

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Fred Burch, Chairman

RE: Request of Dr. Robert M. DeCarvalho (owner) for a Zoning Map Amendment on a 17.6 acre site located south of Boone Aire Road, Boone County, Kentucky. The request is to rezone the property from Recreation (R) and Suburban Residential One (SR-1) to Suburban Residential Two/Planned Development (SR-2/PD). The intended use is a Fountaincrest townhouse development.

DATE: March 2, 1988

REMARKS:

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

Findings of Fact:

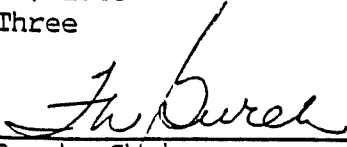
1. Although the 1986 Future Land Use Map depicts the site as Low Density Residential uses, the site is borderline to designated Medium Density Residential future land use, and the text of the Boone County Comprehensive Plan supports the proposed type of development in the subject area. The Housing Element calls for medium density to be the predominant residential development in the KY 18 corridor, and that this development should not occur directly on KY 18, but with easy access to it. The Housing Element also refers to a future increase in multi-family construction in the Florence-Burlington-Hebron area. The Committee believes that the proposed development would accomplish a progression of intensities from low density development on the east to high density development on the west, as called for in the objectives of the Housing Element. Specific references to the Comprehensive Plan are made in the Staff Report.
2. The Committee believes that the existing zoning of Recreation (R) and Suburban Residential One (SR-1) are inappropriate to reflect realistic development in light of the site's unique access and topography. The Committee does believe, however, that the proposed zoning of Suburban Residential Two/Planned Development (SR-2/PD) is appropriate to allow a planned development for the entire site that incorporates the natural hillsides and vegetation on the perimeter of the site, as well as achieving a gradation of densities from low density residential to high density residential land uses.

Conditions:

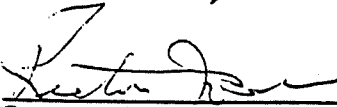
The Applicant is being asked to agree to include these items as part of the Concept Development Plan in order to clarify the plan as presented at the February 24, 1988 Public Hearing. Further, these conditions are intended to clarify the suitable uses and development for the presented plan.

1. The proposed development shall incorporate a 50 foot buffer yard setback from the east property line adjoining the single-family Forrest Greens Subdivision. In order to accomplish this and to lessen the overall development impact on the topography, the overall density of the proposed development shall be adjusted to ninety (90) units on the 17.6 acre site.
2. All Preliminary Development and Site Plans submitted for this development shall be first reviewed by the Boone County Planning Commission's Technical Committee to determine their consistency with the Concept Development Plan as modified by these conditions. Any submittal proposing a major change from the modified Concept Development Plan or other submitted information will require a Public Hearing as determined by the Technical Committee.
3. The slides depicting similar architecture and landscaping that were presented by the Applicant at the February 24, 1988 Public Hearing shall constitute a part of the Concept Development Plan. Detailed architecture and landscaping plans shall be submitted as part of the Preliminary Development Plan and Site Plan Review stages. These plans shall be reviewed by the Boone County Planning Commission's Technical Committee as to their consistency with the submitted slides.
4. The entirety of the proposed recreation facilities shall be constructed during the first phase of the development.
5. As indicated at the February 24, 1988 Public Hearing, all townhouse units within the development will be for-sale units.
6. The owner of the development shall participate in improvements necessary to Boone Aire Road as determined by the County Road Engineers. These improvements would be designed to improve sight distance at the curve near the site's eastern edge. This could require a sight easement for maintenance of low level vegetation or the future dedication of right-of-way to permit road widening or straightening.
7. The owner of the development shall participate financially in the construction of a future left-turn lane from west-bound KY 18 to the east end of Boone Aire Road.
8. Full documentation of available sanitary sewer service shall be provided at Preliminary Development Plan Review.


Committee Report - Dr. DeCarvalho
March 2, 1988
Page Three




Fred Burch, Chairman



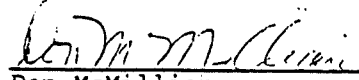
Rector Jones



Carol Smith



Larry Barnett



Don McMillian

DAG:kam

BOONE COUNTY PLANNING COMMISSION

BOONE COUNTY ADMINISTRATION BUILDING

P.O. BOX 697 — 2950 WASHINGTON STREET

BURLINGTON, KENTUCKY 41005

334-2196

MR. WILLIAM R. VIOX
CHAIRMAN

MR. LARRY BARNETT
VICE CHAIRMAN

MRS. CAROL SMITH
SECRETARY-TREASURER

MR. GERALD A. NEWTON
DIRECTOR

MR. D. T. WILSON
ATTORNEY

March 16, 1988

Honorable Bruce Ferguson
Boone County Judge/Executive
2950 Washington Street
P.O. Box 900
Burlington, Kentucky 41005

Dear Judge Ferguson:

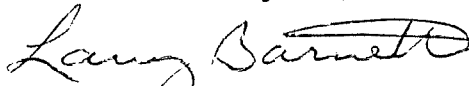
This letter is written to advise you of the action taken by the Boone County Planning Commission in regard to the request of Dr. Robert M. DeCarvalho (owner) for a Zoning Map Amendment on a 17.6 acre site located south of Boone Aire Road, Boone County, Kentucky. The request is to rezone the property from Recreation (R) and Suburban Residential One (SR-1) to Suburban Residential Two/Planned Development (SR-2/PD). The intended use is a 106 Fountaincrest townhouse unit development.

At their meeting of March 2, 1988, the Boone County Planning Commission voted by a roll call vote (8 ayes, 5 opposed, and 1 abstention) to recommend approval by Resolution R-12-88. This action was taken upon hearing the recommendations of the Committee and based on the findings of fact attached to the enclosed Resolution.

The approved minutes of the February 24, 1988 Public Hearing, along with the pertinent information regarding this request are enclosed.

If you need any further information, please do not hesitate to call the Planning Commission's office.

With Kindest Regards,



~~William R. Viox~~

W.R.V. Chairman

WRV/jdh

Enclosures

STAFF REPORT

REQUEST OF DR. ROBERT DeCARVALHO (OWNER AND APPLICANT)
FOR A ZONING MAP AMENDMENT FROM RECREATION (R) AND
SUBURBAN RESIDENTIAL ONE (SR-1) TO
SUBURBAN RESIDENTIAL TWO/PLANNED DEVELOPMENT (SR-2/PD)

FEBRUARY 24, 1988

This request is for a Zoning Map Amendment from Recreation (R) and Suburban Residential One (SR-1) to Suburban Residential Two/Planned Development (SR-2/PD). The 17.6 acre site is located on the south side of Boone Aire Road and comprises the old golf course clubhouse site. The proposed use for the site is townhouse development.

Surrounding Land Uses and Zoning

Much of the site is bordered by the Boone County Golf Course to the west and south. That property is zoned Recreation (R) although a portion of the future proposed course is zoned Suburban Residential One (SR-1). Also to the south and east is a developing subdivision known as Forest Greens. Phase A of this development will contain single-family residences and a swimming pool immediately to the east of the DeCarvalho site and is zoned Suburban Residential One (SR-1). There is an existing condominium development immediately west of the site on Boone Aire Road. The current zoning of that parcel is Urban Residential One (UR-1). To the north across Boone Aire Road is currently wooded property that is also zoned UR-1. There are several single-family residences near the site on old Zig Zag and Boone Aire Road.

Characteristics of the Site

The site is comprised of a hilltop that overlooks the golf course and Boone Aire Road, as well as part of Forest Greens Subdivision. A ridgetop runs to the east through Phase A of that subdivision. A tributary of the Gunpowder Creek is west of the property.

The abandoned, and recently burned, clubhouse and accessory buildings are located near the top of the hill at the southwest corner of the site. Much of the clubhouse vicinity and perimeter of the site contain mature trees while a large part of the eastern section is fairly clear and level. Natural drainage is dispersed to the north, west, and south through several small tributaries of Gunpowder Creek.

Soils present on the site include Cynthiana Flaggy Silty Clay Loam (CyF), usually found on 20 to 50 percent slopes; Jessup Silt Loam (JeD), usually found on 12 to 20 percent slopes; and two types of Rossmoyne Silt Loam (RsB and RsC), usually found on slopes 0 to 12 percent. Much of the perimeter of the site does contain steep topography.

Relationship to the Comprehensive Plan

The 1986 Boone County Comprehensive Plan Future Land Use Map depicts the site as Low Density Residential (LDR) borderline to Medium Density Residential (MDR). The text of the Housing Element specifically addresses future residential development in the Florence-Burlington region of the county on page H-20:

"This area will develop very rapidly around new KY 18. Medium density will be the predominant residential development in the corridor. This development should not occur directly on KY 18, but with easy access to it. Some high density residential development should also occur off of KY 18, although not abutting the airport area. Additionally, long cul-de-sacs should be discouraged unless proper access management is utilized to lessen impact on roadway traffic and sizable developments should be permitted when adequate emergency access can be arranged to all portions of development."

Page H-18 provides some insight to the treatment of different types of housing in the Comprehensive Plan:

"Keep in mind that multi-family housing includes nursing homes, apartments, townhouses, and condominiums all ranging greatly in price per unit. Each type is needed in certain areas of Boone County."

Pages H-17 and H-18 discuss types of housing for the future in Boone County:

"Multi-family construction will take place increasingly in the Florence-Burlington-Hebron area because of easy access (KY 18, KY 237, and I-275) and the spread of urbanization. High density developments should be close to the thoroughfares to achieve a gradation of densities outlined in the land use plan.

Multi-family housing should have convenient access to commercial districts. The developments should be designed to offer the shortest trips to the most people."

Pages H-18 and H-19 discuss various densities of housing development in the county:

"High density residential areas should be located sufficiently near and with convenient access to major streets, highways, and shopping and public facilities. Between high density and low density there should be a gradation or a buffer. Existing vegetation (such as wooded fence rows) should be retained as much as possible to provide buffer strips."

"The densities should vary within the established developed areas which is in agreement with the objective of land use selection based on housing densities rather than housing types."

Several objectives of the Housing Element also describe future high density residential development:

"10. High density development shall occur in locations with immediate or convenient access both to major streets or highways and to shopping and public facilities.

11. Progression of intensities shall be encouraged. Where traditional progressions of high density to low density development cannot be followed, adequate buffering must accompany high density usage."

DeCarvalho Concept Development Plan

The submitted Concept Development Plan indicates a total of 106 townhouse units on the 17.6 acre site for an overall density of 6 units per acre. The applicant has indicated that the proposed units would be owner-occupied. The proposed units would utilize most of the site except for the sloped area along Boone Aire Road and along the south end of the site. A recreation facility (a clubhouse) is proposed along the east property line. Access to the development would require that the existing drive be upgraded and widened. The plan indicates retaining existing trees on the downhill side of the drive and on the major sloped areas of the site.

The applicant has submitted additional written information regarding the type of unit proposed, buffering, sewage treatment, reasons to support the requested zone change, traffic counts, and traffic generation. The letter also includes a commitment to negotiate possible road improvements to Boone Aire Road, as well as negotiate the funding of a left turn lane at KY 18 and the east end of Boone Aire Road. Several slides provided by the applicant depict the Coachgate Condominiums in Louisville, Kentucky, in order to provide an example of similar architecture and landscaping.

Staff Concerns

1. The submitted information indicates that the applicant is pursuing an agreement with the owners of the Boone Aire treatment plant for sanitary sewerage. Staff is concerned that the capacity for sanitary sewer treatment be available for the site, even though adjacent properties do have treatment facilities.

2. The eastern portion of the development adjoins an approved single-family subdivision. Staff believes that the transition from the medium density townhouse uses to the adjacent single-family uses to the east needs to be further addressed, and additional buffer area may be required as noted in the information supplied by the applicant. This is especially true because the proposed units are on top of the hill and therefore very visible to surrounding properties. The proposed units at the southwest corner of the site would be situated immediately above an existing golf course green. Since the hillside is pronounced in this area, the visual impact of the townhouse units on the golf course could be profound. There is also existing vegetation in this area that could be retained. Adjacent to the western portion of the site, there is a golf course tee that immediately adjoins the property line. The proposed building setbacks are approximately 20 feet at this location. Since the tee is approximately 25 feet from the property line, staff believes that more attention to setbacks and buffering is needed. An emphasis should be placed on retaining the significant natural vegetation throughout the site.
3. Since the site is elevated above its surroundings, storm water runoff would have to be handled carefully. The submitted plan indicates several areas for storm water detention; however, staff feels that the intensity of the development and the topography of the site may necessitate more attention to runoff. All runoff from the site would eventually make its way through the Boone County Golf Course.
4. Staff is concerned about the potential impact of the proposed development on Boone Aire Road and its intersection with KY 18. There is a curve on Boone Aire Road east of the proposed drive that could be improved through cooperation with the Boone County Road Department. Sight distance is restricted at this curve. Since most of these vehicles will be traveling to and from the east by KY 18, the eastern intersection of Boone Aire Road with KY 18 would experience increased turning movements. There is currently no left-turn lane from westbound KY 18 onto Boone Aire Road at this location, and the added traffic making this movement may create the need for such a lane. Phasing of the proposed development is an important factor in the traffic impact and should be further described by the applicant.

Conclusion

The DeCarvalho site is not conducive to many land uses because of its topography. This request and the Concept Development Plan provide a creative approach to developing the site in a practical

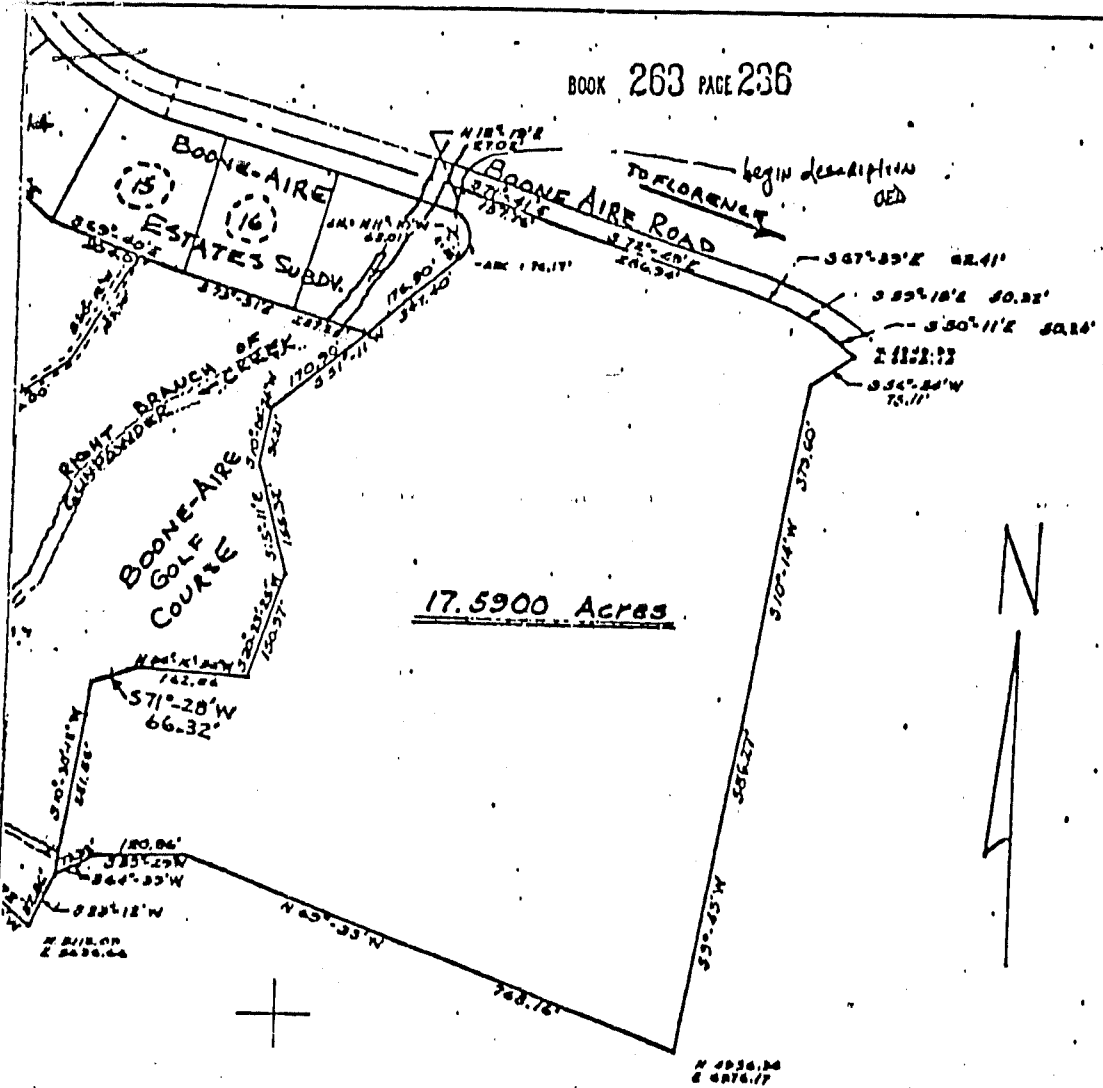
Staff Report - DeCarvalho
February 24, 1988
Page Five

manner while attempting to mesh with adjacent land uses. The request must be reviewed in terms of the three criteria necessary to grant a Zoning Map Amendment and its relationship to adjacent land uses. Should the request be approved by the Boone County Planning Commission and the Boone County Fiscal Court, the Future Land Use Map would need to be adjusted.

David A. Geohegan

David A. Geohegan,
Planner/Plans Examiner

DAG:mcb



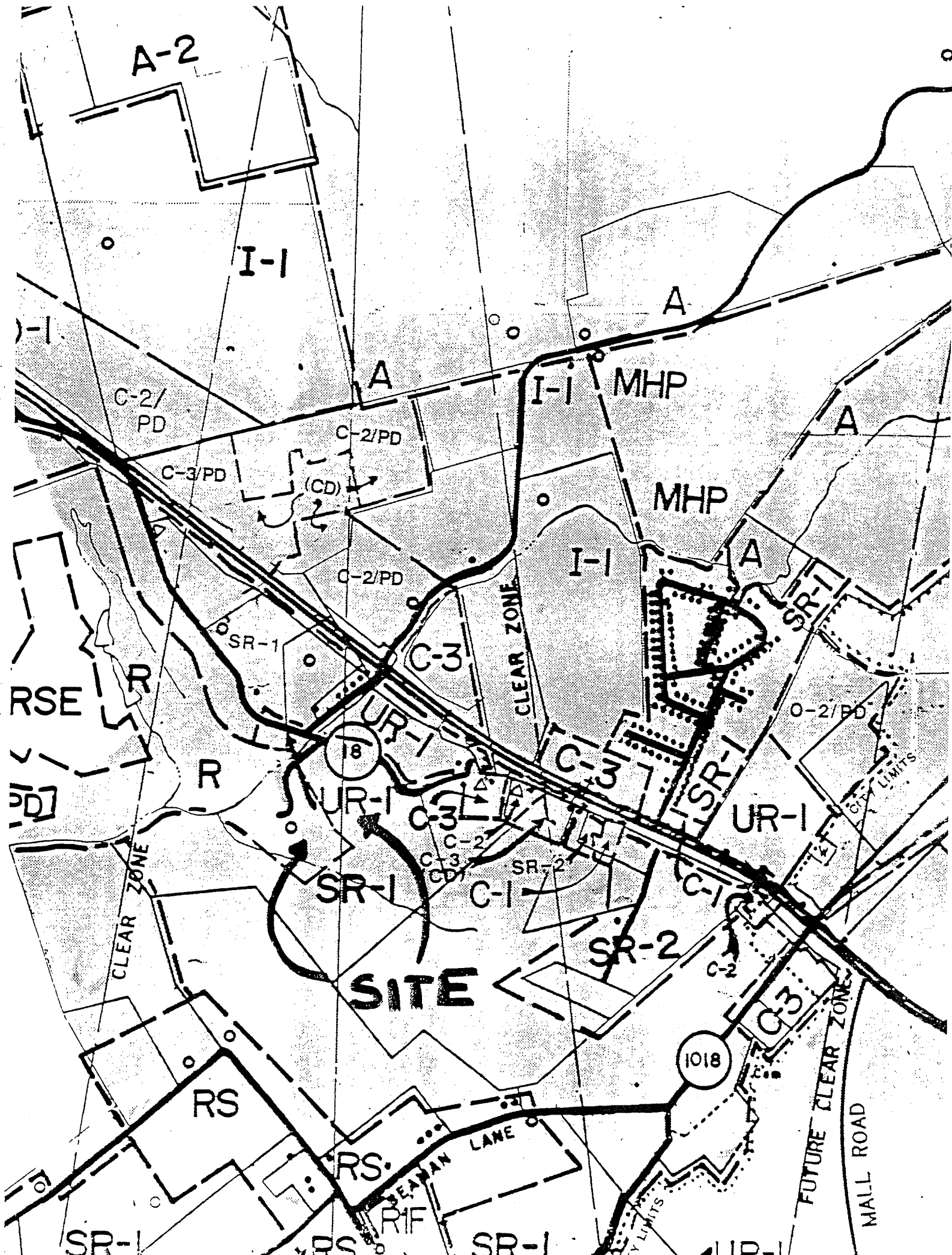
STATE OF KENTUCKY
 JAMES W. BERLING
 KY. SURVEYOR No. 208
 REGISTERED
 LAND SURVEYOR

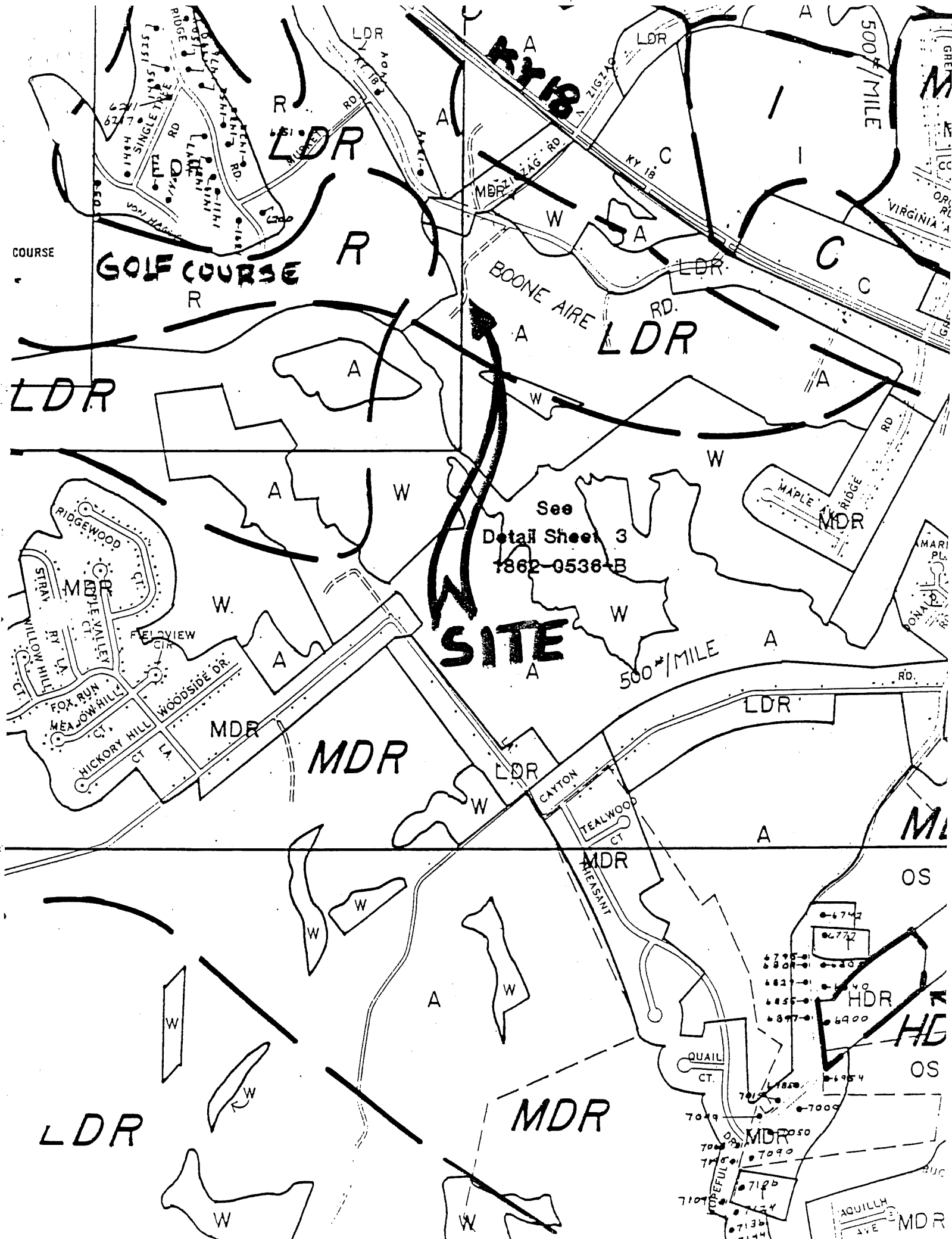
BOUNDARY SURVEY		
BOONE AIRE PROPERTY		
JAMES W. BERLING KY. SURVEYOR No. 208		SCALE 1"=100'
		DRAWN BY N.A.K.
BOONE AIRE ROAD BOONE COUNTY, KY.		
DATE 5-24-79	APPROVED BY	DRAWING NUMBER



DE CARVALHO







COURSE

GOLF COURSE

See
Detail Sheet 3
1862-0536-B

SITE

500'/MILE

500'/MILE

LDR

LDR

LDR

MDR

LDR

MDR

HDR

AQUILLH AVE MDR



**McGill
Smith
Punshon**
International, Inc.

Engineers, Architects,
Planners, Surveyors,
Landscape Architects

2000 Commonwealth Blvd., Suite 200
Cincinnati, Ohio 45219
Tel: 513-763-1000
Fax: 513-763-1001

Scale: 1" = 100'
A.C.L.
DATE: 1/15/00

FOUNTAINCREST
A RESIDENTIAL COMMUNITY
BOONE ARLE ROAD
BOONE COUNTY
KENTUCKY
DR. ROBERT M. DE CARVALHO

**PRELIMINARY
DEVELOPMENT
PLAN**

DATE: 1/15/00
DRAWN BY: [Signature]
CHECKED BY: [Signature]

EXISTING ZONING: R & SR-1

PROPOSED ZONING: SR-2 P.D.
PLANNED DEVELOPMENT

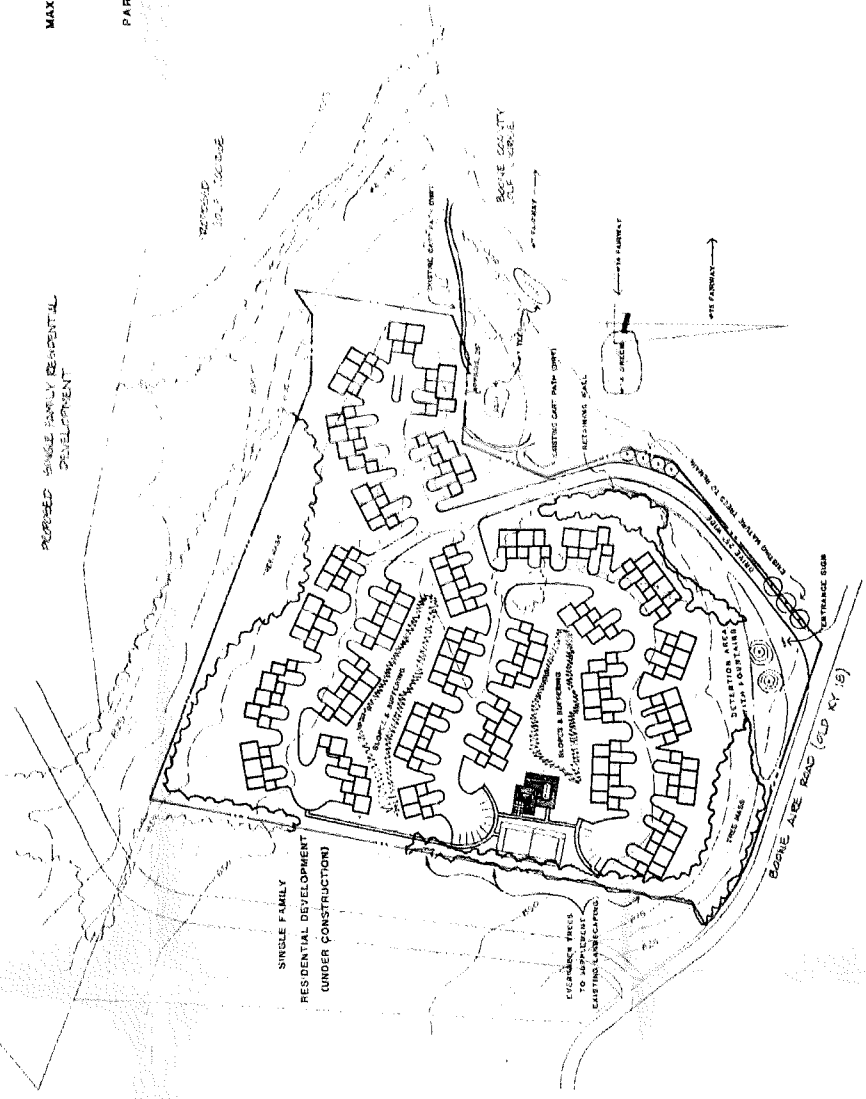
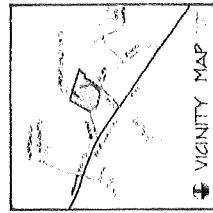
PROPOSED DENSITY: 6.0 DWELLING UNITS PER GROSS ACRE

MAXIMUM UNITS: 106 DWELLING UNITS
(106 TOWNHOUSES SHOWING)

PARKING: 2 SPACES PER UNIT



FEB 3 2000



MINUTES
BOONE COUNTY FISCAL COURT
REGULAR MEETING
JUNE 7, 1988
3:00 P.M.

ORDINANCE 920.150

Judge Ferguson moved to Second Reading of Ordinance 920.150 an ordinance of the Boone County Fiscal Court adopting a map amendment to the Boone County, Kentucky, Zoning Map, such map amendment being a zone change from Commercial Two/Planned Development (C-2/PD) to Public Facilities (PF) for a 3.87 acre site generally located at the Southeast corner of Ky. 237 and Cougar Path Road, Hebron, Boone County, Kentucky as requested by the Boone County Public Library District and being recommended for approval by the Boone County Planning & Zoning Commission via Resolution R-23-88. A motion was offered by Commissioner Davis, seconded by Commissioner Raverty, to approve Ordinance 920.150 on Second Reading. Without objection, Judge Ferguson called for a vote on the motion, Commissioner Raverty voted AYE, Commissioner Robinson voted AYE, Commissioner Davis voted AYE, and Judge Ferguson's vote to reflect the will of the majority. (Exhibit "C")

ORDINANCE 920.151

Judge Ferguson moved to the Second Reading of Ordinance 920.151, an ordinance of the Boone County Fiscal Court adopting a map amendment to the Boone County, Kentucky, Zoning Map, such map amendment being a zone change from Agriculture (A-1) to Rural Suburban Estates (RSE) for an 18.45 acre site generally located North of Ky. 20, approximately 0.7 mile West of Lawrenceburg Ferry Road, Boone County, Kentucky as requested by Timothy R. McNeely (Applicant) for William M. and Mary Ellen Lucas (Owners) and being recommended for approval by the Boone County Planning and Zoning Commission via Resolution R-22-88. Commissioner Raverty said that he had talked with Mr. Kevin Costello, regarding this project, and stated that the project is close to a hill entering the area on Kentucky 20 and that he feels the roadway would need to be moved and that the County should require that the future street be moved to the top of the hill. Commissioner Raverty moved that the zone change (Ordinance 920.151) be granted with the condition that the future street be relocated between Lots 4 and 5 of the proposed development, seconded by Commissioner Davis. Without objection, Judge Ferguson called for a vote on the motion, Commissioner Raverty voted AYE, Commissioner Robinson voted AYE, Commissioner Davis voted AYE, and Judge Ferguson's vote to reflect the will of the majority. (Exhibit "H")

ORDINANCE 340.4

Judge Ferguson presented for Second Reading Ordinance 340.4, an ordinance relating to the use and control of Hazardous Materials in Boone County, Kentucky, the timely reporting of releases thereof, and providing compensation from the parties responsible for hazardous materials releases to local government, public safety, and emergency agencies for expenses incurred responding to such hazardous materials releases. Commissioner Robinson made a motion to approve Ordinance 340.4, seconded by Commissioner Davis. Commissioner Davis said that in reading, he found this to be a very thorough ordinance and he hoped the legal staff had included everything necessary in the ordinance. Without objection, Judge Ferguson called for a vote on the motion, Commissioner Raverty voted AYE, Commissioner Robinson voted AYE, Commissioner Davis voted AYE, and Judge Ferguson's vote to reflect the will of the majority.

ORDINANCE 920.145

Judge Ferguson presented to the Fiscal Court for their consideration Ordinance 920.145, an ordinance of the Boone County Fiscal Court adopting a map amendment to the Boone County, Kentucky, Zoning Map, such map amendment being a zone change from

MINUTES
BOONE COUNTY FISCAL COURT
REGULAR MEETING
JUNE 7, 1988
3:00 P.M.

Recreation (R) and Suburban Residential One (SR-1) to Suburban Residential Two/Planned Development (SR-2/PD) for a 17.6 Acre site generally located South of Boone Aire Road, Boone County, Kentucky, as requested by Dr. Robert M. DeCarvalho (Owner) and recommended for approval by the Boone County Planning & Zoning Commission via Resolution R-12-88. Commissioner Raverty made a motion to approve Ordinance 920.145, including all conditions as previously agreed upon by the developer, said motion seconded by Commissioner Davis.

Judge Ferguson then called for a ten minute recess at 4:00 P.M. to allow the developer to look at all the items placed before them as conditions to confirm agreement before the Court proceeds any further.

Judge Ferguson reconvened in Open Meeting of the Fiscal Court at 4:16 P.M. and returned to Ordinance 920.145 with the motion for approval being on the floor.

Mr. Thomas R. Nienabor, attorney for the applicant, advised that Items Seven and Fifteen are redundant and that he feels that Item Seven should be stricken from the record and that Item Fifteen should remain in tact. The Court members agreed to this change.

Condition Number Fourteen states that the site should be cleared of all buildings within four days or within sixty days of site plan review. Commissioner Raverty stated that this should be which ever occurs first.

Hearing no further discussion on the issue, Judge Ferguson called for a vote on the motion, Commissioner Raverty voted AYE, Commissioner Robinson voted NO, Commissioner Davis voted AYE, and Judge Ferguson's vote to reflect the will of the majority. (Exhibit "J")

Assistant County Attorney, Elizabeth Blincoe, presented a resolution of the Fiscal Court authorizing County Judge/Executive Bruce Ferguson to release the bonds on the American Custom Metals, Inc. bond issuance. A motion was offered by Commissioner Davis, seconded by Commissioner Robinson, to approve same. Without objection, Judge Ferguson called for a vote on the motion, Commissioner Raverty voted AYE, Commissioner Robinson voted AYE, Commissioner Davis voted AYE, and Judge Ferguson's vote to reflect the will of the majority. (Exhibit "K")

ITEM VI.OLD BUSINESS

Judge Ferguson then moved to the award of bids for the fiscal year 1988-89 at the County Road Department. A copy of said recommendations for approval shall become an exhibit to these minutes.

It was discussed that there were issues of discrepancy in that Commissioner Robinson said most of the time it is the wishes of the Court to have multiple suppliers when available. Commissioner Robinson said the steel was bid by one company only and that he is aware of another company who has been supplying the County with steel, but had not even been notified of the bidding process. He said that he does not feel this is the appropriate way to bid the items.

Furthermore, Commissioner Davis questioned the recommendation that Bobby Harper be given the bid for the premium unleaded gasoline and that there was no bid recommended for regular unleaded gasoline.

Mr. Harvey Pelley, County Road Supervisor, stated the County is not presently purchasing any regular unleaded and the County is getting better performance from the premium unleaded.

ORDINANCE 920.145

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT ADOPTING A MAP AMENDMENT TO THE BOONE COUNTY, KENTUCKY, ZONING MAP, SUCH MAP AMENDMENT BEING A ZONE CHANGE FROM RECREATION (R) AND SUBURBAN RESIDENTIAL ONE (SR-1) TO SUBURBAN RESIDENTIAL TWO/PLANNED DEVELOPMENT (SR-2/PD) FOR A 17.6 ACRE SITE GENERALLY LOCATED SOUTH OF BOONE AIRE ROAD, BOONE COUNTY, KENTUCKY, AS REQUESTED BY DR. ROBERT M. DECARVALHO (OWNER) AND RECOMMENDED FOR APPROVAL BY THE BOONE COUNTY PLANNING & ZONING COMMISSION VIA RESOLUTION (R-12-88).

WHEREAS, the Boone County Planning Commission received a request for approval for a Zoning Map Amendment being a zone change from Recreation (R) and Suburban Residential One (Sr-1) to Suburban Residential Two/Planned Development (SR-2/PD) for a 17.6 acre site generally located south of Boone Aire 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 was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval for the zoning amendment.

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

SECTION I

That the zoning map amendment for the real estate which is more particularly described below shall be and is hereby recommended for approval, this Zoning Map Amendment being a zone change from Recreation (R) and Suburban Residential One (SR-1) to Suburban Residential Two/Planned Development (Sr-2/PD) for a 17.6 acre site generally located south of Boone Aire Road, Boone County, Kentucky. The real estate which is the subject of this zoning map amendment recommendation for approval is more particularly described in attached "Exhibit A".

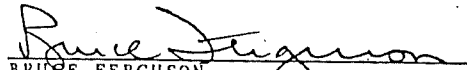
SECTION II

That as a basis for the recommendation of approval and adoption of the zone change request the findings of fact of the Boone County Planning and Zoning Commission as set forth in its Minutes and official records for this zone change request, and the finding of facts of the Boone County Fiscal Court, if any, and any conditions and/or stipulations mandated by the Boone County Fiscal Court, if any, as set forth in its Minutes and official records for this zone change request, shall be and are hereby incorporated by reference as if fully set out in this Ordinance (ATTACHED - Exhibits "B" and "C").

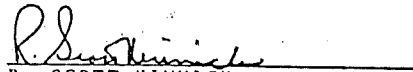
That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

Introduced, seconded and given First Reading on the third day of May, 1988.

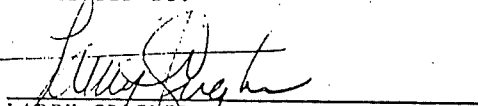
Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the eleventh day of June 1988, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the Boone County Fiscal Court Clerk and declared to be in full force and effect.


BRUCE FERGUSON
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:


R. SCOTT KIMMICH
FISCAL COURT CLERK

SUBMITTED BY:


LARRY CRAVNER
BOONE COUNTY ATTORNEY

DATE PUBLISHED _____

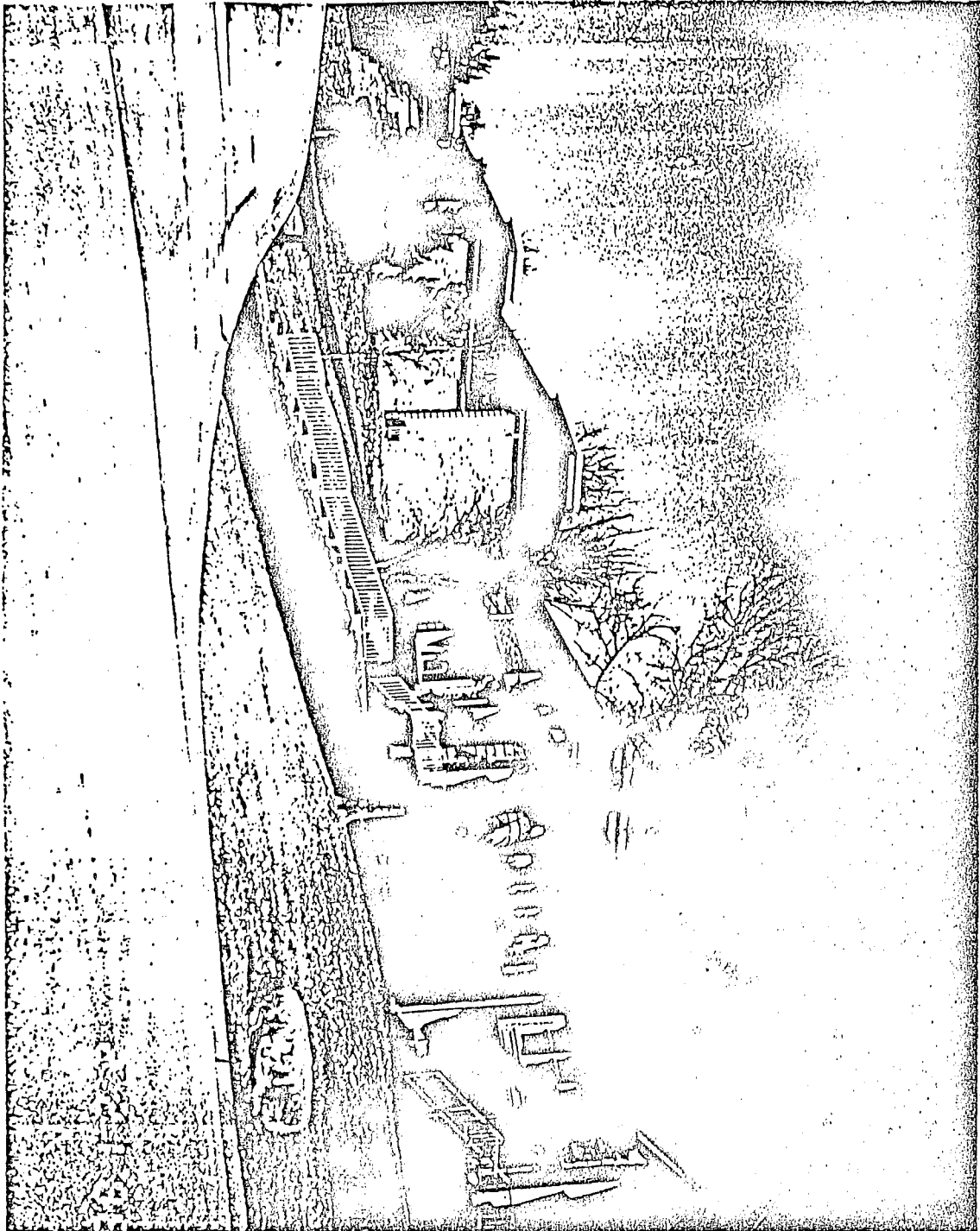
DECARVALHO CONDITIONS

MAY 3, 1988

1. The proposed development shall incorporate a 50 foot buffer yard setback from the east property line adjoining the single-family Forrest Greens Subdivision. In order to accomplish this and to lessen the overall development impact on the topography, the overall density of the proposed development shall be adjusted to ninety (90) units on the 17.6 acre site.
2. All Preliminary Development and Site Plans submitted for this development shall be first reviewed by the Boone County Planning Commission's Technical Committee to determine their consistency with the Concept Development Plan as modified by these conditions. Any submittal proposing a major change from the modified Concept Development Plan or other submitted information will require a Public Hearing as determined by the Technical Committee.
3. The slides depicting similar architecture and landscaping that were presented by the Applicant at the February 24, 1988 Public Hearing shall constitute a part of the Concept Development Plan. Detailed architecture and landscaping plans shall be submitted as part of the Preliminary Development Plan and Site Plan Review stages. These plans shall be reviewed by the Boone County Planning Commission's Technical Committee as to their consistency with the submitted slides.
4. The entirety of the proposed recreation facilities shall be constructed during the first phase of the development.
5. As indicated at the February 24, 1988, Public Hearing, all townhouse units within the development will be for-sale units.
6. The owner of the development shall complete necessary improvements as outlined in Item 2 of the memo from Harvey Pelley, County Road Engineer, dated May 2, 1988. This could require a sight easement for maintenance of low level vegetation or the future dedication of right-of-way to permit road widening or straightening.
7. Full documentation of available sanitary sewer service shall be provided at Preliminary Development Plan Review.
8. The minimum list price for homes would be \$99,900.00.
9. Each one of the townhouses will be willing to pay \$1,000.00 per household to enter the sewer system. The developer will make additional sewer space available for homeowners and residents in the present Boone Aire Subdivision as well as provide for expansion upon the sale of lots within the present Boone Aire area. The developer will be willing to expand the plant by sixty-one units.

DECARVALHO CONDITIONS
PAGE 2

10. That the sewer expansion would be available through December 31, 1996.
11. The requirement would be to expand the plant and that taps and pipe to the plant would have to be supplied by the individual home owners.
12. That a two car garage is required for each unit and there will be no more than three floors to be exposed to public view including the basement.
13. The site should be clear of all buildings within four months or within sixty days of site plan review (which ever occurs first).
14. The developer will participate in the Kentucky 18 west bound turn lane to Boone Aire and will be willing to take part in and share in the cost, up to forty percent, of the total cost of the project if the state does not pay for the project.
15. The developer will improve site distance at the entrance of the drive to the Old "Boone-Aire Country Club" and Boone Aire Drive.
 - A. Clear, Grub, and Restore with a low ground cover, an area on the south side of Boone Aire Drive (500' x40').
\$2,500.00.
 - B. Extend the 36" CMP at the end of Drees' Project, Westward 250 l.f. (\$10,000.00 estimate).
 - C. Construct 2 catch basins and one headwall. (\$3,500.00 estimate).
 - D. Add Additional fill at the South Side of Boone Aire Dr., to allow construction of a 3' wide shoulder along side of the existing highway. \$15,000.00(estimate).
 - E. Construct 500 l.f. Of crushed stone shoulder. \$2,000.00 (estimate).
Total cost of items ----- \$33,000.00 (estimate).
16. One person will serve as owner/developer and that person will market and sell these units individually. The owner/developer does not intend to build and sell for lease.
18. No person, partnership, or corporation may purchase more than five units.



FOUNTAINCREST
TOWNHOUSE - CONDOMINIUM

PRODUCT DESCRIPTION:

Predominantly brick veneer structure with wood and siding trim and highlite features.
Living area from 1400 to 2400 square feet.

STANDARD FEATURES

WOOD WINDOWS	CERAMIC TILE OR HARDWOOD ENTRY
WOOD CABINETS	FORMICA COUNTER TOPS
CULTURED MARBLE VANITY TOPS	CERAMIC TILE BATH
DISHWASHER-DISPOSAL	SELF-CLEAN RANGE & LIGHTED RANGE HOOD
LAUNDRY AREA	HEAT PUMP - CENTRAL AIR
ARMSTRONG CUSHION VINYL NO WAX FLOOR	SMOKE DETECTOR
WOOD BURNING FIREPLACE	DESIGNER WALL TO WALL CARPET THROUGHOUT
SURE SEAL ENERGY PACKAGE	CONCRETE PATIO OR TREATED WOOD DECK
CATHEDRAL/VAULTED CEILINGS & SKYLIGHTS (BY PRODUCT)	2 CAR GARAGE

OPTIONS AVAILABLE

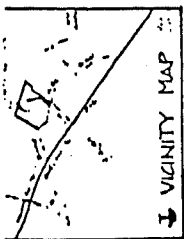
APPLIANCES	REFRIGERATOR (FROST FREE WITH ICE MAKER)
MICROWAVE OVEN	WASHER & DRYER
AIR CLEANER - HUMIDIFIER	INTERIOR WOOD TRIM & MOLDING PACKAGE
LOWER LEVEL FINISH (FAMILY ROOM, ETC. BY PRODUCT)	WET BAR
AUTOMATIC GARAGE DOOR OPENER	WHIRLPOOL BATH
	SECURITY SYSTEM

RECREATIONAL & COMMUNITY FEATURES

CLUB HOUSE	LANDSCAPE & LAWN MAINTENANCE
EXERCISE ROOM	EXTERIOR BUILDING MAINTENANCE
SWIMMING POOL	SNOW & TRASH REMOVAL
TENNIS COURTS	HOMEOWNERS INSURANCE
BASKETBALL COURT	

AVAILABLE PERSONAL SERVICE

DRY CLEANING PICK-UP & DELIVERY	MAID/CLEANING SERVICE
TELEPHONE ANSWERING/OFFICE SERVICE	



EXISTING ZONING:

SR-2 P.D.
(PLANNED DEVELOPMENT)

PROPOSED DENSITY:

6.0 DWELLING UNITS
PER GROSS ACRE

MAXIMUM UNITS:

108 DWELLING UNITS
(108 TOWNHOUSES SHOWN)

PARKING:

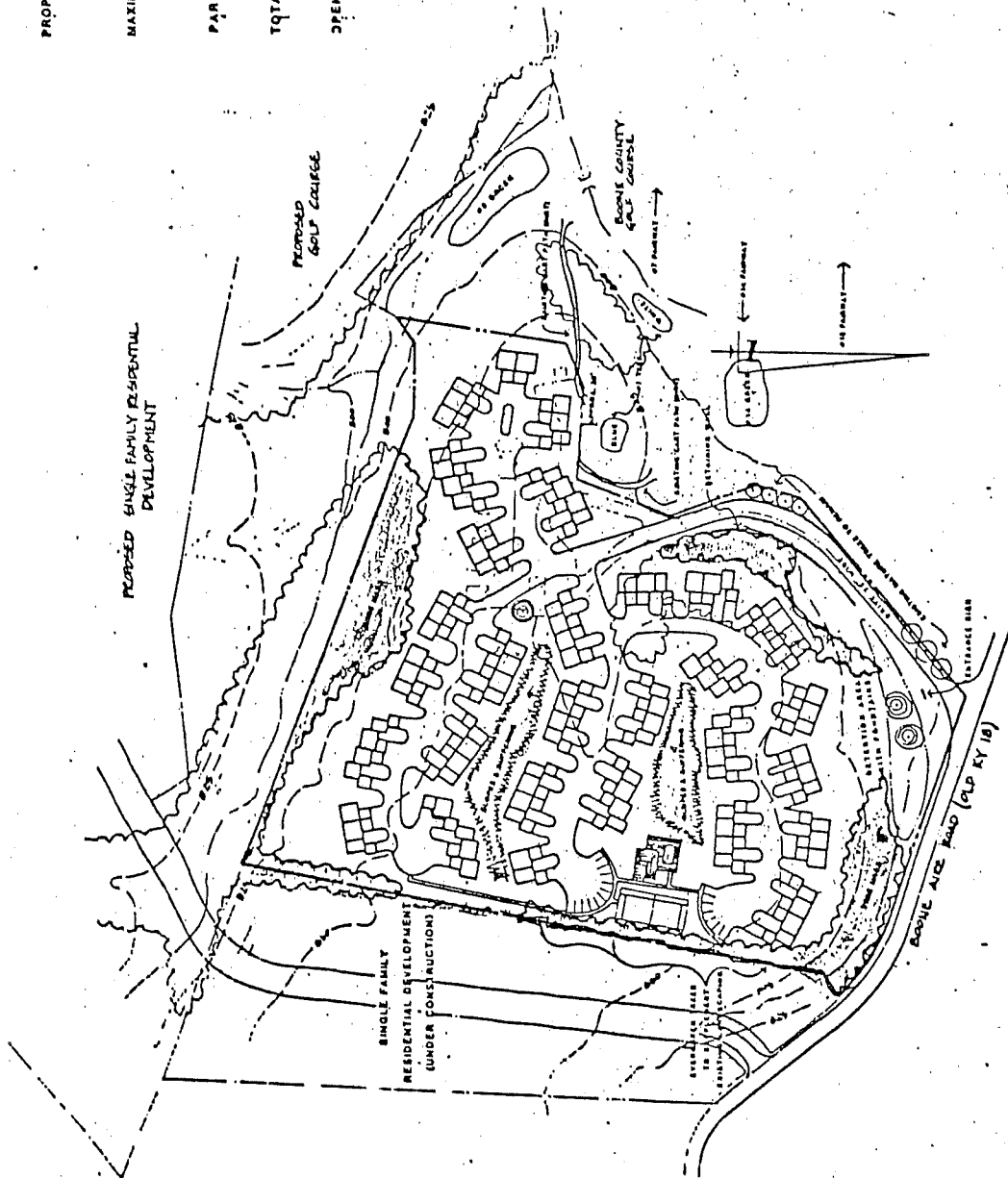
2 SPACES PER UNIT

TOTAL ACREAGE:

17.8 ACRES

OPEN SPACE:

87.4% OF SITE



REVISION: Existing Tree Mass to be retained.