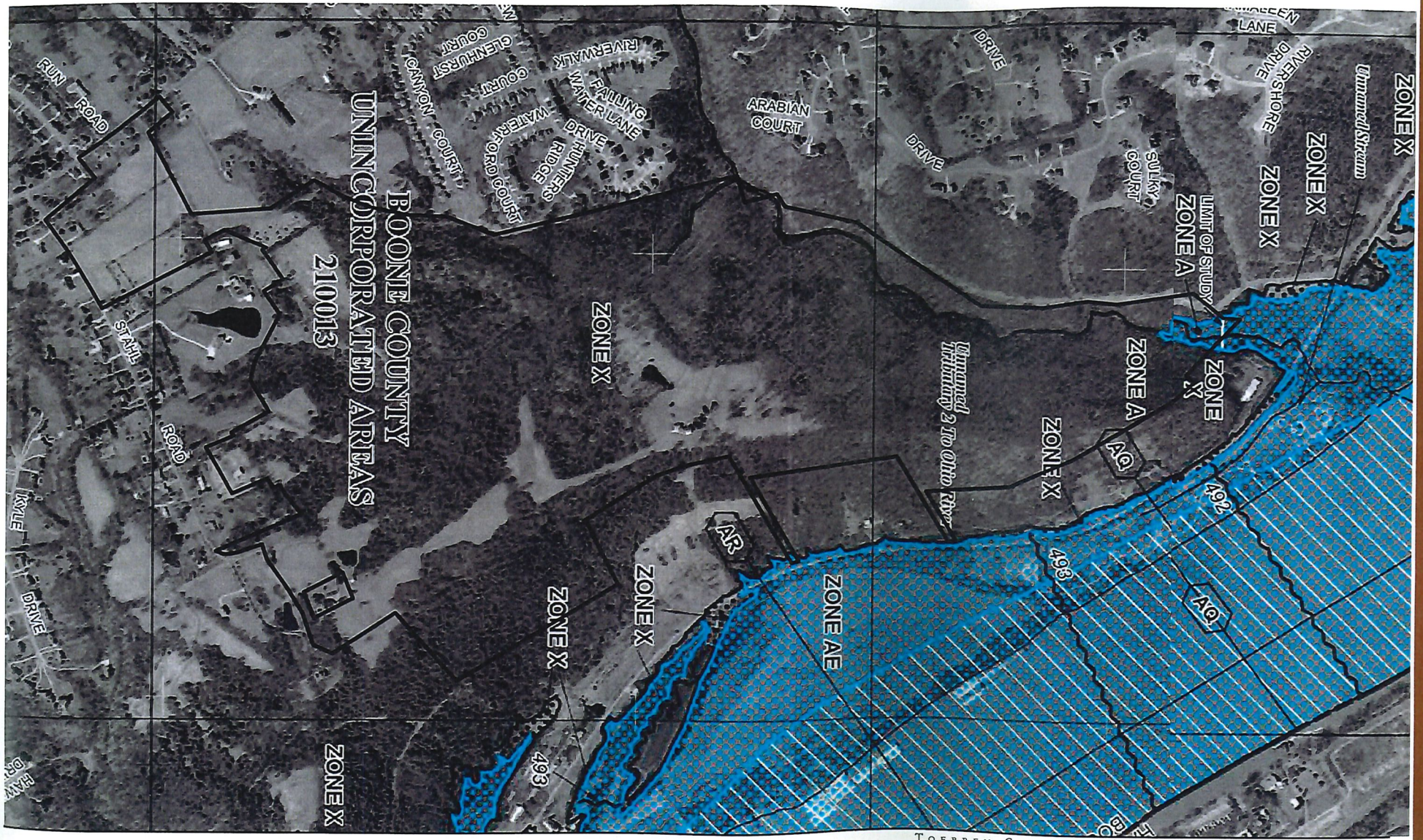
Community facilities such as club houses, cabanas, pool houses and other amenities will be of a consistent architectural theme and will be designed to fit in to the community in various locations.



Outdoor Storage and Display

Areas of Flooding

The property is generally located on a plateau above a bluff overlooking the Ohio River. A valley flows from the southern portion of the site in a northerly direction until the flow reaches the Ohio River. A very small portion on the northern end of the site experiences backflow from the River as it reaches 100 year flood stage. The creek that flows northerly through the site will be analyzed to determine the depth of flow for 100 year storm events. Any improvements constructed in this vicinity of the site will be checked for flood elevations and designed properly.



Availability of Community Facilities

Education

1. Northpointe Elementary School is a public school approximately 1 mile Northwest of Rivers Pointe Estates. This school offers classes for children in kindergarten through fifth grade. The current enrollment is approximately 1000 students.
2. Immaculate Heart of Mary is a parochial school approximately 6 miles South of Rivers Pointe Estates. This school offers classes for children in preschool through eighth grade. The current enrollment is approximately 700 students.
3. Conner Middle School is a public middle school approximately 4 miles Southeast of Rivers Pointe Estates. This school offers classes for children in sixth through ninth grades. The current enrollment is approximately 900 students.
4. Conner High School is a public high school approximately 4 miles Southeast of Rivers Pointe Estates. This school offers classes for children in tenth through twelfth grades. The current enrollment is approximately 1200 students.
5. The Boone County School District has purchased 17 acres of land located approximately 1 mile Southeast of Rivers Pointe Estates for the proposed Thornwilde Elementary School.

The planning and development team has met with Boone County school officials to discuss the progress of the community.

Libraries

The Lents Branch of the Public Library is located approximately 4 miles Southeast of Rivers Pointe Estates, near the campus of Conner Middle and High Schools. Boone County Public Library has recently aquired 48 acres of land located approximately 3/4 mile Southeast of Rivers Pointe Estates.

Churches

The Hebron and Burlington areas have numerous churches to choose from in many denominations, all within a six mile radius.

Recreational Facilities

1. The residents of Rivers Pointe Estates will not only benefit from the spectacular river views provided in their own development, but they will also enjoy the Rivershore Sports Complex, Giles-Conrad Park and Valley Orchards, what are all located in close proximity to the Rivers Pointe Estates community.
2. Rivers Pointe Estates residents will have easy access to the Traditions Golf Course, which is located approximately 2 miles West, The Creation Museum, which is located approximately 4 miles West and also the Boone County Fairgrounds, which is located approximately 6 miles South of Rivers Pointe.

Fire Protection

Rivers Pointe Estates is located within 2 miles of the nearest fire station and within 4 miles of another. The planning and development team has met with officials of the Hebron Fire Protection District to address any fire protection issues.











Traditions Golf Course



April 27, 2010

Boone County Planning Commission
2950 Washington Street
Room 317/P.O. Box 958
Burlington, KY 41005-8536

TRACY CROSS & ASSOCIATES, INC.

Dear Boone County Planning Commission:

In August 2009, Tracy Cross & Associates, Inc. conducted a comprehensive feasibility analysis to determine the market potential for mixed-use development within Toebben Companies' *River's Pointe Estates* property in Hebron, Boone County, Kentucky. This independent evaluation encompassed: 1) a thorough review of all pertinent economic, demographic and residential market information in the greater Cincinnati/Northern Kentucky metropolitan area and Boone County in particular; 2) an analysis of the market and the property; and 3) several weeks of "on the ground" investigative research including residential development surveys and numerous interviews with local developers, homebuilders, real estate professionals and government officials. It then concluded with a presentation of findings and a written report providing specific product and planning guidelines. A brief summary of our recommendations is provided below:

- Given the subject property's location and the underlying currents of demand, the site is best suited for residential development. In other words, River's Pointe Estates should consist primarily of new construction housing alternatives with only a modest amount of retail/commercial uses.
- Residential product forms should be wide and varied in order to appeal to a broad range of consumer segments. In fact, because of the finite level of demand in Boone County for the foreseeable future, and a rocky road to economic recovery, product diversification and product flexibility are critical to the community's success.
- A mix of both attached and detached for sale product, as well as a for rent alternative, is most appropriate.
- Commercial/retail uses within the site should be limited to a modest amount of population serving venues only. In this regard, the commercial/retail portion of the development should be viewed as an amenity providing convenience and personal service support for the community and nearby residents.

While these conclusions and recommendations resulted from our detailed analysis for the localized market, some of the guidelines were formulated on the basis of our firm's extensive experience throughout the country. Tracy Cross & Associates, Inc. is a nationally recognized real estate consulting and market research firm. Since 1979, our company has been helping municipalities, developers, homebuilders and their financial partners set guidelines for successful residential and mixed-use developments nationwide. We understand how important it is to have accurate, precise information about market conditions, especially in today's environment. Tracy Cross & Associates, Inc. operates in markets across the U.S., and has a client list that includes many of the nation's most prominent developers. Our firm is capable of penetrating any market area in the country to determine an existing or proposed development's potential and how to effectively bring product to market. We serve our clients by providing information critical to the development team's understanding of the consumer and the forces at work in the competitive environment -- insights that enable our clients to clearly define a precise position in the marketplace, providing a focus for the entire development effort.

Respectfully submitted,

TRACY CROSS & ASSOCIATES, INC.

Erik A. Doersching
Executive Vice President and Managing Partner

EAD/mct

Schedule/Phasing/Construction

A professional market analysis was performed for the project. Tracy Cross and Associates prepared the letter to the left. While the community of Rivers Pointe Estates already has the necessary infrastructure in place to begin developing, a severe recession in the housing market may delay the initial start-up for some time. The community is expected to be developed over a 25 to 30 year time frame herein justifying the need for flexibility and diversity. Construction will begin at the main entrance and continue to the north in small phases.

As the project begins to take shape a welcome center and sales center will be incorporated into the community and may be temporary mobile units or temporarily housed in residential or commercial units.

Temporary buildings are permitted for use only during the construction of the permanent buildings, streets, utilities and driveways and are to be kept to the minimum necessary to complete the work. The temporary buildings may be used only for construction offices, security offices, leasing, sales, or information offices, storage of tools and equipment and restroom facilities.

Construction signs will give information regarding a site (lot, building or unit) and its current stage of development. Temporary signs shall be of post and panel construction with the base of the sign not to exceed six (6) inches above natural ground. The height shall not exceed ten (10) feet and the maximum width of eight (8) feet. One sign shall be allowed for each housing area within the community and at all main entries to the community. Two signs for corner properties. Site developer/contractor signs on the office/construction trailers will be a banner style that is 3' tall and 10' long maximum.

Detailed Traffic Study

See Rivers Pointe Estates Traffic Study, which is a separate document.

Compliance with Article 15 (PD)

Section 1514 of the Boone County Zoning Ordinance states that Concept Development Plan proposals in a Planned Development shall be primarily evaluated against eleven criteria and shall fulfill such criteria unless a portion of the criteria does not apply or relate, in whole or part, to a specific proposal. Applicable requirements and standards of Article 15 (Planned Development District – PD) have been satisfied with this rezoning application.

Mixed Use Development and Pedestrian Orientation

Rivers Pointe Estates has been designed to provide a wide range of residential uses including multi-family, townhomes and varying types and sizes of single-family homes along with neighborhood scaled commercial uses in the Village Center. The uses are intended to be fully integrated whereas aesthetic character and quality is maintained throughout the community.

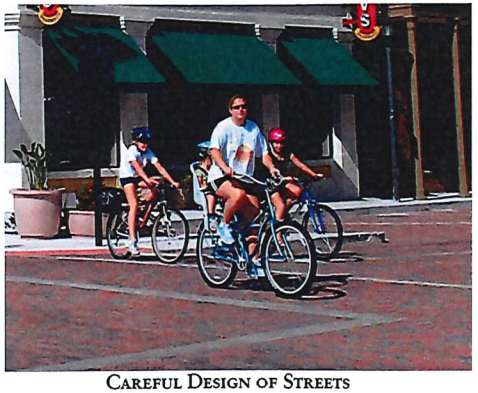
The seamless integration of uses along with the careful design of streets and open spaces creates a pedestrian oriented environment where residents may choose walking and bicycling over their automobile. Residents may walk to the neighborhood businesses, community amenities and perhaps even walk to work. A continuous wide multi-purpose path will parallel the main street connecting the Village Center to the ridge overlooking the Ohio River with multiple parks and open spaces along the way. The streets have been designed to calm traffic with narrow travel lanes, street trees, occasional on-street parking and sidewalks. Pedestrian scaled lighting, occasional resting areas and sitting walls will create a comfortable and safe environment throughout the pedestrian network of sidewalks, trails and multi-purpose paths.



Pedestrian Orientation



Mixed Use



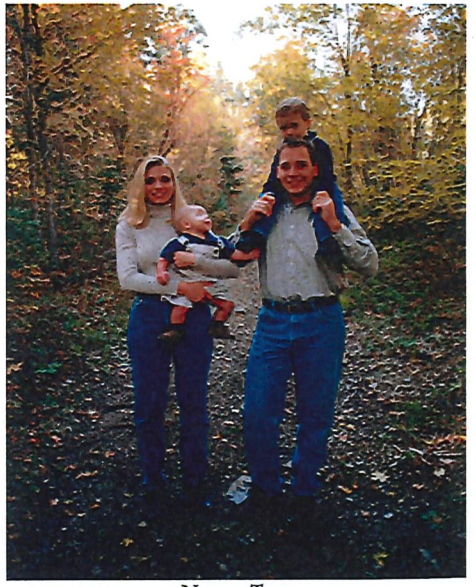
Careful Design of Streets



Bike Paths



Sidewalks



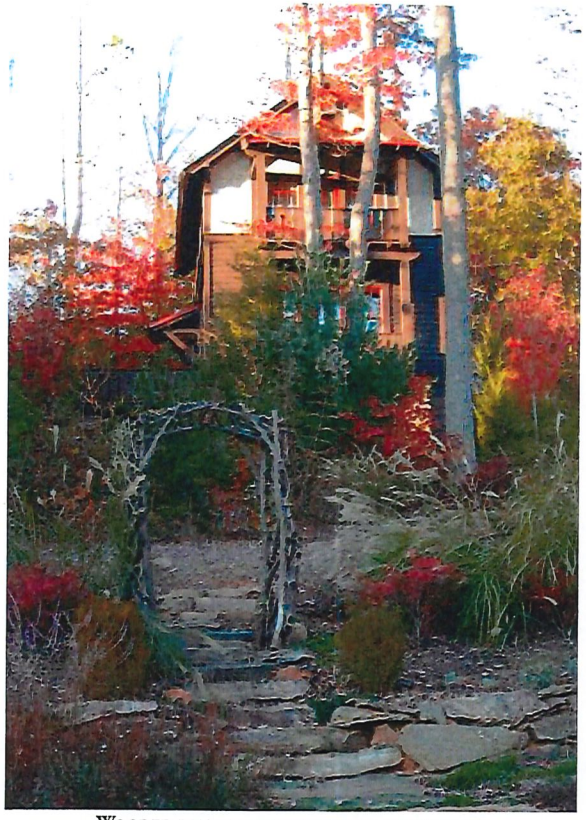
NatureTrails

Compatibility of Uses

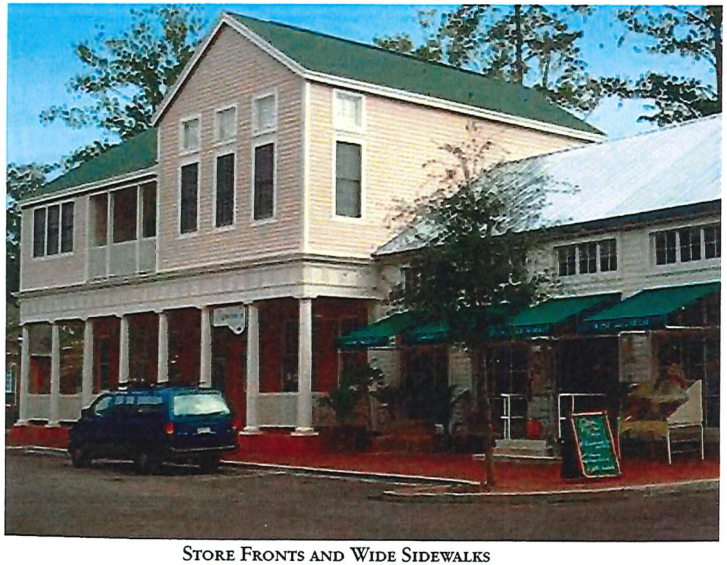
Rivers Pointe Estates has been designed to fit in with the rural and residential character of Boone County and Hebron. Along Highway 237, the Village Center has been designed to emulate historic rural hamlets found throughout Northern Kentucky and the mid-west. Buildings are placed near the streets with storefronts and wide sidewalks organized around the Village Green. This pedestrian-oriented environment will become a focal point for the area and a community amenity and gathering space for area residents.

The seamless integration of uses, of architectural character and quality and of landscaping and pedestrian orientation will be developed in such a way that mitigates the need for internal buffers. Complimentary building design will create streetscapes with subtle transitions between building types. This careful integration and seamlessness creates a sense of community reminiscent of historic towns and villages.

Rivers Pointe Estates is surrounded by single-family uses with varying lot sizes. Along the perimeter of the development, many areas will remain wooded providing adequate visual separation from neighboring homes. However, where the natural buffer is insufficient or does not exist, the PD proposes specific buffers in areas adjacent to nearby single-family homes (See Landscape/Buffer Plan).



WOODED LOTS TO PROVIDE VISUAL SEPARATION



STORE FRONTS AND WIDE SIDEWALKS



RURAL CHARACTER

Open Space

Rivers Pointe Estates will provide over 67 acres of open space representing approximately 20% of the total land area. The open spaces will create a wide variety of experiences. Wooded areas, water courses and preserved slopes will provide a natural respite for residents to discover and explore. Neighborhood parks of varying sizes and uses are located throughout the community. The Village Green will be the community "common" offering opportunities for events, festivals and concerts.



Village Green



Neighborhood Parks



Passive Open Space



Wooded Areas

Multi-Modal Transportation System

Rivers Pointe Estates is designed as a multi-modal community that encourages both walking and bicycling. Miles of sidewalks and trails will offer residents the opportunity to safely walk or bike to the Village Center for neighborhood commercial conveniences and to open spaces and amenities throughout the community.

The Village Center at Rivers Pointe Estates is an ideal location for a public transit stop. The Transit Authority of Northern Kentucky (TANK) services North Bend Road (KY 237) with the Hebron Express (Route 29X). The developer will continue to work closely with TANK to determine if a bus stop at Rivers Pointe Estates is warranted and desirable at some stage of the development.

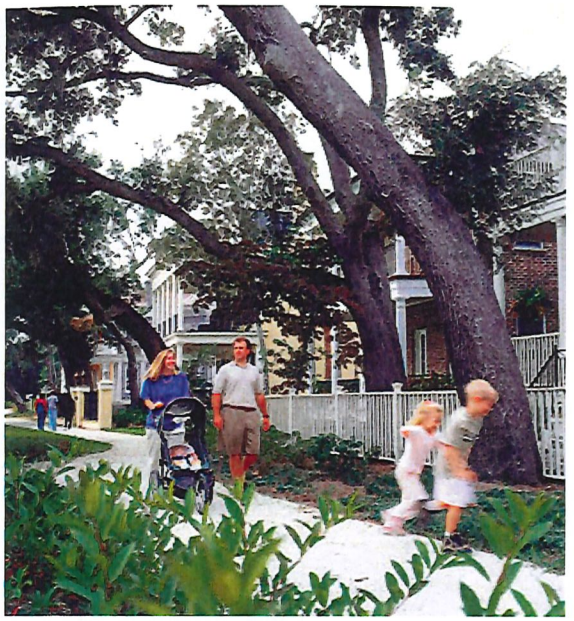


Bus Stop



Designed to encourage walking or bicycling





Miles of sidewalks and trails



Pedestrian Friendly Design

Preservation of Existing Site Features

Rivers Pointe Estates has been carefully designed to minimize the impact of development on the natural assets of the site to the extent practicable. Most of the existing water courses will be maintained in their natural state, steep slopes will be protected and many wooded areas will be preserved. Where development occurs in naturally sensitive areas, special care has been taken to minimize disruption. Street sections have been specifically designed to minimize clearing and to preserve the natural slopes and vegetation offering unique secluded enclaves nestled in the woods. Ridge top development is screened by existing vegetation along the slope which will be owned and maintained by the Home Owners Association. Views to the Ohio River are optimized from both homes and community outlooks.

The river and it's view connection are an integral part of the spirit of the community. Varying types of buildings and architecture are carefully positioned on the tops of hillsides to provide an aesthetic, timeless picture frame. At the river hillside several public overlooks and recreation areas are provided for all to enjoy. The community is preserving a vast area of the river slope and continuing the historical hillside agriculture practices once so popular in this area.

All identified open/green space, unless accepted by a governmental agency, will be conveyed to a homeowners association, the condominium regime, or subjected to a preservation easement.



Natural Creeksides



Preserved Vegetation

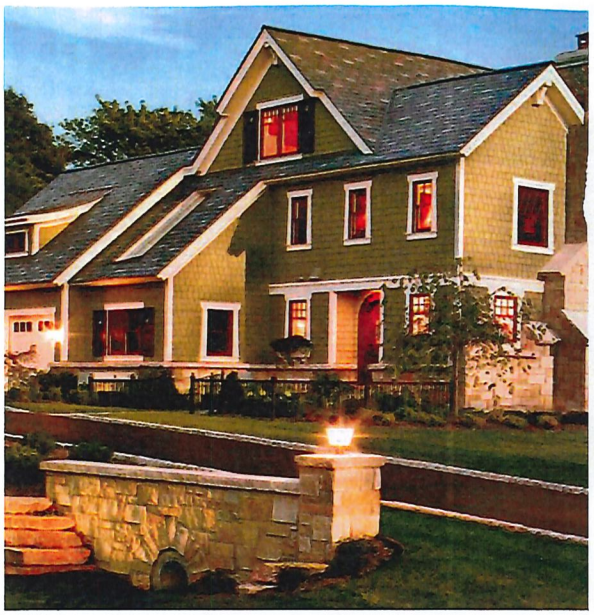


River View Preservation

Landscaping

Rivers Pointe Estates is envisioned as a green community, with areas of wooded preserve and forested neighborhoods. Many large wooded lots will be offered and careful attention to grading for infrastructure will minimize clearing. In areas of higher density, new landscaping will be lush and consistent. Where appropriate, street trees will line the boulevards and avenues of Rivers Pointe Estates and special care will be taken with ample landscaping in parks and open spaces.

Low walls, plazas, pavers, pillars, benches, bridges and other special hardscape and landscape features may occur within the public right of way. The developer will establish a maintenance agreement with Boone County so that these features are maintained by the county or the Property Owners Association. Natural buffers will be utilized along the perimeter where possible and supplemental buffer zones have been planned to protect adjacent properties.



Landscaping Walls



Street Trees in Village Center



Classic Monuments



Less Clearing on Building Sites



Monument Signage

Architecture

The architecture at Rivers Pointe Estates is envisioned to be of varying classic, historically inspired forms and detailing. With reverence to local historic towns and villages, a mix of architectural styles will be integrated within the community. A wide range of traditional styles including but not limited to Georgian, Craftsman and Queen Anne may be mixed together with an occasional agrarian/farmhouse or mountain rustic style.

Mini-neighborhoods within Rivers Pointe Estates may have their own unique theme or style. A consistently high quality of materials, details and craftsmanship throughout the development with each building type will allow the seamless integration of multiple building types and uses envisioned. See Design Guidelines.











Historic and Prehistoric Features

There are no known historic or prehistoric features on the site. The Boone County Planning office was consulted.

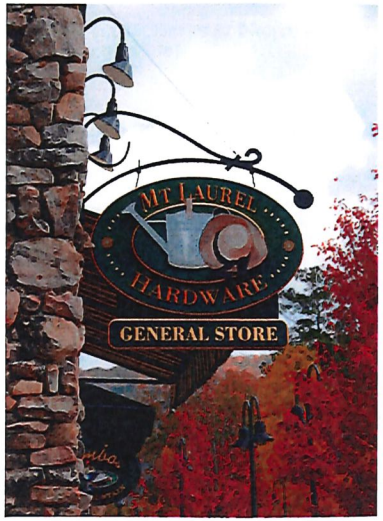
Signage

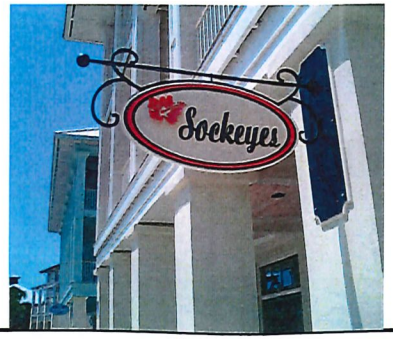
Signage at Rivers Pointe Estates will be of high quality craftsmanship and design. Entry signs will be classic and subtle and may incorporate pillars, low walls, water features and/or iconic relic-like structures. Commercial signage will primarily consist of building-mounted signage (blade, awning, wall-mounted, hanging, etc.) along with a low-scale single tenant monument sign. Street signs may vary from the County standard to provide a consistent high quality decorative element within the community. The developer shall provide all signage, including traffic and street signs, upon Boone County approval. The developer and ultimately the association shall maintain all private signage in the public right-of-way. See Design Guidelines.

















Transportation Connections and Entry Points

Rivers Pointe Estates incorporates multiple street connections, pedestrian paths, multi-purpose trails, sidewalks and bike facilities. Street access to the site is provided at three locations where the property fronts public right-of-way. The primary entry occurs on North Bend Road (KY 237) at the Village Center. Stahl Road provides a secondary access at the Village Center. A tertiary entrance to Rivers Pointe Estates is located at the end of Stahl Road eliminating the existing dead end and providing enhanced emergency access to the project and conversely, to Stahl Road. Topography and the lack of public frontage prevents other connections to the project.

The Village Center acts as the entry feature along North Bend Road. Entryways into Rivers Pointe Estates will be marked with subtle signage, markers and/or walls.

Internally, Rivers Pointe Estates will be well connected with multiple modes of transportation. The gradual topography of the Village Center allows for a compact modified grid network, consistent with historic town and Village Centers. Paths and trails may be incorporated into the steeper natural areas of the site for increased pedestrian connectivity. Sidewalks and multi-purpose paths will parallel streets including an 8 ft. wide pedestrian and bicycle trail extending from the ridge overlooking the River to the Village Center Area. This multi-purpose path will connect to the wide sidewalk system in the Village Center which will connect to the multi-purpose trail along North Bend Road.

Conformance with Comprehensive Plan

The Rivers Pointe Estates Planned Development has been designed in conformance with the overall goals and objectives of the 2005 Boone County Comprehensive Plan. Specifically, the project achieves numerous goals and objectives of the Population, Environment, Economy, Business Activity, Housing, Agriculture, Transportation and Land Use Elements. See Section III.A.5 for a detailed explanation of Rivers Pointe Estates' conformance with various elements of the Boone County Comprehensive Plan.



Recently Improved Entry at North Bend Road



Trails



Walks



Example Master Plan

Rivers Pointe Estates is intended to be a complete community of streetscapes, houses, trails, open spaces, and landscaping that are based upon timeless design principles. While each home and lot should stand on its own design merit, it is the desire that each individual home or improvement contributes to the overall character of the neighborhood. This close collaboration between timeless community values and individual architectural contributions, along with the harmonious natural setting of Rivers Pointe Estates, can provide compatibility, long term quality and appreciation of value for the overall community and all those involved.

The Design Guidelines for Rivers Pointe Estates provide assistance in establishing community character and properly-designed homes. The Architectural Design Guidelines pertain to all residential and commercial buildings and visually illustrate appropriate massing, proportioning and character. More specific development guidelines establish specific lot types and bulk regulations, landscape standards and signage standards. These more specific guidelines focus on design parameters that differ from current Boone County Zoning regulations.

The Guidelines visually illustrate appropriate design character and elements and are not intended to be subjective value judgements of the images and elements shown, but instead are intended to illustrate, before the design process begins, the intended design character of Rivers Pointe Estates.



Single family home with auto court



Single family home accessed by a rear lane



Small single family with appropriate garage configuration; two doors preferred over large double garage door



Variety of housing includes small cabin homes nestled in the woods



Village Center may include residentially scaled buildings that serve as community gathering facilities or clubhouses



Agriculturally themed commercial buildings may be appropriate in the Village Center to project the character of a rural crossroads community

Residential

Variety

A variety of individual architectural designs with their respective appropriate details, materials and colors are required to create a unique overall "timeless" streetscape character. While no one single element on an individual house design should overpower the composition, the same should be true for the streetscapes. No one house should 'stand-out' in the streetscape. The goal is to create a streetscape and neighborhood of well designed and crafted homes which compliment each other and the whole. Building footprints including porches and entry locations, should generally vary from adjacent buildings.

Scale & Massing

Buildings should be composed such that there may be a main body with secondary wings, porches or forms that compliment each other. Buildings should avoid long, monotonous, uninterrupted walls or roof planes. Buildings should avoid overly complex or multiple plan and elevation undulations, with multiple roof pitches of excessive height. Front entrances should be appropriate in scale and massing to the overall style and character of the building's architecture.

Commercial

Theme

Commercial buildings in the Village Center should be architecturally themed to create a cohesive sense of place. Such themes could include residential and agricultural scaled buildings that appear to have been adapted over time into a commercial use. Materials and architectural detailing should express craftsmanship and a sense of history.

Scale & Massing

Buildings should have simplified massing that may include either low-sloped roofs with parapets or steep sloped roofs with shingles and/or metal roofing. Buildings may be up to three stories with residential, office or community facilities located on upper floors. Ground floor ceiling heights should be commercially scaled, typically no less than 12 ft. from floor to ceiling.

Buildings in general should provide main entries fronting public rights-of-way and not turn their backs on streets or formal open spaces. Retail buildings should present pedestrian friendly storefronts to public rights-of-way and formal open spaces where applicable. Porches, awnings, canopies and arcades are encouraged to provide shade and rain cover for pedestrians.



With a variety of different landscaping, fences and architecture this rear lane feels welcoming and safe.



Detached garages located to the rear of the home may be used to avoid "garage-scaped" neighborhoods



Tire strip driveways create a softer feel in the neighborhood while reducing impervious surface areas and storm water runoff.



This front loaded garage is kept out of sight because of its location to the rear of the home.



Garage form, scale, proportion and details compliment the primary house. Individual wood 'carriage style' doors continue the character and detail of the house without calling unwarranted attention.



Corner lot uses grade difference to access the garage from a side street; presenting a welcoming front porch to the street corner

Garage and Driveway Design

The location, massing and scale of a garage should not compete with or overwhelm the primary body of the house. Garage forms, design, materials and detailing should be similar in quality to the house. A garage which is visible from the street or public view should receive careful design attention and should compliment the primary facade.

Appropriate garage locations are:

- Basement or lower level, as grade allows, entered from the side or rear
- Front-loaded to the primary house
- To the rear of the lot accessed from a rear alley
- Garages may be integral to the house or may be detached structures
- Front-loaded garages at street corner lots should be accessed from the secondary street frontage when possible and should be located away from the street corner
- Special attention should be given to the design of alley access garages so that the slope variance from the alley to the finished floor level of the garage is not excessive

Driveways:

- For purposes of applying Table 32.5 of the Boone County Zoning Ordinance, Rivers Pointe Estates shall be considered "Urban" with a high level of pedestrian activity
- Where lot depth and front yard setback allows, driveways should be reduced to a single lane width between the lot line and the curb
- Driveways may be constructed as two tire strips with grass or landscaped ground cover in-between beginning at the property line
- Driveways may be constructed of pervious materials such as crushed granite, gravel, etc. beginning at the property line
- Turning radii into drives should be minimized
- Typically, driveway grades will not exceed 15%; however, in some limited areas grades may be allowed up to 20%
- Where full-width driveways or front yard sidewalks are constructed of unique finishes such as stamped concrete, exposed aggregate concrete, pavers, etc; these driveways may be full-width to the back of street curb
- Driveways shall be located a minimum of 3 ft. from adjoining property line



Regulating Plan Area	Large Single Family Lots	Small Single Family Lots	Single Family Rear Access	Cabin Homes	Townhomes Street Access	Townhomes Rear Access	Multi-Family Buildings	Village Center Buildings
0	-	-	-	-	-	P	P	P
I	-	-	P	-	-	P	P	P
II	-	-	P	-	P	P	P	-
III ✓	P	P	-	-	P	-	-	-
IV	P	P	-	-	-	-	-	-
V	P	P	-	-	-	-	-	-
VI ✓	P	P	-	P	-	-	-	-
VII ✓	-	-	P	-	P	P	P	-
VIII*	-	-	-	-	P	P	P	-
IX*	P	P	-	-	-	-	-	-
X	P	P	-	-	-	-	-	-
XI*	-	-	-	-	P	-	P	-
XII ✓	P	P	P	-	P	-	-	-
XIII*	-	-	-	P	-	-	-	-
XIV*	-	-	-	-	P	-	P	-
XV ✓	P	P	-	-	-	-	-	-
XVI ✓	P	P	-	-	P	-	-	-
XVII ✓	P	P	-	-	P	-	-	-
XVIII*	-	-	-	-	P	-	P	-
XIX	-	P	P	-	P	P	P	P

* Note: Private streets allowed in plan area

✓ Note: Landominiums allowed in plan area

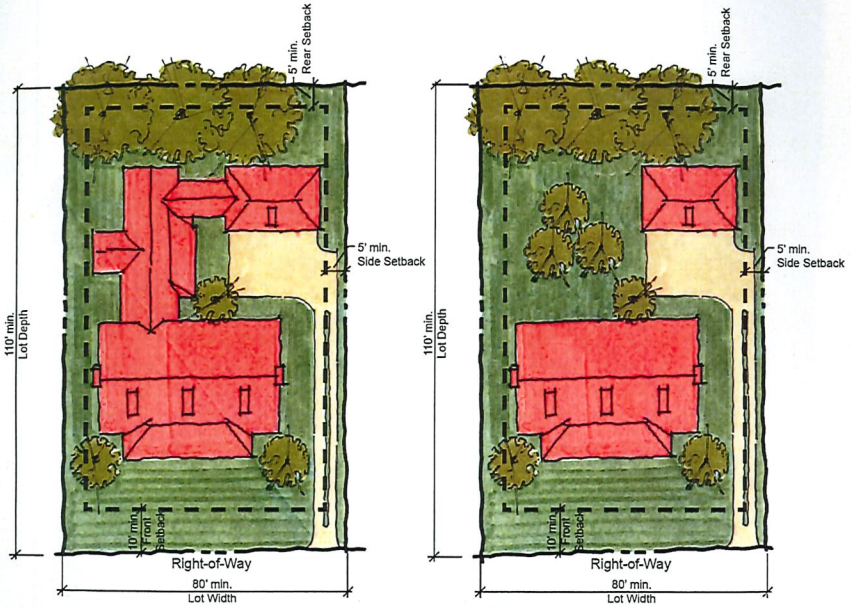
Landominiums shall be classified as Large Single Family Lots, Small Single Family Lots or Townhomes. For Landominiums, lot lines as illustrated in the design guidelines shall be implicit rather than actual property lines in order to establish the spacing of homes along the street and setback from the street.

Regulating Plan

Rivers Pointe Estates is designed as a mixed-use community, including diverse housing types, retail/restaurant, and community services and amenities. The individual block layouts within the Regulating Plan are for illustration purposes only. The Regulating Plan and distribution of housing typologies should be flexible to respond to physical site constraints, end-users' needs, community desires and changing market conditions; so long as they meet the intent of the regulations and guidelines within.

The Village Core is intended to accommodate multi-family housing and commercial uses (allowed by the base zoning) with the opportunity for residential, office or community service uses on upper floors above commercial uses.

Design Guidelines for village center commercial buildings and a variety of housing types are illustrated on the following pages. These building types are keyed to the Regulating Plan; indicating which types are permitted in each Roman Numerated development area. Each development area may contain any combination of allowed uses that are keyed to that area, so far as the total unit count for all combined development areas does not exceed a maximum of **864** dwelling units and the total commercial program does not exceed **23,000** square feet.



Attached Garage Example

Detached Garage Example

Example Lot Diagrams



A front porch and formal entry scaled appropriately to the house enhance the neighborhood streetscape.



Motor courts and garages should be incorporated into the main house's architectural style.



A wrap-around front porch and secondary gable create an appropriate corner lot condition.

Large Single Family Lots

Street Access

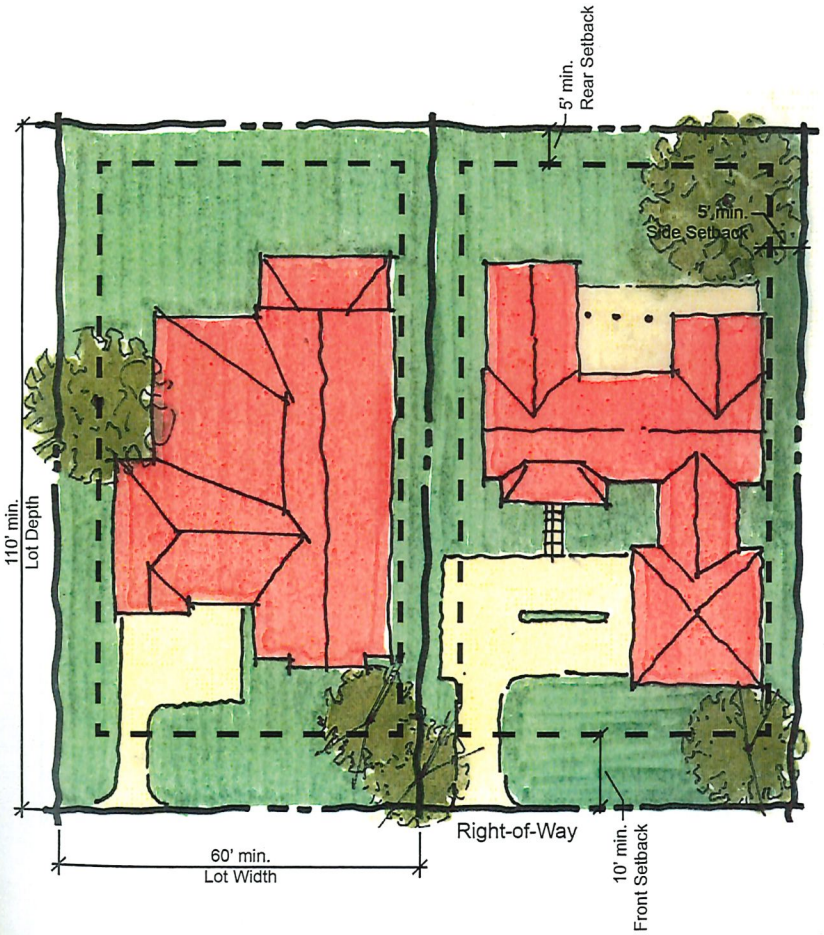
The largest lots in Rivers Pointe Estates, the Large Single Family Lots provide an alternative to conventional large lot suburban homes. The neighborhoods of large single family homes offer the least density in the community. While the lot types suggest estate-home architecture, like the other building types, the front facade of each home addresses the street, and walkways and single-lane driveways provide access from the roadway.

Patterning
Garages & Driveways: Front Loaded, Side Loaded, Motorcourts and Detached Garages

Lot Requirements
Minimum Lot Width: 80'
Minimum Lot Depth: 110'
Front Setback: 10' minimum
Side Setback: 5' minimum
10' minimum sideyard setback at street corner
Rear Setback: 5' minimum
Flag Lots allowed with minimum 10' street frontage; up to 2 flag lots may share access easement and drive; more than 2 lots without a typical frontage will be served by a private drive or private lane

Height
Maximum Height: 3 stories





Example Lot Diagrams



Carports and porte-cocheres are appropriate when designed as an integral form of the home



Sloped lot conditions may present opportunities for street accessed garages to be integrated into a lower level of the home



Sloped lots may allow garages to be accessed from the side of the home at a lower level; allowing the street to be addressed by a welcoming architectural form, such as a front porch

Small Single Family Lots

Street Access

Influenced by the early 'Greenbelt' suburbs of bungalow and craftsman-style homes, the smaller single-family lots suggest homes with a more compact massing.

Patterning
Garages & Driveways: Front Loaded, Side Loaded, Motorcourts and Detached Garages

Lot Requirements
Minimum Lot Width: 60'
Minimum Lot Depth: 110'
Front Setback: 10' minimum
Side Setback: 5' minimum
10' minimum sideyard setback at street corner
Rear Setback: 5' minimum

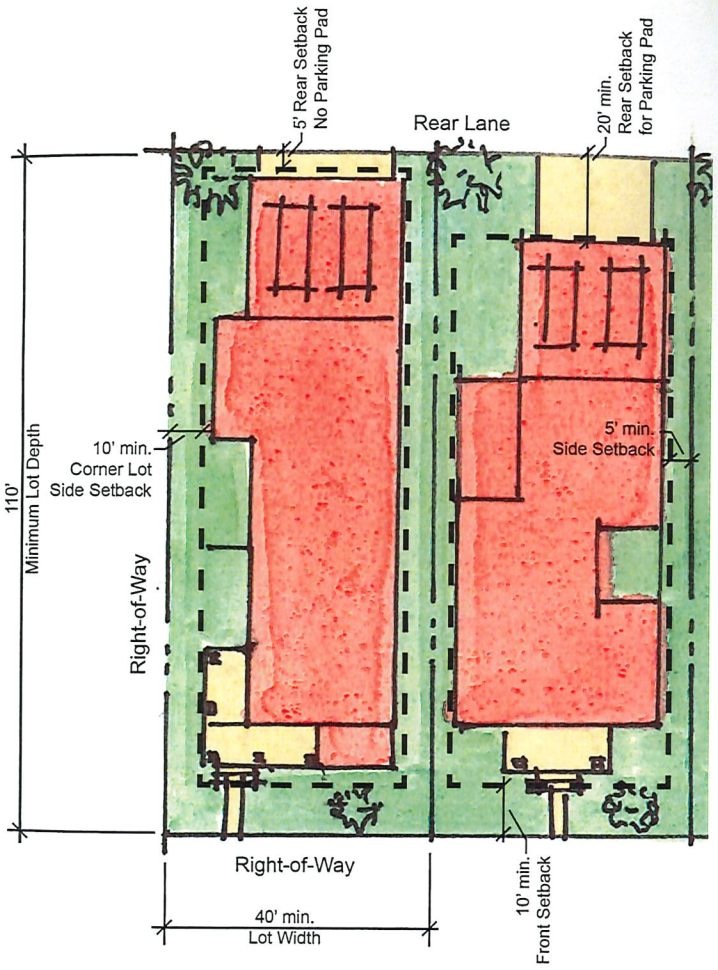
Front, Side and Rear Setbacks from KY 237 (North Bend Rd.) shall be 20' Minimum or to the back of the existing overhead utility easement, whichever is greater

Flag Lots allowed with minimum 10' street frontage; up to 2 flag lots may share access easement and drive; more than 2 lots without a typical frontage will be served by a private drive or private lane

Height
Maximum Height: 3 stories



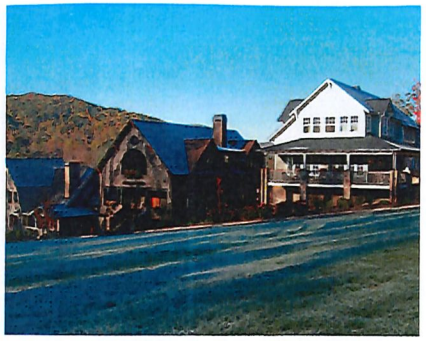
Raised foundations, simple massing, appropriate roof pitches and recessed garage facades are the basic forms that set the stage for appropriate architectural detailing such as columns and beams, windows and doors, and trimwork and railings



Example Lot Diagram



Rear accessed garages provide a streetscape devoid of garage doors



Rear accessed single-family lots are specifically appropriate where fronting formal open spaces



Simple massing, appropriate materials and well crafted architectural detailing create a pleasant streetscape when homes are sited close together

Single Family Lots

Rear Access

Like the front-accessed small single-family lots, this rear-accessed lot type is ideal for 1- to 2- story compact homes. These lots are designed for auto access from a rear lane, allowing the living quarters of the house to occupy the entire lot frontage.

Patterning
Garages & Driveways: Rear Loaded

Lot Requirements
Minimum Lot Width: 40'
Minimum Lot Depth: 110'
Front Setback: 10' minimum
Side Setback: 5' minimum
10' minimum sideyard setback at street corner
Rear Setback: 5' minimum or greater than 20' for parking pad

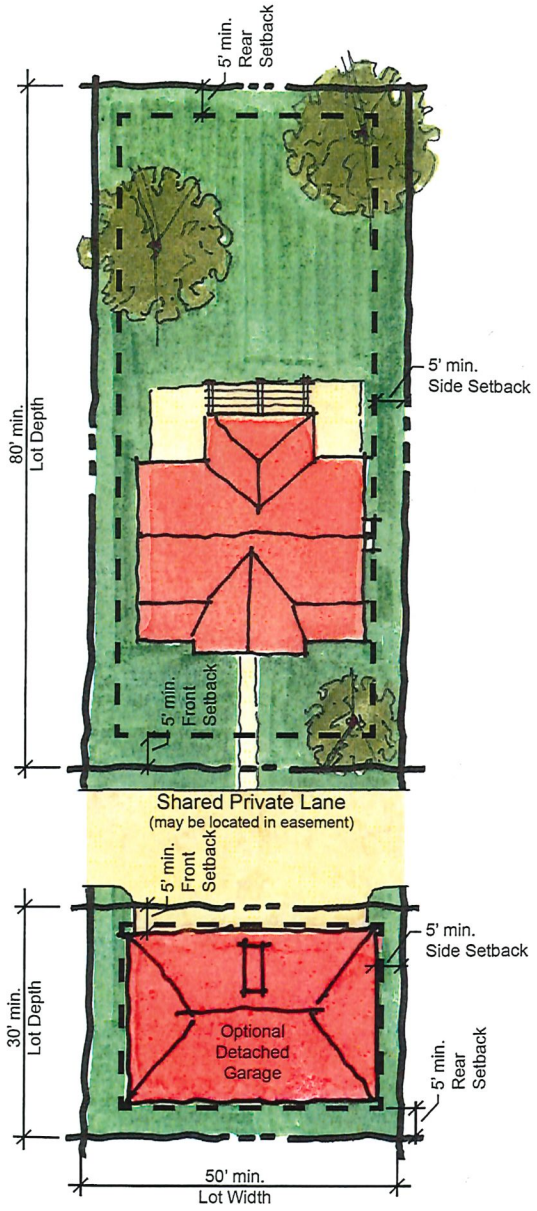
Front, Side and Rear Setbacks from KY.237 (North Bend Rd.) shall be 20' Minimum or to the back of the existing overhead utility easement, whichever is greater

Height
Maximum Height: 3 stories

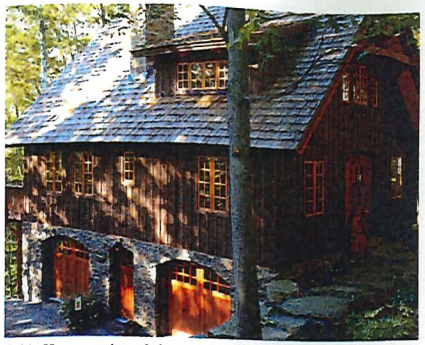
Note: Single family, rear access homes may front common open space, rather than street right-of-way, so long as adequate emergency access is provided upon approval of Boone County at final site plan



Raised site walls and/or building foundations are encouraged to provide a sense of privacy where front setbacks are reduced to the minimum allowed distance; these elements may also be appropriate to place homes on sloped lots



Example Lot Diagram



Cabin Homes are intended to tuck into the natural features of the land to reduce site grading and create a unique living experience



Appropriate architectural detailing, craftsmanship and rustic materials are encouraged to compliment the natural landscape



Cabin Homes should create a unique streetscape experience that resembles a mountain resort community; note the appropriate detailing of the private lane edge in the foreground

Cabin Homes

Street Access

Inspired by cabins and cottages found throughout the Ohio River Valley, the homes on these lots typically have a simple massing, rustic architectural character and natural landscaping. Parking occurs on the public or private street in front of each lot, or, where the grade permits, partially buried into the hillside. Detached garages may be located across a privately shared lane from the front of the house

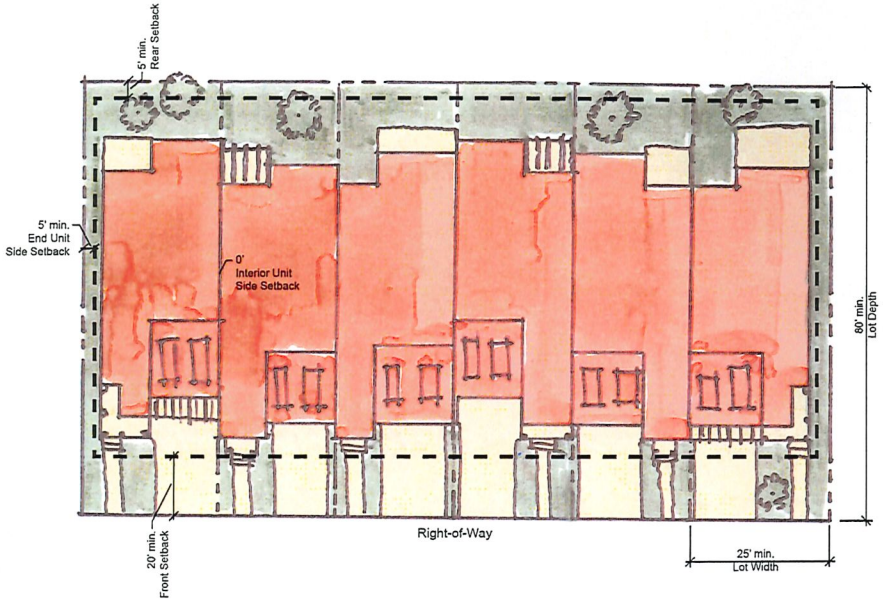
Patterning
Garages & Driveways: Front Loaded (where available)

Lot Requirements
Minimum Lot Width: 50'
Minimum Lot Depth: 80'
Front Setback: 5' minimum
Side Setback: 5' minimum
Rear Setback: 5' minimum

Height
Maximum Height: 3 stories



Although cabin lots may be small in area, sloped site conditions allow opportunities for two-story structures with walk-out basements



Example Lot Diagram



Entry detailing may be used to visually reduce the impact of garage doors on the streetscape



Garages may be accessed from the side of the building, reducing the visual impact of garage doors on the streetscape



Street Access Townhomes front setbacks allow guest parking on driveways between the street and the garages

Townhomes

Street Access

Situated on 25' minimum wide lots, these attached townhome units occur on lots where a rear alley is not provided. Even though the garage doors face the street, they are recessed from the main facade of the townhomes in order to emphasize the front doors of the individual units. This lot configuration also allows each unit to have its own private backyard/patio area.

Patterning
Garages & Driveways: Front Loaded

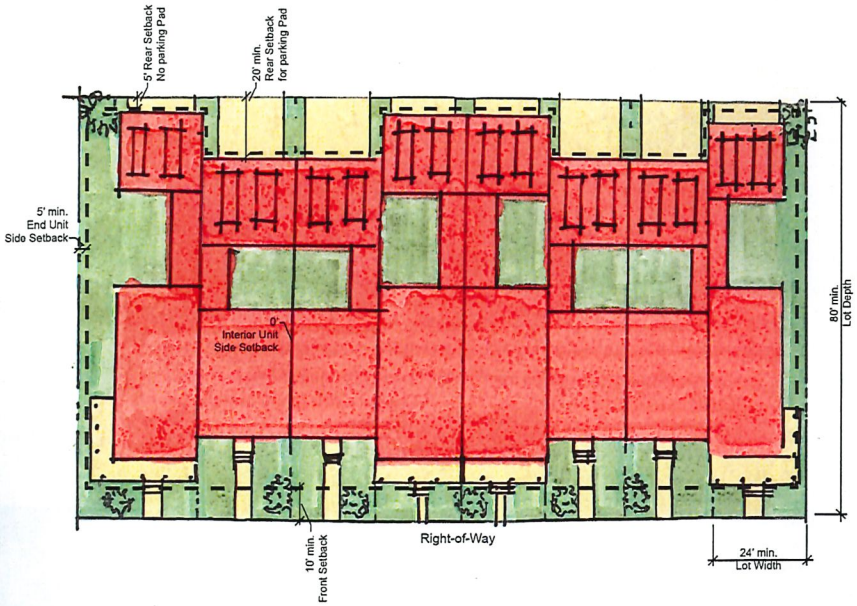
Lot Requirements
Minimum Lot Width: 25'
Minimum Lot Depth: 80'
Front Setback: 20' minimum
Side Setback: 0' interior unit
5' minimum end unit (10' min. distance between buildings)
10' minimum sideyard setback at street corner
Rear Setback: 5' minimum

Front, Side and Rear Setbacks from KY 237 (North Bend Rd.) shall be 20' Minimum or to the back of the existing overhead utility easement, whichever is greater

Height
Maximum Height: 3 stories



Columns, eaves and recessed garage facades are encouraged to reduce visual impact of garage doors on the streetscape



Example Lot Diagram



End units of buildings at street corners should address the side street with the same level of architectural character and detailing as the facade fronting the primary street



Raised foundations and/or site walls are encouraged to reduce site grading on sloped lots and to provide a sense of privacy from the street edge



Multiple townhomes grouped together with one architectural expression gives a single-family scale to a townhome streetscape

Townhomes

Rear Access

Similar to the front-accessed townhome unit types, the rear-loaded townhomes have a variety of front porch and stoop arrangements facing the primary right-of-way. Garage access from a rear alley or lane permits a continuous, uninterrupted streetscape, and a private garden or courtyard bordered by a breezeway or garden wall.

Patterning
Garages & Driveways: Rear Loaded

Lot Requirements
Minimum Lot Width: 24'
Minimum Lot Depth: 80'
Front Setback: 10' minimum
Side Setback: 0' interior unit
5' minimum end unit (10' min. distance between buildings)
10' minimum sideyard setback at street corner
Rear Setback: 5' minimum or greater than 20' for parking pad

Front, Side and Rear Setbacks from KY 237 (North Bend Rd.) shall be 20' Minimum or to the back of the existing overhead utility easement, whichever is greater

Height
Maximum Height: 3 stories

Note: townhome, rear access may front common open space so long as adequate emergency access is provided upon approval of Boone County at final site plan



Repetitive architectural expression is appropriate to create unique and memorable focal points in the community

Multi-family Buildings - Type 'A'

Multi-family apartment or condominium buildings may include stacked flats (single-story units) or townhouse-style units (two-story units) in different combinations that allow for a diversity in the buildings' architecture. Parking may be provided in surface lots and/or in garages tucked under the rear of the building. The massing of these 2- to 3- story buildings can be used to frame pedestrian walk-throughs, courtyards and shared amenity spaces.

Patterning

Parking: Rear Parking Lots, Front Parking Lots, Tuck-under Garages
Front, rear or side parking access

Potential Pedestrian connections to adjacent properties

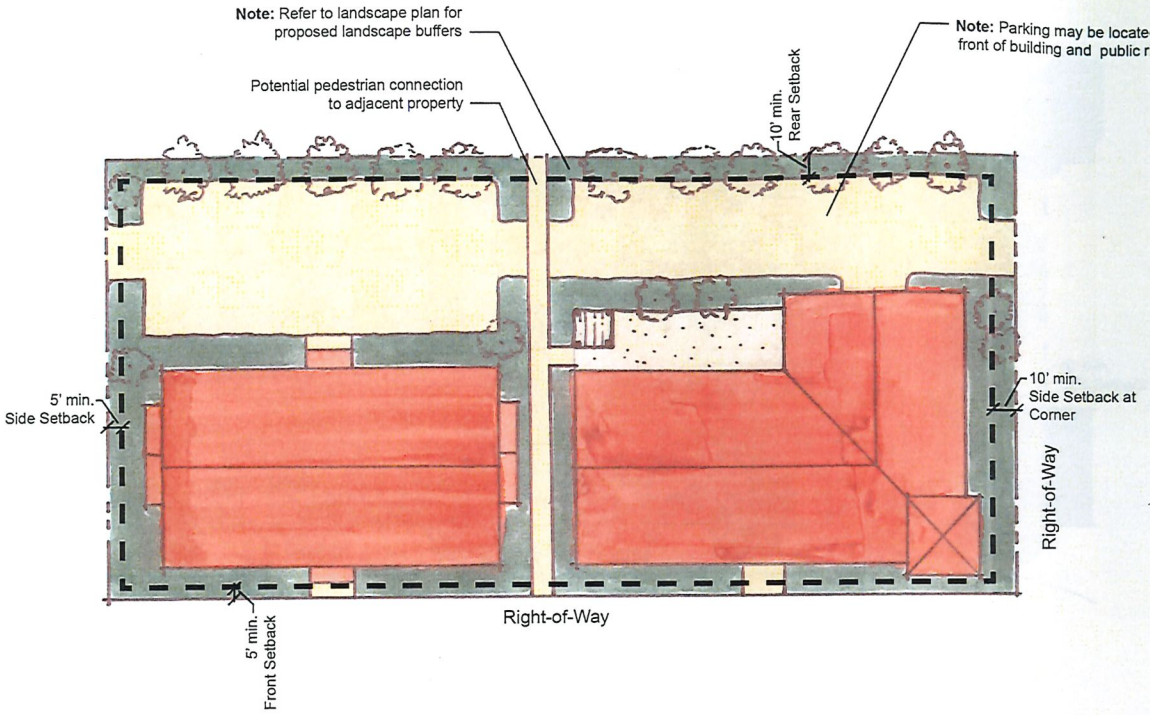
Lot Requirements

Front Setback: 5' minimum; 15' at perimeter property lines
Side Setback: 5' minimum (10' min. distance between buildings)
10' minimum sideyard setback at street corner
Rear Setback: 10' minimum
Perimeter Setback from adjacent properties: 30' min.

Front, Side and Rear Setbacks from KY 237 (North Bend Rd.) shall be 20' Minimum or to the back of the existing overhead utility easement, whichever is greater

Height

Maximum Height: 3 stories



Example Lot Diagram



Rustic materials and architectural detailing are appropriate to create a consistency of community character



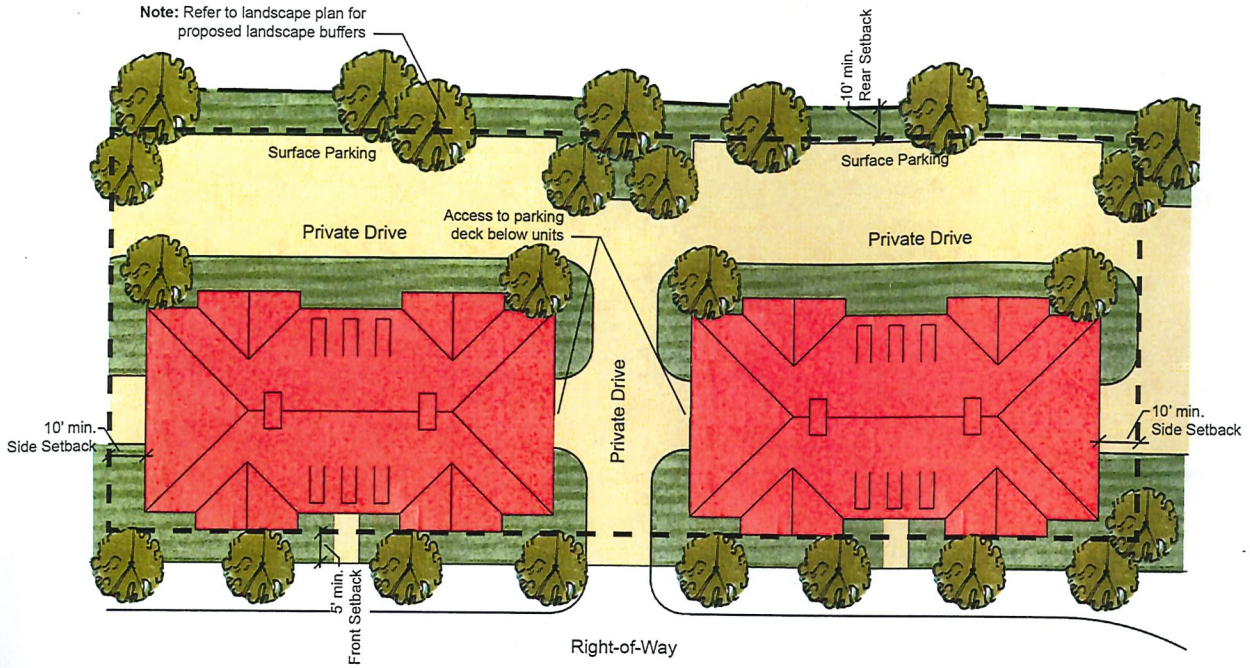
Balconies are appropriate architectural elements that help activate streetscapes



Active amenity uses such as leasing centers, fitness centers and lounge areas may be expressed along streets to support a vibrant village center



Multi-family buildings may have interior corridors and shared entries that create the architectural appearance of townhomes



Example Lot Diagram

Multi-Family Buildings- Type 'B'

These multi-family or condo buildings may include stacked flats (single-story units) or townhouse-style units (two-story units) in different combinations that allow for a diversity in the buildings' architecture. Parking may be provided in surface lots behind the buildings, tucked under the rear of the building or in garages beneath the buildings with elevator access to the units above. The massing of these 2- to 5- story buildings can be used to frame pedestrian walk-throughs, courtyards and shared amenity spaces.

Patterning

Surface Parking: Rear Parking Lots, Underground Structures
Rear or side parking access
Potential Pedestrian connections to adjacent properties

Lot Requirements

Front Setback: 5' minimum; 15' at perimeter property lines
Side Setback: 5' minimum (15' min. distance between buildings)
10' minimum sideyard setback at street corner
Rear Setback: 10' minimum
Perimeter Setback from adjacent properties: 30' min.

Height

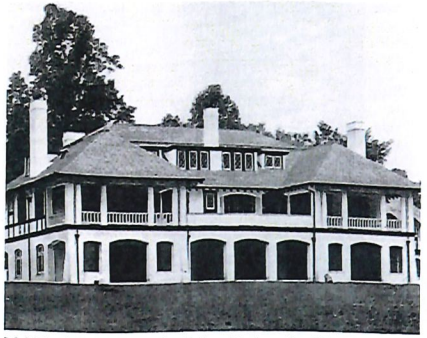
Maximum Height: 5 stories in area VIII of the Regulating Plan



Rustic materials and architectural detailing are appropriate to create a consistency of community character



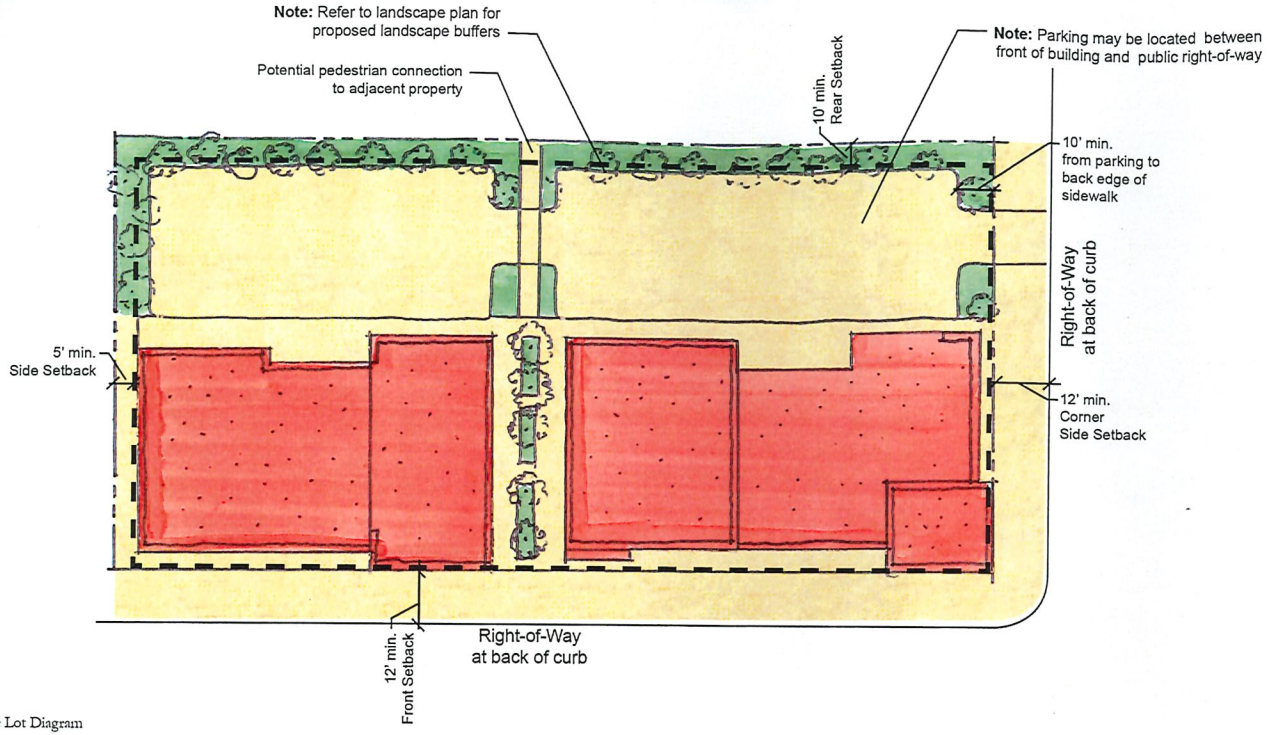
Use of complimentary building materials, color palate and appropriate architectural elements and details will reduce the apparent scale of larger multi-family buildings



Multi-family buildings may be designed in the style of "manor homes"; creating the character of a resort lodge



Private balconies are appropriate to take advantage of river views



Example Lot Diagram

Village Center Buildings

The Village Center of Rivers Pointe Estates is modeled on traditional rural hamlets and towns that developed along the Ohio River. The buildings of the Village Center may range from single-story general stores to mixed-use commercial retail and office with up to 2 stories of residential, office and/or community facilities above. A minimal front setback allows the buildings, regardless of height or massing, to directly front the sidewalk and frame the Village Green.

Patterning

Surface Parking: Rear, Side and Front Parking Lots, Underground Structures
Potential Pedestrian connections to adjacent properties

Lot Requirements

Front Setback: 12' minimum fronting internal streets
Side Setback: 5' minimum (10' min. distance between buildings)
12' minimum sideyard setback at street corner
Rear Setback: 10' minimum

Front, Side and Rear Setbacks from KY 237 (North Bend Rd.) shall be 20' Minimum or to the back of the existing overhead utility easement, whichever is greater

Height

Maximum Height: 3 stories

Service Areas

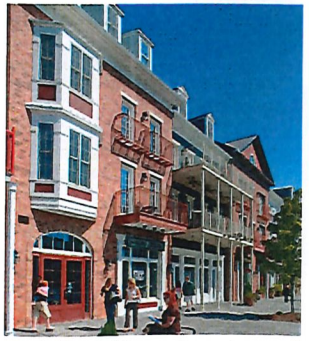
In addition to central garbage collection areas located in the Village Center (as regulated by Section 3151 of the Boone County Zoning Ordinance), one unenclosed garbage can may be allowed per tenant so long as such cans are located to the rear of the building and tenant space, or side of the building if not facing a street or parking area.



Village Center commercial and mixed-use buildings should be detailed to compliment the character of a rural country crossroads; pitched roofs, dormers, and columns are all appropriate elements



Low-pitched roofs with parapet walls are appropriate when detailed with architectural cornices; note appropriate detailing emphasizing corner entry



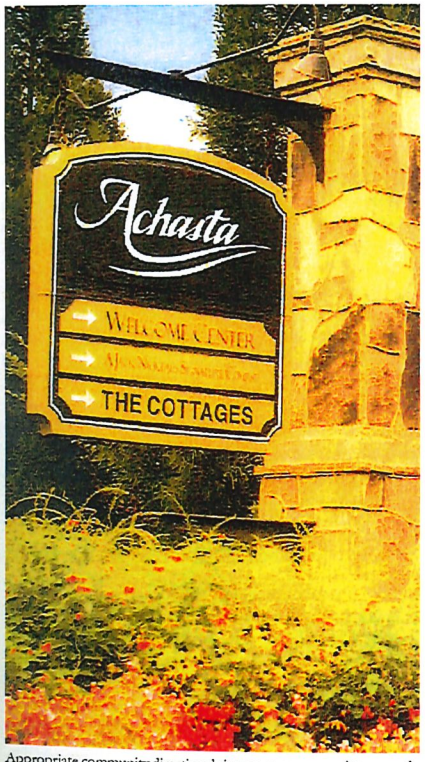
Village Center mixed-use buildings may have up to two stories of uses above ground floor commercial; note appropriate residential balconies that add activity to the streetscape



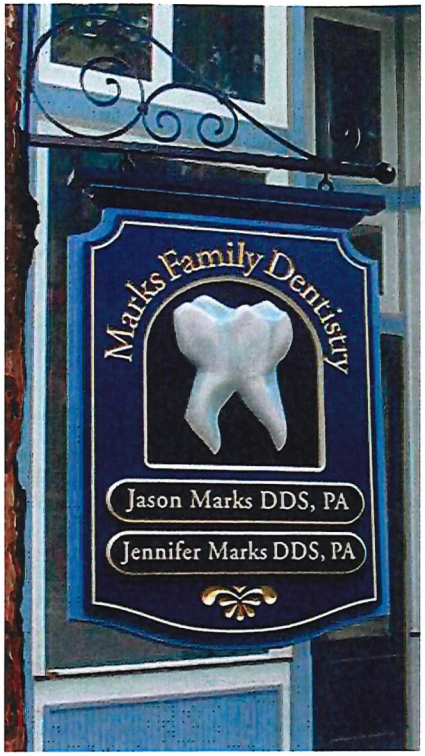
Village Center commercial buildings should present appropriately detailed storefronts to street frontages to encourage pedestrian activity



Appropriate scale, and craftsmanship make this building sign appropriate for the pedestrian oriented Village Center at Rivers Pointe Estates



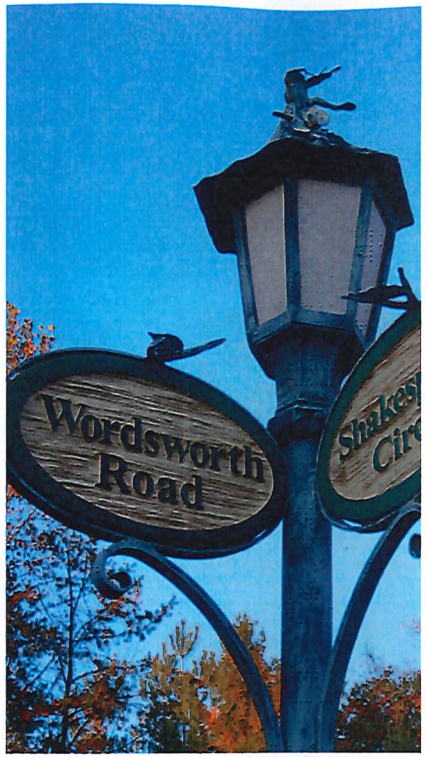
Appropriate community directional signage as an appropriate example for Rivers Pointe Estates



Blade and hanging signs are appropriate types for Rivers Pointe Estates



An appropriatly scaled Electronic Message Board (EMB) will be used to display community messages within Rivers Pointe Estates



Well crafted street signage expresses community identity



A free standing monument sign will advertise an on-site Country Store at Rivers Pinte Estates

Signage

Signage at Rivers Pointe Estates should reinforce the architectural style of the building and express the presence of a commercial establishment. High quality sign designs should enliven and enrich the streetscape experience for pedestrians without detracting from the spatial coherence and quality of the streets and public spaces. Signs at Rivers Pointe Estates are envisioned to be scaled appropriately and crafted carefully to promote the overall theme of a rural village.

All signage at Rivers Pointe Estates should conform with Article 34 of the Boone County Zoning Ordinance as a minimum standard with the following exceptions, exclusions and additions:

Include Francisville Historical Marker as approved signage type within public rights-of-way along either KY237 (North Bend Road) or main entry boulevard.

Permitted signage may include decorative banners, planting baskets, pennants, posters, ribbons, flags, streamers, spinners, and strings of lights across the public right-of-way and mounted on decorative street lamp posts for the sole purpose of community identity, seasonal decoration and community festivals. Any such elements must be maintained by the HOA and may not display a commercial advertisement or message and should not require a Temporary Advertising Permit per Section 3420.

Portable Sandwich Board/A-frame signs should be permitted along commercial frontage in the Village Center of Rivers Point Estates without requirement for permit per Section 3450, paragraph 5.

Entrance signs shall be permitted at both Stahl Road property entrances and the KY237/North Bend Road main property entrance.

The following unmentioned types of signage should be permitted to meet the overall allowed Building Mounted Signage area :

- Blade or hanging signs projecting from the facade of the building
- Window graphics; either painted or applied to storefront glazing

A Free-Standing/Monument sign per Article 34 shall be permitted along KY237/North Bend Road advertising the on-site Country Store.

An Electronic Message Board (EMB) will be permitted within Rivers Pointe Estates for the sole purpose of displaying community messages; no commercial advertisement will be allowed. Electronic Message Board is intended for internal community use and will not be visible from Stahl Road. The EMB will be located and oriented to serve the community and not the general public. Signage area requirements and animation limitations of changing messages should conform with Article 34 as a minimum standard. Messages should be managed by the HOA or their designated representative.

Custom street, traffic and monument signs will be allowed in public right-of-way and maintained by developer and ultimately the Home Owners' Association. Such signage will meet MUTCD regulations.

"No Soliciting" and "Open House"signs may be allowed at all community entrances.

Signage not permitted includes:

- Flat panel blade signs with only painted or vinyl graphics
- Individual metal channel letters with internally illuminated Plexiglas fronts
- Surface mounted box or cabinet type signs (any signage with exposed electrical connectors)

Site Landscaping

Landscaping at Rivers Pointe Estates will compliment the existing environmental qualities of the land and facilitate the creation of an attractive and harmonious community.

All landscaping at Rivers Pointe Estates shall conform with Article 36 of the Boone County Zoning Ordinance (including Urban Forester's approved species list) as a minimum standard with the following exceptions, exclusions and additions:

Due to the unique natural characteristics of the site and the desire to establish a community that utilizes existing trees as formative landscape elements, street trees at Rivers Pointe Estates will not be required along street frontages that maintain an appropriate number of existing trees and new yard tree plantings along the streetscape. At a minimum, regularly spaced street trees will be provided in the Village Center. In other areas where street trees are provided, the spacing and rhythm will be staggered and grouped to create a more natural and informal streetscape that appears to have been cultivated over a period of time. Contributing street trees may be planted either in the public right-of-way, common areas or within private front yards and should be coordinated with utility easements. Street trees may be planted in tree wells where hardscape surfaces adjoin the street curb. The developer will work with Boone County upon final site plan approval for each phase to determine street tree planting locations.

Interior landscaping for Vehicular Use Areas (VUAs) shall be allowed to utilize flat curbs (ribbon curbs) within planting islands if such curb type is an integral design element of a bio-swale or rain-garden storm water treatment area. Landscaping within the bio-swale or rain-garden should be allowed to contain appropriate pervious materials and planting species that promote treatment and infiltration of storm water into the ground.

Rivers Pointe Estates is designed to be a community of mixed-uses that are compatible in form and mutually beneficial in use. Because the success of such a cohesive neighborhood design is dependant on proximity of uses and pedestrian connectivity, buffer yards between different uses and zones shall not be required internally within the community.

Buffer yards along perimeter boundaries are indicated on the Landscaping Buffer Plan on the following page. All adjacent active agricultural uses currently have existing fencing separating them from the property of Rivers Pointe Estates. No perimeter fencing is required for Rivers Pointe Estates.

Landscaping within Public Rights-of-Way

Landscaping elements including, but not limited to; shrubs, grasses, ground covers, perennials, annuals, street trees, boulders, decorative bollards, guard rails, retaining walls, decorative culvert head walls and landscape lighting fixtures may be allowed in the public right-of-way and along edges of private streets. Locations of these landscape elements will be coordinated with utility providers regarding required utility easements. Such landscape elements that are exceptions to Boone County standards shall be maintained by the HOA.

Front Yard Treatment

Front yards should contain, at a minimum, lawn or other ground cover, shrubbery, flowering or specimen trees and perennials and/or annuals. Where front yards are left wooded, natural maintained ground cover may be allowed. Planting beds should generally be regular and geometrically shaped. The location of landscape elements in each front yard should reinforce the architectural lines of the building and streetscape. Fences, walls and gates shall be allowed in front, side and rear yards.



Landscaping in the village center will promote pedestrian activity and comfort with wide hardscaped sidewalks, shade trees and seasonal color.



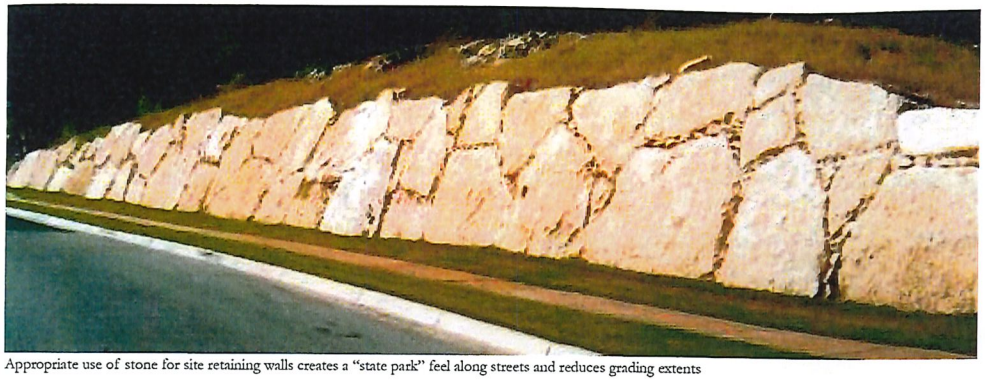
Landscaping elements that enhance the streetscape may be located within rights-of-way; provided they are maintained by the HOA.



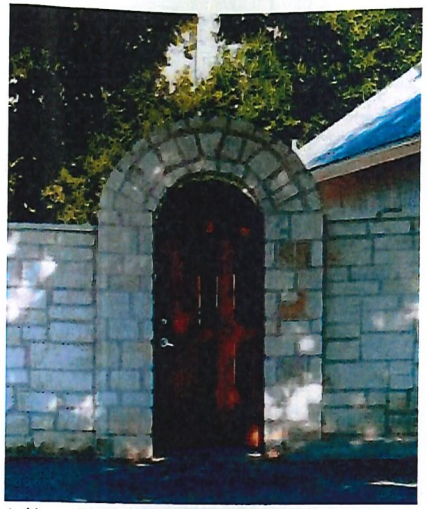
Landscaping should compliment and enhance the unique natural setting of Rivers Pointe Estates



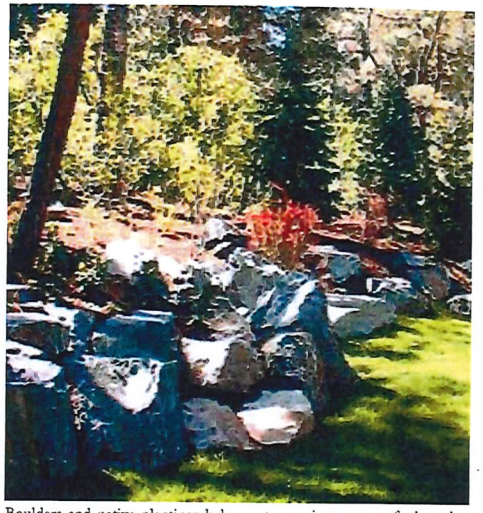
Existing trees may contribute to the naturally wooded feel of streetscapes; eliminating the need for regularly spaced street trees



Appropriate use of stone for site retaining walls creates a "state park" feel along streets and reduces grading extents



Architecturally detailed stone walls and gates may be used to provide privacy for residential yards



Boulders and native plantings help create a unique sense of place that compliments the existing natural landscape



Site walls in front yards are appropriate to help transition grades while providing privacy separation from the street to the home

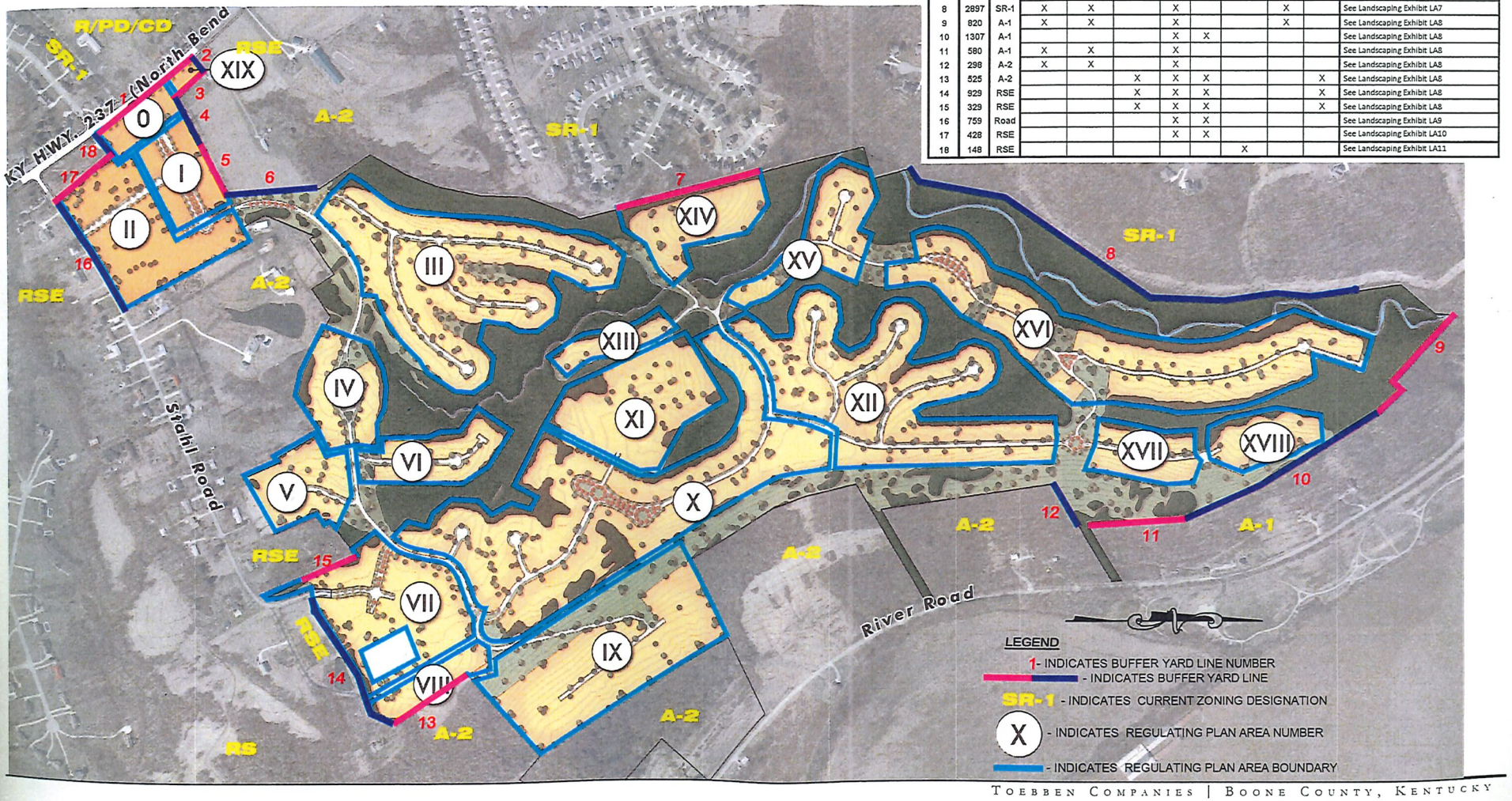


Appropriate use of stone site walls may be used to screen commercial service areas and provide privacy in residential areas

Landscape Buffer Plan

Developing Zone

Line	Length	Adjoining Zone	Large Single Family Lots-Street Access (>80')	Small Single Family Lots-Street Access (<80')	Single Family Rear Access (40' min.)	Front Access Townhomes	Multi-family	Village Center Buildings (Commercial mixed-use, Civic,	Cabin Homes (Creekside)	Rear Access Townhomes	Comments
1	771	Road						X			See Landscaping Exhibit LA1
2	108	RSE						X			See Landscaping Exhibit LA2
3	217	RSE						X			See Landscaping Exhibit LA3
4	312	RSE			X		X	X		X	See Landscaping Exhibit LA4
5	345	A-2			X		X	X		X	See Landscaping Exhibit LA4
6	554	A-2									See Landscaping Exhibit LA5
7	882	SR-1				X	X		X		See Landscaping Exhibit LA6
8	2897	SR-1	X	X		X			X		See Landscaping Exhibit LA7
9	820	A-1	X	X		X			X		See Landscaping Exhibit LA8
10	1307	A-1				X	X				See Landscaping Exhibit LA8
11	580	A-1	X	X		X					See Landscaping Exhibit LA8
12	298	A-2	X	X		X					See Landscaping Exhibit LA8
13	525	A-2			X	X	X			X	See Landscaping Exhibit LA8
14	929	RSE			X	X	X			X	See Landscaping Exhibit LA8
15	329	RSE			X	X	X			X	See Landscaping Exhibit LA8
16	759	Road				X	X				See Landscaping Exhibit LA9
17	428	RSE				X	X				See Landscaping Exhibit LA10
18	148	RSE						X			See Landscaping Exhibit LA11



LA1 - North Bend Road Buffer

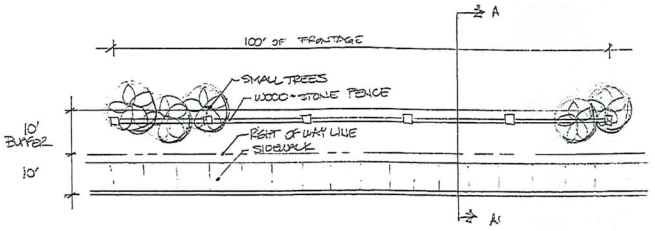
Applicant's Plan:

The Applicant is proposing to incorporate an edge condition within a 10' buffer which will act as a community identifier in addition to aesthetically enhancing State Route 237 (North Bend Road). This condition, a split rail fence atop a low stone wall meets the intent of the minimum shrub screening requirements and as such, the Applicant is requesting the wall in lieu of shrubs to be installed along State Route 237 (North Bend Road).

It is the Applicant's desire to include 5 trees from Boone County Plant List (BCPL) C per 100 linear feet of frontage. However, in order to maintain visibility within required sight lines into the main entrance the Applicant proposes to cluster the trees in a manner which will visually connect the proposed material to the existing mature tree line at either end of the project boundary. This technique in addition to the creative use of architectural design of the Village Center buildings will aid the development in creating a seamless appearance between old and new.



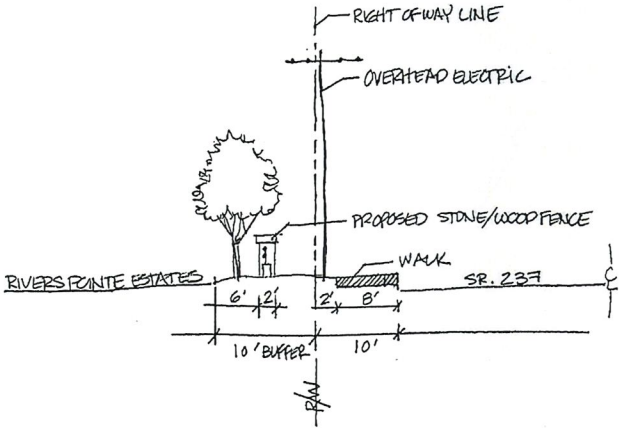
Existing Landscaping - State Route 237 (North Bend Road)
Looking North towards Stahl Road



Proposed Landscaping -
Typical 100 linear Foot Plantings - Plan View



Existing Landscaping - State Route 237 (North Bend Road)
Looking South towards Stahl Road



Proposed Landscaping -
Typical 100 linear Foot Plantings - Section View



Proposed edge condition along State Route 237

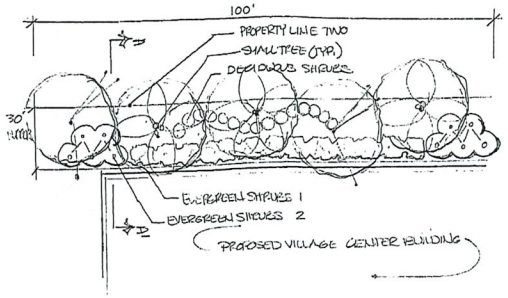
LA2 - Village Center Buffer

Applicant's Plan:

The Applicant proposes a 30' wide landscape buffer along boundary line 2. Within this buffer the Applicant proposes to extend the buffer yard edge condition described in Exhibit LA1, turning the condition easterly and terminating at the front façade of the proposed Village Center building. From this point forward the proposed screening elements shall include 5 trees from BCPL B and 37 shrubs from BCPL C per 100 linear feet.



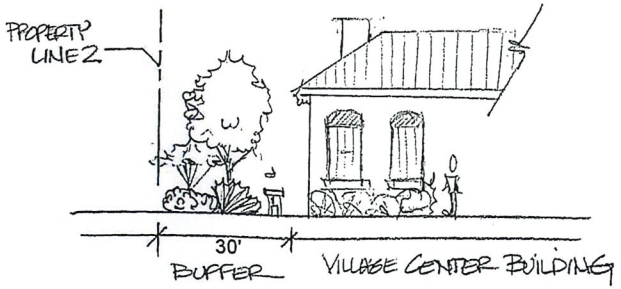
Existing Conditions Looking East along line 2



Proposed Landscaping -
Typical 100 linear Foot Plantings - Plan View



Proposed Edge Condition along line 2



Proposed Landscaping -
Typical 100 linear Foot Plantings - Section View

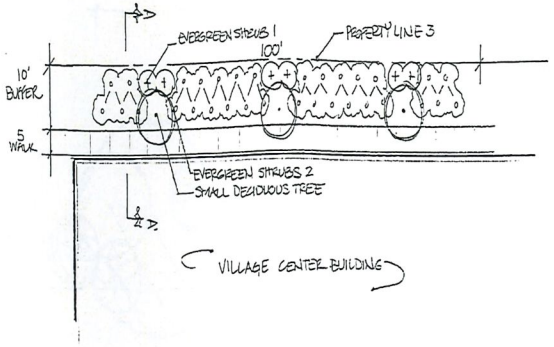
LA3 - Village Center Buffer

Applicant's Plan:

The Applicant proposes a 10' wide landscape buffer along boundary line 3. Within this buffer the Applicant proposes to install a living wall of 3 small trees from BCPL B and 38 tall evergreen shrubs BCPL C per 100 linear feet. The intent of the Village Center is to provide residentially scaled commercial services for the development and the master plan for the community therefore reducing the need for aggressive buffering.



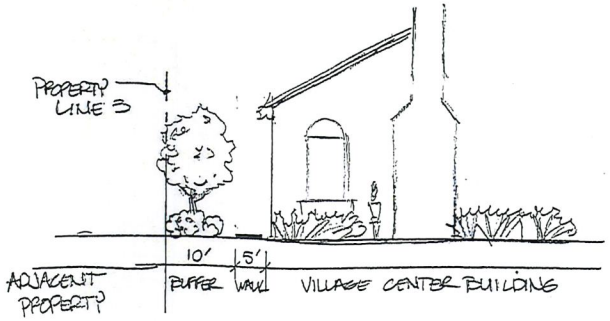
Existing Landscaping - line 3
Looking North towards project area



Proposed Landscaping -
Typical 100 linear Foot Plantings - Plan View



Typical Village Center Building



Proposed Landscaping -
Typical 100 linear Foot Plantings - Section View

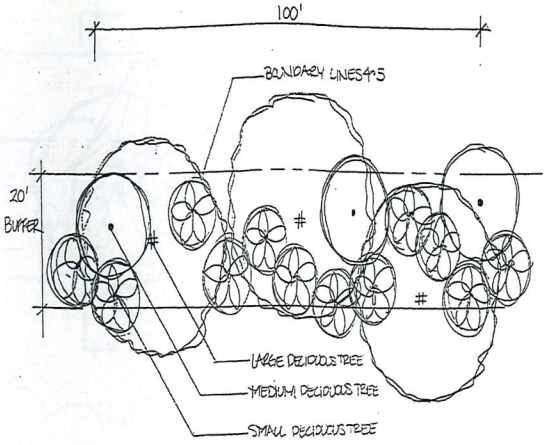
LA4 - Village Center Buffer

Applicant's Plan:

The Applicant proposes a 20' wide landscape buffer along boundary lines 4 and 5. There is a substantial existing buffer consisting of mature trees and dense undergrowth along both boundary lines. The Applicant proposes to preserve this mature tree line in its entirety. If however, the tree line is disturbed during the initial construction phase or is damaged due to illness or age, the Applicant proposes to repair the buffer yard, installing additional trees in lieu of shrubs as needed in a ratio of one (1) tree per every four (4) required shrubs for a total of 18 trees from BCPL A,B, and/or C per 100 feet. This proposed landscaping is in alignment with the existing condition and the Applicant's desire to maintain the park like character of the development.



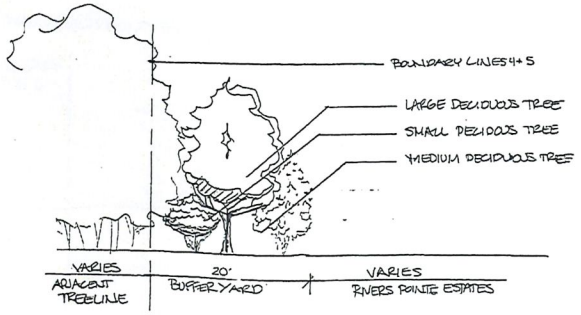
Existing Landscaping - along lines 4 & 5
Looking South towards project area



Proposed Landscaping -
Typical 100 linear Foot Plantings - Plan View



Existing Landscaping - along lines 4 & 5
Looking North towards Adjacent Property



Proposed Landscaping -
Typical 100 linear Foot Plantings - Section View

LA5 - Village Drive Buffer

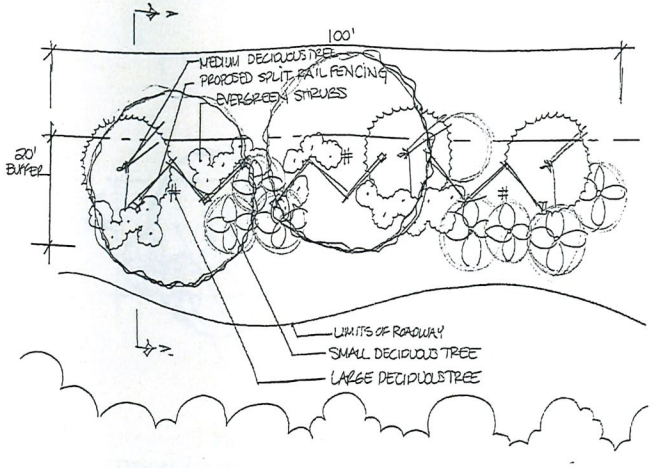
Applicant's Plan:

The Applicant proposes a 20' wide landscape buffer along boundary line 6. This buffer occurs within the project where the main roadway transitions between the Village Center and the Residential Estates. As one travels along the proposed roadway one can observe an existing mature tree line to the eastern side of the roadway and an open field along its western edge. The Applicant proposes to preserve this mature tree line along the eastern side of the proposed roadway in its entirety. If however, the tree line is disturbed during the initial construction phase or is damaged due to illness or age, the Applicant proposes to repair the buffer yard, installing additional trees in lieu of shrubs as needed in a ratio of one (1) tree per every four (4) required shrubs for a total of 18 trees from BCPL A,B, and/or C per 100 feet.

Along the western side of the proposed driveway the Applicant proposes to install a buffer with a split rail fence according to the code and installing 18 trees and 22 shrubs from BCPL A, B, and/or C per 100 feet. This proposed landscaping solution is in alignment with the existing condition and the Applicant's desire to maintain the park like character of the development.



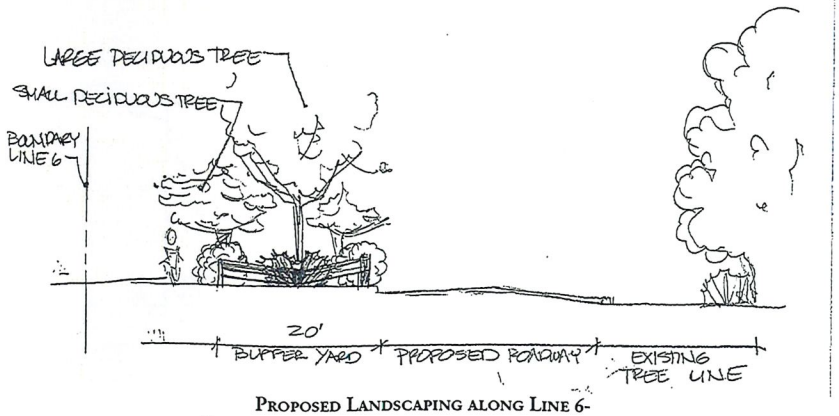
Existing Landscaping - Along proposed driveway route line 6 Looking Northeast



Proposed Landscaping along Line 6-
Typical 100 linear Foot Plantings - Plan View



Existing Landscaping - Along Existing driveway line 6 Looking Northeast



Proposed Landscaping along Line 6-
Typical 100 linear Foot Plantings - section View

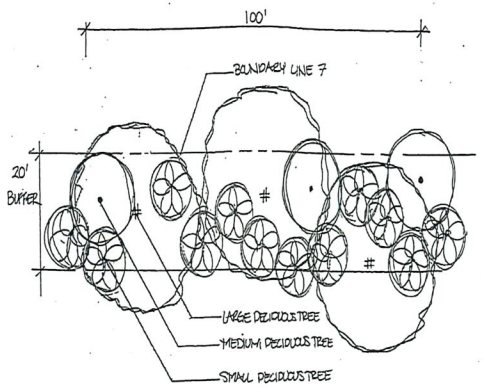
LA6 - Townhome Buffer

Applicant's Plan:

The Applicant proposes a 20' wide landscape buffer along boundary line 7. There is a substantial existing buffer consisting of mature trees, dense undergrowth and severe topographical changes which the Applicant proposes to preserve in its entirety. If however, the tree line is disturbed during the initial construction phase or is damaged due to illness or age, the Applicant proposes to repair the buffer yard, installing additional trees in lieu of shrubs as needed in a ratio of one (1) tree per every four (4) required shrubs for a total of 18 trees from BCPL A,B, and/or C per 100 feet. This proposed landscaping is in alignment with the existing condition and the Applicant's desire to maintain the park like character of the development.



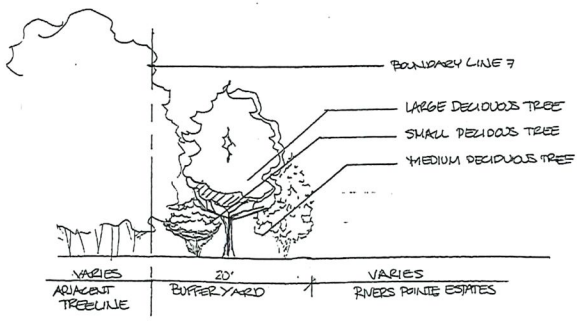
Existing landscaping on line 7 looking West towards adjoining property.



Proposed Landscaping - Typical 100 linear Foot Plantings - Plan View



Existing landscaping on line 7 looking West towards adjoining property.

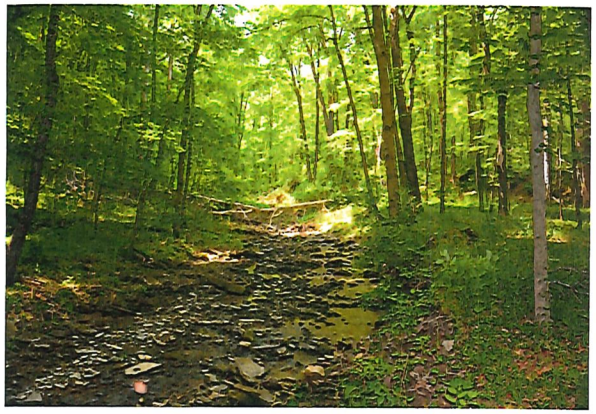


Proposed Landscaping - Typical 100 linear Foot Plantings - Section View

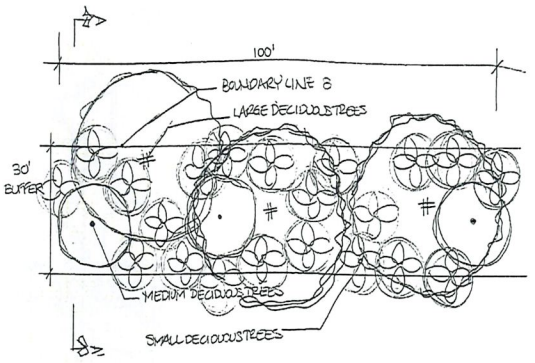
LA7 - Townhome Buffer

Applicant's Plan:

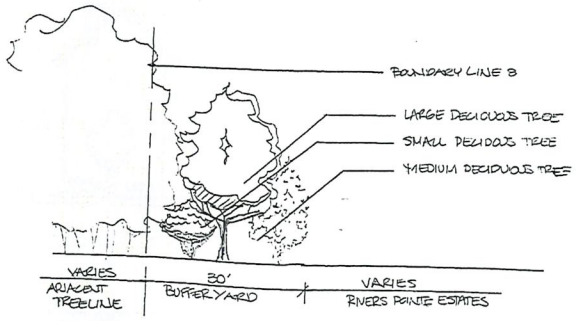
The Applicant proposes a 30' wide landscape buffer along boundary line 8. There is a substantial existing buffer consisting of mature trees, dense undergrowth, active creeks, and severe topographical changes which the Applicant proposes to preserve. If however, the tree line is disturbed during the initial construction phase or is damaged due to illness or age, the Applicant proposes to repair the buffer yard, installing additional trees in lieu of shrubs as needed in a ratio of one (1) tree per every four (4) required shrubs for a total of 27 trees from BCPL A and/or B per 100 feet. This proposed landscaping is in alignment with the existing condition and the Applicant's desire to maintain the park like character of the development.



Typical Existing Vegetation along boundary line 8



Proposed Landscaping -
Typical 100 linear Foot Plantings - Plan View



Proposed Landscaping -
Typical 100 linear Foot Plantings - Section View

LA8 - River Road Buffer

Applicant's Plan:

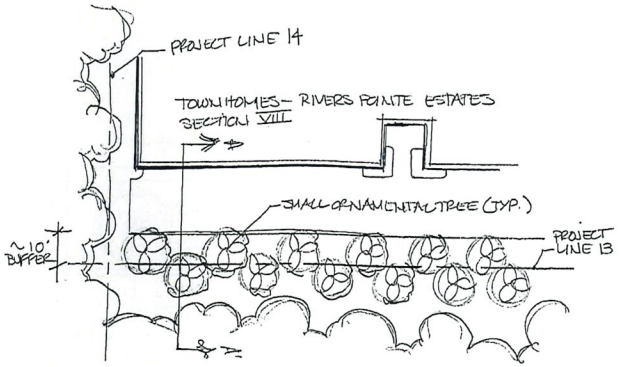
The proposed development boundaries 9-12 are within parcels whose existing topography and mature tree lines are of such depth and distance from the proposed development that buffering is substantially met. Therefore the Applicant does not intent to introduce additional plantings along these boundaries rather, the Applicant intends to maintain these areas as permanent naturalized open space for the grazing of animals and orchards.

Due to line 13's unique setting adjacent to steeply sloping wooded hillside no buffer width is proposed, rather the Applicant proposes to install 12 shorter growing ornamental trees from BCPL B and/or C per 100 feet to effectively screen Rivers Pointe Estates from the adjacent property.

There is a substantial existing buffer along project lines 14 and 15 consisting of mature trees, dense undergrowth, and severe topographical changes which the Applicant proposes to preserve in its entirety in order to respect the existing home on the adjacent property. If however, the tree line is disturbed during the initial construction phase the Applicant proposes to repair the buffer yard, installing additional trees in lieu of shrubs as needed in a ratio of one (1) tree per every four (4) required shrubs for a total of 27 trees from BCPL A and/or B per 100 feet. .



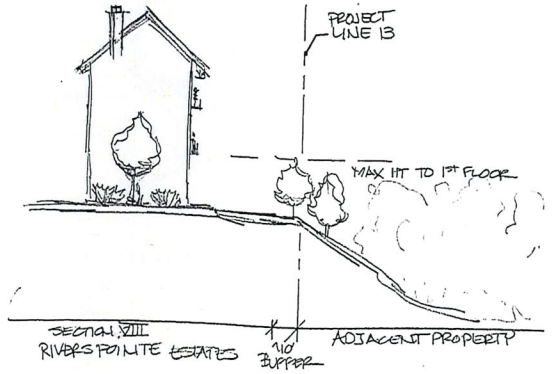
Existing View -
Looking East towards River Road



Proposed Landscaping -
Typical 100 linear Foot Plantings - Plan View



Existing Vegetation -
Looking Southeast at existing vegetation below line 13



Proposed Landscaping -
Typical 100 linear Foot Plantings - Section View



Existing Vegetation -
Looking South at line 14 on the right half of the photo in the disance.

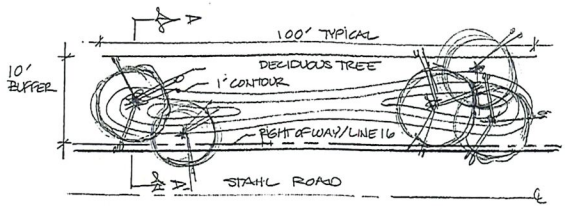
LA9 - Stahl Road Buffer

Applicant's Plan:

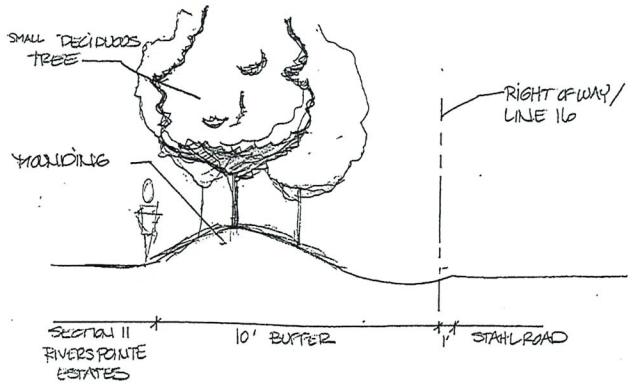
The Applicant proposes a 10' wide landscape buffer along boundary line 16. In order to preserve the pastoral feel along this rural community roadway, the Applicant proposes to meet the intent of the code through constructing a small mound and installing 5 small trees from BCPL C per 100 linear feet of frontage.



Existing Landscaping - Stahl Road Looking East



Proposed Landscaping -
Typical 100 linear Foot Plantings - Plan View



Proposed Landscaping -
Typical 100 linear Foot Plantings - Section View

LA10 - Village Center Buffer

Applicant's Plan:

Project boundary line 17 abuts a now vacant parcel nearest the corner of Stahl Road and State Route 237 (North Bend Road). The parcel is uninhabited and contains a mature stand of trees and shrubs. The Applicant is proposing to preserve the existing material within 10' of the property line as a buffer.



Existing Landscaping - along line 17
Looking Northeast towards project area

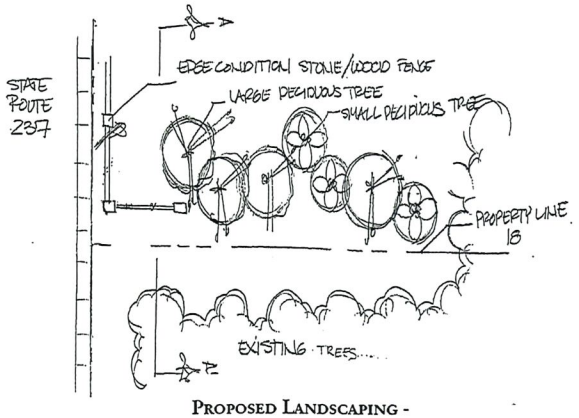
LA11 - Village Center Buffer

Applicant's Plan:

The Applicant proposes a 10' wide landscape buffer along boundary line 18. Within this buffer the Applicant proposes to extend the buffer yard edge condition described in Exhibit LA1, turning the condition easterly along line 18 and terminating after one section length. From this point forward the proposed screening elements shall be limited to include 7 trees from BCPL A, B and/or C per 100 feet in lieu of evergreen trees and evergreen shrubs. This proposed landscaping is in alignment with the existing condition and the Applicant's desire to maintain the park like character of the development.



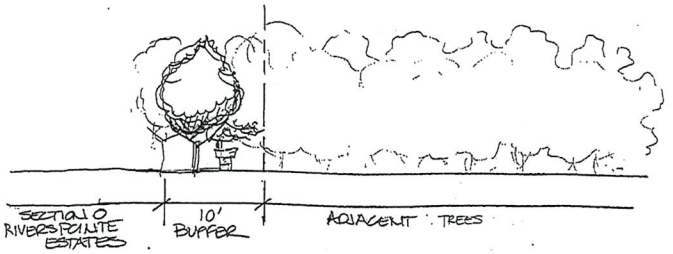
Village Center Section 0, looking South at line 18



Proposed Landscaping -
Typical 100 linear Foot Plantings - Plan View



Example of a proposed commercial building along line 28 Looking North towards project area



Proposed Landscaping -
Typical 100 linear Foot Plantings - Section View