

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION

FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check One:

- Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
Change in an Approved Concept Development Plan
Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)
Long Range Planning Committee Review (As stated in the Union Town Plan)
X Zone Change Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions
Zoning Administrator Review (As stated in the Central Florence Strategic Plan, An Update of the Parkway Corridor Study)
Zoning Administrator Review (As stated in the Mall Road District Study)

2. Name of Project Thornwilde Village

3. Location of Project Francisville KY - Corner of Thornwilde Dr and Rt 237

4. Total Acreage of Site 12.2 Acres

5. Current Zoning RPD

6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) April 1994 and revised and approved July 2014

7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) N/A

8. Proposed Uses (please specify each use) No change as of last approval date

9. Proposed Building Intensities (please specify) No change as of last approval date

10. Have you submitted a Concept Development Plan? Yes

11. Are you also applying for:

- N/A Conditional Use Permit
Dimensional Variance

12. Name of Applicant(s) Francisville LLC.
Phone Number 859 801-1773 Fax No. E-Mail drees@terraceholdings.c

13. Address of Applicant(s) 495 Erlanger Rd Ste 202
Erlanger, KY 41018

City State Zip

14. Name of Property Owner(s) Francisville LLC
Phone Number 801-1773 Fax No. E-Mail

15. Address of Property Owner(s) 495 Erlanger Rd Ste 202
Erlanger, KY 41018

City State Zip

16. Are there any existing buildings on the site? Yes
How many? 1 house

17. Deed Book 1050 Page No. 887 Group No. 2004
18. Have you had a pre-application meeting with BCPC Staff? Yes, 3/21/17

(over)

**Concept Development Plan**  
**Page 2**

19. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:

- Boone County Water District
- Florence Public Services Dept.
- Duke Energy
- Sanitation District #1
- Cincinnati Bell
- Owen Electric Cooperative, Inc.
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- Boone County Building Department
- Northern Kentucky Health District
- USDA NRCS/Boone County Conservation District
- KY Division of Water
- Local School District
- Local Fire District
- Other: \_\_\_\_\_

20. Concept Development Plan Jurisdiction/Location  
 Unincorporated Boone County      \_\_\_\_\_ Walton  
\_\_\_\_\_ Florence      \_\_\_\_\_ Union

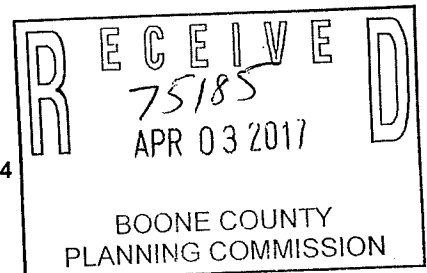
21. **ORIGINAL Property Owner's Signature** *Paul Drees*  
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

22. **ORIGINAL Applicant's Signature** *Paul Drees*  
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

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

1. Date Received 4-3-17 Fee Received \$1,700 R# 75185
2. Check what has been submitted:  
 Application      \_\_\_\_\_ Fee       Legal Description  
 Concept Development Plan      \_\_\_\_\_ Addresses of Adjoining Property Owners  
5 No. of copies of plan received \*\*
3. Is application complete?  YES      \_\_\_\_\_ NO
4. Staff Reviewer KEVIN WALL
5. Committee Chairperson GREG BRETZ
6. Scheduled Public Hearing Date 5/3/17
7. Boone County Planning Commission Action:  
\_\_\_\_\_ Approved       Approved With Conditions 7/5/17  
\_\_\_\_\_ Denied
8. Other: \_\_\_\_\_

Boone County Planning Commission  
Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
Burlington, Kentucky 41005  
Phone (859) 334-2196 - Fax (859) 334-2264  
plancom@boonecountyky.org - E-Mail  
[www.boonecountyky.org](http://www.boonecountyky.org) - Web Page



Note: See Boone County Planning Commission Fee Schedule for Concept Development Plan Fees. An application consists of all fees paid in full, submitted drawings and a completed application form.

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project Thornwilde Village
2. Location of Project 1173 North Bend Rd, Hebron
3. Total Acreage of Site 3.8
4. Current Zoning of Site RSE
5. Proposed Zoning (Classification being requested) RPD
6. Proposed Uses (please specify each use) Multi-Family/apartment use
7. Names of Applicant(s) Francisville, LLC
8. Address of Applicant(s) 495 Erlanger Rd, Ste 202 Erlanger KY 41018
9. Name of Property Owner(s) Francisville, LLC
10. Address of Property Owner(s) 495 Erlanger Rd, Ste 202 Erlanger KY 41018
11. Proposed Building Intensities (please specify) 11 units per Acre
12. Are there any existing buildings on the site? Yes
13. Deed Book 1082 Page No. 727 Group No. 2004
14. Are you also applying for: Conditional Use Permit Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? Yes 3/21/17
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

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

**ZONING MAP AMENDMENT  
APPLICATION  
PAGE 2**

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

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

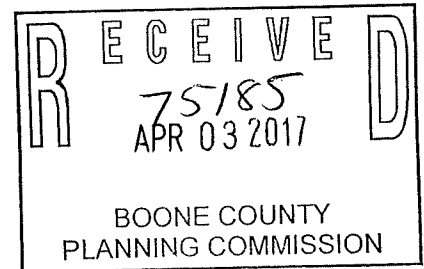
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(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

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

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

1. Date Received 4-3-17
2. Review Fee \$ 2,222.00 R# 75185
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. Date Application is **Administratively Complete** as Defined in KRS 100.211
5. Staff Reviewer KEVIN WALL
6. Committee Chairman GREG BREITE
7. Scheduled Public Hearing Date 5/3/17
8. Boone County Planning Commission Action:
  - Approval**
  - Approval with Conditions 7/5/17
  - Denial
9. Other: \_\_\_\_\_ Resolution # \_\_\_\_\_

Boone County Planning Commission  
Boone County Administration Building  
2950 Washington Street, Room 317  
P.O. Box 958  
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**NOTE:** An application consists of all fees paid in full, submitted drawings and a completed application form.

# EXHIBIT

“A”

## STAFF REPORT

The request of **Francisville, LLC (owner)** for a Change in an Approved Concept Development Plan in a Residential Planned Development (RPD) zone for an approximate 12.2 acre site located at 1207 North Bend Road, Boone County, Kentucky, to modify a Concept Development Plan and previous conditions of approval to allow a reconfiguration of an approved commercial, attached single family residential, and multi-family residential development (Thornwilde Village); and the request of **Francisville, LLC (owner)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Residential Planned Development (RPD) for an approximate 3.8 acre site located at 1173 North Bend Road, Boone County, Kentucky, to allow an expansion of Thornwilde Village consisting of multi-family residential buildings.

May 3, 2017

### PROPOSAL

This proposal includes both Change in Concept Development Plan and Zoning Map Amendment applications. The Change in Concept Development Plan is for the approximate 12.2 acre site located at 1207 North Bend Road, which is on the northwest corner of the North Bend Road/Thornwilde Drive intersection (Thornwilde Village). A Change in Concept Development Plan was conditionally approved for this site in 2014 to allow a mixed use development which includes commercial, single family attached residential, and multi-family residential uses (approval documents are attached).

A Zoning Map Amendment from RSE to RPD is requested for the approximate 3.8 acre site to the north at 1173 North Bend Road. This tract would serve as an expansion to the original Thornwilde Village site and include several multi-family residential buildings. The Change in Concept Development Plan application for the original 12.2 acre site would allow modifications to the plan and conditions of approval so that the two sites "dovetail" together as one overall project.

The basic "village" configuration of the current proposal is consistent with the Concept Development Plan that was conditionally approved in 2014, but it is proposed to be extended northward with several additional multi-family residential buildings and parking areas. The 2014 Concept Development Plan was approved with the following two options:

1. 26,000 square feet of commercial space and 120 total dwelling units. The respective intensity/density for this option is 2,131 square feet of commercial space per acre and 9.84 dwelling units per acre.
2. 21,675 square feet of commercial space and 128 total dwelling units. The respective intensity/density for this option is 1,777 square feet of commercial space per acre and 10.5 dwelling units per acre.

The current proposal for the overall 16 acre project site includes 20,750 square feet of commercial space and 176 total dwelling units. The respective intensity/density now proposed is 1,297 square feet of commercial space per acre and 11 dwelling units per acre. The number of residential units noted on the individual buildings on the graphic plan add to 168, but the "proposed maximum # of units" stated on the plan is 176.

Four commercial buildings are shown on the Concept Development Plan. Three of the commercial buildings are shown along the North Bend Road frontage and the fourth (day care center) is shown along the Thornwilde Drive frontage adjoining the access point. A drive-through lane is noted along the rear facade of the 3,800 square foot commercial building which faces North Bend Road.

Thirteen residential buildings are shown and contain between 6 and 24 units each. Two six unit townhouse buildings are proposed to adjoin the Thornwilde Drive frontage, and the remaining structures are apartment style buildings. The residential structures would be two or three stories high. The commercial buildings are anticipated to be one level, but could be multi-story and include residential units in the upper floors.

The overall plan includes access points on both North Bend Road and Thornwilde Drive (one on each road). Landscape medians are proposed in the main boulevard drive which intersects with North Bend Road and decorative pavement is proposed for the main internal intersections along this drive. Sidewalks are generally shown along the internal driveways and interior landscaping is proposed within the vehicular areas. Existing wood cover is proposed to be retained in the west and northwest parts of the site and along the west part of the north property line. Detention basins are shown in the north and west parts of the site. Retaining walls are proposed at certain points adjoining parking areas.

Since the proposal is for an expansion of the project approved in 2014 onto the adjoining site to the north, the application proposes to eliminate Condition #7 in the 8/6/14 Committee Report regarding buffering along the north property line of the original 12.2 acre site. This condition states:

*Buffer Yard C shall be followed along the north property line. If a commercial building abuts the north property line, then berming shall be provided in the adjoining buffer area (as stipulated in the 7/16/14 Thornwilde Village outline), and the remaining area along the north property line will follow Buffer Yard C options.*

A sheet which illustrates proposed architectural concepts was included with the application materials. Public water and sanitary sewer service are proposed. A new Traffic Impact Study is attached.

#### SITE HISTORY

The 12.2 acre tract was part of the original Thornwilde Subdivision Concept Development Plan that was conditionally approved in 1994 (1994 Concept Development Plan excerpt is attached). The original plan included 287 detached single family dwelling units, 240 attached single family dwelling units, and approximately 26,000 square feet of commercial space, all on approximately 217 acres. This specific phase included the commercial space and eleven lots for detached single family residences on a short cul-de-sac street.

Changes and additions to other parts of Thornwilde Subdivision were conditionally approved in 1995, 1997, and 2003. In addition to the commercial space, a total of 1,037 dwelling units (673 detached single family dwelling units and 364 attached single family dwelling units) were approved on a total of 545 acres as of 2003.

As mentioned above, a Change in Concept Development Plan for the 12.2 acre tract at 1207 North Bend Road was conditionally approved in 2014 to allow a mixed use development which includes commercial, single family attached residential, and multi-family residential uses (approval documents are attached). Under this plan, the total number of approved attached/multi-family dwelling units in the overall Thornwilde Subdivision increased from 364 to between 484 and 492, and the number of all approved residential units increased from 1,037 to between 1,157 and 1,165. These figures are contingent on the final option chosen by the developer. In 2016, the Zoning Administrator approved a Minor Amendment to the Concept Development Plan for the 12.2 acre site. This action permitted a more rectilinear configuration to the development, but it did not alter the approved uses, intensities, or basic land use concept.

#### ADJACENT LAND USES AND ZONING

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

- A. Detached single family residences on estate/frontage lots are located to the north along the west side of North Bend Road (RSE). A subdivision of detached single family residences is located further to the north (Wyndemere Place Subdivision, SR-1).
- B. Detached single family residences on estate/frontage lots and a stable are located to the east across North Bend Road (A-2 and RSE). A subdivision of detached single family residences is located to the northeast (Deer Creek Subdivision, SR-1). The site for an approved mixed use development is located further to the east and southeast (Rivers Pointe Estates, SR-3/C-1/O-1/PD).
- C. Detached single family residences on frontage lots, and a church and cemetery, are located to the south along the west side of North Bend Road (RSE and RPD). A subdivision of detached single family residences is located further to the south (Tree Tops Subdivision, SR-1).

- D. An open space area for Thornwilde Subdivision is located to the immediate west, and a detached single family phase of Thornwilde Subdivision is located further to the west (RPD).

### SITE CHARACTERISTICS

As stated above, the overall site contains approximately 16 acres. The site has approximately 870 feet of frontage along North Bend Road and approximately 820 feet of frontage along Thornwilde Drive. Two detached single family residences are located along the site's North Bend Road frontage (one on each tract). A street intersection into the site was constructed as part of Thornwilde Drive ("Sedgewicke Drive").

The site is largely wooded and hilly with yard areas immediately adjoining each of the two residences. The high point of the site adjoins the North Bend Road/Thornwilde Drive intersection at approximately el 818, and the low point is at the northwest corner at approximately el 726. Public sanitary sewer mains exist both on and around the subject site. Public water mains exist in the adjoining Thornwilde Drive right-of-way and on the east side of the North Bend Road right-of-way. Soil types on the site include Cynthiana flaggy silty clay loam (CyF), Rossmoyne silt loam (RsB), and Jessup silt loam (JeD).

### RELATIONSHIP TO COMPREHENSIVE PLAN

The 2010 Boone County Comprehensive Plan's Future Land Use Map provides the following designations for the site:

Commercial (C) for approximately 18 percent of the site at the intersection of North Bend Road and Thornwilde Drive. This area spans across the southern half of the site's North Bend Road frontage. The Commercial designation is described as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

Suburban Residential (SR) for approximately 50 percent of the site including the center, along part of the Thornwilde Drive frontage, and across the northern half of the site's North Bend Road frontage. 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."

Developmentally Sensitive (DS) for approximately 32 percent of the site mostly along the west property line and the majority of the north property line. This designation is described as "areas that have an existing slope of twenty percent or greater for a height of 20 meters (67.6 feet), 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."

The Land Use Element provides the following quotes that relate to the proposal and/or general area ("17. North Hebron," pg. 180).

- A. With planned public sanitary sewer improvements in the Sand Run Creek and Elijah Creek watersheds, including sewer lift stations, there will continue to 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.

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 open space between future developments.

- B. 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.

In general, Suburban Residential development should be concentrated on land nearest to KY 237, as indicated on the Future Land Use Map. Unlike most developing areas of Boone County, the north river area contains only one primary means of access, being North Bend Road. In the event that a bridge is proposed between Boone County and Hamilton County, a full study of the impacts should be made. These impacts could include effects on labor supply and transpositions, increased truck traffic in Boone County, and impacts on existing and planned residential areas.

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. True Open Space subdivision design should be considered to blend new subdivisions in with areas that have a rural character ("Utilization of Existing Vegetation and Topography," pp. 161 and 162).
- B. As described in the Goals and Objectives, different development densities can occur in Boone County as long as the development is designed in a proper manner and the infrastructure exists or is planned to support the development. The Goals and Objectives also acknowledge that fluctuations in the economy and housing market should be considered when evaluating the uses and design of developments.

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 ("Development Layout, Lot Sizes, and Setbacks," pg. 162).

- 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 open space within developments and between developments. Developments proposed adjacent to planned or established open spaces should provide pedestrian access where appropriate. Natural green space benefits the community as well as encourages developers to create innovative development designs through clustering of buildings and impermeable area. Typically, buffering is required and provided between unlike land uses; however, as the development of Boone County fills in previously rural areas, different lot sizes and designs of residential development sometimes impact each other. Where an appropriate gradation of lot size and setbacks cannot be designed into a proposed residential subdivision development of a significantly higher density than existing adjacent residential uses, deliberate vegetation buffering may need to be incorporated into the design to help protect low density residential areas. Buffer areas should use and supplement existing site features where possible. ("Buffering," pp. 162 and 163).
- D. Developments in Boone County must include landscaping to accompany the proposed project. Retention of existing healthy vegetation is considered a component of landscaping and is encouraged. 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. 163).
- E. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way ("Access Management," pg. 163).

- F. Developments in Boone County must be designed, where appropriate, to improve the County's transportation network system of roadways, and functional classifications must be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets. 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. Public open space and recreation sites should be connected to each other by bicycle and pedestrian paths where appropriate. Transit Oriented Development (TOD) is discussed in detail in the Transportation Element, and should be examined as a future direction in Boone County development patterns ("Transportation and Pedestrian Network," pp. 163 and 164).
- G. Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building 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.

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. 164).

The Population Element outlines population estimates based on OKI transportation analysis zone "regions." The population of the "Hebron" region where the subject site is located is estimated to change to 15,086 in 2020, and to 17,886 in 2030.

The Business Activity Element makes the following statements regarding the overall area ("Recommended Areas of Commercial Activity," pp. 69 and 70).

- A. The Hebron area will experience additional commercial development along KY 237 and KY 20 as the northern area increases in population. The existing commercial center along KY 20, just east of KY 237, will probably not expand significantly because the new highways, I-275 and KY 237, have bypassed it. 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. Park West is also the home of a Foreign Trade Zone (FTZ No. 47) which is an area exempt from Customs payment, taxes, and duties normally associated with international trade. Such FTZ's are designed to stimulate economic growth while encouraging companies to keep their operations in the United States.

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.

- B. The various small communities should continue to serve the commercial needs of their surrounding areas, and any regulations or incentives that affect these areas should be designed to support small businesses. New businesses, as they are constructed or as existing structures are remodeled, should be developed with sensitivity to the historical character as well as the current character of the area.
- C. In general, large residential developments may need to provide for neighborhood-scale commercial activities. Neighborhood commercial activities may include small grocery or convenience stores, family restaurants, professional offices or small retail operations of general merchandise. These neighborhood commercial activities should be scaled to serve only their surrounding residential subdivisions, and designed to fit in with their surroundings.

The Housing Element makes the following statements that relate to the project or the overall area.

- A. A variety of housing opportunities within the established urban areas and within developing areas would encourage some of the higher income residents to reside there and thus encourage mixing of different income levels. Therefore, single-family housing should remain an ingredient of the urban areas instead of being targeted only for rural or suburban areas. Large, left-over parcels in urban service areas are well suited for planned residential development that includes high density housing. However, established single-family housing areas in urban settings should not experience an influx of multi-family or duplex construction unless adequate buffering or proper development design can be provided ("Population Needs," pg. 79).
- B. 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," pp. 79 and 80).

- C. It is important to offer a variety of housing units, not only in terms of economics, but also because of the county's demographics. As stated previously, the youthful population, divorcees, and elderly often select a multi-family unit or manufactured home to satisfy their housing needs. In the case of the young, this housing provides their first independent housing unit. In order for Boone County to retain its youth, the county must provide both jobs and housing, otherwise, an out-migration of the young and educated population will occur. Divorcees often select multi-family housing immediately following a separation. Elderly select these units for reasons usually related to economics and the need for a secure environment near their daily needs. The variety of multi-family housing includes nursing homes, retirement housing, apartments, townhouses, and condominiums all ranging greatly in price per unit. These types of units are increasing in demand outside of the established urban areas. As the county's population ages and land values rise, the need for higher density residential and planned unit developments will likely increase ("Housing Types," pg. 80).
- D. 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 needs 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," pg. 81).

- E. North Bend Road has been upgraded to better serve development in that corridor, including the continuation of Thornwilde and the new Rivers Pointe Estates. The flat North Bend Bottom area and other river bottoms should be reserved primarily for their present agriculture, or for appropriate residential, recreational, or employment uses that further enhance the riverfront resource without placing development in flood prone areas. 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. The Williams Road area should be evaluated in the Land Use Element for future residential growth, if infrastructure can be provided ("North River/I-275 Corridor Area," pp. 83 and 84).

The "Summary of the 2006 Boone County Transportation Plan Recommendations" section in the Transportation Element lists "I-275 Interchange at Graves/Williams Rd" and "Graves Rd improvements" as Recommended Capacity Projects that are in the general area (pg. 147). The Transportation Element also provides a description of the "Northeast Boone County Major Investment Study" (pp. 156 and 157). "The widening of North Bend Road (KY 237) north of I-275" was a "prioritized" recommendation in this Study.

The 2010 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements.

- A. Proper planning is achieved through accepted land use management tools and coordination with public infrastructure ("Overall," Goal).
- B. 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).
- C. Proper design principles shall be applied in development ("Overall," Objective 3).
- D. 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).

- E. Boone County shall strive to achieve both a diversity and balance in land use. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of the general public in a fair and impartial manner ("Overall," Objective 6).
- F. The needs of Boone County's population are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- G. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. Development design should minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ("Environment," Objective 2).
- H. Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment," Objective 9).
- I. Boone County businesses are developed in appropriate locations and are compatible with their surrounding areas ("Business Activity," Goal).
- J. 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," Objective).
- K. 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 [Retail and Office] Objective 1).
- L. 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 [Retail and Office] Objective 2).

- M. A broad range of housing opportunities shall be provided which meet the needs and desires for all household types ("Housing," Objective 1).
- N. 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).
- O. 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).
- P. The interior street system of new residential developments shall insure continuity with adjacent built or planned neighboring areas. Residential developments shall be encouraged to provide interconnections between sections of their developments and with adjacent developments to promote safe and easy transportation access and a sense of neighborhood interaction. Based on certified traffic analysis, collector and sub-collector streets shall be evaluated to determine design without individual lot or driveway access. Lot and home buyers shall have access to approved plans regarding future connections. The interior street system shall also coordinate with and continue the evolving multi-modal transportation system (pedestrian and bicycle facilities, mass transit stops) ("Housing," Objective 8).
- M. 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).
- Q. Mixed use, higher density neighborhoods shall be encouraged near existing or proposed mass transit areas, commercial districts, and public facilities (i.e. parks) and also have convenient access to major streets and highways ("Housing," Objective 10).
- R. 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 12).
- S. Traditional and innovative design as well as mixed use options shall be encouraged throughout Boone County in order to accommodate market demands ("Housing," Objective 14).

- T. Safe, efficient and environmentally sound public services and facilities shall exist for all development ("Public Services and Facilities," Goal).
- U. Mixed use, higher density neighborhoods shall be designed to accommodate safe pedestrian access to mass transit, major streets and highways, public facilities, and parks ("Transportation," 1<sup>st</sup> Goal, Objective 9).
- V. The local transportation system in Boone County shall be maintained and improved so that overall safety and level of service will be enhanced. Inefficiencies in the system will be identified and addressed. New land development shall be closely coordinated with the local transportation system to assure efficiency and continuity with the regional multi-modal transportation system ("Transportation," 2<sup>nd</sup> Goal).
- W. New connector streets shall be developed where needed and feasible thus lessening the total dependence on arterial, collector, and local streets. Existing connector streets shall be improved where needed ("Transportation," 2<sup>nd</sup> 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," 2<sup>nd</sup> Goal, Objective 3).
- Y. Developers of planned, mixed-use neighborhoods shall design such projects so that residential, retail, office, and compatible light-industrial land uses can be served by transit stations or stops, pedestrian and bicycle facilities, open space, and public uses ("Transportation," 3<sup>rd</sup> Goal, Objective 1).
- Z. Redevelopable and infill sites shall be encouraged to develop as walkable, mixed-use districts ("Transportation," 3<sup>rd</sup> Goal, Objective 3).

#### 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 along the section of North Bend Road which adjoins the subject site.

### STAFF COMMENTS

#### 1. COMPREHENSIVE PLAN AND STATUTORY FINDINGS

The governing bodies need to determine whether the proposal is in agreement with the 2010 Boone County Comprehensive Plan. The Comprehensive Plan’s Future Land Use Map designates the overall 16 acre site as Commercial (approximately 18 percent), Suburban Residential (approximately 50 percent), and Developmentally Sensitive (approximately 32 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.”

The Suburban Residential designation which applies to approximately one half of the site is described as “single family housing of up to four units per acre. This classification does not preclude low density or estate residential developed as a formal subdivision.” The proposal includes single family attached and multi-family dwelling units with a density of 11 units per acre based on 176 units on 16 acres. The residential density for the overall Thornwilde Subdivision would increase to approximately 2.2 units per acre (1,213 units on 548.8 acres). The proposed commercial building intensity is 1,297 square feet per acre for the overall 16 acre site. Standard #1 in Section 1607 “Land Use Standards” of the Boone County Zoning Regulations which applies to EPD/RPD zone proposals states that a planned development “shall generally conform” to the Comprehensive Plan, and that the intensity “should be generally consistent with the Future Land Use Map designations

for the area." This standard also states that "deviation from the Comprehensive Plan is dependent upon whether the site is part of an urban service area for public infrastructure and upon the provision of public facilities, services and roads by the applicant to mitigate the impact of the proposed development on these infrastructure systems." Information regarding specific public services and infrastructure, including the submitted Traffic Impact Study, is provided below.

The applicable Land Use Element text ("17. North Hebron," pg. 180) does not discuss this specific site, but it does discuss the overall area. It generally recommends Suburban Residential uses, creating "open space between future developments" by maintaining wooded areas on "Developmentally Sensitive and scenic hillsides," and maintaining "stream valleys and ridge bluff edges." It also notes that "with planned public sanitary sewer improvements in the Sand Run Creek and Elijah Creek watersheds, including sewer lift stations, there will continue to be considerable growth pressures," and that "unlike most developing areas of Boone County, the north river area contains only one primary means of access, being North Bend Road."

Regarding commercial development in the area, the Business Activity Element ("Recommended Areas of Commercial Activity," pp. 69 and 70) states "the Hebron area will experience additional commercial development along KY 237 and KY 20 as the northern area increases in population. The existing commercial center along KY 20, just east of KY 237, will probably not expand significantly because the new highways, I-275 and KY 237, have bypassed it. 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." It also states "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."

Regarding Thornwilde Subdivision specifically, the Housing Element ("North River/I-275 Corridor Area," pp. 83 and 84) states "North Bend Road has been upgraded to better serve development in that corridor, including the continuation of Thornwilde and the new Rivers Pointe Estates." The Housing Element also makes the following statements which pertain to multi-family and attached housing in a more general sense.

- A. Large, left-over parcels in urban service areas are well suited for planned residential development that includes high density housing. However,

established single-family housing areas in urban settings should not experience an influx of multi-family or duplex construction unless adequate buffering or proper development design can be provided ("Population Needs," pg. 79).

- B. 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 ("Housing Types," pp. 79 and 80).
- C. 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," pp. 79 and 80).
- D. As the county's population ages and land values rise, the need for higher density residential and planned unit developments will likely increase ("Housing Types," pg. 80)
- E. 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 needs to be carefully designed ("Housing Densities," pg. 81).

Several of these statements are reinforced by the Comprehensive Plan's Goals and Objectives which are outlined in the body of this report, such as recommending opportunities for varying types of dwelling units. Proper buffering and the retention of existing vegetation are also mentioned in the Future Land Use Development Guidelines, Housing Element, and Goals and Objectives.

Appropriate transitional uses or progression of densities are discussed by the Housing Element ("Housing Densities," pg. 81) and the Future Land Use Development Guidelines ("Buffering," pp. 162 and 163). The transitional use concept is also described in the "Development Layout, Lot Sizes, and Setbacks" section of the Future Land Use Development Guidelines (pg. 162).

The governing bodies will also need to consider the alternate statutory findings for the requested zone change 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. RPD ZONE STANDARDS

Concept Development Plan proposals in the RPD zone are to be assessed against the standards in Sections 1607 "Land Use Standards," 1608 "Compatibility Assessment Standards," and 1609 "Design Standards" of the Boone County Zoning Regulations. Section 1610 "Findings Necessary For A Zoning Map Amendment Or Concept Development Plan In An EPD Or RPD District" states "each application shall conform to the criteria in Section 308 of the Boone County Zoning Regulations in presenting the basis for granting a Zoning Map Amendment or approval of a Concept Development Plan in an EPD or RPD district. In addition, each application shall be in conformance with the standards and requirements stated in this Article."

The Concept Development Plan that was approved in 2014 for the 12.2 acre tract was determined by the governing bodies to meet the standards in Sections 1607, 1608, and 1609 with the agreed conditions outlined in the 8/6/14 Committee Report (attached). The basic changes to the plan as it relates to the 12.2 acre tract are that the floor area for the commercial uses has decreased slightly and the buffer area along the north property line has been eliminated to facilitate an expansion onto the neighboring site to the north. The proposed zone change for the 3.8 acre tract would constitute an approximate 31 percent increase in the project's land area (16 acres total) and a 37.5 percent increase in the number of dwelling units from the 128 maximum approved in 2014 (176 units total).

Finding of Fact #4 in the 8/6/14 Committee Report states "the Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2010 Boone County Comprehensive Plan and the applicable requirements of Article 16 'Employment Planned Development (EPD) Residential Planned Development (RPD)' 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." The applicable requirements of Article 16 referenced in this finding include the standards in Sections 1607, 1608, and 1609. Staff has the following comments regarding how the proposed changes relate to the Committee Report conditions.

1. *The development shall follow the commitments and representations outlined in the 7/16/14 letter and accompanying attachments from Phil Drees, President, Thornwilde, Inc. ("7/16/14 Thornwilde Village outline," attached), except when clarified or superceded by the conditions below.*

The acreage figures for the overall site (approximately 11-12 acres) and the green space mentioned in the 7/16/14 Phil Drees letter need to be updated accordingly. The Drees letter commits to a future vehicular connection to the adjoining tract to the north, which is the 3.8 acre zone change tract now under consideration. Since a KYTC detention basin exists on the next tract to the north along North Bend Road, a vehicular connection further to the north does not appear to be viable. The Drees letter also referenced a traffic analysis that was considered by the Zone Change Committee. A new Traffic Impact Study has been prepared and is attached to this report (specific comments on the TIS are outlined below). The Drees letter also references an exhibit which outlines "preliminary building design or architecture" concepts. A comparable sheet with minor alterations has been submitted with the current applications. Staff recommends that the applicant update the 7/16/14 letter and related exhibits to address these issues so that the Zone Change Committee can consider them in context of the current proposal.

2. *The commercial buildings shall be limited to a maximum of 26,000 gross square feet of floor area and the residential portion of the development shall be limited to a maximum of 120 units. The commercial building shown by the Thornwilde Drive access point may be substituted with an 8 unit townhouse building, which would increase the maximum amount of permitted residential units to 128. If this substitution is opted, the maximum amount of permissible commercial space shall be reduced to 21,675 gross square feet.*

The current proposal is for 20,750 square feet of commercial space and 176 total dwelling units. The governing bodies will need to determine whether the dwelling unit figure and placement of the additional residential structures are appropriate under the applicable policies and foreseeable impacts. Options include approving the proposal as presented, reducing the dwelling unit figure and/or modifying the locations or types of additional residential structures, or denying the requests. If the requests are denied, the 2014 Concept Development Plan is still valid and the 12.2 acre tract may be developed pursuant to that approval.

3. *The "retail sale of motor fuels" and "the rental of trucks and trailers (only permitted to be displayed in the side or rear of the property)" (C-1 zone Accessory Uses #7 and #9) shall not be permitted in the development.*

This condition is still applicable to the current proposal.

4. *Condition #4 from the 3/16/94 Committee Report for the original Thornwilde Subdivision Concept Development Plan approval still applies to this development. This condition states:*

*Every effort shall be made to retain as many existing trees as possible on the site. Therefore, grading limits shall be established during the Improvement or Grading Plan stage for each phase of the development. These grading limits will be used to identify tree cover that will be retained and enable measures to be taken to protect these trees during construction.*

*The intent with the current proposal is to maintain as many existing trees as possible that are outside of the active development area. The grading limits shall be established through the Site Plan procedure if the Grading Plan or Improvement Plan procedures do not apply.*

This condition is still applicable to the current proposal:

5. *The open space areas and streetscape along the main street/drive between North Bend Road and Thornwilde Drive (labeled as "Village Drive" in the Concept Development Plan materials) shall include the types of amenities and improvements represented in "Exhibit D Streetscape Ideas" that is attached to the 7/16/14 Thornwilde Village outline. Specific examples are listed in the 7/16/14 Thornwilde Village outline. Compliance with this condition shall be determined by the Zoning Administrator, who shall review development applications for consistency with the thematic and qualitative commitments and representations in Exhibit D.*

*Additionally, entry improvements (such as columns, decorative pavement, light fixtures, landscaping, etc.) shall be provided at the intersections with North Bend Road and Thornwilde Drive. The entry improvements shall visually correlate to the existing brick Thornwilde Subdivision entry monument and the streetscape improvements.*

This condition is still applicable to the current proposal, although the "streetscape details" described in the 7/16/14 Phil Drees letter referenced in Condition 1 should be updated to eliminate any reference to "Village Drive"

since there is an existing street in the community with this name and street names can not be duplicated.

6. *The main street/drive between North Bend Road and Thornwilde Drive (labeled as "Village Drive" in the Concept Development Plan materials) shall have curbing and sidewalks on both sides. Box curbs and an integral curb/walk shall be used along the east section of this street/drive.*

This condition is still applicable to the current proposal, although the reference to "Village Drive" should be eliminated as discussed above.

7. *Buffer Yard C shall be followed along the north property line. If a commercial building abuts the north property line, then berming shall be provided in the adjoining buffer area (as stipulated in the 7/16/14 Thornwilde Village outline), and the remaining area along the north property line will follow Buffer Yard C options.*

The property to be buffered under this condition is the 3.8 acre zone change area, which is proposed to serve as an expansion of the project approved in 2014. Due to this fact, the application requests that this condition be eliminated. The area immediately adjoining the 3.8 acre zone change tract to the north near North Bend Road was acquired by KYTC as part of the road reconstruction. This area includes a detention basin along the North Bend Road frontage. The area further to the north, and adjoining the west part of the north property line of the subject site, is zoned RSE and contains detached single family residences on estate style lots.

The northern-most parking area scales to approximately 8 feet from the north property line and the northern-most building scales to approximately 15 feet from the north property line. Buffer Yard C which is referenced in the current Condition 7 requires either: 1.) A 60 foot wide landscape area with 10 evergreen trees, 8 large or medium deciduous trees, and 35 large shrubs per 100 linear feet, or 2.) a 30 foot wide landscape area with 10 evergreen trees, 8 large or medium deciduous trees, and 15 large shrubs per 100 linear feet, plus a 6 foot high berm, solid fence, or masonry wall. Existing vegetation which is retained can potentially be credited towards the buffer yard requirements. In light of these facts and standards, Staff recommends that the applicant develop an effective buffer plan for the north property line for the Zone Change Committee to consider. The 7/16/14 Phil Drees letter referenced in Condition 1 also commits to providing landscaping per Buffer Yard C along the north property line, so this document should be updated accordingly.

For informational purposes, the distance between the east (rear) boundary of the 3.8 acre zone change tract and the boundary of the nearest detached single family residential phase of Thornwilde Subdivision (on Kentland Court) is approximately 220 feet at the closest point. This distance is across the intervening HOA open space area.

8. *The two opposing offset intersections in the approximate center of the development, along the main street/drive between North Bend Road and Thornwilde Drive (labeled as "Village Drive" in the Concept Development Plan materials), shall either be realigned into a four way intersection or discernibly offset into two separate intersections. The two opposing offset intersections are located at the two 24 unit residential buildings, 8 unit residential building, and commercial building.*

This condition has been met on the submitted Concept Development Plan and is now moot.

9. *The qualitative or cosmetic aspects of on-site signage, including materials, colors, and design details, shall visually correlate to the opted architectural theme and streetscape improvements.*

This condition is still applicable to the current proposal.

### 3. TRAFFIC STUDY, PUBLIC SERVICES AND INFRASTRUCTURE

Section 1607, #5 of the zoning regulations pertains to the provision of adequate public services and infrastructure. As stated above, a new Traffic Impact Study was submitted (attached). The "Conclusions" section of this study (p. 7) states "based upon the volume of traffic generated by the development and the amount of traffic forecasted for the year 2019 and 2029, there will be a minimal impact to the existing highway network. No improvements are recommended."

The "Introduction" section of the study (p. 2) states that the project will contain 168 apartment units, retail space of 14,592 square feet, and a 4,000 square foot day care center. The Concept Development Plan itself indicates 176 dwelling units maximum, 16,750 square feet of general commercial space, and a 4,000 square foot day care center. The report also assumes that none of the businesses in the development would be operating during the 7:00-8:00 AM peak hour, and the drive through facility was not specifically addressed in the analysis (several types of drive-through businesses would conceivably be open during the AM peak hour). Staff recommends that the applicant prepare an addendum which reconciles these issues for the Zone Change Committee to consider. The addendum should clearly summarize the differences in traffic impacts between the approved 2014 Concept

Development Plan and the current proposal.

Additionally, the following officials have provided the comments outlined below regarding public services and infrastructure.

- A. Scott Pennington, P.E., Boone County Engineer, has commented that "the new access on Thornwilde Dr must have the appropriate sight distance (grading, tree clearing, etc. as needed). No other comments related to the added parcel" (4/26/17 e-mail is attached).
- B. Lt. Andy Ifcic of the Hebron Fire Protection District has commented "the zone change for Thornwilde Village looks good, no comments on our end at this time" (4/17/17 e-mail is attached).
- C. Joe Verst, P.E., Project Engineer with SD1 has commented that "capacity was approved for the Thornwilde Village Development by the SD1 Board of Directors in December 2016" and that "the reservation requested capacity for 30 (3) Bedroom Apartments, 75 (2) Bedroom Apartments, 15 (1) Bedroom Apartments & 22,000 s.f. Retail (240 Seat Restaurant & 100 Child Daycare)" (4/24/17 e-mail is attached).
- D. Jonathon Brown, P.E., PLS, the Planning Commission's consulting engineer, does not have any Concept Development Plan level comments on the proposal.

Staff has requested comments on the proposal from the Boone County Water District, Boone County Schools, and the Kentucky Transportation Cabinet, District 6. 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.

#### 4. SITE PLAN STANDARDS

For the applicant's information, an exhaustive site plan type review was not conducted due to the conceptual nature of the plan. The project will need to meet all applicable requirements at the site plan stage. In particular, the preliminary parking calculations noted on the Concept Development Plan are based on 168 dwelling units versus the 176 maximum figure and the calculations assume that the commercial buildings will house generic office and retail uses. The actual use mix will determine the required parking. Eating and drinking establishments in particular can potentially require more parking than is currently indicated for the commercial buildings on the Concept Development Plan, and it is noteworthy that the SD1 sanitary sewer capacity reservation discussed above includes a 240 seat restaurant.

## CONCLUSION

The Boone County Planning Commission and the Boone County Fiscal Court need to evaluate the application in terms of the requirements of Article 3 "Amendment" of the Boone County Zoning Regulations, Article 16 "Employment Planned Development District - Residential Planned Development District" of the zoning regulations, the 2010 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 to reflect higher density attached/multi-family residential uses on the zone change tract if these requests are approved.

Respectfully submitted,



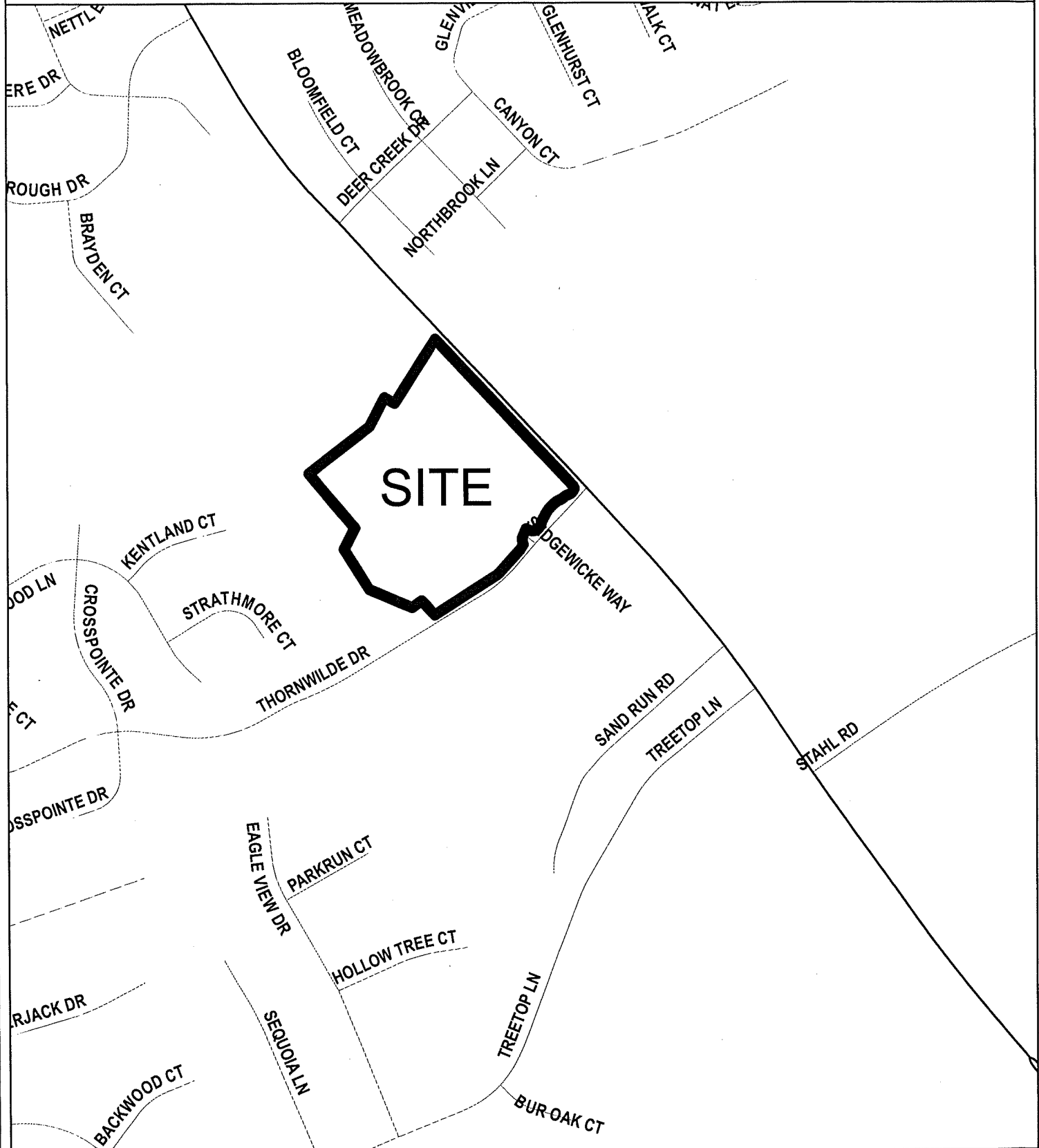
Kevin T. Wall, AICP  
Director, Zoning Services

### **Attachments:**

- Location map
- Aerial photograph with zoning
- 2035 Future Land Use Map excerpt
- Topographic map
- 8/6/14 Committee Report, Planning Commission Resolution R-14-015-A, and Boone County Ordinance 14-16 for Original Thornwilde Village Site
- 2016 Minor Change Plan
- 1994 Concept Development Plan excerpt
- 4/26/17 e-mail from Scott Pennington, P.E., Boone County Engineer
- 4/17/17 e-mail from Lt. Andy Ifcic, Hebron Fire Protection District
- 4/24/17 e-mail from Joe Verst, P.E., Project Engineer, SD1
- Application materials including project narrative, plan sheets, and Traffic Impact Study (w/o appendixes)
- Written public comment received to date

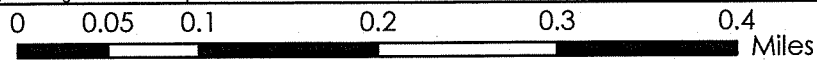
# Location

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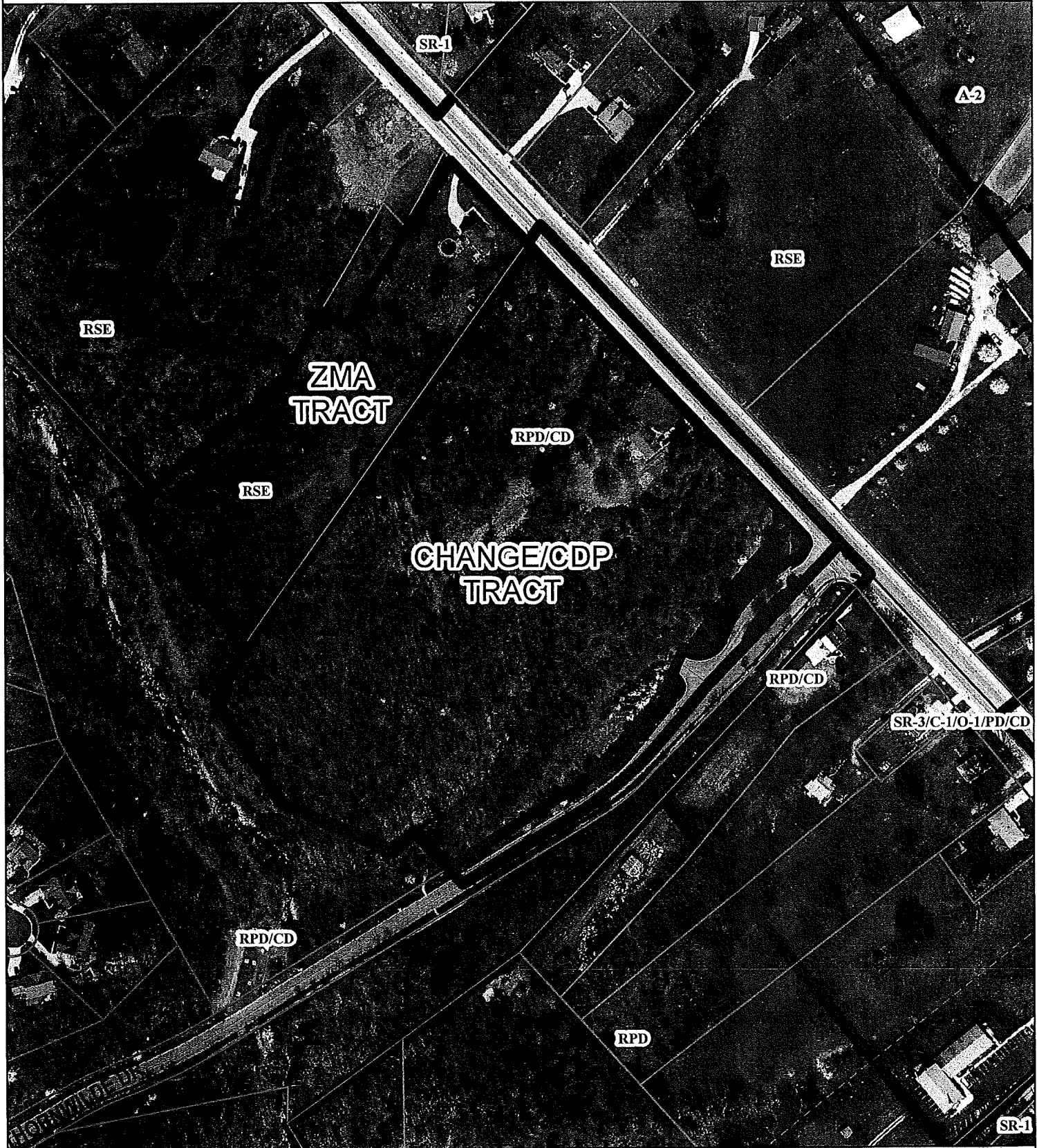
1 inch = 566 feet



**Boone County GIS - Putting Northern Kentucky on the Map**

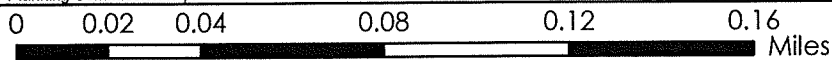
# Zoning

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1 inch = 221 feet



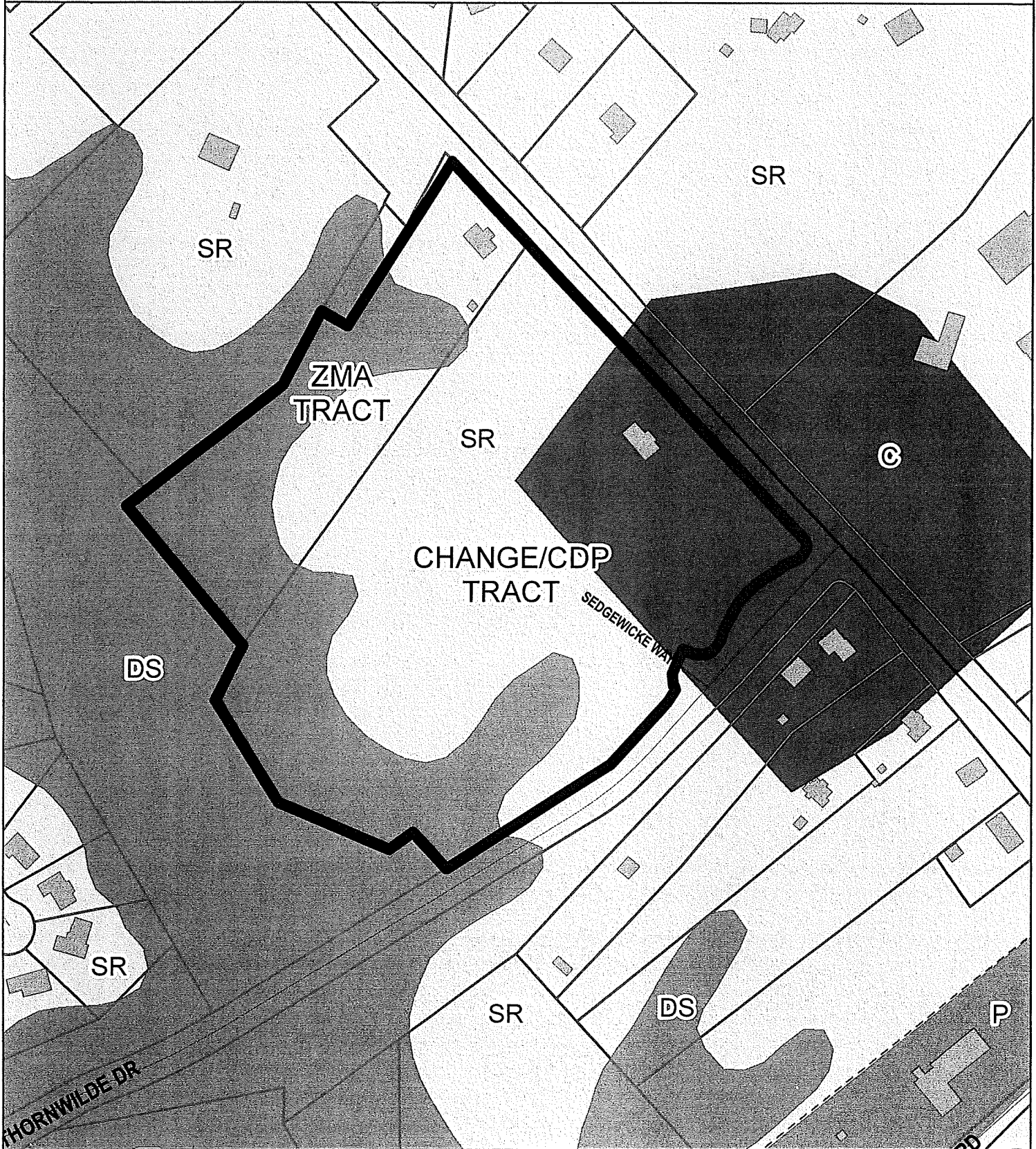
**Boone County GIS - Putting Northern Kentucky on the Map**

Map Created: xx/xx/2016

ArchMap Document: BooneCounty.mxd

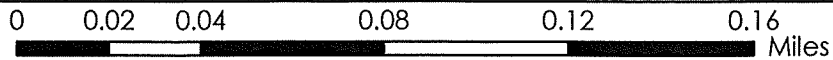
# Future Land Use

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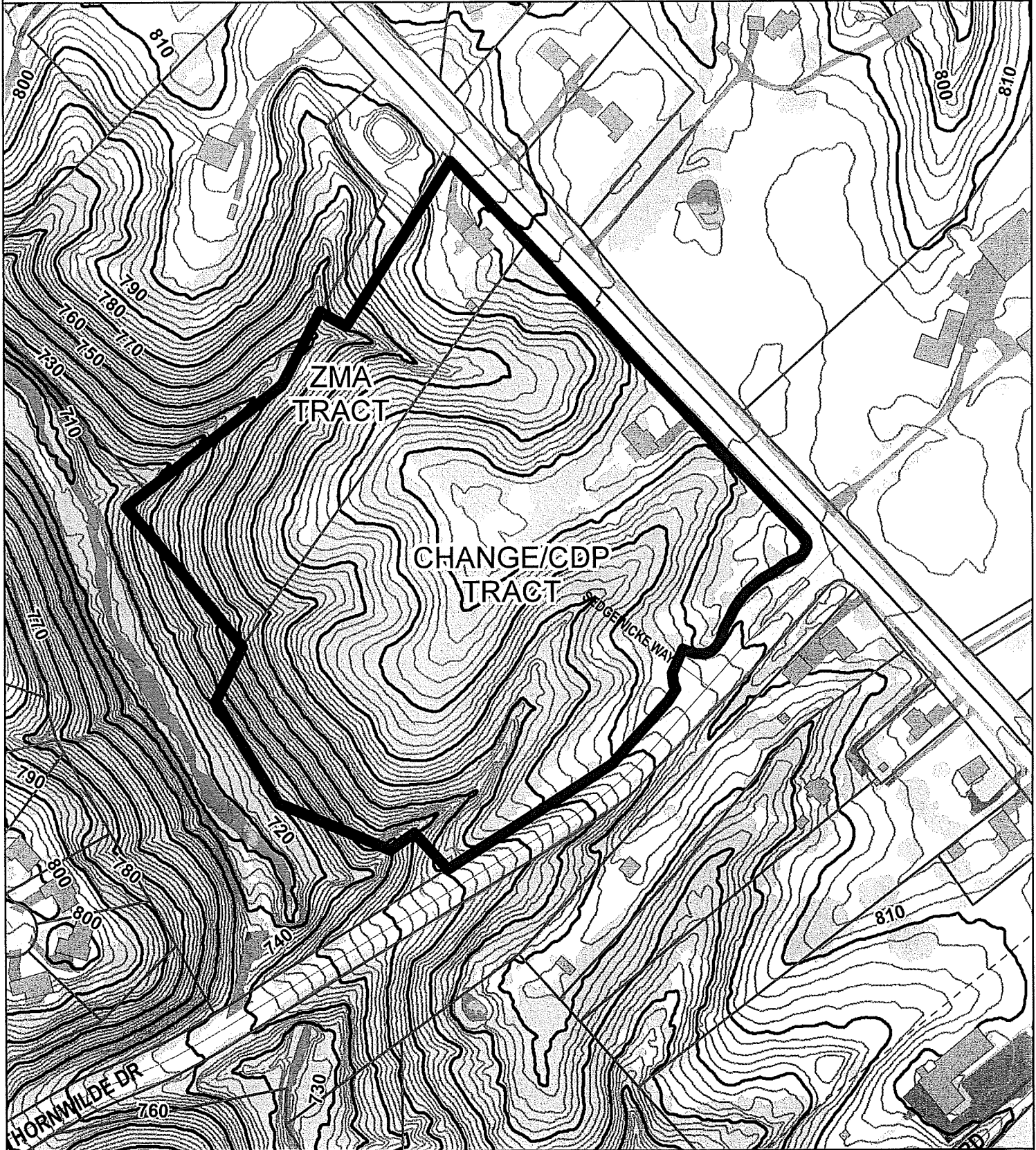
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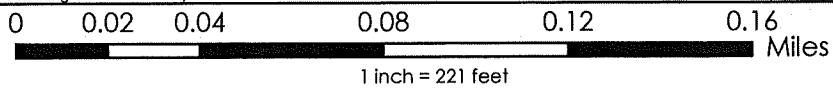
# Topography

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**Boone County GIS - Putting Northern Kentucky on the Map**

## ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Ben Brandstetter, Chairman

DATE: August 6, 2014

RE: Request of **Thornwilde Inc. (applicant)** for **The Drees Company (owner)** for a Change in an Approved Concept Development Plan in a Residential Planned Development (RPD) zone for a 8.648 acre site located on the northwest corner of the North Bend Road/Thornwilde Drive intersection, including the tract at 1207 North Bend Road, Boone County, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow a combination of commercial, attached single family residential, and multi-family residential uses.

### 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 Change in an Approved Concept Development Plan application is in agreement with the 2010 Boone County Comprehensive Plan due to the following reasons.
  - A. The Comprehensive Plan's Future Land Use Map designates the site as Commercial (approximately 23% of the site), Suburban Residential (approximately 53%), and Developmentally Sensitive (approximately 23%) (figures add to 99% due to rounding). 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, in conjunction with the remainder of the overall approved Thornwilde Subdivision development, to be consistent with the general land use concept outlined on the Future Land Use Map. The residential density for the overall Thornwilde Subdivision development with this proposed change would be 2.1 units per acre, whereas the Concept Development Plan approved in 1994 for the initial phase had a residential density of 2.4 units per acre. Both figures are consistent with the Suburban

Residential designation which permits up to 4 units per acre. The 1994 Concept Development Plan also included a significant number of attached residential units.

The property owner has agreed to a condition which would limit commercial uses on the site to 26,000 gross square feet, which is consistent with the approved 1994 Concept Development Plan. Much of the site is proposed to be maintained as open space, including the west hillside portion which adjoins the Thornwilde HOA parcel, the yard area along the north property line, and the street frontage area along Thornwilde Drive. The open space maintained in the west hillside portion of the site corresponds to the Developmentally Sensitive designation shown on the Future Land Use Map. The overall approach is consistent with Section 1607 "Land Use Standards" (EPD/RPD zones) of the Boone County Zoning Regulations which states "the intensity of planned residential developments, in particular, should be generally consistent with the Future Land Use Map designations for the area. Residential densities, however, shall be concentrated on portions of the site to leave open space on other portions."

- B. The applicable Land Use Element text ("17. North Hebron," pg. 180) does not discuss this specific site, but it does discuss the overall area. It generally recommends Suburban Residential uses, creating "open space between future developments" by maintaining wooded areas on "Developmentally Sensitive and scenic hillsides," and maintaining "stream valleys and ridge bluff edges." As discussed above, the proposal, in conjunction with the remainder of the overall approved Thornwilde Subdivision development, is consistent with the general land use concept outlined on the Future Land Use Map including the Suburban Residential designation. Also as discussed above, the Developmentally Sensitive area in the west hillside portion of the site will be maintained as open space.
- C. Regarding commercial development in the area, the Business Activity Element ("Recommended Areas of Commercial Activity," pg. 69) states "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." The proposed commercial phase consists of smaller scaled buildings which would provide "a limited amount of convenience and neighborhood commercial uses" as sought by the Business Activity Element. Again, the commercial phase would be limited to 26,000 gross square feet, the same amount that was approved on the 1994 Concept Development Plan. Relative to the commercial phase, the proposed Concept Development Plan is largely a "repackaging" of the approved 1994 Concept Development Plan.

- D. The Housing Element anticipated additional development in this area. Housing Element ("North River/I-275 Corridor Area," pg. 83) specifically mentions Thornwilde Subdivision by stating "North Bend Road has been upgraded to better serve development in that corridor, including the continuation of Thornwilde and the new Rivers Pointe Estates." Regarding the residential component of this specific proposal, the Housing Element also states that: "large, left-over parcels in urban service areas are well suited for planned residential development that includes high density housing" ("Population Needs," pg. 79); "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" ("Housing Types," pp. 79 and 80); and "multi-family housing developments should have convenient access to commercial districts or should provide their own supporting commercial uses" ("Housing Types," pp. 79 and 80).
- 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 pertain to 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 fulfills the applicable requirements of Article 16 "Employment Planned Development (EPD) Residential Planned Development (RPD)" of the Boone County Zoning Regulations, including Section 1607 "Land Use Standards," Section 1608 "Compatibility Assessment Standards," Section 1609 "Design Standards," and Section 1610 "Findings Necessary For A Zoning Map Amendment Or Concept Development Plan In An EPD Or RPD District". Compliance with these sections is discussed in the Staff Report for this request, and the property owner has agreed to the conditions listed below which address these comments. The Concept Development Plan includes the Project Narrative and Flexibility Narrative that were submitted with the original application and are attached to the Staff Report, and the 7/16/14 letter and accompanying attachments from Phil Drees, President, Thornwilde, Inc. ("7/16/14 Thornwilde Village outline," attached) that was provided by the applicant to the Zone Change Committee in response to the issues raised at the 7/2/14 Public Hearing.
3. The issues of sanitary sewer capacity for the North Hebron area and traffic were raised at the 7/2/14 Public Hearing for this request. Regarding sanitary sewer capacity, both the applicant and Committee understand that this project can not be developed until capacity is available. Information from Sanitation District #1 regarding this issue is outlined in the Staff Report. Regarding traffic, the applicant provided a traffic analysis that was attached to the 7/16/14 Thornwilde Village outline which

demonstrated that any additional traffic generated by this development over the approved 1994 Concept Development Plan would be small from an empirical standpoint.

4. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2010 Boone County Comprehensive Plan and the applicable requirements of Article 16 "Employment Planned Development (EPD) Residential Planned Development (RPD)" 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 development shall follow the commitments and representations outlined in the 7/16/14 letter and accompanying attachments from Phil Drees, President, Thornwilde, Inc. ("7/16/14 Thornwilde Village outline," attached), except when clarified or superseded by the conditions below.
2. The commercial buildings shall be limited to a maximum of 26,000 gross square feet of floor area and the residential portion of the development shall be limited to a maximum of 120 units. The commercial building shown by the Thornwilde Drive access point may be substituted with an 8 unit townhouse building, which would increase the maximum amount of permitted residential units to 128. If this substitution is opted, the maximum amount of permissible commercial space shall be reduced to 21,675 gross square feet.
3. The "retail sale of motor fuels" and "the rental of trucks and trailers (only permitted to be displayed in the side or rear of the property)" (C-1 zone Accessory Uses #7 and #9) shall not be permitted in the development.
4. Condition #4 from the 3/16/94 Committee Report for the original Thornwilde Subdivision Concept Development Plan approval still applies to this development. This condition states:

Every effort shall be made to retain as many existing trees as possible on the site. Therefore, grading limits shall be established during the Improvement or Grading Plan stage for each phase of the development. These grading limits will be used to identify tree cover that will be retained and enable measures to be taken to protect these trees during construction.

The intent with the current proposal is to maintain as many existing trees as possible that are outside of the active development area. The grading limits shall be

established through the Site Plan procedure if the Grading Plan or Improvement Plan procedures do not apply.

5. The open space areas and streetscape along the main street/drive between North Bend Road and Thornwilde Drive (labeled as "Village Drive" in the Concept Development Plan materials) shall include the types of amenities and improvements represented in "Exhibit D Streetscape Ideas" that is attached to the 7/16/14 Thornwilde Village outline. Specific examples are listed in the 7/16/14 Thornwilde Village outline. Compliance with this condition shall be determined by the Zoning Administrator, who shall review development applications for consistency with the thematic and qualitative commitments and representations in Exhibit D.

Additionally, entry improvements (such as columns, decorative pavement, light fixtures, landscaping, etc.) shall be provided at the intersections with North Bend Road and Thornwilde Drive. The entry improvements shall visually correlate to the existing brick Thornwilde Subdivision entry monument and the streetscape improvements.

6. The main street/drive between North Bend Road and Thornwilde Drive (labeled as "Village Drive" in the Concept Development Plan materials) shall have curbing and sidewalks on both sides. Box curbs and an integral curb/walk shall be used along the east section of this street/drive.
7. Buffer Yard C shall be followed along the north property line. If a commercial building abuts the north property line, then berming shall be provided in the adjoining buffer area (as stipulated in the 7/16/14 Thornwilde Village outline), and the remaining area along the north property line will follow Buffer Yard C options.
8. The two opposing offset intersections in the approximate center of the development, along the main street/drive between North Bend Road and Thornwilde Drive (labeled as "Village Drive" in the Concept Development Plan materials), shall either be realigned into a four way intersection or discernibly offset into two separate intersections. The two opposing offset intersections are located at the two 24 unit residential buildings, 8 unit residential building, and commercial building
9. The qualitative or cosmetic aspects of on-site signage, including materials, colors, and design details, shall visually correlate to the opted architectural theme and streetscape improvements.

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.



Thornwilde, Inc.

510 Graves Ave Suite 206  
Erlanger, Ky 41018

Office (859) 814-8186  
Fax (859) 360-1761

## *Thornwilde Village*

July 16, 2014

Boone County Planning Commission  
2950 Washington St, Rm 317  
P.O. Box 958  
Burlington, KY 41005

Re: Thornwilde Subdivision – RPD Concept Plan Revision

Dear Boone County Committee Members:

We would like to request a review and recommendation of approval to the Concept Plan Revision with the following clarifications from staff report and the public meeting.

1. Commercial area
  - a. Clarify that the uses would conform to the original approval of C-1 uses
  - b. Buildings will be limited to 1 to 3 stories
  - c. The existing berming and Thornwilde entrance sign on South property line will remain, satisfies the requirements set out in the original approval and if a commercial building abuts the North Property line then six foot berming will be provided as stipulated in the original approval.
2. Overall site
  - a. Overall acreage of the site is approximately 11 – 12 acres. The 8.648 acres mention in the development narrative was the total area less the approximate 4 acre commercial portion.
  - b. Thornwilde subdivision has provided and surpassed the necessary open space requirement. In addition the land directly west of the site has been dedicated as open space that protects the developmentally sensitive area along the creek.
  - c. Viox engineers has estimated approximately 6.4 acres is green or open area surface (see Exhibit A)
  - d. A future connection point to adjoining land the North can be achieved as shown on the attached exhibit B
  - e. Sidewalks will be provided on both sides of Village Drive
  - f. “Village Drive” name will changed to a name determined later
  - g. The existing stub intersection known as Sedgewicke Way will be removed and curb line restored.
3. Residential Area

- a. The North property line would follow Buffer Yard C in Article 36 on the zoning regulation with credit given to existing trees that can be retained.
  - b. Majority of the units would consist of two bedroom-two baths. The average size is anticipated to be 1,200 square foot units.
    - i. Two bedroom-one bath units range from 925-1050 square feet
    - ii. Two bedroom-two bath units range from 1,000-1250 square feet
    - iii. Three bedroom-two bath units range from 1,750-2,150 square feet
4. Traffic Analysis
- a. A preliminary traffic analysis has been conducted by Jack Pflum; traffic engineer, on peak hour generation (see exhibit C). Conclusion, The increase in traffic volumes associated with the proposed change to the overall approved Concept Development Plan is modest.
  - b. As stipulated by Kentucky Transportation Cabinet (KTC) the entrance off of Rt 237 will require a permit and a more detail traffic study will be completed at that time.
5. Preliminary Building Design or Architecture
- a. Okay with a condition similar to the Rivers Point Estates development
    - i. "The design related aspects of the Attached/Multi-Family residential and Commercial buildings shall generally follow the text, photos and graphic exhibits in the concept development narrative. Design elements, colors and materials that will be used in the commercial design will be used in the attached/multi-family design. 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 exhibit."
  - b. Streetscape Details
    - i. The demarcation of the site already exists in the large curved "Thornwilde" sign located at the corner of site.
    - ii. A combination of landscaping, street trees, crosswalks, decorative lighting, and street furniture will be used along Village drive. In addition, at or near the commercial center bike racks, seat walls, planters, trellis, benches, sculptures or other streetscape items that create a sense of place will be used. Example shown on Exhibit D
  - c. Signage
    - i. Signage for Commercial One (C-1) District section 3413 would be followed.
  - d. Utilities
    - i. Utilities are planned to be underground
    - ii. Storm water management will be designed to handle the necessary requirements during the site plan review procedure.

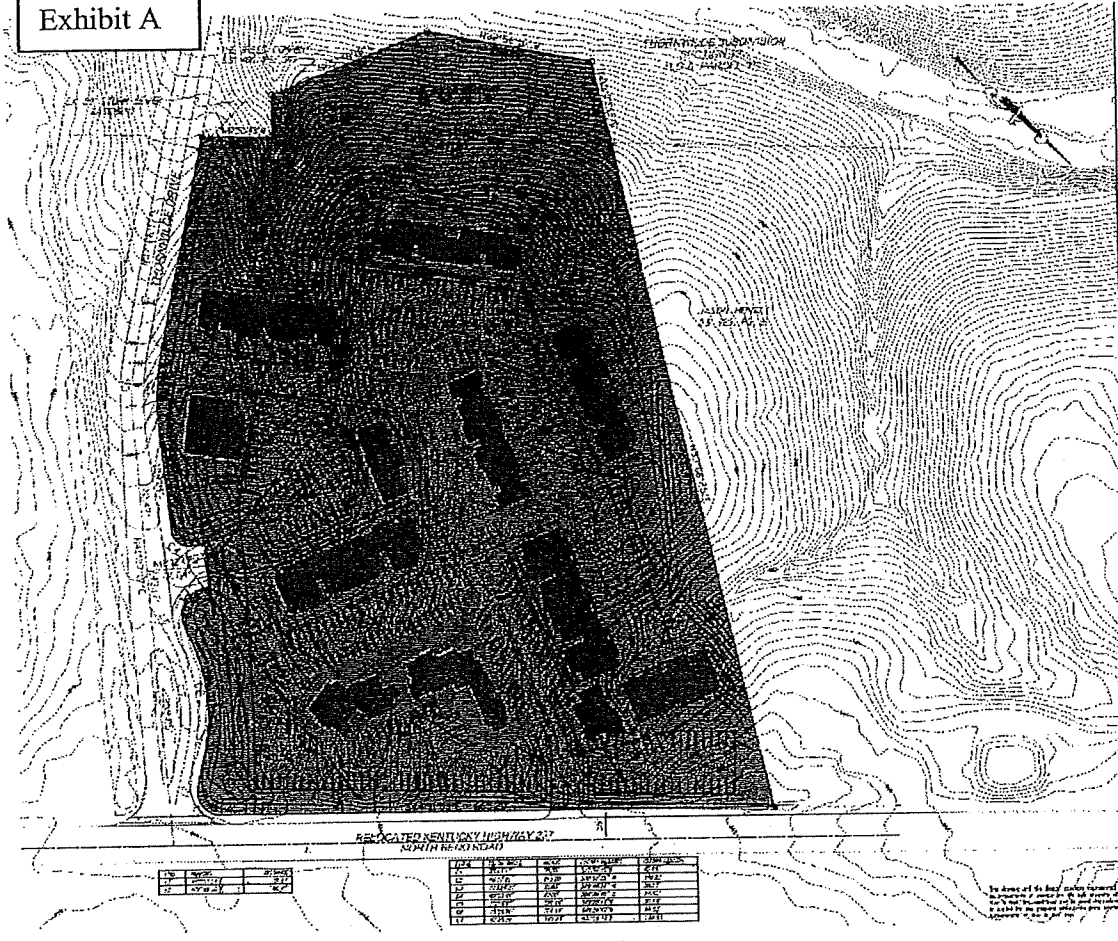
Based on the submitted Thornwilde Subdivision concept plan and the clarification and issues addressed, it is our opinion that the rezoning and plan revision are in agreement with the previously adopted Boone County Comprehensive Plan and is consistent with the RPD approved zoning. We respectfully request such a finding and recommendation from the Planning Commission.

Thank you for your time and consideration of this request.


Sincerely,

Philip Drees  
President  
Thornwilde Inc.

Exhibit A



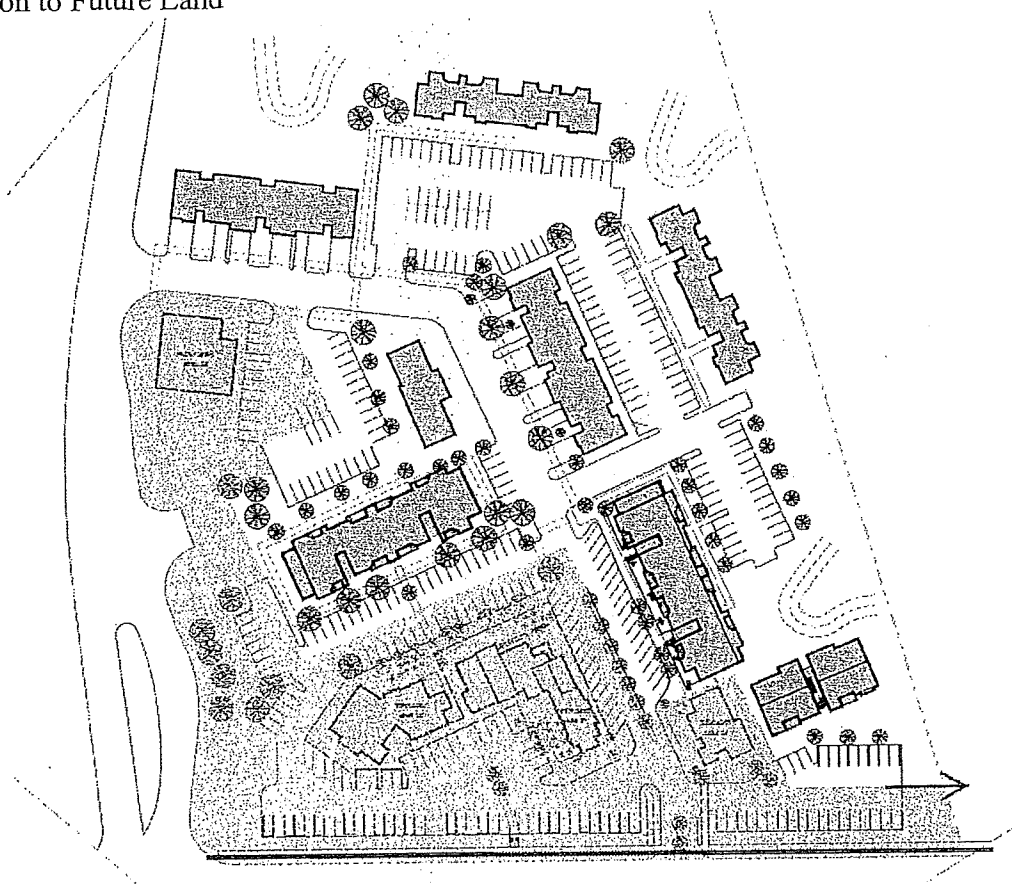
CONCEPT PLAN  
 THORNWILDE VILLAGE  
 HEBRON, BOONE COUNTY, KENTUCKY



VIOX & VIOX  
 401 S. Cherry Street, Suite 100, Hebron, KY 40325  
 Tel: 502.476.1111 Fax: 502.476.1112

PAGE 1

Exhibit B  
Connection to Future Land



← Future Connection Point

SITE PLAN  
DATE

DATE

CONCEPT DESIGN  
THORNHILDE  
VILLAGE  
HERFORD, ENGLAND



Hub + Weber  
Architects, PLLC

200 West 10th Street  
Portland, OR 97201  
Tel: 503.441.1144  
Fax: 503.441.1145  
www.hubweber.com

Scale: 1/8" = 1'-0"  
Project:

ARCHITECTURAL  
SITE PLAN

C101

DATE



**John E. "Jack" Pflum, P.E.**

**Consulting Engineering**

7541 Hosbrook Road, Cincinnati, OH 45243

Email: [jackpflum@cinci.rr.com](mailto:jackpflum@cinci.rr.com)

Telephone: 513.919.7814

## MEMORANDUM REPORT

### TRIP GENERATION STUDY

#### A COMPARISON OF ALTERNATE DEVELOPMENT PLANS FOR THORNWILDE SUBDIVISION BOONE COUNTY, KENTUCKY

**TO:** Phillip Drees, President, Thornwilde, Inc.  
**FROM:** Jack Pflum, PE, JEP Consulting Engineering  
**SUBJECT:** Trip Generation Analysis  
**CC:** Michelle Bollman, PE, Viox & Viox

**DATE:** July 14, 2014

#### **Purpose**

The purpose of this Memorandum Report is to provide an analysis of the trip generation volume of different land use development plans for the area generally known as Thornwilde Subdivision.

#### **Description of Analysis**

The extent of development and proposed reconfiguring of the Approved Concept Development Plan is fully described in the Boone County Planning Commission Staff Report, dated July 2, 2014. It is assumed the reader of this Memorandum Report is fully familiar with the contents of the Staff Report. Additional background information was provided by Mr. Phillip Drees.



The four development scenarios used for comparison are:

Scenario A – Approved for development to date by the original Concept Development Plan. Includes 287 Single Family Detached (SFD homes), 240 Single Family Attached (SFA) homes, and 26,000 sq ft flex space commercial use.

Scenario B – Includes a proposed change in the Approved Concept Development Plan for an approximately 11 acre parcel. The approved land use included 11 SFD homes and 26,000 sq ft flex space commercial use. The proposed land use change will substitute 120 multifamily homes and 16,000 sq ft of flex commercial space for this parcel.

Scenario C – Proposed land use change for the 11 acre parcel. The previously approved land use would be replaced with 120 multifamily homes and 16,000 sq ft of flex space commercial use.

Scenario D – The original Thornwilde Subdivision area (Scenario A) has been expanded with an approved expansion of additional residential units. The approved total is 673 single family detached homes and 354 single family attached homes.

#### Trip Generation

Trip\* generation estimates are calculated by reference to the Institute of Transportation Trip Generation Manual, Eighth Edition. Average daily and peak hour rates were used to estimate the total trips generated.

\*NOTE: A trip is a one way direction of travel. For example, travel from home to work and back to home accounts for two trips.

1. Single Family Detached Homes (SFD) – Land Use Code #210 (Single Family Detached)
2. Single Family Attached Homes (SFA) – Land Use # 230 (Condominium/Townhouse)
3. Multifamily Homes – Land Use Code #221 (Low Rise Apartments)
4. Flex Space Commercial – Land Use Code #814 (Specialty Retail)

Table 1, 2, 3, and 4 below show the trips generated (rounded to the nearest 5) for each of the above Scenarios.



Table 1 – Scenario A Trips

LAND USE (UNITS)	24 HOUR	AM PEAK HOUR	PM PEAK HOUR
SFD (287)	2745	215	290
SFA (240)	1395	105	125
COMM (26,000)	1150	70	180
<b>TOTAL</b>	<b>5290</b>	<b>390</b>	<b>595</b>

Table 2 – Scenario B Trips

LAND USE (UNITS)	24 HOUR	AM PEAK HOUR	PM PEAK HOUR
SFD (276)	2640	205	280
SFA (240)	1395	105	125
MULTI FAMILY (120)	790	55	70
COMM (16,000)	710	45	110
<b>TOTAL</b>	<b>5535</b>	<b>410</b>	<b>585</b>

Table 3 – Scenario C Trips

LAND USE (UNITS)	24 HOUR	AM PEAK HOUR	PM PEAK HOUR
MULTIFAMILY (120)	790	55	70
COMM (16,000)	710	45	110
<b>TOTAL</b>	<b>1500</b>	<b>100</b>	<b>180</b>

Table 4 – Scenario D Trips

LAND USE (UNITS)	24 HOUR	AM PEAK	PM PEAK
SFD (673)	6440	505	680
SFA (354)	2055	155	185
COMM (26,000)	1150	70	180
<b>TOTAL</b>	<b>9845</b>	<b>730</b>	<b>1045</b>

The above calculations are based on average values for the land use units.



Total trips for each of the above four Scenarios are summarized in Table 5.

Table 5 – Total Trips for Each Scenario

SCENARIO	24 HOUR	AM PEAK HOUR	PM PEAK HOUR
A	5290	390	595
B	5535	410	585
C	1500	100	180
D	9845	730	1045

#### Comparison of Trip Generation Traffic Volumes

Comparison of Scenario A and Scenario B in Table 5 shows that the proposed land use change for the 11 acre site increases the 24 hour trips by 245, increases the AM peak hour trips by 20, and decreases the PM peak hour trips by 10.

Comparison of Scenario A (approved Concept Development Plan) with Scenario B (includes the change of land use for the 11 acre parcel) shows that 24 hour trips will increase by 4.6%, AM peak hour trips will increase by 5.0%, and PM peak hour trips will decrease by 1.0%.

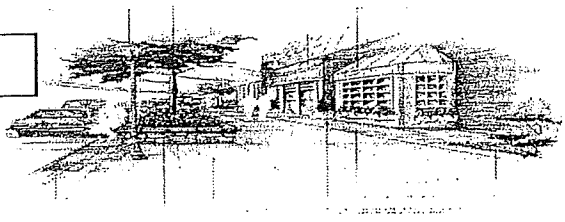
The net additional traffic generated by Scenario B has a modest impact on overall traffic volumes for the expanded Thornwilde Subdivision area as described in Scenario D. Table 5 shows that 24 hour trips will increase by 245 (2.5%), AM peak hour trips will increase by 20 (2.7%), and PM peak hour trips will decrease by 10 (-1.0%).

#### Conclusion

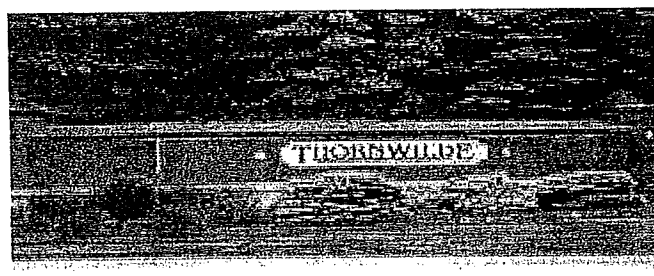
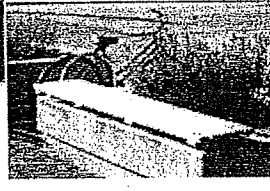
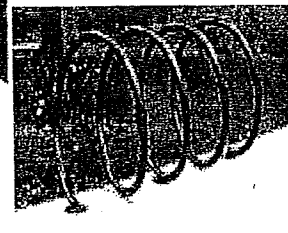
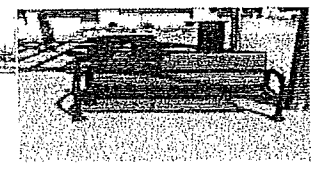
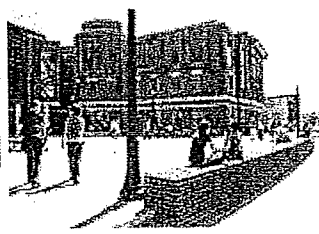
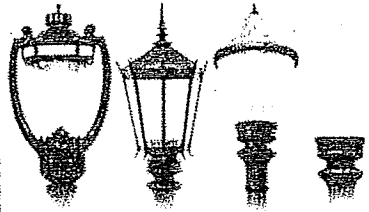
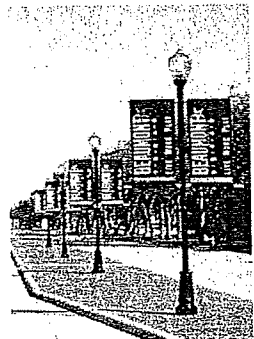
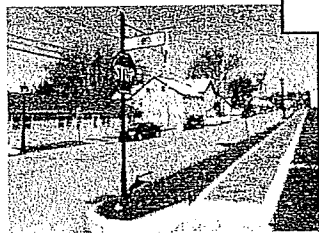
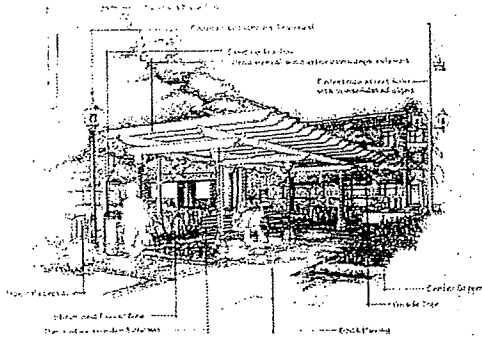
Several sources were investigated for the purpose of obtaining traffic count volume on KY 237 in the vicinity of Thornwilde Dr. There was no credible current count data available.

The increase in traffic volumes associated with the proposed change to the overall approved Concept Development Plan is modest.

Exhibit D



# Streetscape Ideas



**RESOLUTION R-14-015-A**

A RESOLUTION OF THE BOONE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL, WITH CONDITIONS, FOR A REQUEST OF THORNWILDE INC. (APPLICANT) FOR THE DREES COMPANY (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A RESIDENTIAL PLANNED DEVELOPMENT (RPD) ZONE FOR A 8.648 ACRE TRACT GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE NORTH BEND ROAD/THORNWILDE DRIVE INTERSECTION, INCLUDING THE TRACT AT 1207 NORTH BEND ROAD, BOONE COUNTY, KENTUCKY, AND PROVIDING THE RECOMMENDATION BE FORWARDED TO THE BOONE COUNTY FISCAL COURT, BURLINGTON, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Change in an Approved Concept Development Plan in a Residential Planned Development (RPD) zone for a 8.648 acre tract generally located on the northwest corner of the North Bend Road/Thornwilde Drive intersection, including the tract at 1207 North Bend 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 Change in an Approved Concept Development Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOONE COUNTY PLANNING COMMISSION AS FOLLOWS:

**SECTION I**

That the request for a Change in an Approved Concept Development Plan for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions, in a Residential Planned Development (RPD) zone for a 8.648 acre tract generally located on the northwest corner of the North Bend Road/Thornwilde Drive intersection, including the tract at 1207 North Bend Road, Boone County, Kentucky. The real estate which is the subject of this request for a Change in an Approved Concept Development Plan in a Residential Planned Development (RPD) zone is more particularly described in DEED BOOK 466, PAGE NOS. 27 & 30, (as supplied by the applicant) as recorded in the Boone County Clerk's office.

**SECTION II**

That as a basis for the recommendation of approval for a Change in an Approved Concept Development Plan in a Residential Planned Development (RPD) zone for a 8.648 acre tract generally located on the northwest corner of the North Bend Road/Thornwilde Drive intersection, including the tract at 1207 North Bend Road, Boone County, Kentucky, are the findings of fact of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Resolution and marked as "Exhibit A."

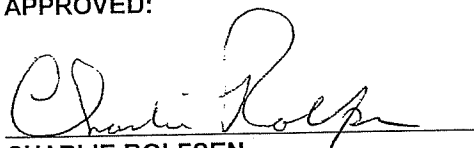
The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and marked as "Exhibit B."

**SECTION III**

That a copy of this Resolution recommending approval, with conditions, for a Change in an Approved Concept Development Plan in a Residential Planned Development (RPD) zone for a 8.648 acre tract generally located on the northwest corner of the North Bend Road/Thornwilde Drive intersection, including the tract at 1207 North Bend Road, Boone County, Kentucky, shall be forwarded to the Boone County Fiscal Court, Burlington, Kentucky having jurisdiction over the property for its action on the recommendation of the Boone County Planning Commission.

**PASSED AND APPROVED ON THIS 3RD DAY OF SEPTEMBER, 2014.**

APPROVED:

  
\_\_\_\_\_  
CHARLIE ROLFSEN  
CHAIRMAN

ATTEST:

  
\_\_\_\_\_  
VICKI L. MYERS  
MANAGER, ADMINISTRATIVE SERVICES

CR/vlm

## ORDINANCE 14-16

AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, A REQUEST OF THORNWILDE INC. (APPLICANT) FOR THE DREES COMPANY (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A RESIDENTIAL PLANNED DEVELOPMENT (RPD) ZONE FOR A 8.648 ACRE TRACT GENERALLY LOCATED ON THE NORTHWEST CORNER OF THE NORTH BEND ROAD/THORNWILDE DRIVE INTERSECTION, INCLUDING THE TRACT AT 1207 NORTH BEND ROAD, BOONE COUNTY, BURLINGTON, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Change in an Approved Concept Development Plan in a Residential Planned Development (RPD) zone for a 8.648 acre tract generally located on the northwest corner of the North Bend Road/Thornwilde Drive intersection, including the tract at 1207 North Bend 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 Change in an Approved Concept Development Plan.

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

### SECTION I

That the request for a Change in an Approved Concept Development Plan for the real estate which is more particularly described below shall be and is hereby approved, with conditions, in a Residential Planned Development (RPD) zone for a

8.648 acre tract generally located on the northwest corner of the North Bend Road/Thornwilde Drive intersection, including the tract at 1207 North Bend Road, Boone County, Kentucky. The real estate which is the subject of this request for a Change in an Approved Concept Development Plan in a Residential Planned Development (RPD) zone is more particularly described in DEED BOOK 466, PAGE NOS. 27 & 30, (as supplied by the applicant) as recorded in the Boone County Clerk's office.

## SECTION II

That as a basis for the approval for a Change in an Approved Concept Development Plan in a Residential Planned Development (RPD) zone for a 8.648 acre tract generally located on the northwest corner of the North Bend Road/Thornwilde Drive intersection, including the tract at 1207 North Bend Road, Boone County, Kentucky, are the findings of fact of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as 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 16<sup>th</sup> day of September, 2014.

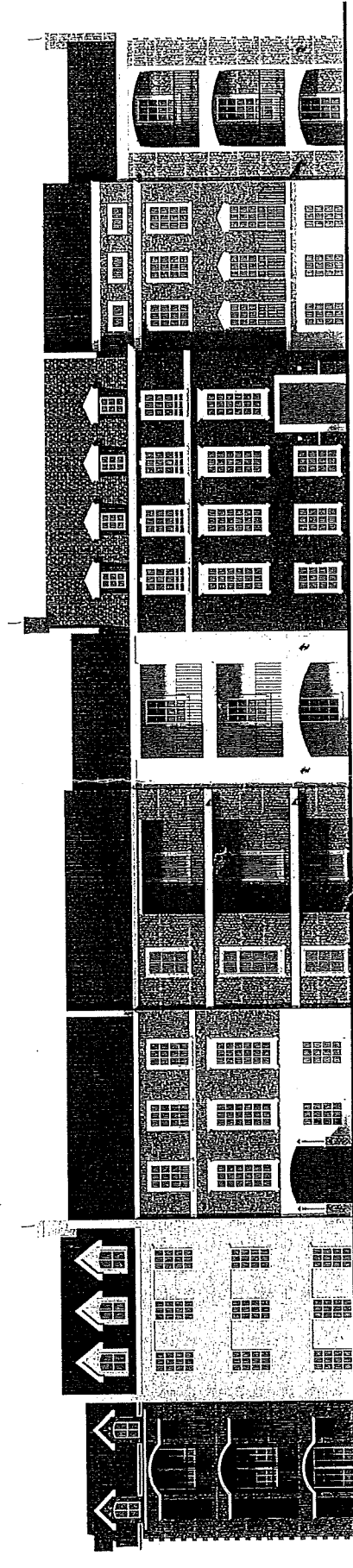
Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 21<sup>st</sup> day of October, 2014 and signed by the County Judge/Executive as evidence of his approval, attested under seal by the County Fiscal Court Clerk and declared to be in full force and effect.

Gary W. Moore  
GARY W. MOORE  
BOONE COUNTY JUDGE EXECUTIVE

ATTEST:

Daphne Kornblum  
DAPHNE KORNBLUM  
FISCAL COURT CLERK





# THORNWILDE VILLAGE

## PRELIMINARY ELEVATION STUDY

49 ARCHITECTURE, LLC  
355 Glen Street  
St. Louis, MO 63103  
Tel: (314) 455-5500  
Fax: (314) 455-5508

DATE: 11/10/2014

# 1994 CONCEPT DEVELOPMENT PLAN



## Kevin Wall

---

**From:** Scott Pennington  
**Sent:** Wednesday, April 26, 2017 4:19 PM  
**To:** Kevin Wall  
**Subject:** FW: Thornwilde Village Change in Concept Development Plan and Zone Change  
**Attachments:** thornwilde2 agency m1.pdf; FW: Traffic Study

Kevin,

Only one comment (and I probably noted this on the earlier request), the new access on Thornwilde Dr must have the appropriate sight distance (grading, tree clearing, etc. as needed).

No other comments related to the added parcel.

Thanks.

Scott D. Pennington, P.E.  
County Engineer/Director of Public Works  
Boone County Public Works  
[spennington@boonecountyky.org](mailto:spennington@boonecountyky.org)  
(O) 859-334-3600

**From:** Kevin Wall  
**Sent:** Tuesday, April 25, 2017 4:47 PM  
**To:** 'Bogen, Matthew (KYTC-D06)'; 'jonathan brown'; 'boonewater@aol.com'; Scott Pennington; 'randy.poe@boone.kyschools.us'  
**Subject:** Thornwilde Village Change in Concept Development Plan and Zone Change

Gentlemen:

A few weeks ago I sent out the attached memo and supporting materials regarding a change in an approved concept development plan and a zone change from RSE to RPD for a 16 total acre site located at 1173 and 1207 North Bend Road. Please review the materials and forward any comments at your earliest convenience. There has been notable public interest in this project and input regarding your agency's policies and service abilities is important for the Planning Commission to consider when evaluating this request at the 5/3/17 public hearing. Please call me at 334-2196 if you have any questions. Comments can be e-mailed to me at [kwall@boonecountyky.org](mailto:kwall@boonecountyky.org), even if you input is "no comment."

Thanks,

Kevin T. Wall, AICP CDT CNU-A  
Director, Zoning Services  
Zoning Administrator  
v: 859-334-2196  
f: 859-334-2264  
[www.boonecountyky.org/planning\\_commission/](http://www.boonecountyky.org/planning_commission/)



## Kevin Wall

---

**From:** Andrew Ifcic <AIfcic@hebronfire.org>  
**Sent:** Monday, April 17, 2017 3:59 PM  
**To:** Kevin Wall  
**Subject:** Thornwilde Village Zone Change

Kevin,

The zone change for Thornwilde Village looks good, no comments on our end at this time.

Thanks, Andy

**Andy Ifcic, Lieutenant**  
Hebron Fire Protection District  
3120 Northbend Road Hebron, KY  
P: 859-586-9009  
F: 859-586-9059  
[aifcic@hebronfire.org](mailto:aifcic@hebronfire.org)  
[www.hebronfire.org](http://www.hebronfire.org)

This email may contain confidential and privileged material for the sole use of the intended recipient. Any review, use, distribution, or disclosure by others is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and delete all copies of this message.

## Kevin Wall

---

**From:** Verst, Joe <jverst@sd1.org>  
**Sent:** Monday, April 24, 2017 1:44 PM  
**To:** Kevin Wall  
**Cc:** Greg Stacy; Haggard, Greg; Aman, Andy; Warndorf, John  
**Subject:** Thornwilde Village

Kevin,

Capacity was approved for the Thornwilde Village Development by the SD1 Board of Directors in December 2016.

This development is tributary to the Sand Run Pump Station and the approved upgrades to the station will allow for the additional flow.

The reservation requested capacity for 30 (3) Bedroom Apartments, 75 (2) Bedroom Apartments, 15 (1) Bedroom Apartments & 22,000 s.f. Retail (240 Seat Restaurant & 100 Child Daycare).

SD1 has not received plans yet for this site.

If you have any questions, don't hesitate to contact me.

Regards,

Joe Verst, P.E.  
Project Engineer  
Planning & Design Group  
SD1  
1045 Eaton Drive  
Ft. Wright, KY 41017  
Telephone: 859-578-7467  
Fax: 859-578-6897  
Email: [jverst@sd1.org](mailto:jverst@sd1.org)

---

**Public Records Notice:** I am not the Official Custodian of Public Records at SD1. All requests for public records must be sent to SD1's Official Custodian of Records at: 1045 Eaton Dr. Ft. Wright, KY 41017, Attention: Official Custodian of Records; facsimile at (859) 331-2436 or via email to [records@sd1.org](mailto:records@sd1.org). **Your request will not be forwarded.**

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project Thornwilde Village
2. Location of Project 1173 North Bend Rd, Hebron
3. Total Acreage of Site 3.8
4. Current Zoning of Site RSE
5. Proposed Zoning (Classification being requested) RPD
6. Proposed Uses (please specify each use) Multi-Family/apartment use
7. Names of Applicant(s) Francisville, LLC
8. Address of Applicant(s) 495 Erlanger Rd, Ste 202
9. Name of Property Owner(s) Francisville, LLC
10. Address of Property Owner(s) 495 Erlanger Rd, Ste 202
11. Proposed Building Intensities (please specify) 11 units per Acre
12. Are there any existing buildings on the site? Yes
13. Deed Book 1082 Page No. 727 Group No. 2004
14. Are you also applying for: Conditional Use Permit, Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? Yes 3/21/17
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

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

**ZONING MAP AMENDMENT  
APPLICATION  
PAGE 2**

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

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

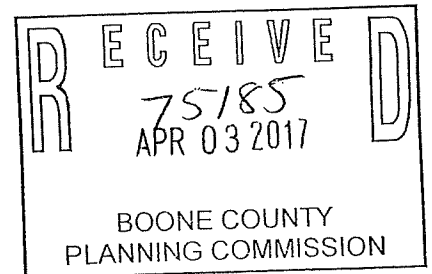
19. **ORIGINAL Property Owner's Signature** Paul Owen  
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

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

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

1. Date Received 4-3-17
2. Review Fee \$ 2,222.00 R# 75185
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. \_\_\_\_\_ Date Application is **Administratively Complete** as Defined in KRS 100.211
5. Staff Reviewer KEVIN WILLL
6. Committee Chairman \_\_\_\_\_
7. Scheduled Public Hearing Date \_\_\_\_\_
8. Boone County Planning Commission Action:
  - \_\_\_\_\_ **Approval**
  - \_\_\_\_\_ **Approval with Conditions**
  - \_\_\_\_\_ **Denial**
9. Other: \_\_\_\_\_ Resolution # \_\_\_\_\_

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.

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN  
BOONE COUNTY PLANNING COMMISSION

**FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED**

(See Boone County Zoning Regulations)

**SECTION A** (To be completed by applicant)

1. Check One:

- \_\_\_\_\_ Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)  
\_\_\_\_\_ Change in an Approved Concept Development Plan  
\_\_\_\_\_ Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)  
\_\_\_\_\_ Long Range Planning Committee Review (As stated in the Union Town Plan)  
X \_\_\_\_\_ Zone Change Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions  
\_\_\_\_\_ Zoning Administrator Review (As stated in the Central Florence Strategic Plan, An Update of the Parkway Corridor Study)  
\_\_\_\_\_ Zoning Administrator Review (As stated in the Mall Road District Study)

2. Name of Project Thornwilde Village  
3. Location of Project Francisville KY - Corner of Thornwilde Dr and Rt 237  
4. Total Acreage of Site 12.2 Acres  
5. Current Zoning RPD  
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) April 1994 and revised and approved July 2014  
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) N/A  
8. Proposed Uses (please specify each use) No change as of last approval date  
9. Proposed Building Intensities (please specify) No change as of last approval date  
10. Have you submitted a Concept Development Plan? Yes  
11. Are you also applying for:  
N/A Conditional Use Permit  
\_\_\_\_\_ Dimensional Variance  
12. Name of Applicant(s) Francisville LLC.  
Phone Number 859 801-1773 Fax No. \_\_\_\_\_ E-Mail drees@terraceholdings.c  
13. Address of Applicant(s) 495 Erlanger Rd Ste 202  
Erlanger, KY 41018  
City State Zip  
14. Name of Property Owner(s) Francisville LLC  
Phone Number 801-1773 Fax No. \_\_\_\_\_ E-Mail \_\_\_\_\_  
15. Address of Property Owner(s) 495 Erlanger Rd Ste 202  
Erlanger, KY 41018  
City State Zip  
16. Are there any existing buildings on the site? Yes  
How many? 1 house  
17. Deed Book 1050 Page No. 887 Group No. \_\_\_\_\_  
18. Have you had a pre-application meeting with BCPC Staff? Yes, 3/21/17

(over)

Concept Development Plan

Page 2

19. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:

- Boone County Water District
- Florence Public Services Dept.
- Duke Energy
- Sanitation District #1
- Cincinnati Bell
- Owen Electric Cooperative, Inc.
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- Boone County Building Department
- Northern Kentucky Health District
- USDA NRCS/Boone County Conservation District
- KY Division of Water
- Local School District
- Local Fire District
- Other: \_\_\_\_\_

20. Concept Development Plan Jurisdiction/Location  
 Unincorporated Boone County \_\_\_\_\_ Walton Union  
 Florence \_\_\_\_\_

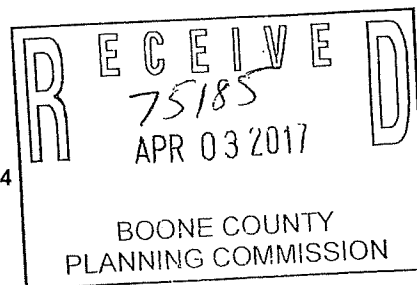
21. ORIGINAL Property Owner's Signature Paul Drees  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

22. ORIGINAL Applicant's Signature Paul Drees  
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

SECTION B (To be completed by BCPC Staff)

1. Date Received 4-3-17 Fee Received \$ 1,700 R# 75185
2. Check what has been submitted:  
 Application \_\_\_\_\_ Fee  Legal Description  
 Concept Development Plan \_\_\_\_\_ Addresses of Adjoining Property Owners  
 No. of copies of plan received \*\* 5
3. Is application complete?  YES  NO
4. Staff Reviewer KEVIN WALL
5. Committee Chairperson \_\_\_\_\_
6. Scheduled Public Hearing Date \_\_\_\_\_
7. Boone County Planning Commission Action:  
 Approved  Approved With Conditions  
 Denied
8. Other: \_\_\_\_\_

Boone County Planning Commission  
 Boone County Administration Building  
 2950 Washington Street, Room 317  
 P.O. Box 958  
 Burlington, Kentucky 41005  
 Phone (859) 334-2196 - Fax (859) 334-2264  
 plancom@boonecountyky.org - E-Mail  
 www.boonecountyky.org - Web Page



Note: See Boone County Planning Commission Fee Schedule for Concept Development Plan Fees. An application consists of all fees paid in full, submitted drawings and a completed application form.



Francisville, LLC.

510 Graves Ave Suite 206  
Erlanger, Ky 41018

Office (859) 814-8186  
Fax (859) 360-1761

## *Thornwilde Village*

April 3, 2017

Boone County Planning Commission  
2950 Washington St, Rm 317  
P.O. Box 958  
Burlington, KY 41005

Re: Thornwilde Subdivision – RPD Concept Plan Revision

Dear Boone County Commissioners:

We would like to request a review and recommendation of approval to the Concept Plan Revision of the Thornwilde Village subdivision RPD zone. This request is for an approximately 12.22 acres located near the corner of Rt 237 and Thornwilde Drive.

Based on the submitted Thornwilde Village concept plan, it is our opinion that the rezoning and plan revision are in agreement with the previously adopted Boone County Comprehensive Plan and is consistent with the RPD approved zoning. We respectfully request such a finding and recommendation from the Planning Commission.

Thank you for your time and consideration of this request.

Sincerely,

Philip Drees  
President  
Thornwilde Inc.

Thornwilde Village  
Concept Plan Change  
Francisville, KY

Thornwilde Village Concept Plan Request: Request that condition number 7 be removed and approve the concept as submitted. Condition number 7 relates to buffering yard requirements and is not relevant as we have obtained the 4 acre parcel North of the property. In conjunction with this application we have submitted an application for a zone change on the 3.8 acre parcel.

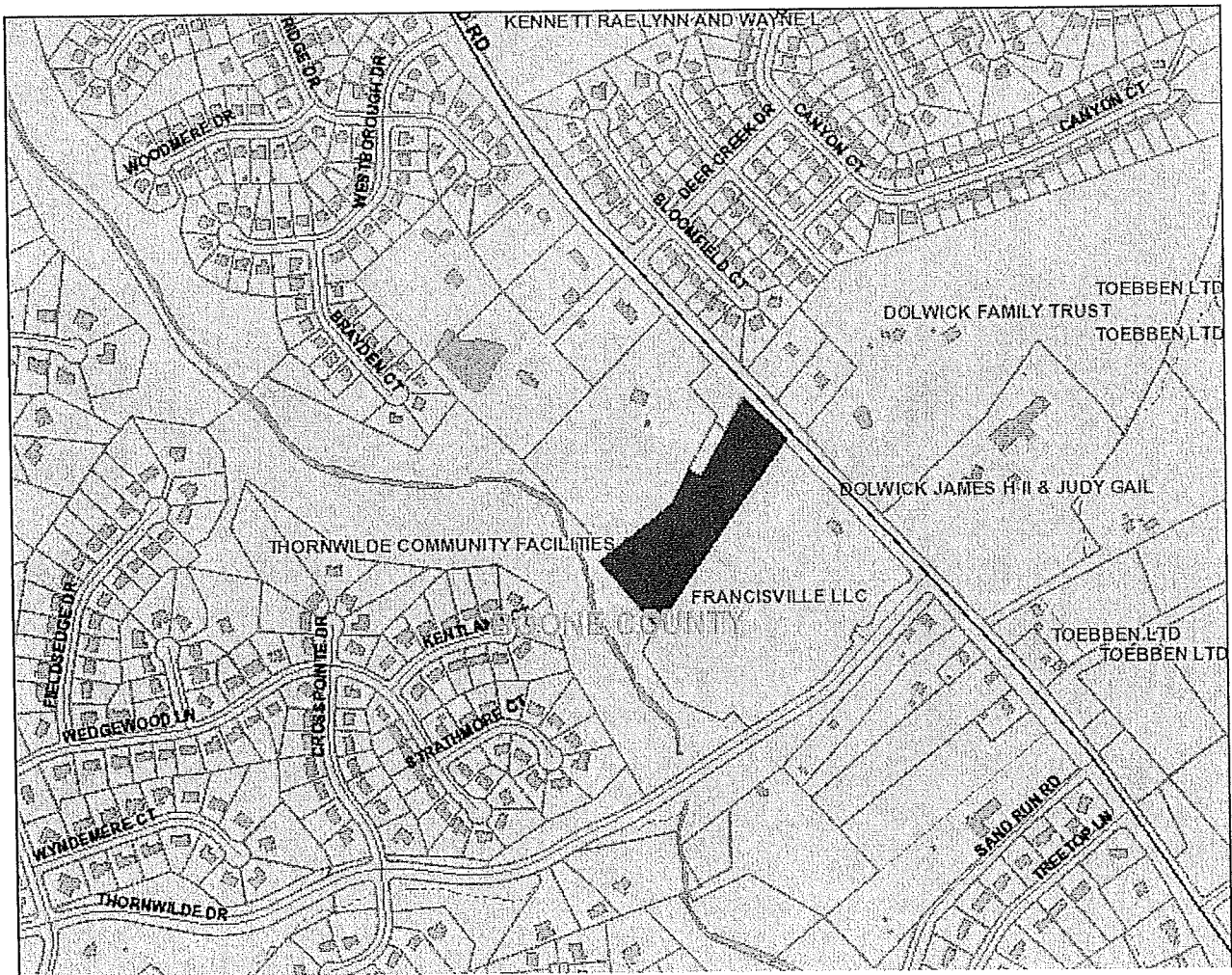
The attached plan shows the North property line and is shaded for reference.

Thornwilde Village  
Zone Change

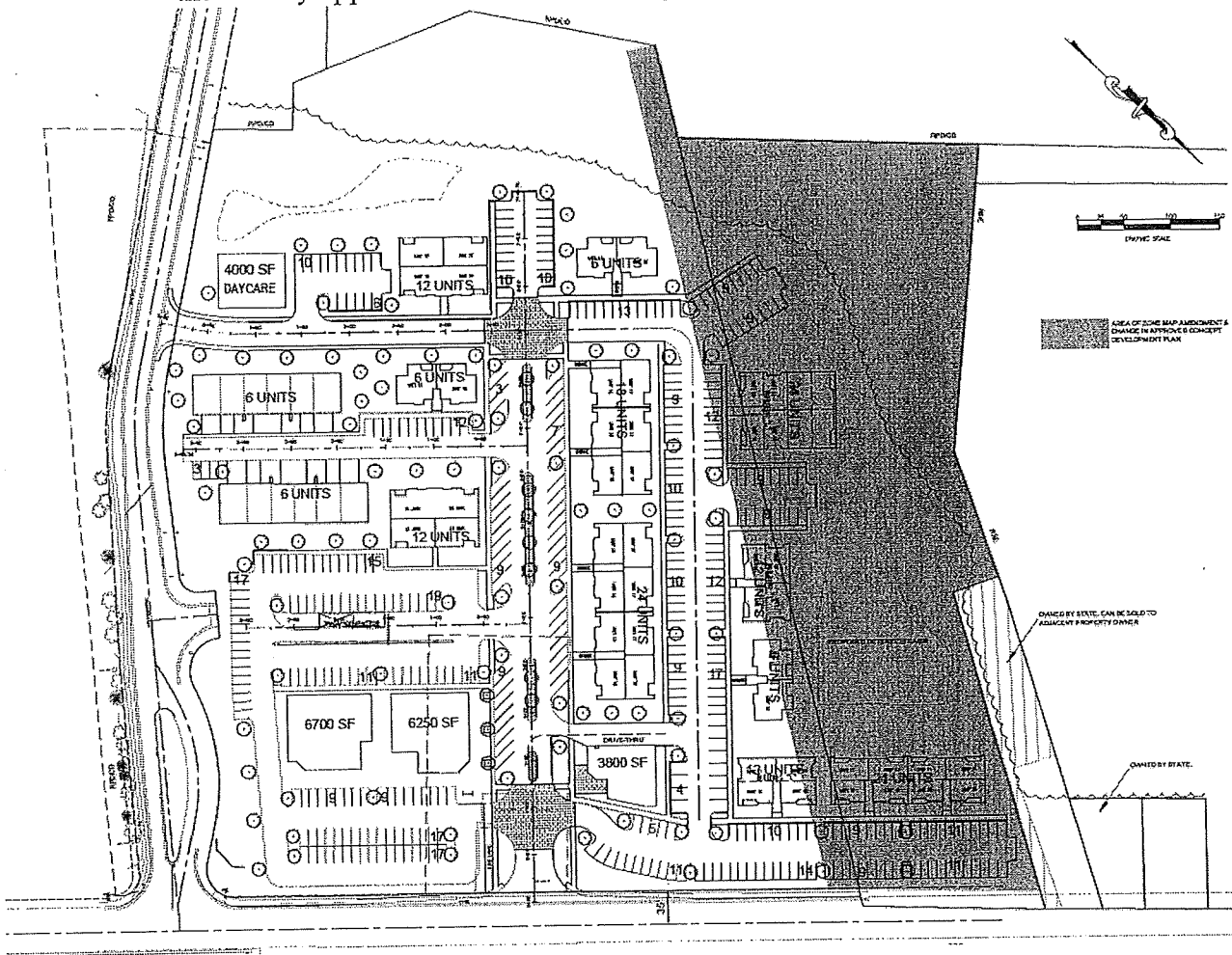
Thornwilde Village History: In 2014, Boone County approved Thornwilde Village concept development changes in the RPD zone. A minor change was submitted to staff in August of 2016 and approved. In December of 2016 Francisville, LLC was able to acquire a 3.8 acre parcel adjacent to the Thornwilde Village RPD zone.

1. Proposal: Request approval of a Zone change map amendment of approximately 3.8 acres, from RSE to the RPD zone currently approved on the adjacent tract of land known as Thornwilde Village. The attached concept plan proposes a Multi-Family Residential/apartments to be located on the South and East property line.
2. Location: 1173 North Bend Rd and just inside the area referred to as Francisville. The site is bordered by the approved Thornwilde Village RPD zone to the south, Rt. 237 and State/KDOT owned land and detention basin on the East/North property line, the remaining North side property line is bordered by one house on 6.5 acres with a substantial valley and tree line. The West property line abuts the Thornwilde open space/green belt. (see plan below)

1173 N Bend Rd



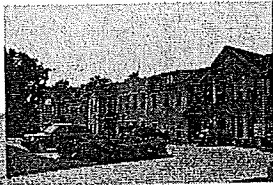
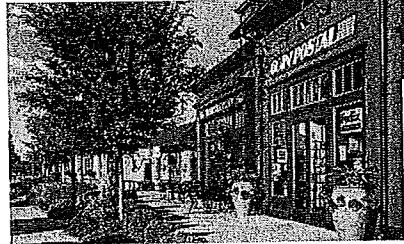
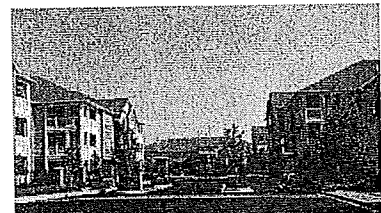
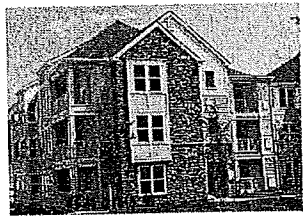
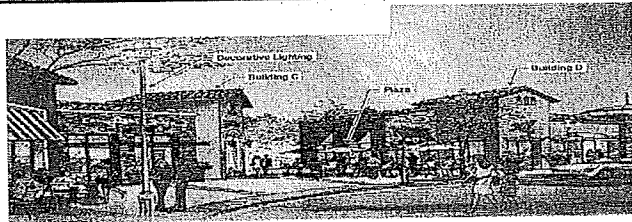
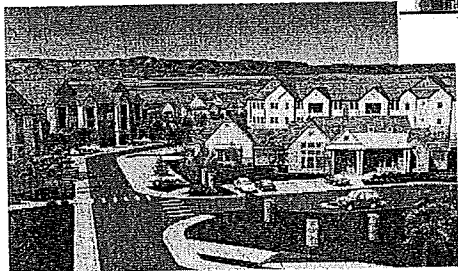
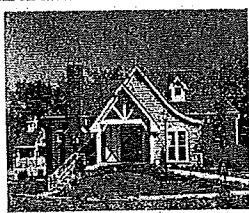
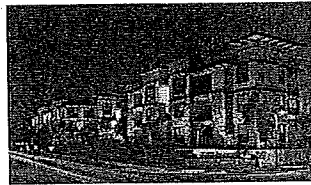
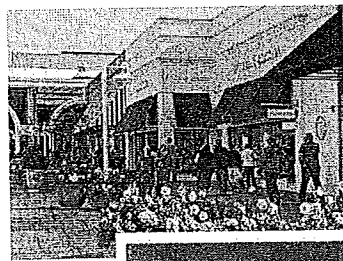
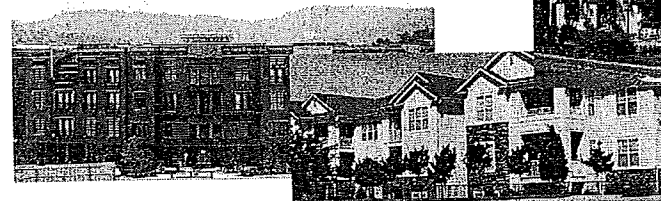
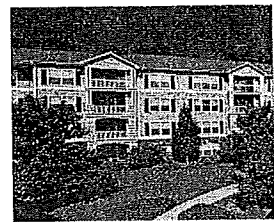
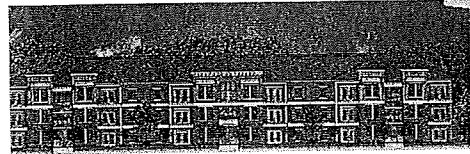
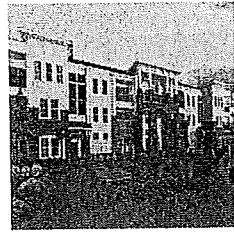
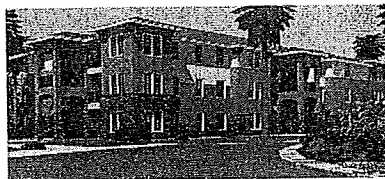
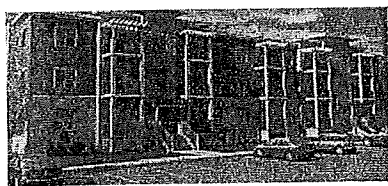
3. Land Use: The proposed plan would change existing RSE zone to RPD zone allowing for Multi-Family/apartment units to be built on site. The proposed change will directly relate to the already approved Thornwilde Village. (see plan below)



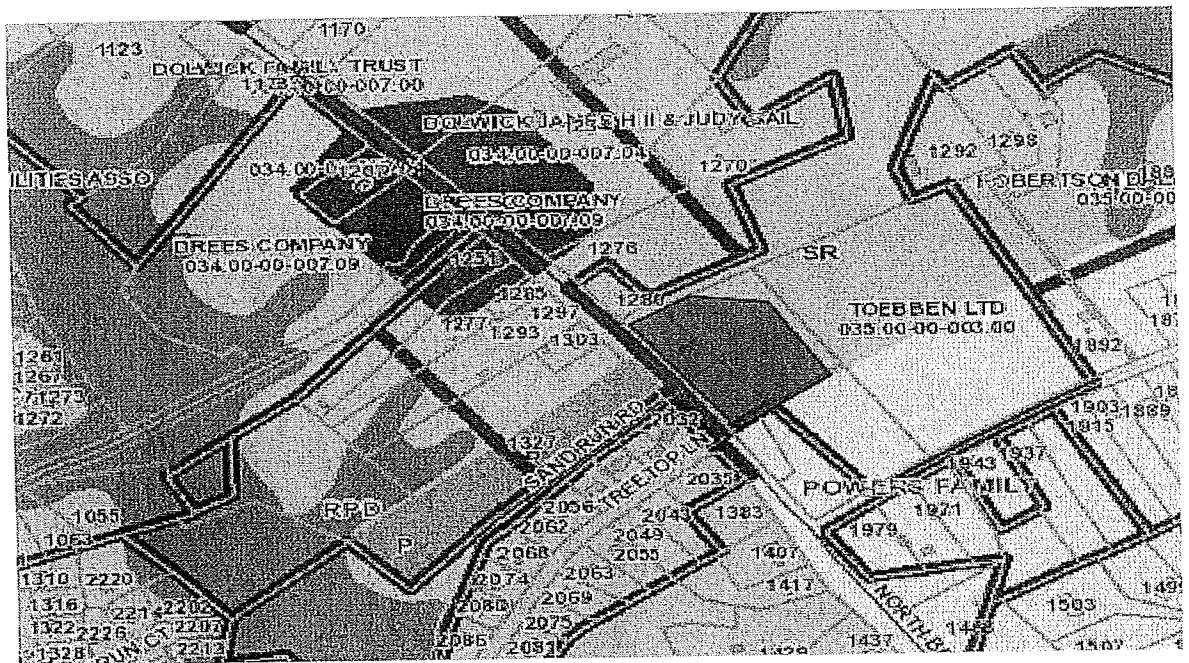
4. Density/Intensity of Use: The original Thornwilde Village approved concept can have up to 128 units on approximately 12.22 acres or 10.5 units per acre. Combining both parcels will yield an estimated 176 units or 11 units per acre.
5. Transportation Circulation: Access to site will be off the private streets/parking area from the Thornwilde Village subdivision.
6. Sanitary and Water Service: Public sanitary connection will tie into the Sand Run pump station once capacity issues have been address by the Sanitation District. Extension of the water distribution system will tie into the existing system serving the area.
7. Soil Erosion Control: Best management practices will be incorporated into the site improvement plans at time of submission.
8. School Impact: Minimal impact of additional school age children is expected as most units will be occupied by empty-nesters, single adults and young couples with no children.
9. Thornwilde HOA Impact: Since the site is distinctly separate from the remainder of the subdivision, the residents living at Thornwilde Village will not be a part of the HOA; therefore, no impact on any existing facilities.
10. Comprehensive Plan and RPD zone: The below describes how the applicable requirements and standards in Article 16 have been satisfied for requesting the zone

change. As with past approved submissions, the submitted zone change request falls in line with the approved Boone County Comprehensive Plan and the overall original intent of the Thornwilde development.

- a. Article 16 of the Boone County Zoning Regulation encourages mix uses, walkability, reduced setbacks, pedestrian scale, etc. The submitted concept plan clearly accomplishes this in conjunction to the Thornwilde Village project. The Attach/Multi-family components next to the commercial components on the adjacent parcel allow a richer feel and are scaled for a better transition in uses.
- b. Market conditions in the housing industry have changed dramatically over the recent recession. Current sale conditions show an upturn in attach/multi-family housing.
- c. As a result of the unique characteristics of the current land topography, the change to an attached/multi-family product can better cope with the grades, topo and public improvements in better cost effective way than single family
- d. Design elements, color and materials that will be used at Thornwilde Village will be used here. The following collection of pictures shows materials, quality and scale for the type of product that will be used at Thornwilde Village.



- e. Article 16 of the Boone County Zoning Regulations is established to allow an applicant the opportunity to design and construct a planned development. The concept plan revision ties more closely with the elements in the Boone County Comprehensive Plan providing a variety of housing types and transition to what is indicated on the Comprehensive plan and future surrounding developments.
- f. As the result of different uses locating next to each other, the attached/multi-family concept allows more people to be closer to the convenience of what the commercial area offers; therefore reducing traffic, number of trips and less dependency of vehicular traffic.
- g. Residential Planned Development (RPD) is a zoning district which comprises a significant residential population and may consist of a variety of housing types such as but not limited to single-family detached lots, single-family attached, apartments, townhouses, landominiums, condominiums and duplexes in a planned development setting.
- h. RPD districts allow flexibility in comparison to the remainder of the Boone County Zoning Regulations by offering innovative approaches and design.
- i. Under the RPD zone, this change is consistent with allowing for a more efficient and flexible use of land.
- j. The concept change does not hinder nor deter development of surrounding undeveloped properties. The addition of attach/multi-family units should actually compliment the surrounding land as designated on the comprehensive plan as commercial (C) and Public (P) use (see attached comprehensive plan). The recently approved zone change on the Toebben property compliments the proposed concept plan revisions.

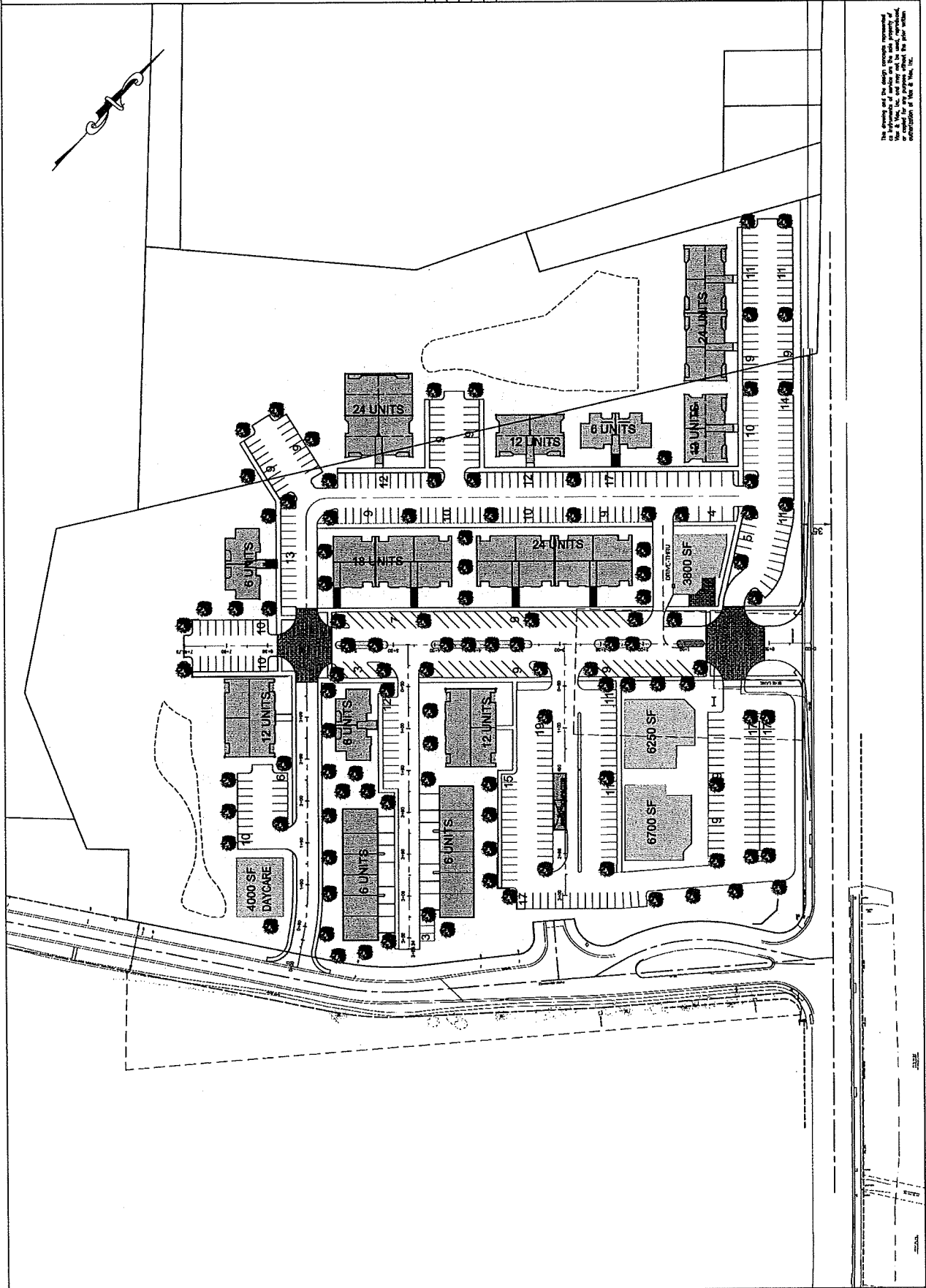


- k. The development has a pedestrian scale and orientation and the entire site is walkable to the adjacent commercial use.
- l. Satisfies the current demand and future demand for a different housing type. Providing an alternative housing type will also allow individuals and families to stay in the area, these include divorcées that want to stay in the area to be close to family or work, aging

populations looking for one level living, young individuals looking to get out of the parents basement, young individuals and couples looking for a creative and convenient place to live and workforce employees to satisfy the distribution/warehouse jobs that have or will be created by the distribution centers located in the Hebron area and around the airport.

- m. The attached/multi-family/apartment unit relationship with the commercial development in the Thornwilde Village project is a crucial component to making this a success.

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RESIDENTIAL  
 18 UNITS (33 SPACES) + 306 SPACES  
 11 UNITS (21 SPACES) + 216 SPACES  
 20 UNITS (39 SPACES) + 396 SPACES  
 3 UNITS (6 SPACES) + 60 SPACES  
 1 UNIT (2 SPACES) + 20 SPACES  
 TOTAL UNITS: 56 UNITS  
 TOTAL SPACES: 560 SPACES

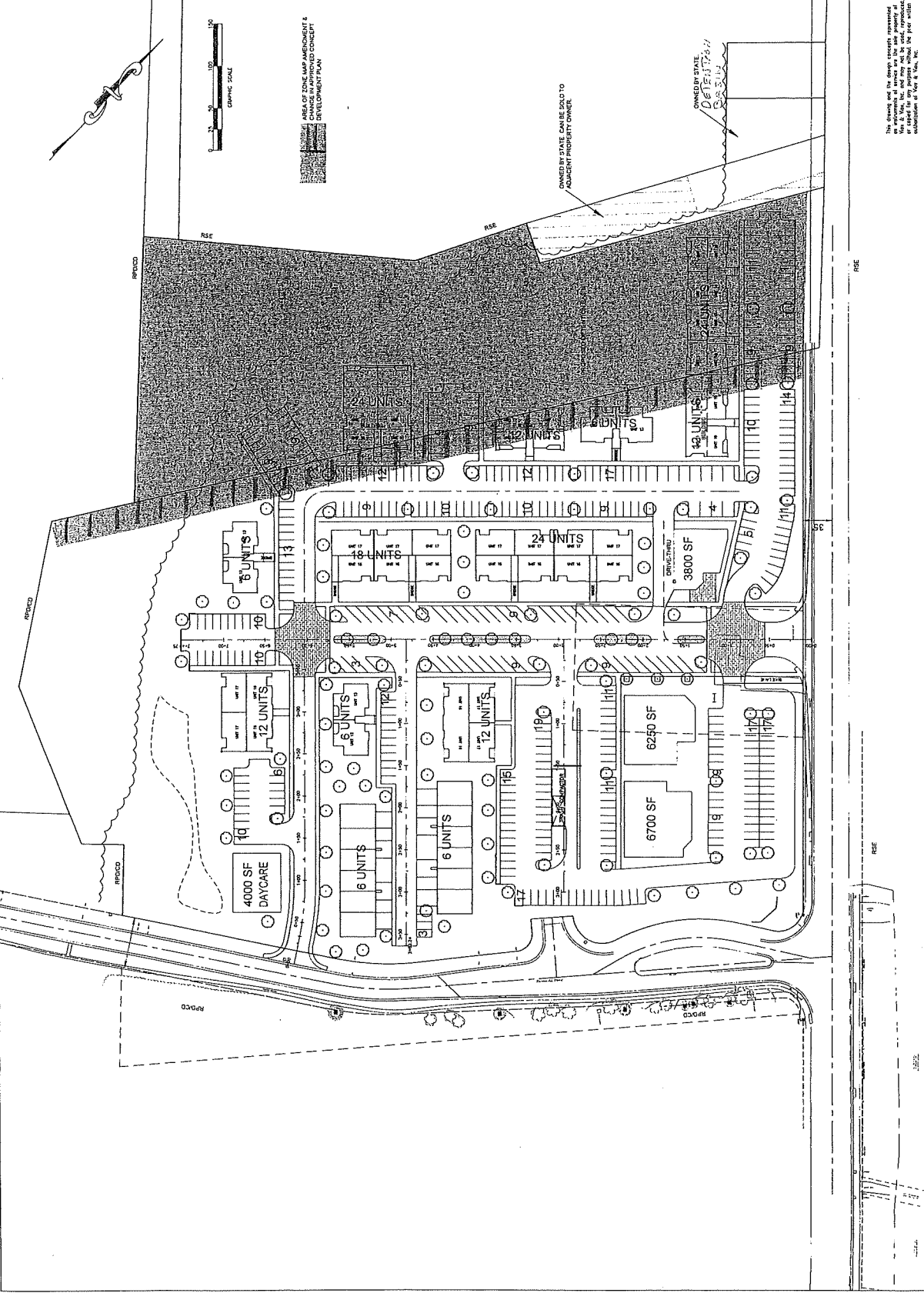
PROPOSED AMENDMENT TO ZONE MAP  
 CHANGES IN APPROVED CONCEPT  
 DEVELOPMENT PLAN



AREA OF ZONE MAP AMENDMENT &  
 CHANGES IN APPROVED CONCEPT  
 DEVELOPMENT PLAN

**W**  
**VIOX & VIOX**  
 ARCHITECTS & PLANNERS  
 1200 W. MARKET STREET, SUITE 200  
 CINCINNATI, OHIO 45202  
 (513) 241-1000  
**CONCEPT PLAN**  
**THORNWHADE VILLAGE**  
**HERRON, BOONE COUNTY, KENTUCKY**

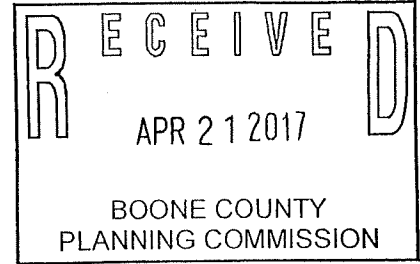
DATE: 10/20/17  
 DRAWN BY: J. B. BROWN  
 CHECKED BY: J. B. BROWN  
 PROJECT NO.: 17-0017  
**PAGE 1 OF 1**



This drawing shall be used only for the purposes  
 stated herein. It is not to be construed as  
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 The architect, engineer, or other professional  
 shall not be held responsible for any errors  
 or omissions in this drawing.

final report

March 31, 2017  
Revised April 3, 2017



## Traffic Impact Study

*Thornwilde Village  
Hebron, KY*

Prepared for

Boone County Planning Commission  
Kentucky Transportation Cabinet

**DIANE B. ZIMMERMAN**  
Traffic Engineering, LLC

12803 High Meadows Pike  
Prospect, KY 40059  
502.648.1858  
diane@zimi@aol.net

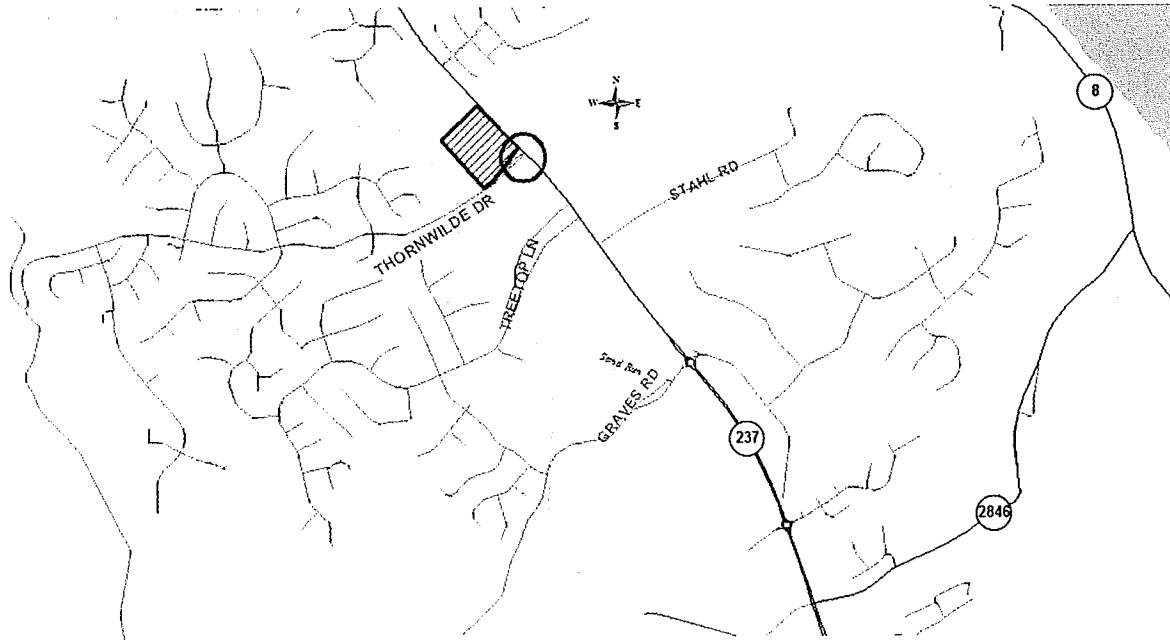


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## INTRODUCTION

The development plan for Thornwilde Village shows a mixed-use development with 168 apartment units, retail space of 14,592 square feet, and a day care with 4,000 square feet. **Figure 1** displays a map of the site. Access to the development will be from KY 237 and Thornwilde Drive. The purpose of this study is to examine the traffic impacts of the development upon the adjacent highway system. For this study, the impact area was defined to be the intersection of KY 237 with Thornwilde Drive.



**Figure 1. Site Map**

## EXISTING CONDITIONS

KY 237 is maintained by the Kentucky Transportation Cabinet with an estimated 2017 ADT of 9,300 vehicles per day between Treetop Lane and Thornwilde Drive as estimated from the turning movement count. The road is a two-lane highway with twelve-foot lanes, a two-way left turn lane, and eight-foot shoulders through the study area. The speed limit is 35 mph. There are sidewalks. The intersection with Thornwilde Drive is controlled with a stop sign. There is a left turn lane on KY 237.

Peak hour traffic counts for the intersections were obtained on February 28, 2017. The a.m. peak hour occurred between 7:00 and 8:00 a.m. The p.m. peak hour occurred between 5:00 and 6:00 p.m. **Figure 2** illustrates the existing a.m. and p.m. peak hour traffic volumes.

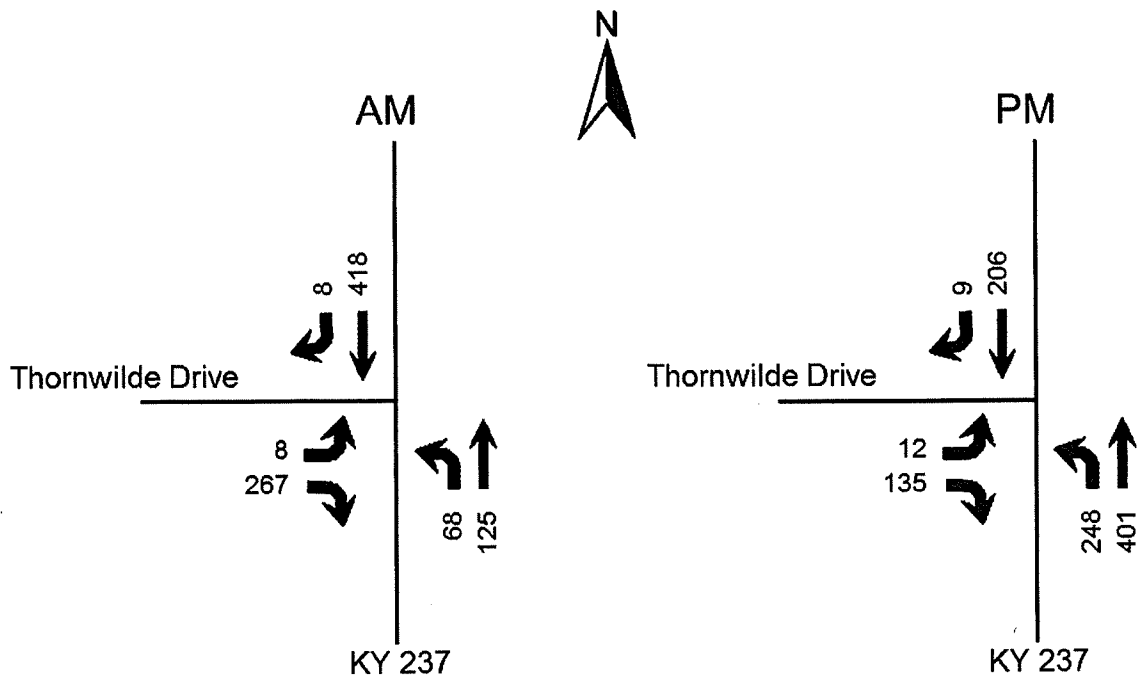


Figure 2. Existing (2017) Peak Hour Volumes

## FUTURE CONDITIONS

The projected completion year for this project is 2019. To predict traffic volumes in 2019, three and one half percent annual growth in traffic was added to the 2017 volumes. The growth rates are based upon a review of the historical growth at KYTC count stations 054. 2029 Build volumes were developed using a two percent annual growth between 2019 and 2029 on KY 237. Figure 3 displays the 2019 No Build volumes.

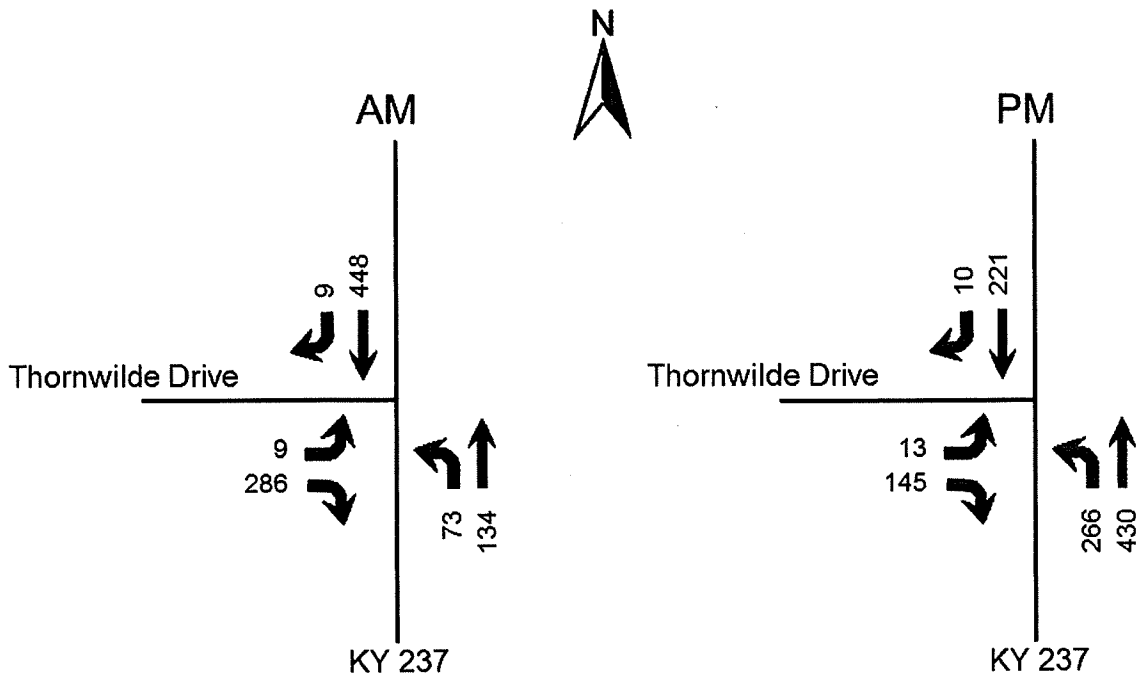


Figure 3. 2019 No Build Peak Hour Volumes

### TRIP GENERATION

The Institute of Transportation Engineers Trip Generation Manual, 9<sup>th</sup> Edition contains trip generation rates for a wide range of developments. The land uses of “Apartments (220)”, “Specialty Retail (826)”, and “Day Care (565)” were reviewed and determined to be the best match. The trip generation results are listed in **Table 1**. Using the trip generation equations yields 135 a.m. peak hour trips and 216 p.m. peak hour trips. The trips were assigned to the highway network with 70 percent to the south, 10 percent to the north and 20 percent to the west. **Figure 4** shows the trips distribution percentages. **Figure 5** shows the trips generated by this development and distributed throughout the road network for the year 2019 during the peak hours. **Figure 6** displays the individual turning movements for the year 2019 for the peak hours when the development is completed.

Table 1. Peak Hour Trips Generated by Site

Land Use	A.M. Peak Hour			P.M. Peak Hour		
	Trips	In	Out	Trips	In	Out
Apartments (168 units)	86	17	69	110	72	38
Specialty Retail (14,592 sf)	0	0	0	57	25	32
Day Care (4,000 sf)	49	26	23	49	23	26
<b>TOTAL</b>	<b>135</b>	<b>43</b>	<b>92</b>	<b>216</b>	<b>120</b>	<b>96</b>

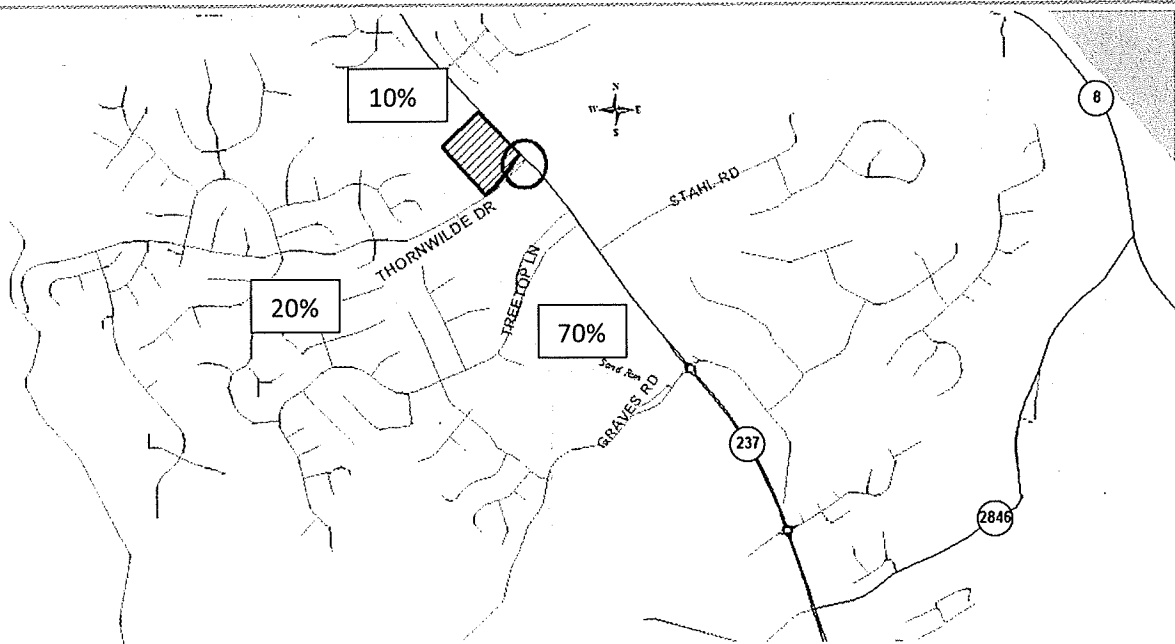


Figure 4. Trip Distribution Percentages

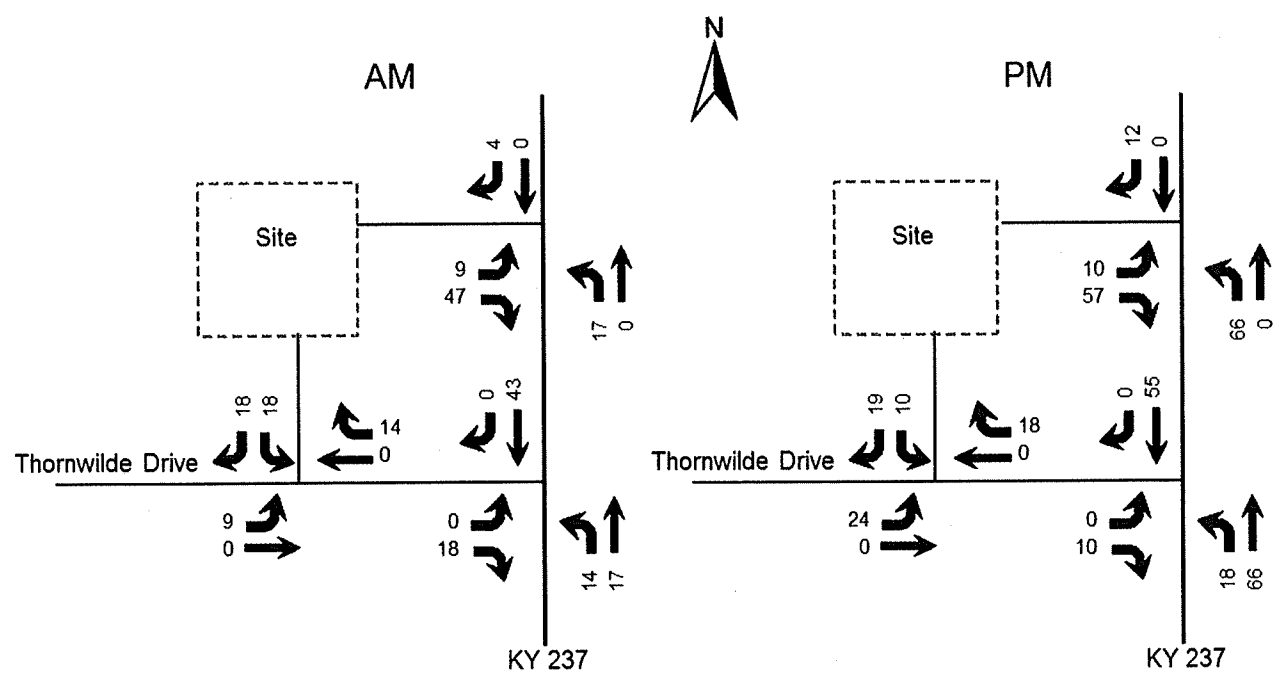


Figure 5. Peak Hour Trips Generated by Site

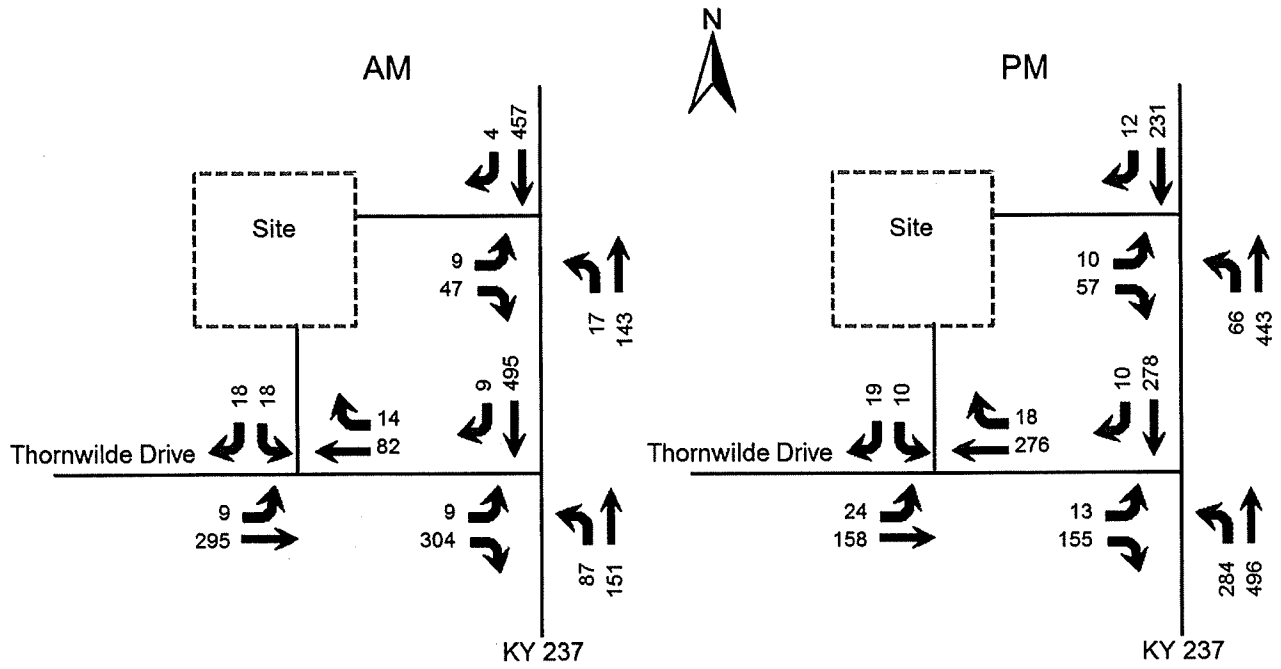


Figure 6. 2019 Peak Hour Build

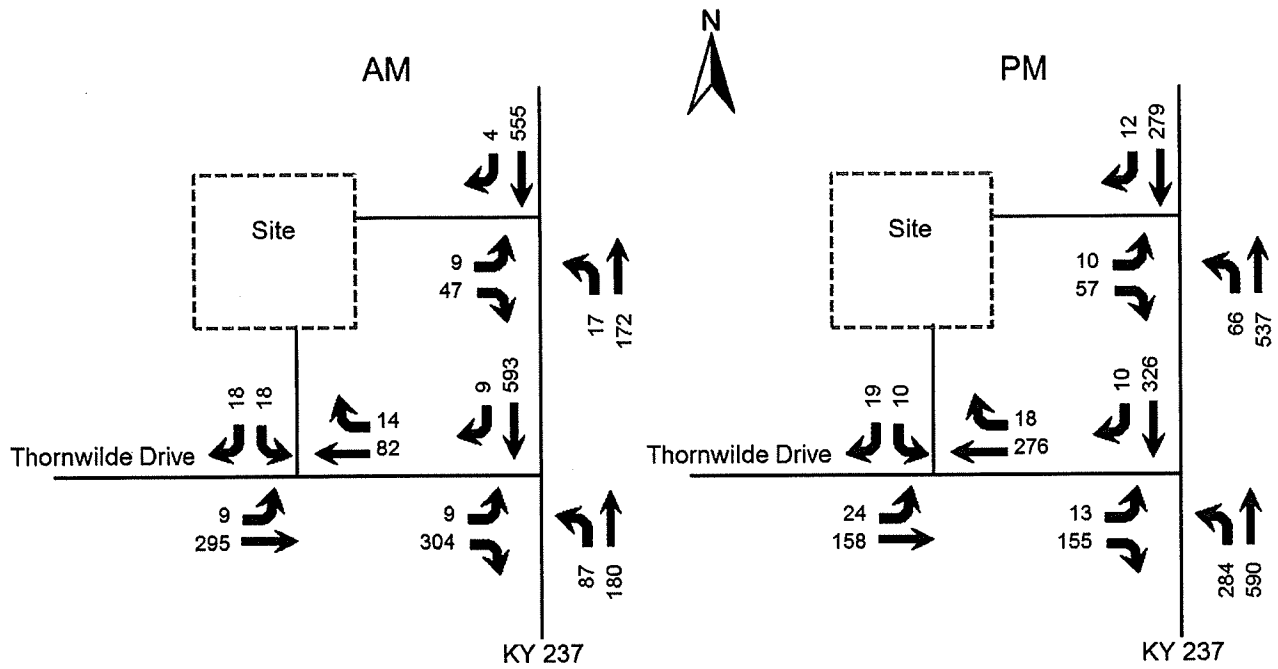


Figure 7. 2029 Peak Hour Build

## ANALYSIS

The qualitative measure of operation for a roadway facility or intersection is evaluated by assigning a “Level of Service”. Level of Service is a ranking scale from A through F, “A” is the best operating condition and “F” is the worst. Level of Service results depend upon the facility that is analyzed. In this case, the Level of Service is based upon the total delay experienced at an intersection.

To evaluate the impact of the proposed development, the vehicle delays at the intersections were determined using procedures detailed in the Highway Capacity Manual, 6<sup>th</sup> edition. Future delays and Level of Service were determined for the intersections using the HCS software (version 7.2). The delays and Level of Service are summarized in **Table 2**.

**Table 2. Peak Hour Level of Service**

Approach	A.M.				P.M.			
	2017 Existing	2019 No Build	2019 Build	2029 Build	2017 Existing	2019 No Build	2019 Build	2029 Build
<b>KY 237 at Thornwilde Drive</b>								
Thornwilde Drive Eastbound	C 17.5	C 20.1	C 24.6	E 35.6	A 9.9	B 10.1	B 11.9	B 12.6
KY 237 Northbound (left)	A 8.6	A 8.8	A 9.0	A 9.5	A 8.3	A 8.5	A 8.8	A 9.0
<b>KY 237 at Entrance</b>								
Entrance Eastbound			B 12.5	B 13.8			B 10.8	B 11.4
KY 237 Northbound (left)			A 8.5	A 8.9			A 7.9	A 8.0
<b>Thornwilde Drive at Entrance</b>								
Thornwilde Drive Westbound (left)			A 7.4	A 7.4			A 7.9	A 7.9
Entrance Southbound			B 10.4	B 10.4			B 11.0	B 11.0

*Key: Level of Service, Delay in seconds per vehicle*

The Kentucky Transportation Cabinet evaluates the need and length of auxiliary turn lanes using Auxiliary Turn Lane Policy dated 7/20/2009. Using the volumes in **Figure 7**, a right turn lane is not required at the proposed entrance.

## CONCLUSIONS

Based upon the volume of traffic generated by the development and the amount of traffic forecasted for the year 2019 and 2029, there will be a minimal impact to the existing highway network. No improvements are recommended.

## Kevin Wall

---

**From:** Scott Mustian <scott.mustian@gmail.com>  
**Sent:** Wednesday, April 19, 2017 11:01 AM  
**To:** Kevin Wall  
**Cc:** Judge Moore  
**Subject:** Re: FW: May 3rd concept development plan application

Dear Mr. Wall,

Thank you for the information you sent. Since this is just an addition to a plan already approved I expect this decision is pretty much set. I know a commercial development was always in the long range plan for Thornewilde but the sizeable number of apartments planned has many of the residents of Thornewilde surprised. I believe it was assumed previously this was going to be a condo development. It would be appropriate if you publish the history of this development as planned/approved in the 1990's versus the proposal now before the commission.

High density apartments will create a more transient community. Since there is no pool planned or required of the developer I expect the Thornewilde pools will have a significant number of unauthorized guests ... this is already a problem with Treetops residents using the pools. It would be appropriate if you required the developer to provide more detail as to the square footage and planned rents for the units. I would think a draft "marketing prospectus" on the proposed apartment complex would be appropriate versus just general concept pictures. Are any of these units going to be section 8 subsidized housing?

Given the scope of the proposal I don't believe you want anyone to have the impression that plans are not being fully communicated to all residents affected. In fact it would have been more transparent if all homeowners in Thornewilde and other homes nearby had been mailed detail information on the proposal versus seeing a simple zoning change sign meeting notice posted on the property. Lack of information just creates more hearsay and speculation.

I am in Denver the week of the hearing or I would attend to hear the discussion. I am not necessarily opposed to new development as this can be good for the county. I do hope the commission is properly considering the aesthetic change to "front door" of Thornewilde as well as the potential impact on traffic and property values.

Sincerely,

Scott Mustian

C 859-360-9009

On Tue, Apr 18, 2017 at 8:05 AM, Kevin Wall <[KWall@boonecountyky.org](mailto:KWall@boonecountyky.org)> wrote:

Mr. Mustian:

Please see attached.

Sincerely,

Kevin T. Wall, AICP CDT CNU-A

Director, Zoning Services

Zoning Administrator

v: [859-334-2196](tel:859-334-2196)

f: [859-334-2264](tel:859-334-2264)

[www.boonecountyky.org/planning\\_commission/](http://www.boonecountyky.org/planning_commission/)



**From:** Treva Beagle  
**Sent:** Tuesday, April 18, 2017 7:54 AM  
**To:** Kevin Wall  
**Subject:** FW: May 3rd concept development plan application

**From:** Scott Mustian [<mailto:scott.mustian@gmail.com>]  
**Sent:** Monday, April 17, 2017 7:47 PM  
**To:** Planning Commission General Account  
**Subject:** May 3rd concept development plan application

Your website has no information about the application being discussed at your May 3rd meeting for commercial development outside Thornewilde subdivision on Route 237. There is a posted sign about the meeting at this location. Where is the public information available to review on the proposal prior to the meeting?

Thank you,

**EXHIBIT**

**“B”**

**ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT**

TO: Boone County Planning Commission

FROM: Greg Breetz, Chairman

DATE: July 5, 2017

RE: The request of **Francisville, LLC (owner)** for a Change in an Approved Concept Development Plan in a Residential Planned Development (RPD) zone for an approximate 12.2 acre site located at 1207 North Bend Road, Boone County, Kentucky, to modify a Concept Development Plan and previous conditions of approval to allow a reconfiguration of an approved commercial, attached single family residential, and multi-family residential development (Thornwilde Village); and the request of **Francisville, LLC (owner)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Residential Planned Development (RPD) for an approximate 3.8 acre site located at 1173 North Bend Road, Boone County, Kentucky, to allow an expansion of Thornwilde Village consisting of multi-family residential buildings.

**REMARKS:**

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

**FINDINGS OF FACT**

1. The Committee has concluded that the proposed Change in an Approved Concept Development Plan and Zoning Map Amendment applications are in agreement with the 2010 Boone County Comprehensive Plan due to the following reasons.
  - A. The Comprehensive Plan's Future Land Use Map designates the overall 16 acre site as Commercial (approximately 18% of the site), Suburban Residential (approximately 50%), and Developmentally Sensitive (approximately 32%). 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, in conjunction with the remainder of the overall approved Thornwilde Subdivision development, to be consistent with the general land use concept outlined on the Future Land Use

Map. The residential density for the overall Thornwilde Subdivision development with this proposed change would be approximately 2.2 units per acre, whereas the Concept Development Plan approved in 1994 for the initial phase of the subdivision had a residential density of approximately 2.4 units per acre. Both figures are consistent with the Suburban Residential designation which permits up to 4 units per acre. The overall 1994 Concept Development Plan also included a significant number of attached residential units.

The property owner has agreed to a condition which would limit commercial uses on the site to 26,000 gross square feet, which is consistent with the approved 2014 Concept Development Plan and the prior 1994 Concept Development Plan. Much of the site is proposed to be maintained as open space including the west hillside portion which adjoins the Thornwilde HOA parcel, the area along the north property line, and the street frontage area along Thornwilde Drive. The open space maintained in the north and west portions of the site corresponds to the Developmentally Sensitive designation shown on the Future Land Use Map. The overall approach is consistent with Section 1607 "Land Use Standards" (EPD/RPD zones) of the Boone County Zoning Regulations which states "the intensity of planned residential developments, in particular, should be generally consistent with the Future Land Use Map designations for the area. Residential densities, however, shall be concentrated on portions of the site to leave open space on other portions."

- B. The Land Use Element ("17. North Hebron," pg. 180) does not discuss this specific site, but it does discuss the overall area. It generally recommends Suburban Residential uses, creating "open space between future developments" by maintaining wooded areas on "Developmentally Sensitive and scenic hillsides," and maintaining "stream valleys and ridge bluff edges." As discussed above, the proposal, in conjunction with the remainder of the overall approved Thornwilde Subdivision development, is consistent with the general land use concept outlined on the Future Land Use Map including the Suburban Residential designation. Also as discussed above, the Developmentally Sensitive areas in the north and west portions of the site will be maintained as open space.
- C. Regarding commercial development in the area, the Business Activity Element ("Recommended Areas of Commercial Activity," pg. 69) states "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." The proposed commercial phase consists of smaller scaled buildings which would provide "a limited amount of convenience and neighborhood commercial uses" as sought by the Business Activity Element.

- D. The Housing Element anticipated additional development in this area. The Housing Element ("North River/I-275 Corridor Area," pg. 83) specifically mentions Thornwilde Subdivision by stating "North Bend Road has been upgraded to better serve development in that corridor, including the continuation of Thornwilde and the new Rivers Pointe Estates." Regarding the residential component of this specific proposal, the Housing Element also states that: "large, left-over parcels in urban service areas are well suited for planned residential development that includes high density housing" ("Population Needs," pg. 79); "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" ("Housing Types," pp. 79 and 80); and "multi-family housing developments should have convenient access to commercial districts or should provide their own supporting commercial uses" ("Housing Types," pp. 79 and 80).
- E. The Committee has concluded that the proposal, with the agreed conditions, is in agreement with the applicable Future Land Use Development Guidelines and the Goals and Objectives. The Future Land Use Development Guidelines include several provisions that relate to this proposal which are quoted in the Staff Report. These pertain to 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, coupled with the agreed conditions, fulfills the applicable requirements of Article 16 "Employment Planned Development (EPD) Residential Planned Development (RPD)" of the Boone County Zoning Regulations, including Section 1607 "Land Use Standards," Section 1608 "Compatibility Assessment Standards," Section 1609 "Design Standards," and Section 1610 "Findings Necessary For A Zoning Map Amendment Or Concept Development Plan In An EPD Or RPD District."

In response to the issues raised at the 5/3/17 Public Hearing, the applicant provided additional materials for the Committee to consider. These materials include an updated overall plan sheet, a sight line exhibit, a narrative which explains the current proposal relative to the 2014 conditions of approval, updated traffic data, and an exhibit which outlines illustrative examples for the planned outdoor gathering area. When considering the proposal in light of the additional information provided by the applicant, the Committee has determined that the requirements of Article 16 have been met.

3. The Change in an Approved Concept Development Plan application requested that Condition #7 from the 2014 approval be eliminated. This condition required certain landscape buffering along the north property line of the original 12.2 acre tract, and the property to be buffered under that condition is the 3.8 acre tract which is now

proposed to be incorporated into the overall development. In order to provide effective buffering overall, the property owner has agreed to Condition #3 below.

4. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2010 Boone County Comprehensive Plan and the applicable requirements of Article 16 "Employment Planned Development (EPD) Residential Planned Development (RPD)" of the Boone County Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate 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 entire 16 acre development shall follow the commitments and representations outlined in the application documents and the additional materials that were provided to the Zone Change Committee in response to the issues raised at the 5/3/17 Public Hearing (attached). These additional materials include a letter from Francisville, LLC dated 5/17/17, "Concept Plan Thornwilde Village" Pages 1 and 2 dated 5/17/17, and the "Plaza Feature Examples" exhibit. The development shall also follow the applicable conditions of approval for the 2014 Change in an Approved Concept Development Plan application and the conditions outlined below. The conditions listed below for the current applications shall prevail first, the application documents and additional materials shall prevail second, and the conditions of approval for the 2014 Change in an Approved Concept Development Plan application shall prevail third.
2. Landscape buffering shall be provided along the site's entire Thornwilde Drive frontage. This buffering shall consist of berming and trees commensurate with the existing landscape improvements along the site's Thornwilde Drive frontage between the North Bend Road and Sedgewicke Court intersections.
3. The plantings from Buffer Yard A shall be provided between the northern-most parking area and the north property line. The plantings from Buffer Yard B shall be provided between the northern-most building and the north property line. All Buffer Yard B requirements, except for the normally required shrubs, shall be met along the remainder of the north boundary and the entire west boundary of the site. Existing trees which are retained shall be credited towards these requirements.
4. A recreational trail shall be provided in the open space. The location and details of the trail shall be reviewed and approved through the Site Plan procedure.
5. A hard surfaced gathering space that is open for public use shall be provided in the commercial phase of the development. The improvements for this space shall be

commensurate with the examples outlined in the attached "Plaza Feature Examples" exhibit.

6. Site lighting fixtures shall be downlit and oriented towards the interior of the site.

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.



*Francisville, LLC.*

510 Graves Ave Suite 206  
Erlanger, Ky 41018

---

Office (859) 814-8186  
Fax (859) 360-1761

May 17, 2017

*Boone County Planning Commission  
2950 Washington St, Rm 317  
Burlington, KY 41005*

*Re: Thornwilde Village Clarification on Conditions for Concept Development Plan Revision and Zone Map Amendment*

*Dear Boone County Committee Members:*

*Below are clarifications and updates to the existing conditions from the 2014 approval and shall be applied to the Thornwilde Village project.*

*Condition 1*

*The proposed development known as "Thornwilde Village" shall follow the commitments and representations outlined in the 7/16/14 letter and accompanying attachments ("7/16/14 Thornwilde Village outline," attached), except when clarified or superseded by the conditions below.*

Paragraph 2.c The acreage figures for the overall site will now be 16 acres

Paragraph 2.c referencing open/green space area surface will now be approximately 7.5 acres

Paragraph 2.d the future connection adjoining the land to the North from the 2014 approval has been achieved with the current plan. Providing further connection to the north is not viable as the Kentucky Transportation Cabinet (KYTC) owns the land with a detention basin.

Paragraph 4.a An updated traffic analysis prepared by Diane Zimmerman; traffic engineer, dated April 10, 2017 has been submitted

Paragraph 5.a Submitting an additional exhibit that outlines "preliminary building design or architecture" concepts .



Francisville, LLC.

510 Graves Ave Suite 206  
Erlanger, Ky 41018

---

Office (859) 814-8186  
Fax (859) 360-1761

*Condition 2*

*The commercial buildings shall be limited to a maximum of 26,000 gross square feet of floor area and the residential portion of the development shall be limited to a maximum of 168 units. The commercial building shown by the Thornwilde Drive access point may be substituted with an 8 unit building, which would increase the maximum amount of permitted residential units to 176. If this substitution is opted, the maximum amount of permissible commercial space shall be reduced to 21,675 gross square feet.*

*Condition 3*

This condition is still applicable to the current proposal.

*Condition 4*

This condition is still applicable to the current proposal.

*Condition 5*

This condition is still applicable to the current proposal

*Condition 6*

This condition is still applicable to the current proposal

*Condition 7*

Buffer Yard A shall be followed along the north property line with credit given to existing trees the can be retained.

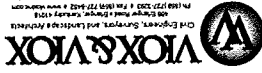
*Condition 8*

This condition has been met on the submitted Concept Development Plan and is now moot.

*Condition 9*

This condition is still applicable to the current proposal.

**CONCEPT PLAN**  
**THORNWILDE VILLAGE**  
**HERRON, BOONE COUNTY, KENTUCKY**



Civil Engineers, Surveyors, and Landscapers Architects  
 108 E. High Street, Louisville, Kentucky 40202  
 P: 502.582.2000 F: 502.582.7744 E: viox@viox.com

PROJECT NO. 1507/17  
 DATE: 05/20/17  
 DRAWING NO. 1507/17-01  
 SHEET NO. 1 OF 2

PAGE 1 OF 2

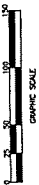
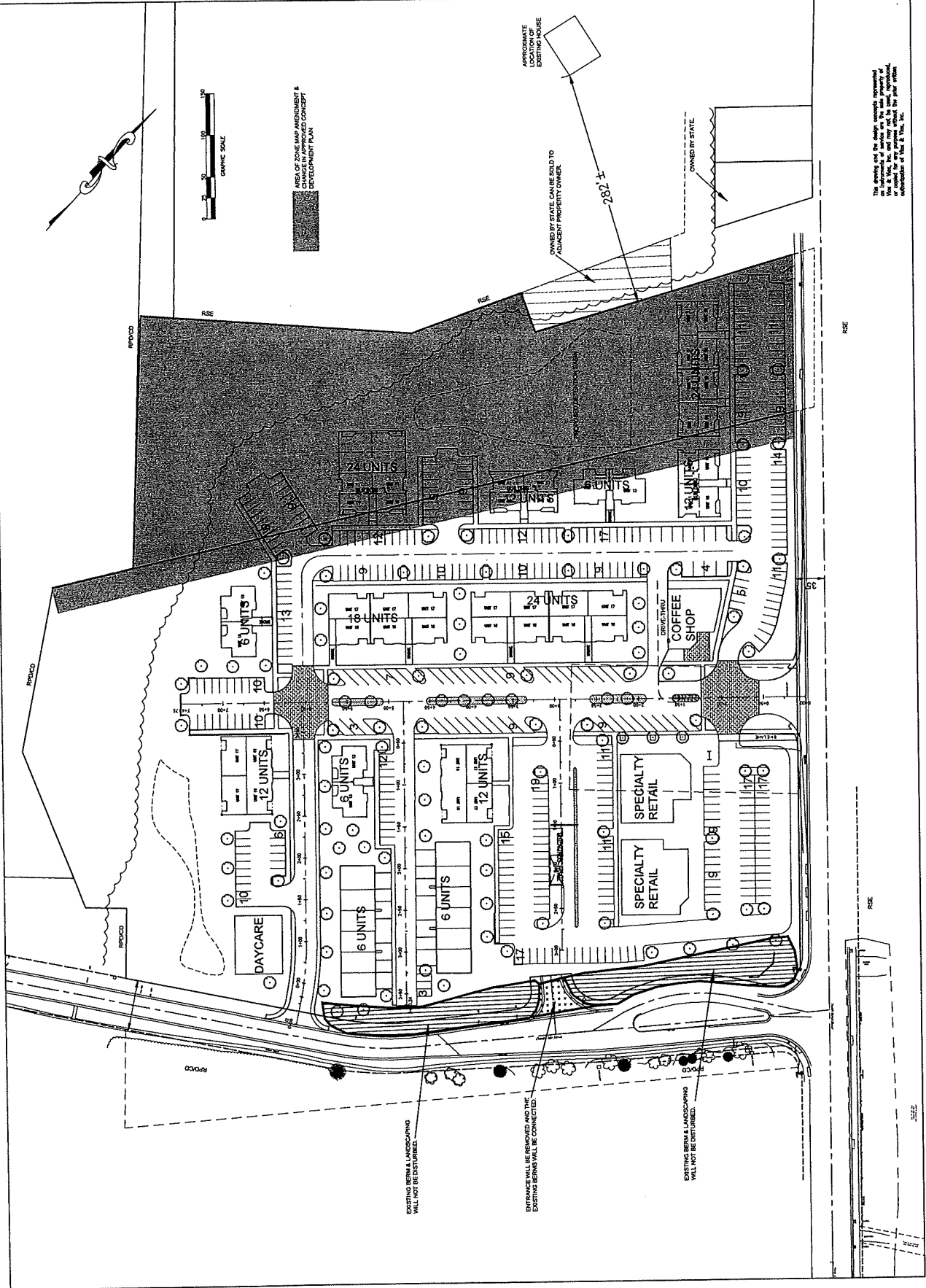
RESIDENTIAL - 139 UNITS  
 COMMERCIAL - 10,000 SQ. FT.  
 TOTAL - 10,139 SQ. FT.  
 TOTAL - 149 UNITS  
 SPACES PROVIDED - 40 SPACES  
 SPACES PROVIDED - 40 SPACES

OWNER: BOONE COUNTY, KY  
 PROJECT: THORNWILDE VILLAGE  
 ADDRESS: 108 E. HIGH STREET, LOUISVILLE, KY 40202  
 PROJECT NO: 1507/17

DESIGNED BY: VIOX & VIOX  
 DRAWN BY: J. SMITH  
 CHECKED BY: M. HARRIS  
 APPROVED BY: M. HARRIS

PROPOSED RESIDENTIAL  
 INTENSITY = 11 UNITS/ACRE

RESIDENTIAL UNIT TYPE:  
 • 2 BR 1 BATH  
 • 3 BR 2 BATH



AREA OF ZONE MAP AMENDMENT & DEVELOPMENT PLAN

APPROXIMATE LOCATION OF EXISTING HOUSE  
 OWNED BY STATE, CAN BE SOLD TO SUCCESSOR PROPERTY OWNER  
 F-282

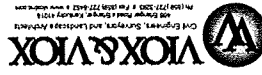
OWNED BY STATE

EXISTING BERMS & LANDSCAPING WILL NOT BE DISTURBED.

EXISTING BERMS WILL BE REMOVED AND THE EXISTING BERMS WILL BE RECONNECTED.

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**VOXS & VOX**  
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 Phone: (606) 277-2000 • Fax: (606) 277-4422 • www.voxs.com

**HEBRON, BOONE COUNTY, KENTUCKY**  
**THORNHILL VILLAGE**  
**CONCEPT PLAN**

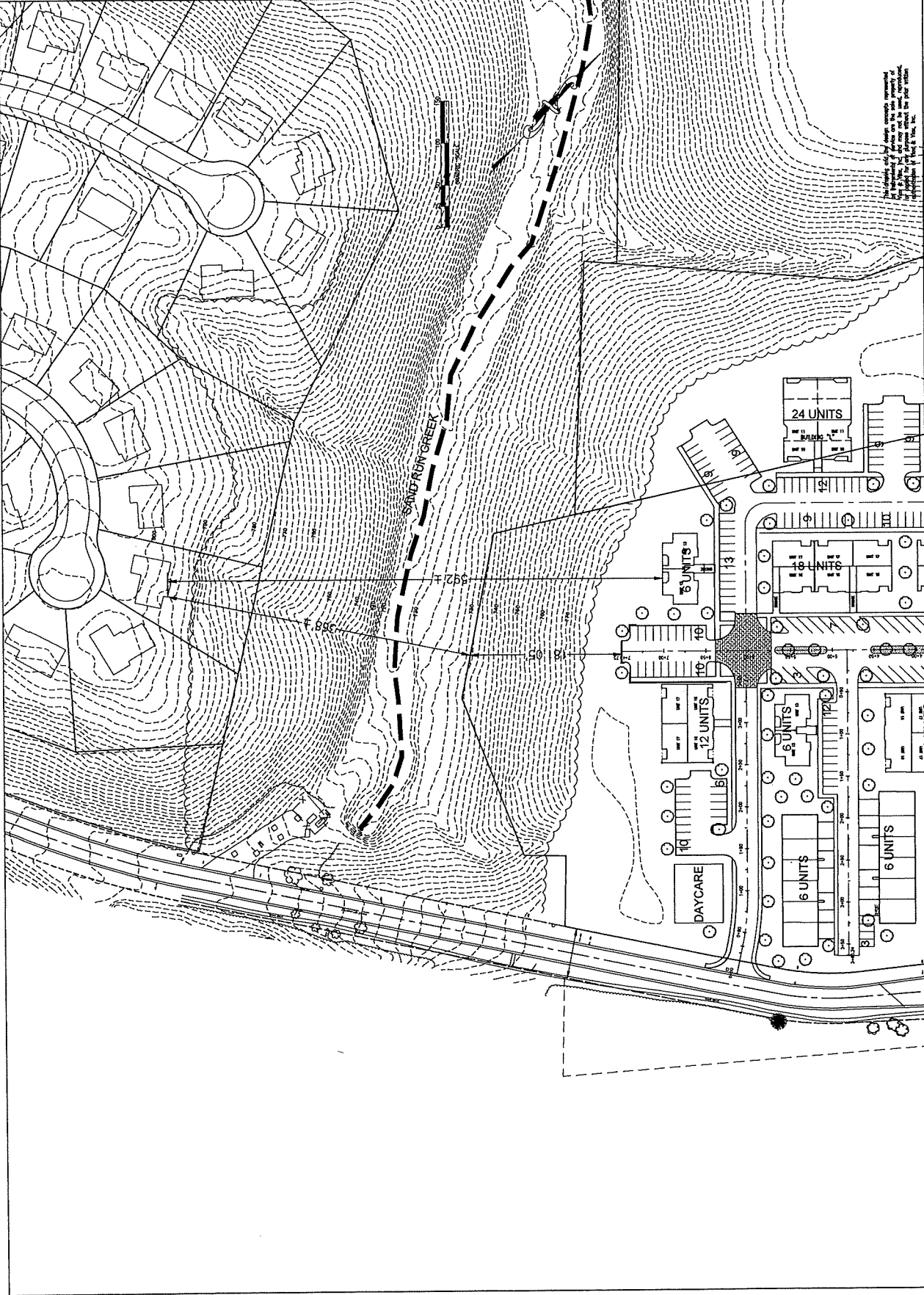
PROJECT NO. 19070001  
 DATE: 09/07/17  
 SHEET NO. 2 OF 2

RESIDENTIAL - 128 SPACES  
 COMMERCIAL - 128 SPACES  
 TOTAL - 256 SPACES  
 SPACES REQUIRED - 128 SPACES  
 SPACES PROVIDED - 128 SPACES

PROPOSED DEVELOPMENT OF UNITS - 176  
 PROPOSED PERCENTAGE - 48 UNITS

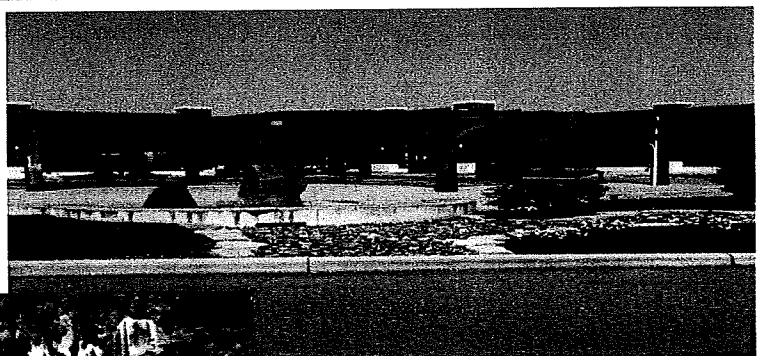
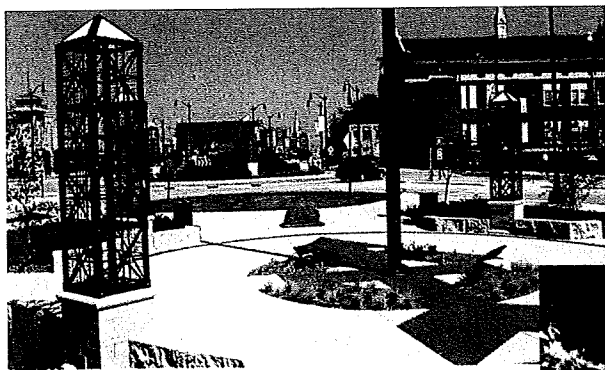
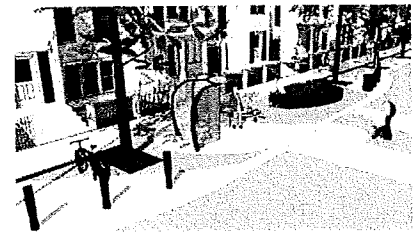
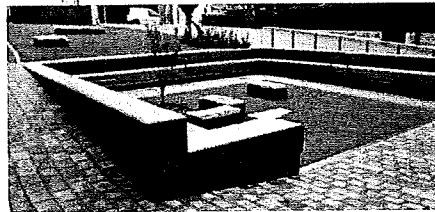
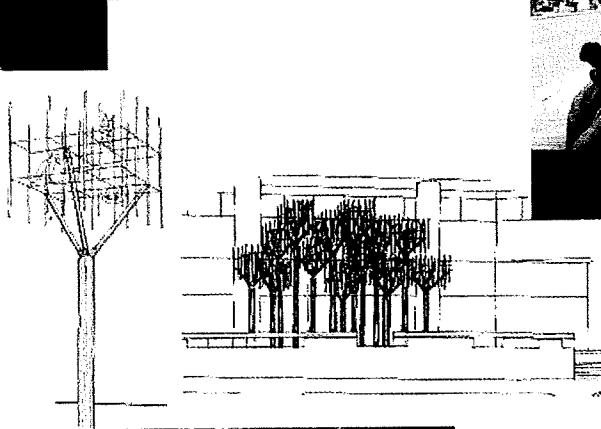
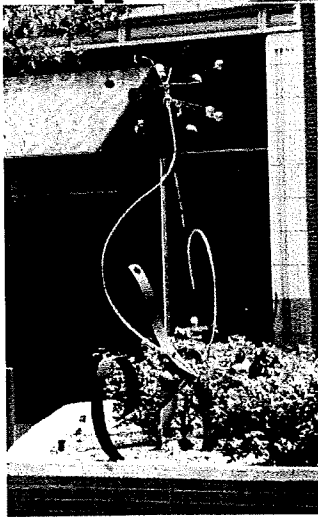
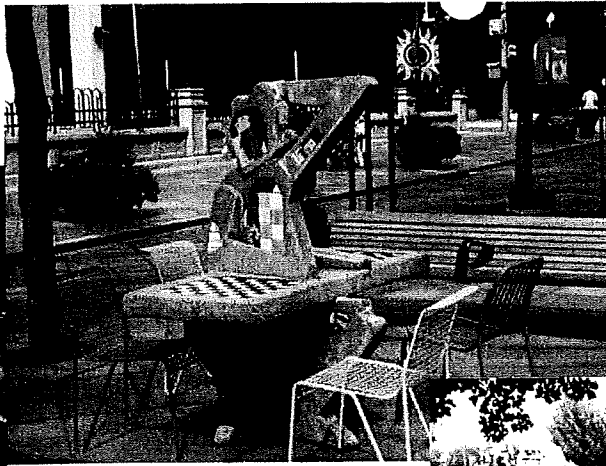
ORIGINAL UNITS: 128 UNITS  
 PROPOSED UNITS: 176 UNITS  
 PROPOSED PERCENTAGE: 48 UNITS

RESIDENTIAL UNIT TYPES:  
 • 2 BR 1 BEDROOM  
 • 2 BR 2 BEDROOM  
 • 3 BR 3 BEDROOM



This plan was prepared by the undersigned, registered Professional Engineer, Surveyor, and Landscaping Architect, and is a true and correct copy of the original plan as shown to the undersigned on the date hereof.

# Plaza Feature Examples



## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Greg Breetz, Chairman


DATE: May 17, 2017

### ZONING MAP AMENDMENT AND CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN - Greg Breetz, Chairmain, Kevin Wall, Staff

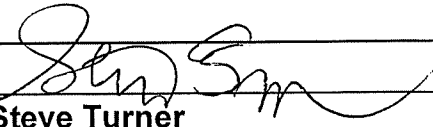
1. The request of **Francisville, LLC (owner)** for a Change in an Approved Concept Development Plan in a Residential Planned Development (RPD) zone for an approximate 12.2 acre site located at 1207 North Bend Road, Boone County, Kentucky, to modify a Concept Development Plan and previous conditions of approval to allow a reconfiguration of an approved commercial, attached single family residential, and multi-family residential development (Thornwilde Village) and the request of **Francisville, LLC (owner)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Residential Planned Development (RPD) for an approximate 3.8 acre site located at 1173 North Bend Road, Boone County, Kentucky, to allow an expansion of Thornwilde Village consisting of multi-family residential buildings.

#### REMARKS:

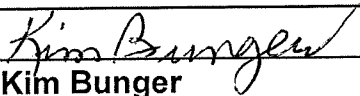
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

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

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

  
\_\_\_\_\_  
**Steve Turner**

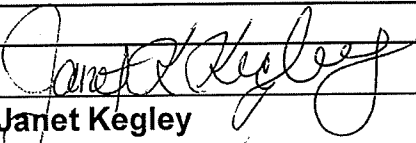
For Project  Absent \_\_\_\_\_  
Against Project \_\_\_\_\_  
Abstain \_\_\_\_\_ Deferred \_\_\_\_\_

  
\_\_\_\_\_  
**Kim Bunger**

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

\_\_\_\_\_  
**Randy Bessler (Alternate)**

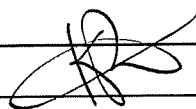
For Project \_\_\_\_\_ Absent \_\_\_\_\_  
Against Project \_\_\_\_\_

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

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

\_\_\_\_\_  
**Lisa Heilman, (Alternate)**

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

  
\_\_\_\_\_  
**Kim Patton**

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

\_\_\_\_\_  
**Mark Hicks (Alternate)**

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

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

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
PUBLIC HEARING  
May 3, 2017  
7:30 P.M.**

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**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mr. Greg Breetz  
Mr. Kim Bunger, Secretary/Treasurer  
Mrs. Lori Heilman  
Mrs. Janet Kegley  
Mr. Don McMillian  
Ms. Jamie Nieves  
Mr. Kim Patton  
Ms. Lisa Reeves  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke  
Mr. Brad Shipe  
Mr. Steve Turner, Temporary Presiding Officer

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Mark Hicks  
Mr. Charlie Reynolds

**LEGAL COUNSEL PRESENT:**

Mr. Dale T. Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Kevin T. Wall, AICP, Director, Zoning Services  
Mr. Mitchell A. Light, Assistant Zoning Administrator  
Mr. Todd Morgan, AICP, Senior Planner  
Mr. Robert Jonas, AICP, Director, Planning Services

Chairman Rolfsen called the Public Hearing to order at 7:40 P.M. and introduced the first item on the Agenda:

**ZONING MAP AMENDMENT AND CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN -  
Greg Breetz, Chairman, Kevin Wall, Staff**

1. The request of **Francisville, LLC (owner)** for a Change in an Approved Concept Development Plan in a Residential Planned Development (RPD) zone for an approximate 12.2 acre site located at 1207 North Bend Road, Boone County, Kentucky, to modify a Concept Development Plan and previous conditions of approval to allow a reconfiguration of an approved commercial, attached single family residential, and multi-family residential development (Thornwilde Village) and the request of **Francisville, LLC (owner)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Residential Planned Development (RPD) for an approximate 3.8 acre site located at 1173 North Bend Road, Boone County, Kentucky, to allow an expansion of Thornwilde Village consisting of multi-family residential buildings.

Staff Member, Kevin Wall, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The request involves 2 sites. The original approval of the project was in 2014 and it is about 12 acres in size. It is the corner lot. The applicant is requesting a Change in Approved Concept Development Plan on this site. The second site is next door and it is about 4 acres. The applicant is asking for a zone change on the second site from RSE to RPD. The purpose of the first request is to facilitate the expansion of the project on the site subject to the zone change. The Comprehensive Plan's Future Land Use Map designates the site as Commercial (C), Suburban Density Residential (SR) and Developmentally Sensitive (DS) around the perimeter of both sites. Mr. Wall showed a copy of the 1994 Concept Development Plan which showed single family lots and a commercial strip center building (26,000 square feet). In 2016, the Zoning Administrator approved a minor change which involved the realignment of the roads and building to make them perpendicular to North Bend Road.

Mr. Wall reviewed the current Concept Development Plan. It was approved with 2 options. One option included 26,000 square feet of commercial space in several buildings and 120 total dwelling units. The second option was 21,675 square feet of commercial space and 128 dwelling units. The submitted proposal involves 176 dwelling units, which includes second floors on the commercial buildings. The applicant is still requesting 26,000 square feet. The 26,000 square feet of commercial space is not reflected in the Staff Report. The applicant has submitted examples of building architecture. Mr. Wall showed photographs of the site and adjoining properties.

In terms of Staff Comments, Mr. Wall stated that the current (2010) Comprehensive Plan is the same one the Planning Commission used in 2014. The second Staff comment refers to the RPD zoning standards. The Planning Commission should examine Sections 1607, 1608 and 1609 in evaluating both requests. The buffer requirements for this development need to be analyzed more closely. A new traffic study has been submitted and there are some comments concerning the data assumptions. Does the zone change area or expansion of the uses meet the criteria necessary for granting a zone change request and the RPD zoning requirements? Comments were submitted by a few outside agencies. None of the comments were alarming. Finally, the County Engineer has an issue about sight distance as construction plans develop.

Chairman Rolfsen asked Staff to specifically identify the difference between the 2014 Plan and the 2017 Plan? Mr. Wall replied that in 2014, there were 2 options. Option 1 was 26,000 square feet of commercial space and 120 dwelling units. Option 2 was 21,675 square feet of commercial space and 128 dwelling units. The proposed plan (2017) is 26,000 square feet of commercial space and 176 dwelling units.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with its presentation? Mr. Phil Drees (applicant), 628 Rivershore Drive, reviewed his PowerPoint presentation and stated that he has 2 requests. The first one is to modify the 2014 Approved Concept Development Plan since the layout changed along the northern property line and to eliminate Condition #7 since it no longer applies due to the acquisition of the adjacent parcel. The second request is for a Zoning Map Amendment to rezone a 3.8 acre parcel from RSE to RPD. He showed a drawing that identified the northern property line. He gave the history of the site and past Planning Commission action dating back to 1994 and 2014. He noted that he was applying the conditions that were part of the larger parcel and applying them to the smaller parcel except for Condition #7. It would have to be modified with new language so it could apply to the new northern property line. The basis for recommending approval of the requests consists of the following arguments: It meets the Goals and Objectives of the Boone County Comprehensive Plan and the additional land and units to the plan will complement the surrounding land as designated on the Comprehensive Plan. It satisfies Article 16 of the Boone County Zoning Regulations. The Concept change does not hinder nor deter development of surrounding undeveloped properties. The RPD zoning allows for flexibility in site layout, uses and design. Characteristics in the land topography and necessary utilities are being addressed more efficiently and economically. The proposed development provides a variety of housing types to the area. Finally, attached/multi-family development should have convenient access to thoroughfares and commercial districts. Mr. Drees stated that an updated Traffic Study has been submitted. It may need to be updated more to reflect the 26,000 square feet of commercial space. SD1 has reserved sanitary sewer capacity for the development.

The U.S. Army Corps permit process has begun. Civil and architectural plans continue to evolve. The projected construction start date is 2018. Mr. Drees showed photographs of many architectural styles and features.

Mr. Frank Raeon, 6505 Park Lane, Mariemont, Ohio, stated he is in support of the proposed project because of its quality and good design. The proposal reflects good planning, project amenities and a long-term focus. It is a pedestrian friendly type development. There is a planned gathering place for pedestrians. It is a good mixed use development that fits into the neighborhood. He is confident that the 26,000 square feet of commercial space can be supported. The additional acreage fits the overall plan. He recommended that the Planning Commission support the project.

At this time Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

Mr. Vincent Stitzel, 2409 Lost Willow Court, stated that he was a homeowner and Board Member of the Homeowners Association (HOA). He stated that his views as a homeowner are exactly the same as a HOA Board Member. Mr. Stitzel submitted his written comments about the request (See

Exhibit A). He thanked Mr. Wall for providing information to him about the request. He mentioned that the notification of the 2014 Public Hearing didn't reach any Thornwilde Subdivision residents, HOA Board Members or the property management company. He acknowledged there was a small sign on the property in 2014 and in 2017. He believed that the Planning Commission did their due diligence in public notification. It stopped at the The Drees Company. The notice was not forwarded by them. That is why the Planning Commission didn't see them in 2014. Thornwilde Subdivision has six specific areas - Overlook, Woods, Seasons, Place, Manor and Crossings. There are currently 650 homes in these areas that homeowners pay a hefty set of dues. Thornwilde Village is using the name but is not contributing financially to the HOA. Mr. Drees should rename his project. Mr. Drees is wearing two hats with his specific development and the rest of Thornwilde Subdivision. It will affect people coming in to buy homes. The residents in Thornwilde have a specific right to peaceful enjoyment of their property, common areas and recreational areas. It is noted in the Declaration of Covenants, Conditions and Restrictions and Reservation of Easements. The HOA has been maintaining common areas including the entrance wall on the Village property. The additional 48 units will substantially affect Thornwilde homeowners because the Village residents will use the subdivision's pools, trails, courts, pond, playground, etc. as a result of access. Mr. Stitzel said they can't police it. Those areas and facilities belong to the 650 homeowners. They have residents who jog and walk in the subdivision. It will affect the property values in the subdivision. The request needs to be analyzed based upon what is planned in the KY 237 area, particularly the area to the north. When does progress turn into regress? The nice rural feeling is being lost to removal of flora and fauna. Is the proposed project the highest and best use? For a few, it is in terms of highest and best use. What about everyone else surrounding the site? The Planning Commission requires landscaping but really this project is equivalent to planting petunias around the base of the Carew Tower. One will still only see bricks, mortar and steel. Because of this project, they are losing 70 feet of common area along Thornwilde Drive. One will still see the buildings even if they will be located 125 feet away. The proposed project is not adhering to the Comprehensive Plan's Goals and Objectives. Under Environment, almost all 11 objectives are being violated but specifically items 4 and 9. Both deal with wildlife and existing vegetation. Under Housing Objective #2, there is a concern that Mr. Drees is planning to rent the units to certain people. It is discrimination since it is limited. There will be kids in the units. They will go onto neighboring property. Under Transportation Objective #17, mixed use design should be encouraged as a way of lessening vehicle travel. One can't lessen it when there are more cars. It might be able to be accomplished if there is no access from Thornwilde Drive. This decision should be based upon the greatest good for the greatest number and not the greatest good for the greatest few. That is what is happening with this request. He requested that the Planning Commission consider denying both requests.

Mr. James Hermann, 1123 North Bend Road, stated that he owns 7 acres next to the site. He has lived in the area for 47 years. He stated that the proposed zone change will affect the value of his property. The traffic is horrible in the morning. It takes 20 minutes for him to get out of his driveway because of the constant flow of traffic on North Bend Road. When Thornwilde Subdivision was built, kids trespassed onto his property. No one will buy his property with apartments nearby.

Elayyadi Abdeljali, 1156 Crosspointe Drive, stated that the concept is very simple. For Mr. Drees, it is money. For the neighbors, it is the quality of life. Which one do you want? Successful areas

develop a brand name for the area. The proposed project is not a brand name. The quality of life now is what brought people to Thornwilde Subdivision. The proposed project will get people out. Conner High School is out of space. Where will the kids from the proposed development go if the school is filled? The traffic is horrible going to work.

Ms. Donna Brown, 1363 Whitetail Glen Court, submitted a copy of her testimony (See Exhibit B). She stated that the Thornwilde Village parcel was part of the original tract owned by The Drees Company and planned since 1994. She believes that the subject site was not annexed into the overall Thornwilde Subdivision. If it was it would be subject to the HOA covenants. It is apparent that Mr. Drees is trying to avoid it. At HOA Board meetings members asked, what is going to happen to the subject site? Routinely, Drees officials, which include the HOA President, responded that they don't know. Ms. Brown asserts that the Planning Commission considers Thornwilde Village to be part of Thornwilde Subdivision. The subject site would not meet the 20 acre minimum size of a RPD district if it wasn't part of the Thornwilde Subdivision according to Section 1603 of the Boone County Zoning Regulations. This is also evident to the overall density as stated in the August 6, 2014 Zone Change/Concept Plan Committee Report. Thornwilde Village is picking and choosing whether they are part of the subdivision or not according to their desired result. This is confusing as the real density for Thornwilde Village is 11 units per acre versus the overall density of 2.1 units per acre. The homeowners feel powerless as Drees and Thornwilde Village seem to be picking and choosing how to treat the project. The homeowners don't have adequate protection from the proposed Thornwilde Village project. At the time she purchased her house, she considered the zoning which only allowed 11 lots and commercial space. She felt that the market would not support a strip mall for many years. She asked that the Planning Commission not to compound the situation by approving more units above what was approved in 2014. Ms. Brown expressed a concern about retaining the landscaped areas and entrance sign for the subdivision since it is located on the Thornwilde Village property and the proposed residential units are located closer to Thornwilde Drive. The entrance to the subdivision serves as an oasis as you come home from work. She compared the setback distances from the 2014 Plan with the current Plan. She also noted a concern about traffic. At 7:30 a.m., traffic backs up to Tree Top Subdivision going south to I-275. It also backs up northbound in the afternoon. The Traffic Study didn't consider the 26,000 square feet of commercial space. Thornwilde Elementary is almost at capacity. In addition, development affects the environment. The amount of coyotes and foxes are increasing with the removal of trees. Finally, even though multi-family housing has been approved for the subdivision, many homeowners don't agree with it. There are two very important distinctions: (1) Awareness and zoning in place at time of purchase (not changed after purchase) and (2) most likely the property is subjected or will be subjected to the HOA Declaration of Covenants. The Planning Commission should refrain from compounding the issues that have come to light regarding the development. She asked the Planning Commission to recommend denial to the Boone County Fiscal Court.

Mr. Greg Ripberger, 1236 Rivermeade Drive, stated that out of three and a half months a year, KY 237 is a traffic mess. The Boone County Sheriff has to do traffic control. It is a nightmare during the holiday season. Additional commercial space is not needed since there are already vacant retail spaces in the area. The St. Elizabeth office closed. How can the Village compete with vacant spaces down the road? Vacant commercial fronts will lead to lower property values. The apartments will be beautiful the first 10 years. Then, they will no longer be the top of the line. Mr.

Drees gets to drive past it but doesn't drive in it since he doesn't live in Thornwilde. There is a need for a new middle and high school.

Mr. Jeffrey Schroder, 1408 Stoney Hollow Court, stated that the cost of the homes in the subdivision has increased over time. Originally, the homes were in the \$200,000 range. Now they are in the \$400,000 - \$500,000 range. The proposed project represents the lowest end of the housing price. He expressed a concern that the project is not the Drees Company but Phil Drees. Is it or not part of the subdivision? The existing boulevard into the subdivision is a nice design feature but it will be impacted by the Village project. Mr. Drees has not addressed the concerns of the HOA. The proposed increase in the number of residential units is close to 50%.

Mr. Chris Buck, 1917 Wedgewood Lane, stated that he was in the oil and gas industry and handled real estate/condemnation issues. He is familiar with the certifiable public notification in 2014. He stated that he was aware of possible condominiums in the back of the subdivision and the 11 lots towards the front of the subdivision. Is the project going to be government subsidized housing?

Mr. Costello asked Mr. Wall to explain the public notification procedure? Mr. Wall replied that it is dictated by State law (KRS 100). A sign is posted on the property. There were two signs placed - one for each parcel. One for the Change in Concept Development Plan and one for the Zone Change. The mail notice is done according to the Boone County PVA records. The notice goes to adjoining property owners. All the properties that touch and across the street. The list of adjoining property owners is provided by the applicant. A legal ad is also placed in the newspaper of record - the Boone County Recorder. Mr. Costello noted that the Planning Commission does not regulate Homeowners' Associations (HOAs) since they are private entities that enforce private restrictions and covenants. A public entity like the Boone County Planning Commission cannot regulate or enforce HOA agreements and restrictions. If there is some confusion, perhaps the homeowners could have an attorney to look into those types of issues.

Mr. David Kettle, 2106 Brantwood Drive, inquired about the monthly rental price for the units? He asked about the traffic exiting out of Thornwilde at the back end towards Williams Road because KY 237 gets backed up. This will happen at the same time when kids will be walking to the elementary school. The back route will be a quick route to Amazon, UPS, etc. and possibly the new I-275 interchange. He prefers a smaller number of upscale units and a quality gathering space.

Ms. Kim Smith, 1162 North Bend Road, stated that she owns the property across the street from the subject site. She has lived in the area all her life and doesn't want to look at apartments. She owns a stable business. During the holidays, her clients can't get to her facility because of traffic near the interchange. To add more traffic means more problems. It creates delays for her business and could create more if more traffic is added from the proposed development.

Mr. Greg Ripberger asked if the project meets the 20 acre minimum size requirement? If it doesn't, can it be stopped? Mr. Wall replied that the minimum size of the overall RPD zoning district is 20 acres. That includes all property zoned RPD regardless of ownership. It can be multiple owners,

developers and parcels. Originally, the 217 tract was zoned RPD with one owner. Today, there are hundreds of owners where their property is zoned RPD.

Chairman Rolfsen asked if there were any violations related to the 20 acre minimum? Mr. Wall replied no. Chairman Rolfsen asked if the same protocol was used in 2014 to notify adjoining property owners as was used in 2017? Mr. Wall replied yes. Mr. Wilson explained that Kentucky law does not require the actual receipt of the written notice. If someone didn't get the notice but it was sent pursuant to Boone County PVA records, then it is appropriate and legal. Mr. Wall stated that the letters are mailed certified. Sometimes they are returned for various reasons.

Chairman Rolfsen asked Mr. Drees about the type of housing based upon earlier comments. Mr. Drees stated if the residents have green money he will take it. The rental rate will be market rates from \$850 - \$2,100 a month. Some of the units will have attached garages. The units will vary in size from 800 square feet to 2,100 square feet. As a general rule of thumb, it is \$1.00 per 1 square foot for monthly rent. He stated there are no government subsidized housing units.

Mrs. Heilman asked what is the real need for the changes since the applicant appeared before the Planning Commission just 3 years ago? Where are the additional units going to be located? Mr. Drees showed the location of the new units on the 3.8 acre parcel. It will include two 24 unit buildings. Mr. Drees explained that they had the opportunity to buy the property. He noted that they could still build the project on the original tract. Mrs. Heilman inquired if any of the changes were located in the Developmentally Sensitive (DS) area? He noted that the units will be built on the ridge. There is a valley between the proposed units and the next door neighbor. The front part of the site is flat and is where the house is located. Mrs. Heilman asked the applicant to address the discrepancies in the Traffic Study. The Traffic Study needs to be updated prior to the Committee meeting.

Mrs. Kegley asked for a breakdown on the number of 2 bedroom and three bedroom units? Mr. Drees responded that he didn't know for sure. So far it is a concept. It will be a mixture. Mrs. Kegley asked if the applicant could provide a breakdown at the Committee meeting in order to know the number of children and school impact.

Mr. Patton inquired about the project's construction schedule and absorption rate? Will it be only one or multi-phased? Mr. Drees replied the project won't be built all at once. It will probably be done in 2 phases. Mr. Patton noted that traffic has gotten worse on KY 237 since 2014 and phasing the project may help until the KY 237 improvements are completed and the I-275/Graves Road interchange construction is underway. The applicant is asking for 50% more units and the traffic is getting worse. Timing of the project might work out for the road to catch up with the new development.

Ms. Reeves asked what type of businesses the applicant is trying to attract? Mr. Drees replied a market, pizza/pub, ice cream store, coffee shop, café, dentist - businesses that serve the local community.

Mr. Bunger asked if the applicant could shift the proposed development more to the north to have less of an impact on the subdivision? Mr. Drees replied it is a tight site and they will retain the

entrance wall. Mr. Drees stated that he could move it 3,000 feet and it still will be a problem. He will look into it further. They may be able to acquire some additional land from the state.

Chairman Rolfsen asked what is the closest house in Thornwilde that would be affected? Mr. Drees replied that from their house they can't see the project because of the woods and ravine. He noted that he lived in the first house on the left side of Thornwilde Subdivision. It is very thick or dense even in the winter. Perhaps a bigger scale plan would show the distances between adjoining properties. Mr. Bungler asked the applicant to bring this drawing to the Committee meeting. It could show the grading and elevations.

Ms. Heilman asked if there was any common ownership between Francisville, LLC and the Drees Company. Mr. Drees replied no.

Mrs. Nieves inquired about a quality of life feature in the development like a playground, splash pools, etc. since there was concern about kids going into the neighborhood? Mr. Drees responded that the emphasis is on the architectural features instead of a playground, pool or tennis court. It is only 168 or 176 units. It is difficult to support it. Larger multi-family complexes can provide the revenue to build and maintain these types of facilities. Mr. Costello noted that Oakbrook Subdivision had several apartment sections and they had their own set of amenities. He acknowledges the lower number of rental units but there is also commercial space in the equation. Further, the applicant is adding more dwelling units. Mr. Drees stated this issue came up in the 2014 request.

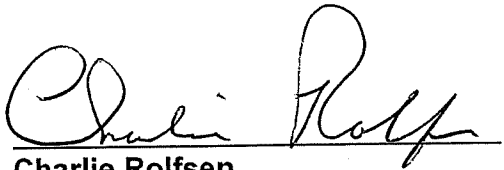
Mrs. Heilman stated that the 2014 Plan has been approved but the applicant is here today requesting more units. There should be some give and take based upon the impact. Maybe there should be a playground or more buffers? It would make the development more compatible with the adjoining uses? If there is a need for multi-family housing, then it needs to be designed appropriately. Not everyone can live in Thornwilde or on a farm. There needs to be more on an open mind to make the development fit in with the surrounding land uses. It will help the applicant and the County in the long run.

Mr. Schwenke inquired about the possibility of a chain link fence next to the 7 acre farm for safety and security reasons. Mr. Drees responded there is a valley and woods between the farm and the proposed units. He replied that they would consider it.

Mrs. Heilman asked if Staff reached out to Boone County Schools for comment? Mr. Wall responded yes but there was no response. Mr. Bungler asked Staff to contact the school district for the formula once the developer provides the breakdown of the units. Mrs. Heilman asked if the Planning Commission or the County did a Traffic Study of the area? Mr. Costello replied that the County has not done a specific study for the area. The County is currently involved in updating the Boone County Transportation Plan. There is also a road construction project on KY 237 near the interchange scheduled later this summer hopefully prior to the holiday season. This is in the area of Worldwide Boulevard and North Bend Road (KY 237). The last study was the 2014 project study and the study from Toebben project. Mrs. Heilman noted that such a study will evaluate the traffic generated from the additional 50 units.


Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be held on May 17, 2017 at 5:00 P.M. in this room or the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on June 7, 2017 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 9:21 P.M.

APPROVED:



Charlie Rolfsen  
Chairman

Attest:



Kevin P. Costello, AICP  
Executive Director

Exhibit A - Handout from Mr. Vincent Stitzel  
Exhibit B - Handout from Ms. Donna Brown

Thank Mr. Wall for answering my questions and sending documents to review pertinent to the Planning Commission.

Address the fact that notification of the first Planning Commission in 2-14 was never received by any Thornwilde resident, resident board member or Property Manager. It was never discussed at a HOA board meeting even though notice was sent to the Dress Company and for unknown reasons it stopped there.

We/Us/I

### Effect on Thornwilde

At this time Thornwilde consists of six specific areas:

Overlook

Woods

Seasons

Place

Manor

Crossings

Now comes Thornwilde Village

In those areas are 650 homes not including homes under construction and the number of unimproved lots still for sale. The residents of the 650 homes pay a considerable amount of money in yearly annual dues. Those dues pay for the entire fiscal operation of Thornwilde and for funding in our reserves account for major unexpected expenses. Because they live in Thornwilde they have the specific right to a peaceful enjoyment of their property, the common areas and the recreational areas. These rights are clearly stated in the **Thornwilde Declaration of Covenants, Conditions and Restrictions and Reservation of Easements** authored by the Declarant—The Drees Company.

It is the major responsibility of the HOA board members to ensure that the monies paid by homeowners are spent to protect their rights in common areas, recreational areas and that the values of their homes are maintained or increased in value. We also are responsible for the upkeep, repair, replacement and improvement of common and recreational areas. We just discovered that we have been maintaining, repairing and improving common areas since inception that are actually on the property of the Village including our entrance wall.

The requested 48 units along with those 120 units already approved are substantially going to affect the rights of Thornwilde Homeowners because they will be using our common areas and recreational areas as they have **approved** ingress for cars, pedestrians, bicycles, skateboards or any other means of transportation. It happens now with other subdivisions using our pools, tennis courts, walking trails, basketball court, pond, playground and common areas. We cannot police it.

We have resident owners jogging, walking with or without pets in groups, parents with strollers and they are using the common and recreational areas.

I have heard no mention of pets in the Village but if they are and those pets are walked on Thornwilde common areas are the rules going to be followed where the walkers have to pickup and dispose of any feces in common areas or lawns?

This is only going to increase substantially with the addition of 48 multifamily structures. These unauthorized units have the potential to decrease property values, obstruct the rights to peaceful enjoyment of the areas I discussed by Thornwilde residents, negatively affect property values and many

homeowners have never recovered from 2008-2009 and may never, impact on Drees in the sale of future lot development.

### **OTHER SURROUNDING AREAS**

I am concerned about the already approved land usage on 237 and how it will affect, not only Thornwilde, but the Village as well and how the Village will affect those approvals. Particularly to the North. How will future development impact on the Village and vice versa. Is it really progress or is it regress to lose the rural feeling and have the removal of existing flora and fauna.

### **ACTUAL AREA UNDER DISCUSSION**

Is it the highest and best use for the acreage? For a few it is—the principals of Francisville, LLC. The highest and best use for all others is a recreational area, common areas and green space for the already approved 120 units. Let's preserve what beauty we have left. I know

you require landscaping but really it is equivalent to planting petunias around the base of the Carew Tower.

Seems that reviewing the **2010 Comprehensive Plan Goals and Objectives that** your requirements are not being adhered to.

Under Environment almost all 11 objectives are being violated but specifically item 4 and item 9

Under Housing objectives #2 states:

Under Transportation # 17 states:

Closing Statements

Request to Deny to the full committee and to the Fiscal Court.

Greetings Boone County Planning Commission,

I would like to first thank Mr. Kevin Wall for providing documents that I requested and for answering questions I have had. I appreciate the courtesy and professionalism you extended. Also, thank you to Phil Drees for also answering questions and meeting me to walk a portion of the property that this application pertains to.

It is now my understanding that the parcel of property currently being described as "Thornwilde Village" was originally land considered and included with applications related to the Drees development currently known as "Thornwilde" but not land subjected under the Thornwilde HOA Declaration of Covenants. A RPD zoning was granted and assigned to the "Thornwilde" development in 1994. Since then, land has been added and annexed in and such land falls under the current RPD zoning and HOA Covenants. It is unclear to me if any land has been subdivided.

Because Thornwilde Village was property included on the original application and subsequent development approval of, it falls under required conditions of that approval and from your stand point is a part of the Drees Planned Unit Development known as Thornwilde. However, for the past few years when Homeowners have inquired, they have been repeatedly told by Drees employees sitting on the HOA board that Thornwilde Village is not Drees property and that Drees has no knowledge of the development of. The Village was most recently mentioned at the annual board meeting in March and was casually dismissed by the sitting HOA President.

I have now come to know, after many hours of searching I might add, that contrary to what has been told to the Homeowners, this Commission certainly considers Drees and the development known as "Thornwilde Subdivision" a part of Thornwilde village and has done so from the beginning. This Planning Commission has been considering the property to be a part of the original Drees development and has been acting accordingly. Thornwilde Village's assignment of the RPD zoning is contingent upon this connection as it will not meet the minimum 20 acre requirement under Section 1603.

#### SECTION 1603

##### Minimum Size

The minimum size or area for an Employment Planned Development district or a Residential Planned Development district shall not be less than twenty (20) acres.

All other requirements including open space, units per acre, etc have included calculations using Thornwilde Subdivision. From the August 6, 2014 Zone Change/Concept Plan Committee Report:

The Committee has evaluated the proposal and found it, in conjunction with the remainder of the overall approved Thornwilde Subdivision development, to be consistent with the general land use concept outlined on the Future Land Use Map. The residential density for the overall Thornwilde Subdivision development with this proposed change would be 2.1 units per acre, whereas the Concept Development Plan approved in 1994 for the initial phase had a residential density of 2.4 units per acre. Both figures are consistent with the Suburban

I will point out that Thornwilde Village is picking and choosing whether they are a part of Thornwilde Subdivision or claim a distinct separation with, according to their desired result and argument base for

or against certain items of discussion. These acts are leading to confusion among Boone County residents and effected homeowners. The application that initiated this hearing, (an application that clearly acknowledges it's relationship with Thornwilde Subdivision by making "Thornwilde Subdivision" the reference of), in argument for the approval of additional units, states:

4. Density/Intensity of Use: The original Thornwilde Village approved concept can have up to 128 units on approximately 12.22 acres or 10.5 units per acre. Combining both parcels will yield an estimated 176 units or 11 units per acre.

As noted above, the Committee based density calculations on the Thornwilde Subdivision as a whole, not Thornwilde Village distinctly. 120+ units would have never been approved if the 12 acres were considered independently, yet Thornwilde Village is choosing to distance themselves because the math is more favorable to them from that distance.

In fact, Thornwilde Village expressly separates themselves from Thornwilde Subdivision again on this same application. When addressing HOA impact, Thornwilde Village states:

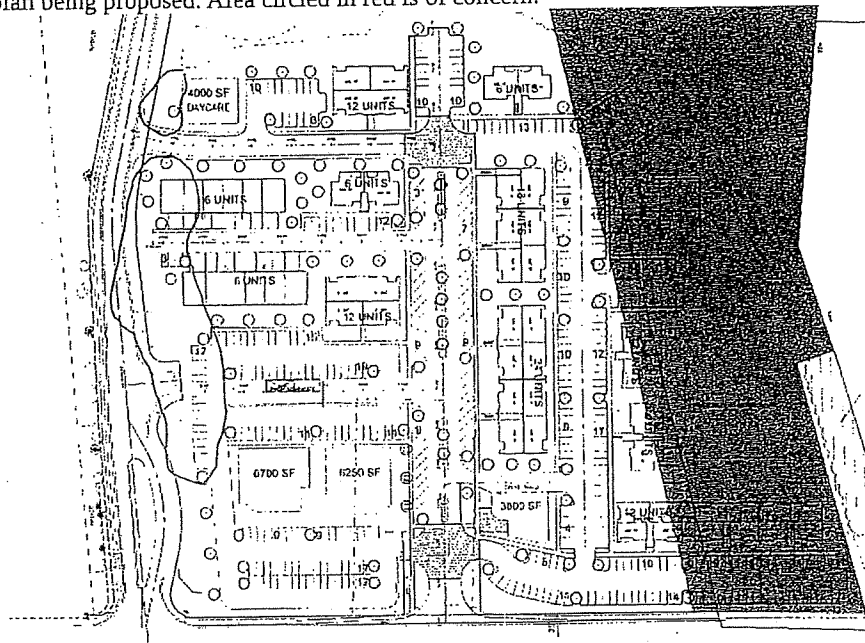
9. Thornwilde HOA Impact: Since the site is distinctly separate from the remainder of the subdivision, the residents living at Thornwilde Village will not be a part of the HOA; therefore, no impact on any existing facilities.

The issue here is that homeowners, including myself, feel powerless and Drees and Thornwilde Village seem to be picking and choosing how to treat the "Thornwilde Village" property land. They include it under the original development for your purposes but choose to define it as separate and unrelated to Thornwilde Subdivision to avoid any governance under the HOA Declaration of Covenants or to get favorable math. They cannot have it both ways.

I believe allowing this activity to continue goes against the spirit of the legislation that governs you. A spirit that ensures rights of all parties effected are considered fully. Not just the developer's. There is a reason for zoning requirements and particularly a reason for Section 1603. I find myself pleading to you to consider that the homeowners in Thornwilde do not have adequate representation through their HOA regarding the Thornwilde Village project. Please recognize through this loop hole of sorts, we homeowners have not had adequate protection through your governing body as well. I ask that you strongly consider any and all objections made by homeowners regarding the project. Consider that this is their property but more importantly their homes. A place where they have not only invested a substantial amount of money but invested memories and a sense of belonging. I have many objections but here are my main ones (1) a key element of my home purchase considered the "at time" zoning of the parcel of property now known as "Thornwilde Village". It was zoned for 11 residential units and commercial space. I considered the use of the commercial space and decided that the market would not support a "strip mall" for many, many years and decided that it would not disrupt my personal financial plan. I specifically did not purchase a home in the Steeplechase development because of the apartments in the front of the development. I specifically did not purchase on Allysum drive within Thornwilde Subdivision because the home faced the multi family units not yet developed. This planning commission, by recommending the approval of the multi family units and at a considerably higher number than the original single family units of 11, in 2014 essentially eliminated my consideration. I

am left with the repercussions of that decision. Please do not compound this result by approving more units. (2) I believed until last week that the "Thornwilde" brick monument and landscaped area northside of Thornwilde Drive to be HOA property. I now know it is not. Now that I am aware of ownership, I have concerns regarding the construction and the change it will bring to the Thornwilde subdivision entrance. I would note the distinction Thornwilde Subdivision holds by having a landscaped, undeveloped entrance. I know this has been addressed by the Phil Drees and he has promised that the sign and existing berming will remain intact but his new rendering has the buildings encroaching closer to Thornwilde Drive and the land West of the current egress spot may not remain intact as buildings are closer to the road easement.

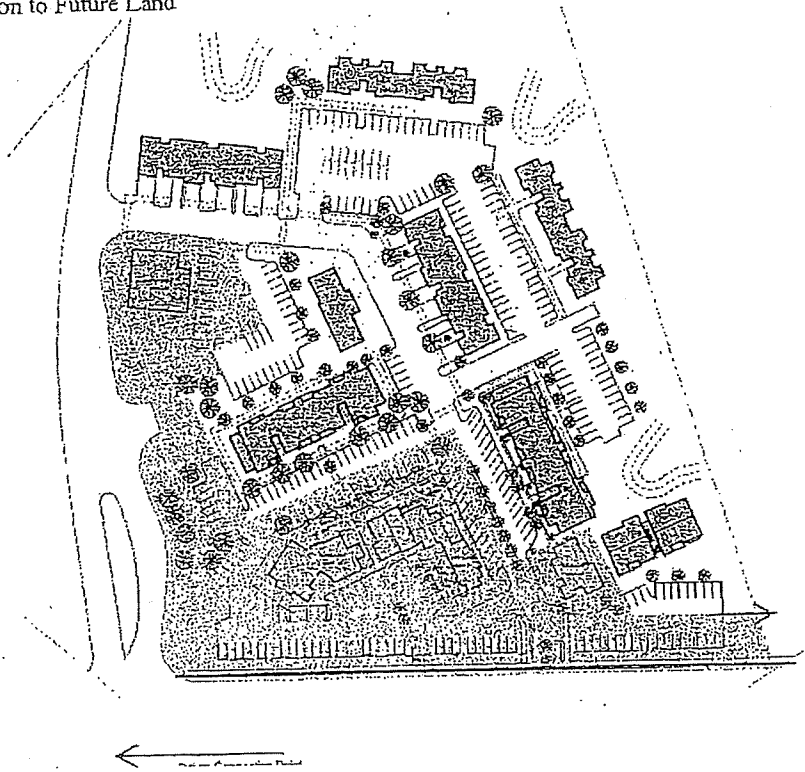
Current plan being proposed. Area circled in red is of concern:



2014 Proposal:

Exhibit B

Connection to Future Land



(3) Current infrastructure: I have concerns regarding the current infrastructure not being adequate for additional units, especially given the already approved land use for the surrounding properties. I do understand that Mr. Drees provided a traffic study purchased by him. Please look at the study closely for any gaps. Traffic on 237 is not without considerable known issues. At approximately 7:30 every morning, South bound traffic trying to access 275 backs up to the Treetop entrance. North Bound traffic is again backed up during the afternoon commute home. This is very troubling as it may be difficult for first responders to adequately arrive to an emergency since their passage would be on the same traffic stalled highway. As for schools, Thornwilde Elementary is almost at capacity. Please do your due diligence here and not accept the provided documents at face value.

(4) Environmental impact: The area is a tree and brush densely populated area. No matter what protection measures are placed and practiced, development effects the environment. Small animals live in this brush and will be forced to move out of the area. Coyotes and a family of foxes are in this area and rely on the small animals for food. They both have been increasingly seen as construction and tree removal continues. Please consider not only the animals and vegetation involved but homeowner safety. A pack of coyotes took down a deer in a Treetop residence backyard recently. While the smaller animals are moving on, coyotes are being forced to hunt more aggressively and the foxes are becoming

scavengers in homeowner lots. Please see attached aerial map as well as pictures of the carnage left behind in the mentioned neighbors backyard.

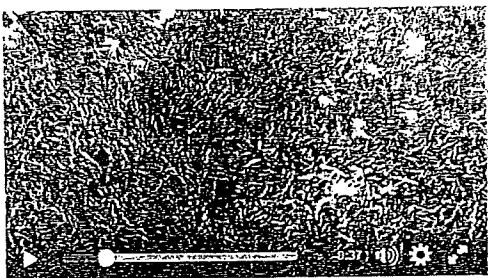
(5) Proposed usage: One comparison that was made and will continue to be made is the already approved multi unit zoning within Thornwilde Subdivision. It seems that assumptions are being made that since homeowners have accepted this usage type by still purchasing their property, that they do not object to the Thornwilde Village multi use concept. There are two very important distinctions: (1) Awareness and zoning in place at time of purchase (not changed after purchase) (2) Most likely the property is subjected or will be subjected to the HOA Declaration of Covenants.

I am going to close by requesting that this Commission refrain from compounding the issues that have come to light regarding the development. In regards to the application for a Zoning Map Amendment and Concept Plan Revision, I ask that you send a recommendation to deny to Fiscal Court.

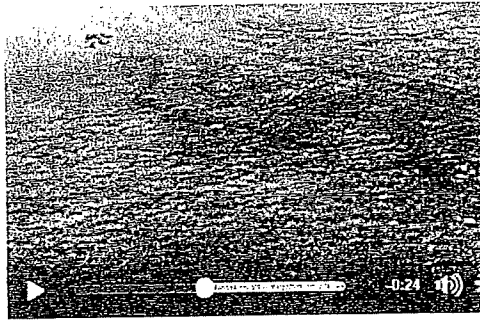
Sincerely,

Donna Brown  
1363 Whitetail Glen Ct  
Hebron, KY 41048

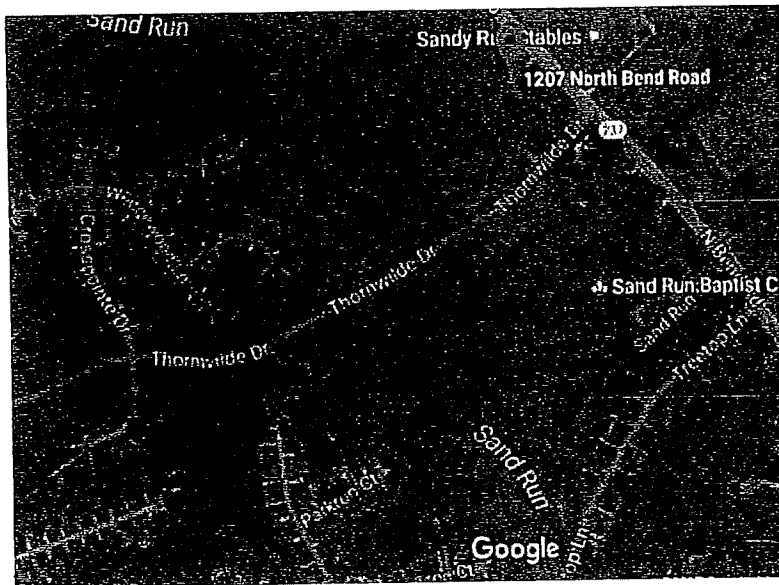
Tree Tops neighbors, please watch your small pets when they are outside. We had a deer taken down probably by coyotes in our back yard last night. Only watch video if you are curious and there are no little children around.



Pictures of Deer from Coyotes:



Aerial Shot of Thornwilde Village property and density of vegetation, including the area in Treetops effected by the pictures above:



# SUPPORTING INFORMATION

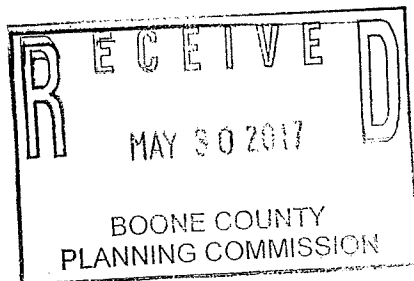


# BOONE COUNTY PLANNING COMMISSION

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



May 22, 2017

Mr. Phil Drees  
Francisville, LLC  
495 Erlanger Road  
Suite 202  
Erlanger, KY 41018

RE: Recommended Conditions of Approval for Thornwilde Village Change in Approved Concept Development Plan and Zoning Map Amendment from RSE to RPD, 1173 and 1207 North Bend Road, Boone County, Kentucky

Dear Mr. Drees:

The following represents the conditions of approval for the above referenced applications as discussed by the Planning Commission's Zone Change Committee at their May 17, 2017 meeting. If you, as the authorized representative of the property owner, 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, June 2, 2017.

## CONDITIONS

1. The entire 16 acre development shall follow the commitments and representations outlined in the application documents and the additional materials that were provided to the Zone Change Committee in response to the issues raised at the 5/3/17 Public Hearing (attached). These additional materials include a letter from Francisville, LLC dated 5/17/17, "Concept Plan Thornwilde Village" Pages 1 and 2 dated 5/17/17, and the "Plaza Feature Examples" exhibit. The development shall also follow the applicable conditions of approval for the 2014 Change in an Approved Concept Development Plan application and the conditions outlined below. The conditions listed below for the current applications shall prevail first, the application documents and additional materials shall prevail second, and the conditions of approval for the 2014 Change in an Approved Concept Development Plan application shall prevail third.
2. Landscape buffering shall be provided along the site's entire Thornwilde Drive frontage. This buffering shall consist of berming and trees commensurate with the existing landscape improvements along the site's Thornwilde Drive frontage between the North Bend Road and Sedgewicke Court intersections.

PRD

Mr. Phil Drees  
May 22, 2017  
Page 2

3. The plantings from Buffer Yard A shall be provided between the northern-most parking area and the north property line. The plantings from Buffer Yard B shall be provided between the northern-most building and the north property line. All Buffer Yard B requirements, except for the normally required shrubs, shall be met along the remainder of the north boundary and the entire west boundary of the site. Existing trees which are retained shall be credited towards these requirements.
4. A recreational trail shall be provided in the open space. The location and details of the trail shall be reviewed and approved through the Site Plan procedure.
5. A hard surfaced gathering space that is open for public use shall be provided in the commercial phase of the development. The improvements for this space shall be commensurate with the examples outlined in the attached "Plaza Feature Examples" exhibit.
6. Site lighting fixtures shall be downlit and oriented towards the interior of the site.

Sincerely,



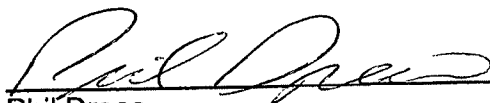
Kevin T. Wall, AICP  
Director, Zoning Services

KTW/tlb

Enclosures

AGREEMENT

I, the authorized representative of the property owner of the tracts at 1173 and 1207 North Bend Road, Boone County, Kentucky, agree to the conditions listed herein for the above referenced Change in an Approved Concept Development Plan and Zoning Map Amendment applications.



Phil Drees

Authorized Representative for Francisville, LLC, Property Owner

5/25/17  
Date



*Francisville, LLC.*

510 Graves Ave Suite 206  
Erlanger, Ky 41018

---

Office (859) 814-8186  
Fax (859) 360-1761

May 17, 2017

Boone County Planning Commission  
2950 Washington St, Rm 317  
Burlington, KY 41005

*Re: Thornwilde Village Clarification on Conditions for Concept Development Plan Revision and Zone Map Amendment*

*Dear Boone County Committee Members:*

*Below are clarifications and updates to the existing conditions from the 2014 approval and shall be applied to the Thornwilde Village project.*

*Condition 1*

*The proposed development known as "Thornwilde Village" shall follow the commitments and representations outlined in the 7/16/14 letter and accompanying attachments ("7/16/14 Thornwilde Village outline," attached), except when clarified or superseded by the conditions below.*

Paragraph 2.c The acreage figures for the overall site will now be 16 acres

Paragraph 2.c referencing open/green space area surface will now be approximately 7.5 acres

Paragraph 2.d the future connection adjoining the land to the North from the 2014 approval has been achieved with the current plan. Providing further connection to the north is not viable as the Kentucky Transportation Cabinet (KYTC) owns the land with a detention basin.

Paragraph 4.a An updated traffic analysis prepared by Diane Zimmerman; traffic engineer, dated April 10, 2017 has been submitted

Paragraph 5.a Submitting an additional exhibit that outlines "preliminary building design or architecture" concepts .

PDV



*Francisville, LLC.*

510 Graves Ave Suite 206  
Erlanger, Ky 41018

---

Office (859) 814-8186  
Fax (859) 360-1761

*Condition 2*

*The commercial buildings shall be limited to a maximum of 26,000 gross square feet of floor area and the residential portion of the development shall be limited to a maximum of 168 units. The commercial building shown by the Thornwilde Drive access point may be substituted with an 8 unit building, which would increase the maximum amount of permitted residential units to 176. If this substitution is opted, the maximum amount of permissible commercial space shall be reduced to 21,675 gross square feet.*

*Condition 3*

This condition is still applicable to the current proposal.

*Condition 4*

This condition is still applicable to the current proposal.

*Condition 5*

This condition is still applicable to the current proposal

*Condition 6*

This condition is still applicable to the current proposal

*Condition 7*

Buffer Yard A shall be followed along the north property line with credit given to existing trees the can be retained.

*Condition 8*

This condition has been met on the submitted Concept Development Plan and is now moot.

*Condition 9*

This condition is still applicable to the current proposal.

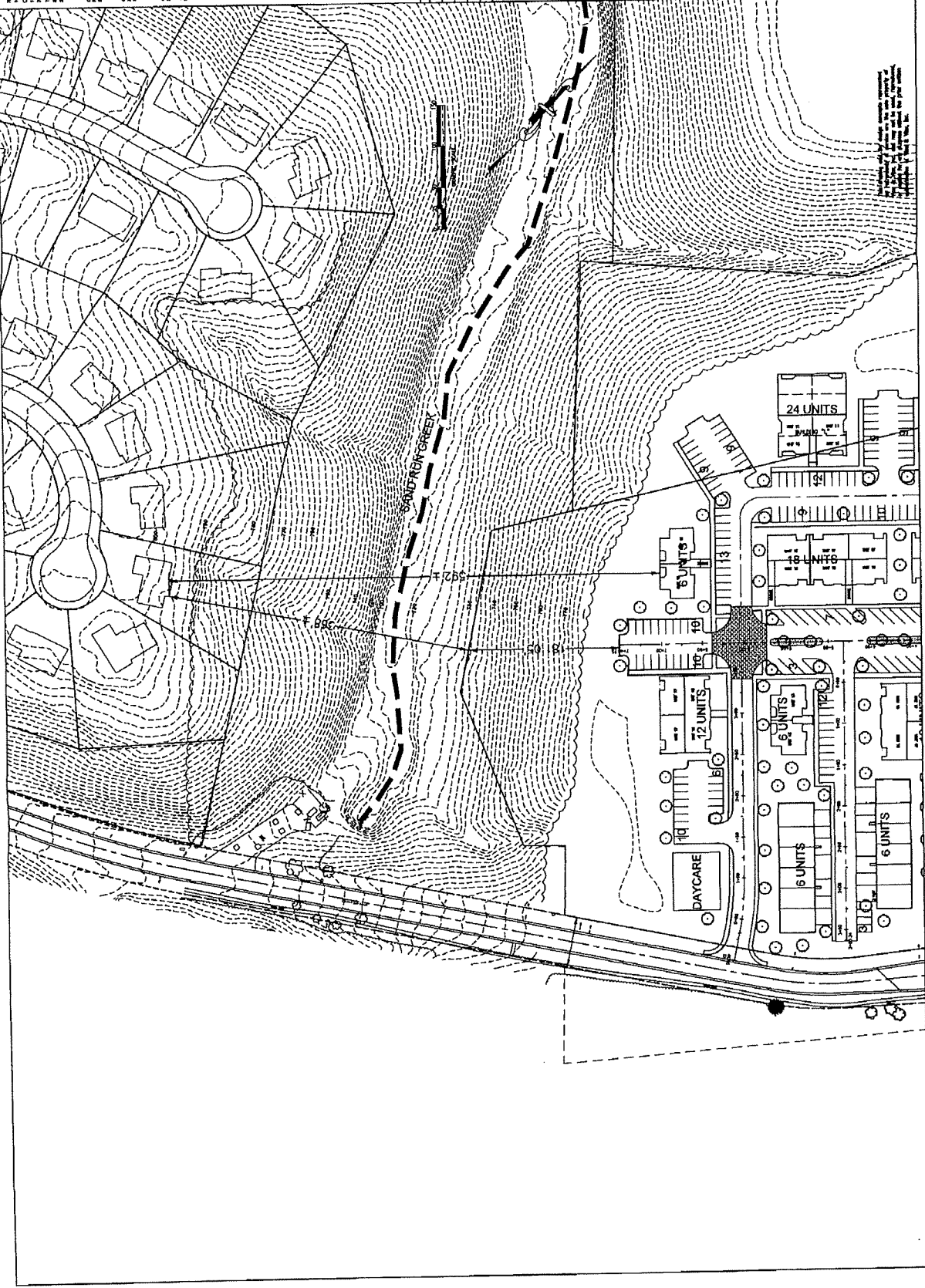
*PKW*



RESIDENTIAL - 1-2 UNITS  
 COMMERCIAL  
 OFFICE  
 INDUSTRIAL  
 PUBLIC UTILITIES  
 OPEN SPACE  
 UNDEVELOPED  
 UNDESIGNATED

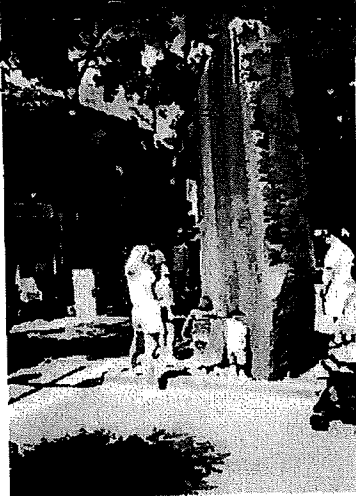
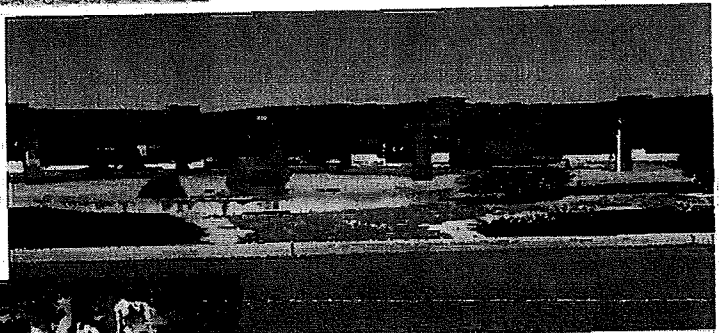
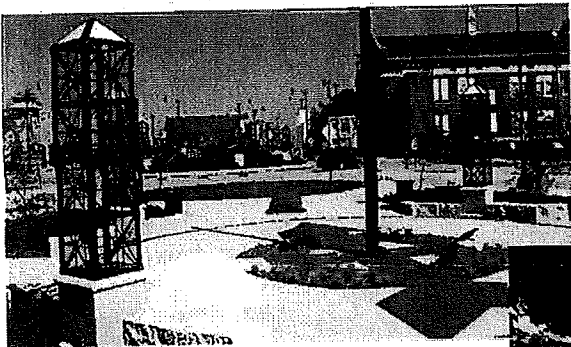
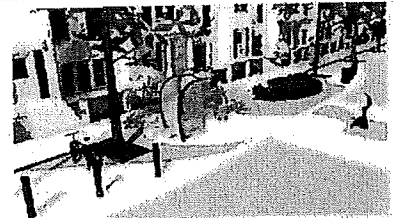
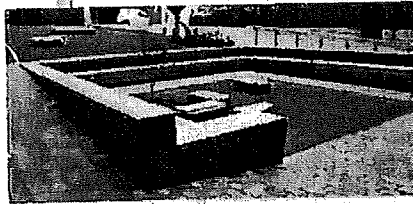
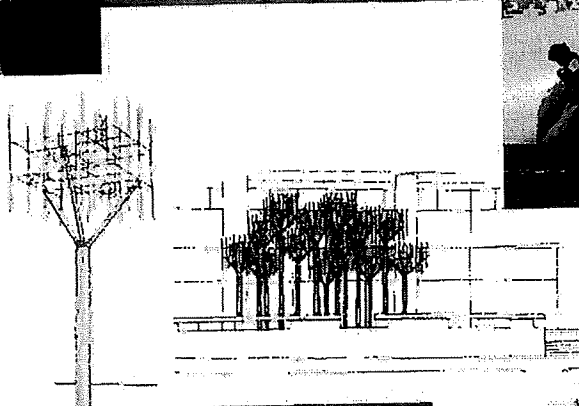
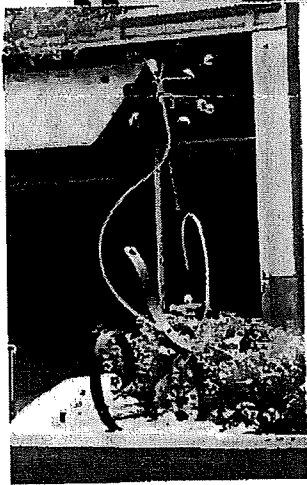
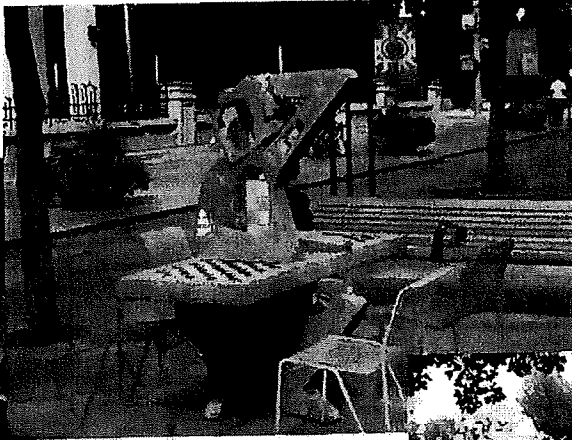
PROPERTY TO BE SUBDIVIDED  
 EXISTING LOT LINES  
 PROPOSED LOT LINES

PROPOSED LOT TYPES:  
 1. 1-2 UNITS  
 2. 3-4 UNITS  
 3. 5-6 UNITS  
 4. 7-8 UNITS  
 5. 9-12 UNITS  
 6. 13-24 UNITS



PA

Plaza Feature  
Examples



**ORDINANCE NO. 2017 - 15**

**AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, A REQUEST OF FRANCISVILLE, LLC (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN A RESIDENTIAL PLANNED DEVELOPMENT (RPD) ZONE FOR AN APPROXIMATE 12.2 ACRE SITE LOCATED AT 1207 NORTH BEND ROAD, BOONE COUNTY, KENTUCKY, TO MODIFY A CONCEPT DEVELOPMENT PLAN AND PREVIOUS CONDITIONS OF APPROVAL TO ALLOW A RECONFIGURATION OF AN APPROVED COMMERCIAL, ATTACHED SINGLE FAMILY RESIDENTIAL, AND MULTI-FAMILY RESIDENTIAL DEVELOPMENT (THORNWILDE VILLAGE) AND THE REQUEST OF FRANCISVILLE, LLC (OWNER) FOR A ZONING MAP AMENDMENT FROM RURAL SUBURBAN ESTATES (RSE) TO RESIDENTIAL PLANNED DEVELOPMENT (RPD) FOR AN APPROXIMATE 3.8 ACRE SITE LOCATED AT 1173 NORTH BEND ROAD, BOONE COUNTY, KENTUCKY, TO ALLOW AN EXPANSION OF THORNWILDE VILLAGE CONSISTING OF MULTI-FAMILY RESIDENTIAL BUILDINGS.**

**WHEREAS**, the Boone County Planning Commission received a request for a Change in an Approved Concept Development Plan in a Residential Planned Development (RPD) zone for an approximate 12.2 acre site located at 1207 North Bend Road, Boone County, Kentucky, to modify a Concept Development Plan and previous conditions of approval to allow a reconfiguration of an approved commercial, attached single family residential , and multi-family residential development (Thornwilde Village); and for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Residential Planned Development (RPD) for an approximate 3.8 acre site located at 1173 North Bend Road, Boone County, Kentucky, to allow an expansion of Thornwilde Village consisting of multi-family residential buildings, which is more particularly described below; and,

**WHEREAS**, the Boone County Planning Commission as the planning unit for the Boone County Fiscal Court, 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 a Change in Approved Concept Development Plan and Zoning Map Amendment.

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

**Section One**

That the request for a Change in an Approved Concept Development Plan and a Zoning Map Amendment and for the real estate which is more particularly described below shall be and is hereby approved, with conditions, in a Residential Planned Development (RPD) zone for approximate 12.2 acre site located at 1207 North Bend Road, Boone County, Kentucky; and also approved with conditions, a Change in an Approved Concept Development Plan for an approximate 3.8 acre site located at 1173 North Bend Road, Boone County, Kentucky. The real estate which is subject to both requests is described in DEED BOOK 1082, PAGE NO. 727 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

**Section Two**

That as a basis for this approval, with conditions, for a Change in an Approved Concept Development Plan in a Residential Planned Development (RPD) zone for an approximate 12.2 acre site located at 1207 North Bend Road, Boone County, Kentucky, and Zoning Map Amendment in a Residential Planned Development (RPD) for an approximate 3.8 acre site located at 1173 North Bend Road, Boone County, Kentucky are the findings of fact and conditions of the Boone County Planning Commission as set forth in its minutes and official records for this request and same shall be and are hereby incorporated by reference as if fully set out in this Ordinance and are marked as "Exhibit A."

The Boone County Planning Commission Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and same are marked as "Exhibit B."

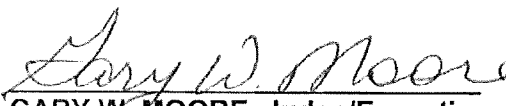
**Section Three**

This Ordinance shall be in effect and in full force from and after its adoption and publication as provided by law.


Adopted this 19<sup>th</sup> day of September, 2017

First Reading - the 22<sup>nd</sup> day of August, 2017

Second Reading - the 19<sup>th</sup> day of September, 2017 Yes 3 No 1

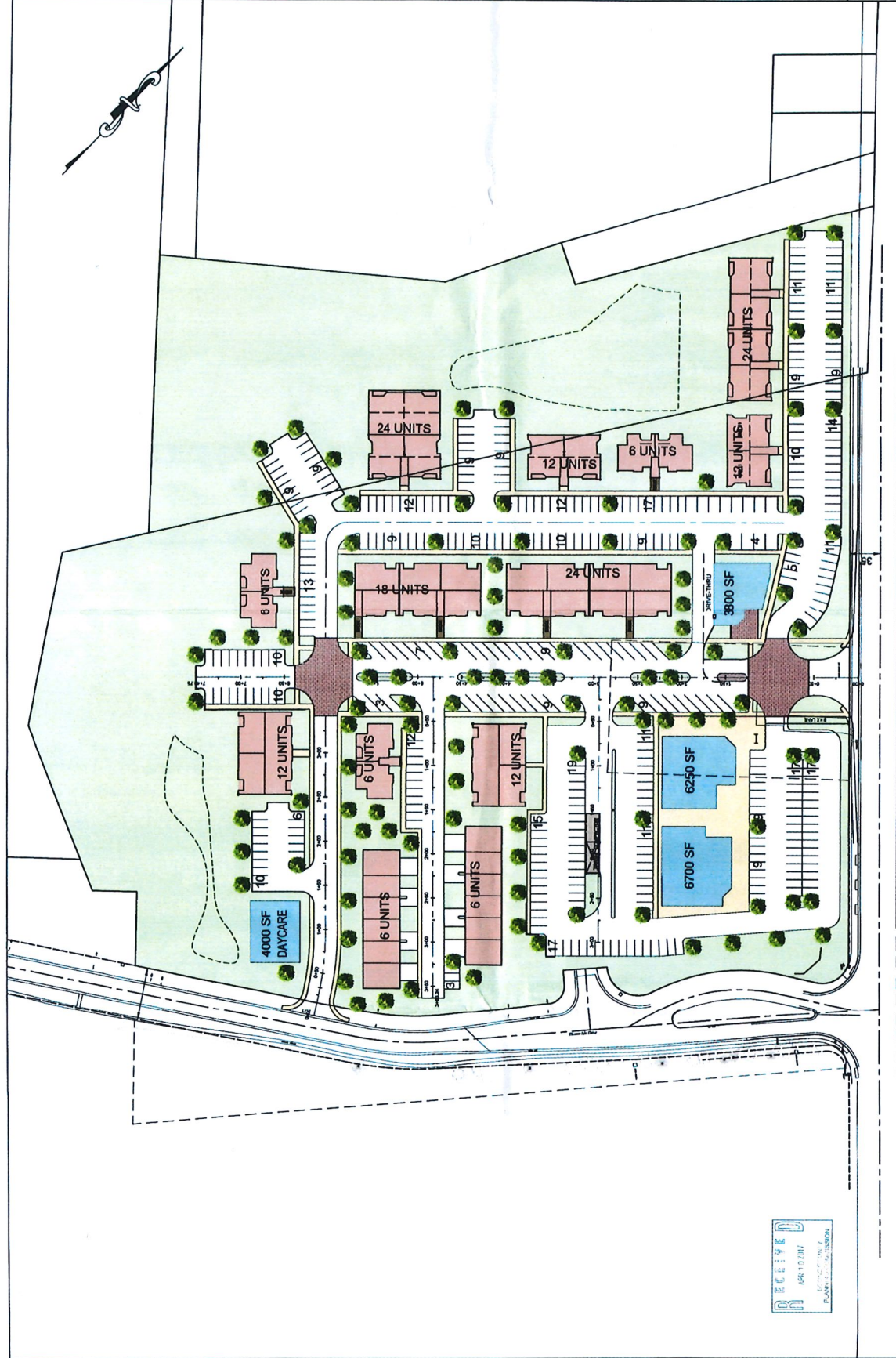
  
GARY W. MOORE, Judge/Executive  
Boone County Fiscal Court

Attest:

  
Sharon Burcham,  
Fiscal Court Clerk



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