

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

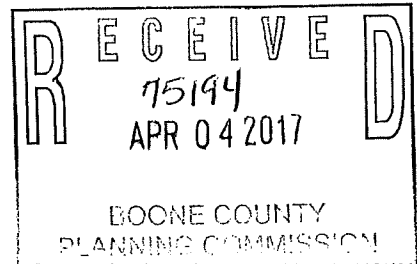
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project St. Timothy Property Development
2. Location of Project Intersection of Frogtown Road & Resurrection Cemetery
3. Total Acreage of Site 87.25 Acres
4. Current Zoning of Site RSE/UTO
5. Proposed Zoning (Classification being requested) SR-1
6. Proposed Uses (please specify each use) Single-family detached residential
7. Names of Applicant(s) The Drees Company c.o. Mike Schoettelkotte
8. Address of Applicant(s) 211 Grandview Drive
9. Name of Property Owner(s) The Drees Company (By Contract)
10. Address of Property Owner(s) 211 Grandview Drive
11. Proposed Building Intensities (please specify) Units Per Acre
12. Are there any existing buildings on the site? No
13. Deed Book 152 Page No. 294 Group No. 2056
14. Are you also applying for:
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

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

restrictions near the airport)



(over)

**ZONING MAP AMENDMENT
APPLICATION
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_____ Boone County Building Department
 _____ Northern Kentucky Health District
 _____ USDA NRCS/Boone County Conservation District
 _____ KY Division of Water
 _____ Local School District Fee: \$1,600 + \$250.00 + \$32.00
 _____ Local Fire District + (\$15 * 87.25 Acres) = \$3,190.75
 _____ Other: _____

18. Project Jurisdiction/Location
 _____ X _____ Unincorporated Boone County _____ Walton
 _____ Florence _____ Union
19. *THE DREES CO BY CONTRACT WITH DIOCESE OF COVINGTON*
ORIGINAL Property Owner's Signature *By Michael Schottelkotte*
 (Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)
- THE DREES CO*
ORIGINAL Applicant's Signature *By Michael Schottelkotte*
 (Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

SECTION B (To be completed by BCPC Staff)

1. Date Received 4/4/17
2. Review Fee \$3,190.75 B# 75194
3. Check what has been submitted:
 _____ ✓ Application
 _____ ✓ Fee
 _____ ✓ Legal Description
 _____ ✓ Concept Development Plan
 _____ ✓ Address of Adjoining Property Owners
 _____ 7 Number of Copies of Plan Received**
4. _____ Date Application is **Administratively Complete** as Defined in KRS 100.211
5. Staff Reviewer TODD MORGAN
6. Committee Chairman _____
7. Scheduled Public Hearing Date 5/3/17
8. Boone County Planning Commission Action:
7/5/17 **Approval**
 _____ **Approval with Conditions**
 _____ **Denial** _____ **Resolution #**
9. Other: _____

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.

REAL ESTATE PURCHASE AGREEMENT

This Real Estate Purchase Agreement ("**Agreement**") is made as of the Effective Date (as defined below) by and between Diocese of Covington, Attn: Rev. Roger J. Foyes D.D. whose address is 1125 Madison Avenue, Covington, Kentucky, 41011 (hereinafter referred to as "**SELLER**") and The Drees Company, a Kentucky corporation, whose address is 211 Grandview Drive, Ft. Mitchell, Kentucky, 41017 (hereinafter referred to as "**PURCHASER**").

WHEREAS, SELLER is the owner of approximately 86 acres of real estate located on Frogstown Road in Boone County, Kentucky as more particularly described on the attached **Exhibit "A"**, and is hereinafter referred to as the "**REAL ESTATE**"; and

WHEREAS, SELLER desires to sell and PURCHASER desires to purchase the **REAL ESTATE** on the terms and conditions hereinafter set forth.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES AND COVENANTS HEREIN CONTAINED, THE PARTIES AGREE AS FOLLOWS:

1. Real Estate. Subject to the terms hereof, SELLER agrees to sell and PURCHASER agrees to purchase the **REAL ESTATE**.
2. Price and Payment. The purchase price for the **REAL ESTATE** ("**Purchase Price**") shall be [REDACTED] per Net Acre (as defined below). The Purchase Price shall be paid as follows:
 - a. A [REDACTED] deposit (the "**Deposit**") paid by PURCHASER to Escrow Agent (as defined below) within 10 days of the Effective Date shall be held by Escrow Agent pursuant to this Agreement. The Deposit shall be credited to the Purchase Price at the Closing.
 - b. The balance of the purchase price, less any earnest money deposits, adjustments and prorations set forth herein, shall be paid by company or cashier's check at the time of the Closing as provided in paragraph 5.
 - c. PURCHASER shall share in cost to construct turn lane improvements along Frogstown Road at a rate of fifty percent (50%) of the total construction cost, but in no event shall PURCHASER's share of such costs exceed [REDACTED]. PURCHASER shall either reimburse SELLER as construction costs are incurred, or in a lump sum payment if improvements are substantially completed at the time of the Closing (as defined below), at SELLER'S option. In the event PURCHASER fails to close this transaction, PURCHASER shall not be under any further obligation hereunder to share in turn lane improvement costs.

- d. **"Net Acres"** shall mean the gross acreage of the REAL ESTATE less any road right of way in existence as of the Effective Date as determined by a boundary survey, with such survey being subject to SELLER's reasonable review and approval prior to Closing.

The Deposit paid pursuant to paragraph 2(a) above, or pursuant to any future extensions, shall be held by Tri-State Land Title Agency Inc, as escrow agent (the **"Escrow Agent"**). At the Closing, the Escrow Agent shall deliver the escrowed funds to the SELLER. In the event any of the conditions set forth in paragraphs 3, 5 and 6 are not satisfied or waived prior to expiration of the Due Diligence Period (as defined below), the Escrow Agent shall immediately return the Deposit to PURCHASER at the time of the termination of this Agreement. PURCHASER shall be entitled to any interest earned on the escrowed earnest money deposit. The Escrow Agent shall serve without compensation for its services, and shall exercise its duties in accordance with the terms of this Agreement and in good faith, but under no circumstances shall it be held liable to SELLER or PURCHASER except for acts constituting gross neglect of duty or dishonesty. Upon delivery of the escrowed funds in accordance with the terms of this Agreement, its duties as Escrow Agent shall terminate.

3. Conveyance and Survey. Title to the REAL ESTATE shall be conveyed at Closing by limited warranty deed. Said deed shall convey marketable title in fee simple absolute subject only to real estate taxes not then delinquent and easements and restrictions of record that do not unreasonably interfere with PURCHASER'S proposed development. As of the date hereof, PURCHASER has not examined the title to the REAL ESTATE. If an examination of the title to the REAL ESTATE discloses any title defects or other matter which, in PURCHASER'S judgment, interferes with PURCHASER'S intended use of the REAL ESTATE, or which renders the title unmarketable, then, no later than 30 days prior to the Closing, PURCHASER shall provide written notice thereof to SELLER. In such event, if SELLER, in good faith, is unable or unwilling to remedy any such title defects or other such matter of title at SELLER'S sole cost and expense on or prior to the Closing date, then PURCHASER at its election, may either acquire the REAL ESTATE subject to the effect of the same or terminate this Agreement prior to the Closing without further liability to either party, and the earnest money deposit shall be returned by the Escrow Agent to PURCHASER. Possession of the REAL ESTATE shall be delivered to PURCHASER at Closing.

At least thirty (30) days prior to Closing, SELLER shall, at its expense, obtain a survey and a metes and bounds description of the REAL ESTATE prepared by a registered surveyor selected by PURCHASER. The legal description prepared from this survey shall be used in SELLER'S deed, provided that the description is approved by PURCHASER, SELLER, and all appropriate governmental authorities.

4. Real Estate Taxes and Assessments. Real estate taxes shall be prorated as of the date of Closing, based upon the amount of the most recent available real estate tax bills. SELLER shall be responsible for any real estate taxes that are

recouped or recaptured as the result of PURCHASER'S proposed development of the REAL ESTATE. SELLER shall also be responsible for all assessments and charges against the REAL ESTATE (whether recorded or in the process of being certified) as of the date of the Closing including any deferred sewer or water tap in fees. All real estate tax prorations for the Closing shall be adjusted when the actual tax bill is available.

5. Closing Date and Contingencies. PURCHASER intends to construct certain improvements on the REAL ESTATE. By reason thereof, it is necessary for PURCHASER to make certain determinations as to the suitability of the REAL ESTATE for PURCHASER'S proposed development. Therefore, the consummation of this transaction is conditioned upon:

- a. Evaluation Period and Feasibility Study. PURCHASER shall determine whether there is adequate access to the REAL ESTATE, whether utilities are existing or will be existing to serve the REAL ESTATE, whether soil and subsoil conditions, whether market and engineering feasibility studies, as well as other economic factors, and other criteria that PURCHASER feels is necessary, will permit the efficient and economical construction of PURCHASER'S proposed improvements.
- b. Access and Easements. PURCHASER shall have obtained, at its expense, any necessary access, utility easements and other necessary easements from adjoining property owners or others on terms and conditions acceptable to PURCHASER. PURCHASER shall have obtained assurances satisfactory to it that all utilities and necessary easements will be available to service its proposed development.
- c. Development Plan Approval. PURCHASER shall have obtained, at its expense, all necessary approvals for its proposed development. Approval of all appropriate governmental authorities, including but not limited to, planning, zoning, Environmental Protection Agency (EPA), public utility connection approvals, including but not limited to, sewer, water, gas, electric and any other approvals for its proposed development. All approvals shall be acceptable to PURCHASER.
- d. Soil Conditions. PURCHASER shall have obtained at its expense, a report satisfactory to it indicating that the soil and subsoil conditions will permit normal, efficient and economical construction of its proposed development.

PURCHASER shall have 300 days from the Effective Date of this Agreement ("**Due Diligence Period**") to satisfy or waive the conditions set forth in paragraph 5(a) through 5(d) above. PURCHASER in its sole discretion shall determine whether or not a contingency has been satisfied. In the event that any of the conditions set forth in paragraphs 5(a) through 5(d) are not satisfied prior to expiration of the Due Diligence Period, PURCHASER may extend the time period for satisfying such conditions for 90

IN WITNESS WHEREOF, the parties have hereunto set their hands this day and year.

SELLER:

DIOCESE OF COVINGTON

By: + Roger J. J... Date: 12 December 2016

PURCHASER:

THE DREES COMPANY

By: David Drees Date: 12-16-16
David Drees, President

The undersigned acknowledges that it holds the \$50,000 earnest money deposit and agrees to hold such funds in accordance with the terms of this Agreement.

TRI-STATE LAND TITLE AGENCY, INC.

By: Edward P. Grayson
Title: President
12/27/16

**ADDENDUM TO ZONING MAP AMENDMENT OR
CONCEPT DEVELOPMENT PLAN APPLICATION
CURRENTLY UNDER REVIEW BY THE BOONE COUNTY PLANNING COMMISSION**

***Waiver of 60 Day Time Requirement by Originator
for Final Planning Commission Action***

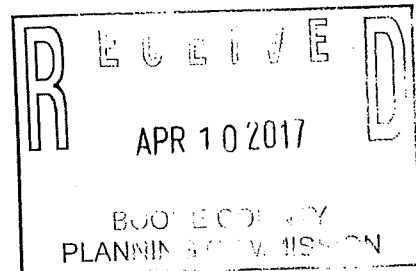
1. Name of Project St. Timothy Property Development
2. Location of Project Frogtown Rd. @ Resurrection Cemetery entrance
3. Names of Applicant(s) The Drees Company
Phone No. 859-578-4261 Fax No. 859-578-0069 E-Mail mschoettelkotte@dreeshomes.com
4. Address of Applicant(s) 211 Grandview Dr.
Ft. Mitchell, KY 41017
City State Zip
5. Name of Property Owner(s) Diocese of Covington by contract w/Drees Co.

In accordance with the provisions in KRS 100.211, the applicant(s) and property owner(s) or originators above, hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment and/or Concept Development Plan* application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on June 8, 2017.

6. The Drees Co. by contract with Diocese of Covington
ORIGINAL Property Owner's Signature BY: Michael Schoettelkotte
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)
- The Drees Company
ORIGINAL Applicant's Signature BY: Michael Schoettelkotte
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

Note:

*The 60-day time limit applies to Concept Development Plan applications if the site was originally subject to a Zoning Map Amendment request as part of an individual request, county-wide Zoning Update or a land use/zoning study or plan.



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CONCEPT DEVELOPMENT PLAN APPLICATION
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Waiver of 60 Day Time Requirement by Originator
for Final Planning Commission Action

1. Name of Project St. Timothy Property Development
2. Location of Project Frogtown Rd
3. Names of Applicant(s) The Drees Co
Phone No 859-578-4261 Fax No 859-578-0069 E-Mail MSCHIBETTELKOTLE
4. Address of Applicant(s) 211 Grandview Dr
Ft. Mitchell Ky 41017
City State Zip
5. Name of Property Owner(s) Diocese of Covington

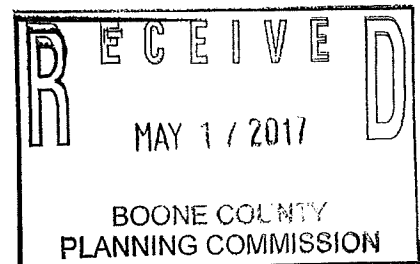
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6. The Drees Co. by contract with Diocese of Covington
ORIGINAL Property Owner's Signature Michael Schoettelboth
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

The Drees Co
ORIGINAL Applicant's Signature BY: Michael Schoettelboth
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

Note:

*The 60-day time limit applies to Concept Development Plan applications if the site was originally subject to a Zoning Map Amendment request as part of an individual request, county-wide Zoning Update or a land use/zoning study or plan.



EXHIBIT

“A”

STAFF REPORT

Request of **The Drees Company (owner by contract)** for a Zoning Map Amendment from Rural Suburban Estates/Union Town Overlay (RSE/UTO) to Suburban Residential One (SR-1) for a 87.25 acre tract located on the north side of Frogtown Road between the properties at 10272 US 42 (St. Timothy Church) and 1664 Frogtown Road (U.S. Post Office), and across the road from the Frogtown Road/Galileo Boulevard intersection, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family residences.

May 3, 2017

REQUEST

The applicant has applied for a zone change from Rural Suburban Estates/Union Town Overlay (RSE) to Suburban Residential One (SR-1) for a 87.25 acre tract that's currently part of the St. Tim's Church/School campus.

The Concept Development Plan shows a single-family residential subdivision with one hundred and seventy-two (172) single-family residential lots, community open space, retention lakes, and walking trails. A legend on the plan shows that clusters of the subdivision will have different minimum road frontage requirements (measured at the front setback line). 87 lots are shown with 65' or more of road frontage, 61 lots are shown with 80' or more of road frontage, and 24 lots are shown with 92' or more of road frontage. A note on the plan indicates all lots will meet or exceed the 8,000 square foot lot size requirement of the SR-1 zone. The proposed building intensity is approximately 1.97 dwelling units per acre.

Access to the subdivision is proposed from a public street, which will be located directly across from the Frogtown Road/Galileo Boulevard intersection. This proposed street immediately comes to a "Y" intersection and one leg connects to the residential streets in the subdivision and the other connects to the St. Tim's campus. One of the streets in the subdivision is shown as a future street connection to the adjoining property to the southeast.

PERTINENT HISTORY

The subject property was rezoned from Rural Suburban Estates (RSE) to Rural Suburban Estates/Union Town Overlay (RSE/UTO) with the adoption of the 2000 Union Town Plan.

In 2016, the adjoining 29 acre site to the west was rezoned from Rural Suburban Estates/Union Town Overlay (RSE/UTO) to Public Facilities (PF) so St. Tim's could construct an approximate 69,000 square foot school (Pre K - 8th grade) on their campus. As part of this project, a portion the cemetery driveway was permitted to be widened and extended to the church/school campus. School busses will use this driveway as they enter and exit the bus loop.

On June 21, 2016, Boone County Planning Commission Staff approved a Major Site Plan application allowing the construction of the Pre K - 8th grade school. The plans show the left hand turn lane and sidewalks that will be constructed on Frogtown Road and driveway connection to the church/school campus.

SITE CHARACTERISTICS

The 87.25 acre site has approximately 1,534 feet of frontage on the north side of Frogtown Road. Access to site is currently provided from two driveways. The main driveway is located directly across from the Frogtown Road/Galileo Boulevard intersection. This driveway was initially constructed to serve a cemetery and loops around the property. The second driveway branches off of the loop driveway and connects to the St. Tim's campus. The topography of the property falls from approximately 910' above sea level near the northern portion of the driveway loop to 860' above sea level near the access point. The northern, southeast, and eastern property lines are heavily wooded with mature deciduous trees. A public water main exists along the Frogtown Road frontage. Sanitary sewer mains are located to the south and west of the subject site.

ADJACENT LAND USES AND ZONING

North: Single-Family Residential Dwellings fronting on Whispering Trail (RS)

South: Frogtown Road, Galileo Blvd., Kilarney Drive, and Single-Family Residential Dwellings Fronting on Frogtown Road

East: U.S. Post Office, and Single-Family Residential Dwellings fronting on Frogtown Road, Dublin Drive, and Dublin Place (RS)

West: St. Tim's Church/School (PF) and Boone Spring Transitional Care which is under Construction (PF/PD)

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2010 Boone County Comprehensive Plan's "2035 Land Use Plan" designates the site as Public/Institutional and Rural Lands. These future land use classifications are described as follows:

Public/Institutional (P) - "Government offices, schools, libraries, churches, cemeteries, fairgrounds, maintenance areas, etc."

Rural Lands (RL) - "Wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres for the 25 year land use plan. Residential construction in Rural Lands does not occur in a formal subdivision."

The Land Use Element (Union Area, pp. 168-169) contains the following passages regarding the general area:

- A. This section of Boone County contains the City of Union and a substantial portion of Hathaway Road and U.S. 42. In general, this section should experience considerable residential growth due to Union's current residential nature, growth associated with the City of Florence, and improvements to U.S. 42. For these reasons, the 2000 Union Town Plan was prepared by the Boone County Planning Commission, City of Union, and Boone County Fiscal Court. The plan's recommendations are shown on the 2035 Future Land Use Map and also affect the Boone County Zoning Regulations.

- B. New subdivisions should be developed with connecting roads providing alternative routes for residential traffic and decreasing the impact on major roadways. Road connections should include multi-modal elements such as pedestrian paths and bike lanes, and bus stops; Wetherington Boulevard is an example. Further road connections that prohibit driveway access and street parking should occur between U.S. 42, Camp Ernst Road, Longbranch Road, and Hathaway Road. Hathaway Road needs special attention to protect this important east-west route. Water and sanitary sewer infrastructure should accompany such road connections and extensions as to prevent premature, estate-style residential development, and to prevent frontage subdivisions that result in poor access management. Development proposals shall be carefully evaluated relative to the area-wide road network and any necessary contributions to the network.
- C. All major residential developments should provide recreational facilities, or other public facilities, through cooperative efforts between developers, legislative bodies, and other agencies/organizations. These facilities should be designed not only to serve the residents of the specific subdivision but, where appropriate, to serve surrounding populations in order to mitigate the impacts upon existing facilities. This section of Boone County should develop as a major population area, and sites for recreation and other public facilities should be planned and obtained before prime sites are no longer available or become too costly.

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

- A. Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined. True Open Space subdivision design should be considered to blend new subdivisions in with areas that have a rural character (Utilization of Existing Vegetation and Topography, pp. 161-162).
- 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.

Sanitary sewer issues have larger impact on where development occurs than do the other types of infrastructure in Boone County. The presence of sanitary sewer has a direct impact on the lot sizes of residential development in particular. Most residential development in outlying areas without access to sewer service typically develops on lots that are larger than an acre. In fact,

accommodate leach areas. On the other hand, the presence of public sanitary sewer facilities have normally resulted an increased demand for more dense single-family residential development. This development often occurs roughly in the range of three dwelling units per acre - which typifies single family projects in Boone County at this time. There is little development occurring in Boone County between these two general density levels. As pointed out in the Housing Element, this phenomenon often results in different housing and lot characteristics adjacent to each other. In these conditions, proposed residential developments that have smaller lot sizes than surrounding land uses are recommended to utilize the following design mechanisms to address the impacts on existing development.

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

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

Highly visible portions of the proposed development site should consider green space. The style of green space, including tree types, fencing or other similar features should imitate the existing road corridor views. Grandiose subdivision entryways may not be appropriate depending on existing conditions in the corridor (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. 162-163).
- 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. The amount of heat absorbed by impervious cover from sun radiation is decreased by landscaping, which reduces energy costs. Landscaping helps purify the air of harmful pollutants, thus reducing health impacts. It also helps reduce the quantity and improve the quality of storm water runoff, including temperature. The use of bioretention islands (water filtering basins) and grass swales should be used where possible

in place of raised islands. Native species are often heartier than nursery stock and should be used wherever possible to minimize pesticides and other high impact forms of maintenance. 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 stormwater runoff. Developments must design and incorporate adequate provisions for the channelization and control of the rate of stormwater flow on and from the site. One goal of local storm water programs should be to minimize the amount of storm water generated by decreasing the amount of pavement and encouraging green rooftops. Creating less runoff by increasing on-site infiltration is a method of managing runoff.

Control and mitigation practices for erosion associated with developments must be provided. At a minimum, developments must seed and mulch all graded areas and provide siltation controls. Stormwater management and erosion control measures must be concurrent with site work in order to be effective. Stormwater management officials must also consider the cumulative effects of increased development runoff in watersheds (Stormwater Management and Erosion Control, pg. 163).

- F. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system. Connections between and within commercial and industrial developments allow for more efficient provision of transit service (Access Management, pg. 163).
- G. Developments in Boone County must be designed, where appropriate, to improve the County's transportation network system of roadways, and functional classifications must be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets. The traditional grid system can provide an alternative to typical suburban design. Parallel and frontage roads should be used to minimize impacts of individual sites on collector and arterial roadways. Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths, but should provide connections to adjoining uses where appropriate. 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. 163-164).
- H. 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. The objective is to avoid the

confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor. Overhead utility lines should be placed underground wherever possible, and junction boxes screened from public view. Neo-traditional residential and commercial development should be encouraged to provide quality development that blends with the natural or historic character of parts of Boone County. This Comprehensive Plan encourages the restoration, renovation and/or adaptive re-use of historically significant structures in Boone County (Design, Signs, and Historic Preservation, pg. 164).

The Population Element contains the following passage which relates to the request:

- A. The Population Element outlines population estimates based on OKI transportation analysis zone "regions." The site is located in the Union region. The population of the Union region is estimated to change to 33,568 in 2020, and to 41,886 in 2030 (OKI Traffic Zone Forecast, pp. 20-21).

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

- 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 (Population Needs, pg. 79)
- B. Housing development density has become an issue of concern to many existing residents in established, large lot subdivisions in suburban Boone County. Many of these areas developed during the 1960's to the 1980's when land prices were relatively low, few utilities were present, the surrounding land was agricultural, and urban/suburban development had not yet extended out to these areas. Many of these older subdivisions contain two-acre lots or larger. By contrast, most new subdivisions in Boone County are developing at around three units per acre and sponsor sewer construction if sanitary sewer is not currently available to the site. The issue arises when these new higher density subdivisions are proposed near established low density areas and centers mainly around development impacts on infrastructure and the residential character of the area (Housing Densities, p. 81).
- C. The design of true open space housing development should be encouraged as an alternative to the conventional subdivision divided entirely into ownership lots. To accomplish this, densities within portions of a site can be increased while the overall intensity on the site can remain basically the same. Topography, vegetation, and public improvement costs reduction should be incentives for open space design. Provision is made in the zoning and subdivision regulations for true open space design to occur under existing zoning. By increasing densities and clustering on portions of a site, these planned developments will preserve green space and/or provide space for public facility or recreation opportunities. The overall intensity of units per acre on the whole site becomes the issue to consider when evaluating public services and relationship to the Future Land Use Map. All residential developments should be designed to preserve and utilize natural site features wherever possible (Open Space Subdivision Design, pg. 82).
- D. The factors that helped fuel growth in this area include the improvements to U.S. 42 from Florence to the Ryle High School campus near Frogtown Road; the extension of water and sanitary sewer lines, access to the interstate highway system, and the vast amount of developable land. The Union Town Plan sets the stage for development in this area as sanitary sewer has become widely available. Areas west and south of the Union Town Plan area, along U.S. 42, Hathaway Road, and Longbranch Road, contain an existing agricultural, horse farm, and estate residential character. Planning efforts, such as the Union Town Plan should be conducted in these areas. Street connections between developments and to arterials are critical in this

central part of Boone County. The connections shown in the Union Town Plan need to be continued outside the study area to the next logical properties and arterial roadways. The Frogtown Road and Richwood Road corridors have experienced significant residential construction with very little improvement to the existing roadways. Triple Crown sets a good example with its central, limited access boulevard that connects these two state-maintained roadways. However, other existing roads in the area, such as Hicks Pike and Chambers Road are designed for less traffic. Significant improvements to these roadways will be needed to support extensive growth. Future development in this area should be sensitively designed to minimize impact on existing low density residential land uses, and connecting routes that take traffic off existing roadways should be encouraged. Boone County should be encouraged to work closely with the Kentucky Transportation Cabinet to improve existing roadways.(Union/west Florence/west Richwood Area, pp. 84-85).

The 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. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained, and improved as needed (Overall, Objective 4).
- D. The needs of Boone County's population are measured and fulfilled through the provision of orderly growth (Population, Goal).
- E. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. 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).
- F. Existing vegetation shall be considered as both an important site characteristic and a community resource (Environment, Objective 9).
- G. The incremental effects of developments on the environment, including, but not limited to storm water, erosion, woodlands, streams, and views shall be evaluated and addressed with public comment (Environment, Objective 11).
- H. A broad range of housing opportunities shall be provided which meet the needs and desires for all household types (Housing, Objective 1).
- I. 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).
- J. 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).

- K. 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).
- L. Clustering (increasing net density while not altering overall gross usable density) shall be promoted by appropriate incentives. Clustered housing or Open Space Subdivisions shall be permitted not only in planned developments, but in appropriately designed subdivisions under conventional zoning (Housing, Objective 11).
- M. 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).
- N. Safe, efficient and environmentally sound public services and facilities shall exist for all development (Public Services and Facilities, Goal).
- O. 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, 2nd Goal).
- P. New connector streets shall be developed where needed and feasible thus lessening the total dependence on arterial, collector, and local streets. Existing connector streets shall be improved where needed (Transportation, 2nd Goal, Objective 2).
- Q. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops (Transportation, 2nd Goal, Objective 3).
- R. Traffic impact analysis should be used as a tool to address impacts to the existing roadway system (Transportation, 3rd Goal, Objective 5).

RELATIONSHIP TO 2010 UNION TOWN PLAN

The 2000 Union Town Plan Land Use Plan Map designations mirror those shown on the 2010 Boone County Comprehensive Plan's Future Land Use Map. The Union Town Land Use Map shows the following land use designations on the subject site:

A 100' Green Area is shown along the northern property boundary. This designation is described as non-buildable, uncleared land (except for connector roads, pedestrian/bike paths and recreational buildings).

The remaining portion of the property is shown with Public Facilities uses.

STAFF COMMENTS

1. The applicant submitted a basis for the proposed zoning map amendment with the application (see attachments).
2. Staff sent out an Agency Memo and received comments back from Boone County Public Works Union Fire Department, Kentucky Transportation Cabinet, Sanitation District No. 1, and Boone County Schools. These comments are attached to the Staff Report.
3. The applicant submitted their Traffic Impact Study (TIS) to the Planning Commission and Kentucky Transportation Cabinet after Kentucky Transportation Cabinet provided comments. The introduction, existing conditions, future conditions, trip generation, analysis, and conclusions of the study are attached to the Staff Report. The conclusions section indicates that a left turn lane is recommended at the proposed entrance.
4. The applicant informed Staff that the Diocese of Covington acquired the subject property in 1961. Although the Diocese constructed the loop driveway system on the property, they never allowed anyone to be buried in cemetery.

The applicant is currently having the University of Kentucky Archeology Department delineate the property because there is record of cemetery, which dates back to the 1800's. Staff has attached the Section of the Boone County Subdivision Regulations that deals with cemeteries.

5. Staff would like the applicant to address the following:
 - A. Are any amenities being proposed on the HOA parcels other than the walking trail?
 - B. Are detention or retention basins being proposed?
 - C. Will the two lots with exclusive access on Frogtown Road share an access point or is a private access drive being proposed from the internal street system?
 - D. Seven lots have frontage on both Frogtown Road and a new local street. Will these 7 lots use the new local street for access? Will the front of the houses on these lots be oriented towards Frogtown Road or the local street?
 - E. Will sidewalks be installed on both sides of all streets?
 - F. The proposed plan shows that the connection to the St. Tim's Campus will be altered if the residential subdivision is built out. Is a public street being built between the Y intersection and the proposed property line?
 - G. Would the applicant be willing to construct a right hand deceleration lane on Frogtown Road?
 - H. Has Kentucky Transportation Cabinet commented on the Traffic Impact Study?
 - I. Was the future St. Tim's school traffic included and analyzed as part of the Traffic Study?
 - J. Can an update be provided on the delineation of the cemetery?
6. Frogtown Road (KY 3052) is defined as a collector roadway by Section 3210 of the Boone County Zoning Regulations. The following regulations will need to be addressed if Preliminary Plat and Improvement Plan applications are submitted for review:
 - A. Section 3122 of the Boone County Zoning Regulations indicates the rear yard setback requirement is 50' for principal structures and 20' for accessory structures when the rear yard adjoins a collector road.
 - B. Section 3215 of the Boone County Zoning Regulations requires 185' of spacing between adjacent driveways on collector roads when the speed limit is 40 miles per hour or less.

- C. Section 308 B. of the Boone County Subdivision Regulations requires landscaping to be installed when the rear property lines of proposed lots in a residential subdivision adjoin a collector road. The landscape buffer area shall include earthen berming, consistent decorative fencing, hedging, evergreen or deciduous plant materials or combination thereof which are high enough at maturity to screen the adjoining lot areas at a height of at least 6 feet.

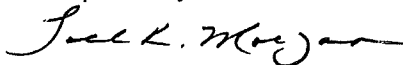
7. The following projects are currently funded on Frogtown Road:

- A. Geometric reconstruction of Frogtown Road near Triple Crown Boulevard. Construction is planned in 2018.
- B. Construction of additional sidewalks on the north side of Frogtown Road between US 42 and War Admiral Drive. The sidewalks will probably be constructed in the Spring of 2018.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and Boone County Fiscal Court in terms of Article 3 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area. The Future Land Use Map will need to be amended if the request is approved.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner

TKM/ss

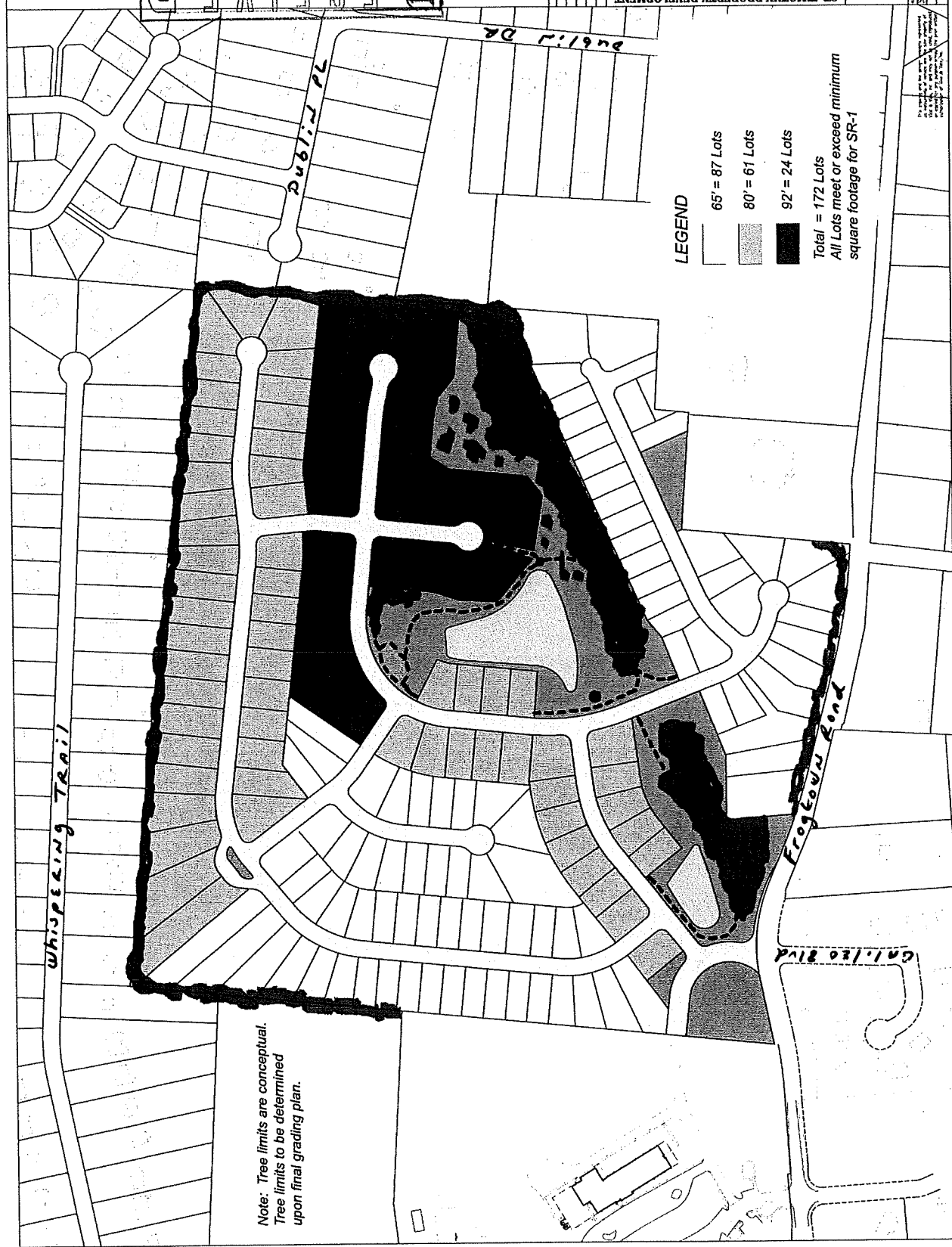
Attachments:

- *Site Vicinity Map
- *Proposed Concept Development Plan
- *Basis for Proposed Map Amendment
- *Pages 2-7 of Traffic Impact Study
- *Zoning Map
- *2035 Future Land Use Map
- *2000 Union Town Land Use Plan
- *Topographical Map
- *2016 Aerial Map
- *2/3/16 Approved Concept Development Plan for St. Tim's School
- *6/21/16 Major Site Plan Sheets for St. Tim's School
- *Agency Memo
- *4/11/17 Email From Scott Pennington
- *4/12/17 Email From Chief Michael Morgan
- *4/18/17 Email From Matt Bogen
- *4/24/17 Email from Andy Aman
- *4/25/17 Email from Greg Haggard
- *4/26/17 Email from Eric McArtor
- *Section 315 f. of the Boone County Subdivision Regulations
- *Application

RECEIVED
 APR 10 / 2017
 BOONE COUNTY
 PLANNING COMMISSION

ST. TIMOTHY PROPERTY DEVELOPMENT
 CONCEPT PLAN
 BOONE COUNTY, KENTUCKY
 VIOX & VIOX

PAGE 1 OF 1



LEGEND

- 65' = 87 Lots
- 80' = 61 Lots
- 92' = 24 Lots

Total = 172 Lots
 All Lots meet or exceed minimum square footage for SR-1

Note: Tree limits are conceptual.
 Tree limits to be determined upon final grading plan.

St. Timothy Property Development

Basis for proposed map amendment

The subject property located at Frogtown Road in Unincorporated Boone County is currently owned by the Diocese of Covington. Also known as 'Resurrection Cemetery' the property was designed as future cemetery site, but was never used for the intended purpose. The site is designated as 'Public Facilities' on the future land use map, however due to changes not anticipated by the Diocese of Covington, there are no future plans to utilize the site for public or institutional use. The decision by the owner to remove the property from the planned use as a cemetery was not anticipated in the adopted Comprehensive Plan and has substantially altered the character of the area. The adjacent St. Timothy parish is in the process of constructing a school on their property with an access from Frogtown road. There are no plans to expand their facilities beyond the proposed property tract line. The balance of the site which is approximately 87.25 acres is currently contracted for purchase by the applicant.

The applicant intends to develop a single family detached neighborhood on the site and rezone the property from RSE/UTO to the SR- 1 zone. The existing zoning classification RSE/UTO is inappropriate considering the surrounding land uses and context while the SR- 1 classification is appropriate. The Concept plan consists of lots measuring 65', 80', and 92' in width, with all lots meeting the 8,000 sf requirement. Single family residential surrounds the subject property to the north and east and the proposed concept plan is compatible with those uses. The larger 80' & 92' width lots planned for the site have been used on the perimeter of the neighborhood to be consistent with lots in Whispering Trails and Dublin Green Subdivisions. The 2000 Union Town Plan included a land use plan illustrating a 100' buffer along the northern boundary of the property. The applicant requests a variance from this recommendation due to the fact that proposed single family residences will back up to existing single family homes and are a compatible use not requiring buffering or additional separation. An existing tree line will be preserved along this northern boundary where grading and site conditions allow and lots adjoining Whispering trails subdivision include additional depth where possible. A mix of ranch and 2-story homes are planned to be constructed and range in size from 2200 sf to 4000 sf and \$325,000 to over \$500,000 in price.

INTRODUCTION

The concept plan for a proposed subdivision on the St. Timothy property shows 172 single-family lots. **Figure 1** displays a map of the site. Access to the site will be from Frogtown Road (KY 3030). The purpose of this study is to examine the traffic impacts of the proposed development upon the adjacent highway system. This study will build upon the study completed for the St. Timothy School, dated January 18, 2016. For this study, the impact area was defined to be the US 42 intersections with Frogtown Road; the Frogtown Road intersections with St. Timothy Church/Callie Way and Resurrection Cemetery Road/Galileo Boulevard.

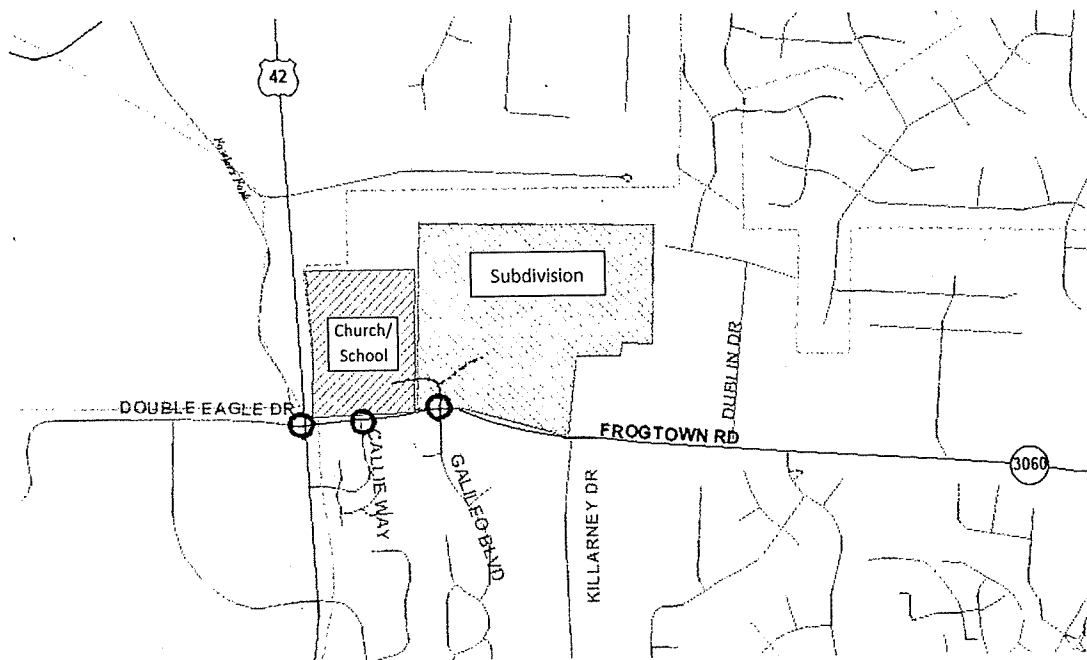


Figure 1. Site Map

EXISTING CONDITIONS

US 42 is maintained by the Kentucky Transportation Cabinet (KYTC) with an estimated 2015 Average Annual Daily Traffic (AADT) volume of 13,600 vehicles per day between Frogtown Road (KY 3030) and KY 536, as estimated from the KYTC 2014 count at station 302. The road is a four-lane highway with 12 foot lanes, a two-way left turn lane with a curb. The speed limit is 45 mph. There are sidewalks and a bicycle lane. The intersection with Frogtown Road has north and southbound right turn lanes. The intersection is controlled with a traffic signal.

Frogtown Road (KY 3030) is maintained by the Kentucky Transportation Cabinet (KYTC) with an estimated 2017 Average Annual Daily Traffic (AADT) volume of 7,100 vehicles per day between US 42 and Donora Drive, as estimated from the KYTC 2016 count at station 292. The road is a two-lane highway with 10 foot lanes and two foot stabilized shoulders. The speed limit is 35 mph. There are sidewalks on both sides between US 42 and Callie Way. The intersection with US 42 has left and right turn lanes. At the intersection with Callie Way there is a left turn lane and the intersection is controlled with stop signs from Callie Way and St. Timothy Church. The intersection with Galileo Boulevard/Resurrection Cemetery Road does not have turn lanes and is controlled with stop signs.

Cummins Consulting Services, PLLC collected a.m. and p.m. peak hour turning movement counts for the intersections on September 17, 2015 (see Appendix A) between 7:00 and 9:00 a.m. and 2:00 and 6:00 p.m. The a.m. peak occurred between 7:00 and 8:00 and the school p.m. peak hour occurred between 2:30 and 3:30 p.m. **Figure 2** illustrates the 2015 peak hour traffic volumes.

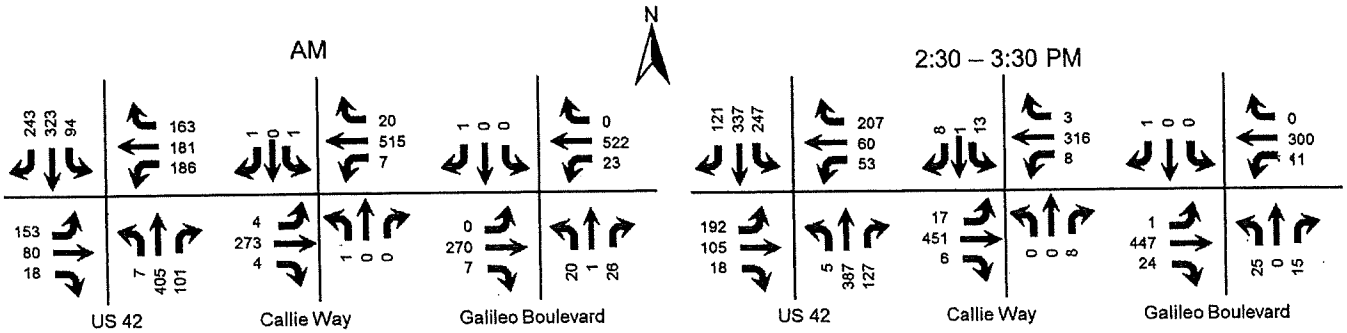


Figure 2. 2015 Peak Hour Volumes

FUTURE CONDITIONS

The projected full occupancy year is 2022. Two analysis years, 2022 and 2032, are included for this project. To predict traffic volumes in 2022 and 2032, one percent annual growth in traffic was added to the 2015 volumes on Frogtown Road and two percent annual growth was added to the 2015 volumes on US 42. This growth is based upon a review of the historical growth at Kentucky Transportation Cabinet count stations 289 and 292. The trips generated by the school are also included. **Figures 3 and 4** display the 2022 and 2032 No build volumes.

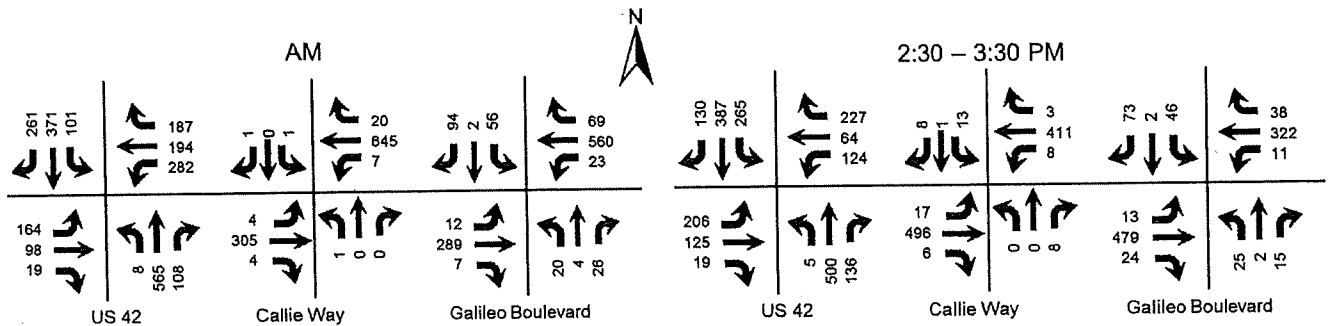


Figure 3. 2022 No Build Peak Hour Volumes

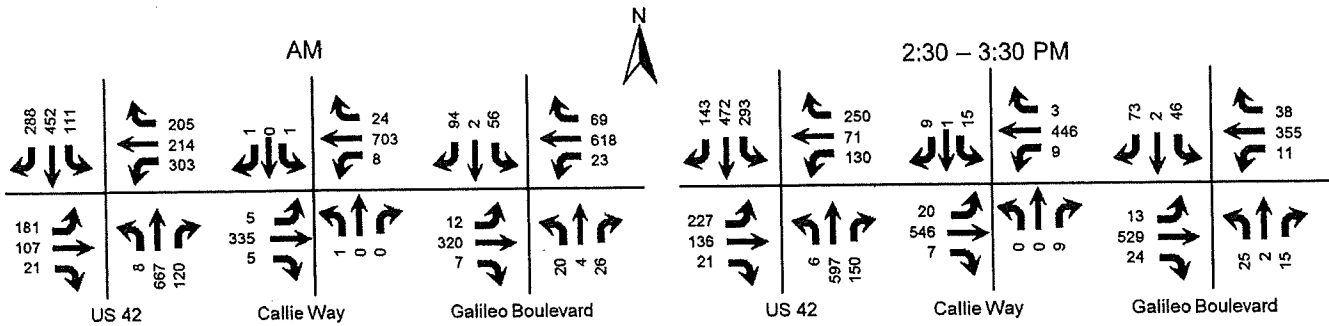


Figure 4. 2032 No Build Peak Hour Volumes

TRIP GENERATION

The Institute of Transportation Engineers Trip Generation Manual, 9th Edition contains trip generation rates for a wide range of developments. The land use of “Single-Family Detached Housing (210)” best describes this development. The trip generation results are listed in **Table 1**. The results of the trip generation analysis are that this development will generate 130 a.m. peak hour trips and 171 p.m. peak hour trips. The trips were assigned to the highway network with 45 percent to the west and 55 percent to the east. **Figure 5** shows the trips generated by this development and distributed throughout the road network during the peak hours. **Figures 6 and 7** display the individual turning movements for the years 2022 and 2032 for the peak hours.

Table 1. Peak Hour Trips Generated by Site

Land Use	A.M. Peak Hour			P.M. Peak Hour		
	Trips	In	Out	Trips	In	Out
Single-Family Detached (172 units)	130	32	98	171	108	63

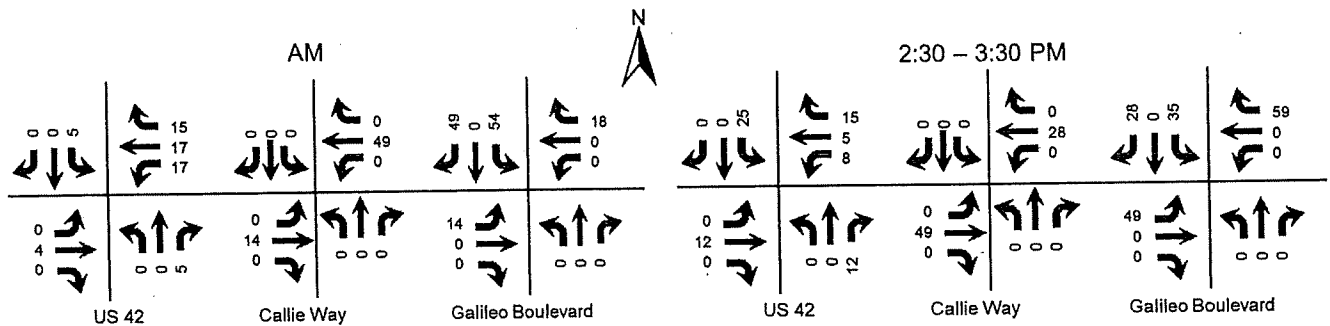


Figure 5. Peak Hour Trips Generated by Site

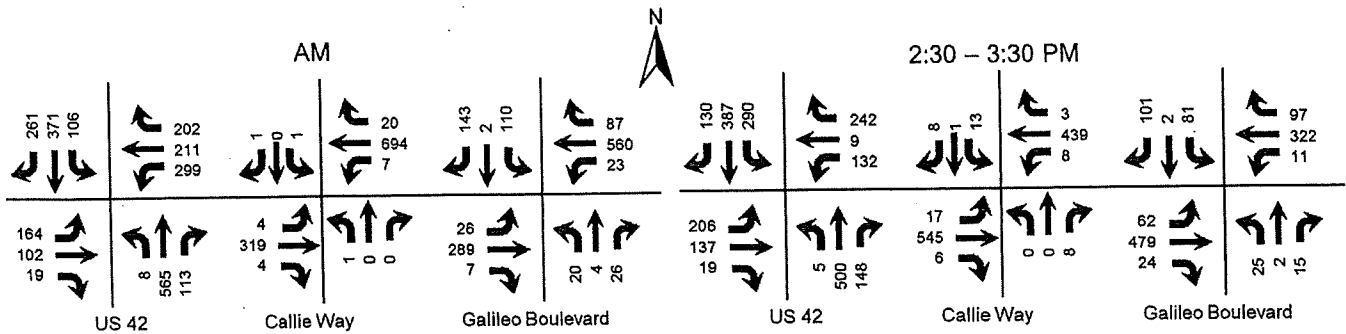


Figure 6. 2022 Peak Hour Build

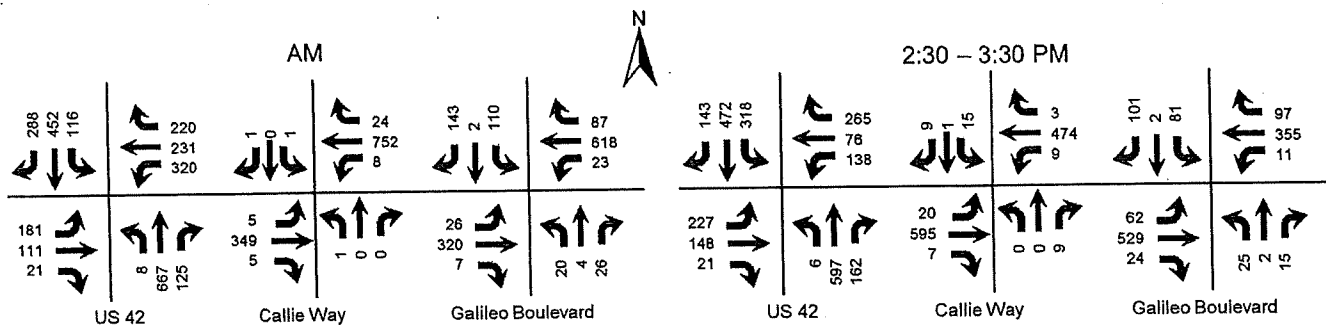


Figure 7. 2032 Peak Hour Build

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, 6th edition. The 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.				
	2015 Existing	2022 No Build	2022 Build	2032 No Build	2032 Build	2015 Existing	2022 No Build	2022 Build	2032 No Build	2032 Build
US 42 at Frogtown Road	C 25.9	C 30.3	C 32.0	D 36.2	D 39.3	C 23.5	C 25.6	C 26.5	C 28.2	C 29.7
Double Eagle Drive Eastbound	C 32.5	D 39.2	D 40.4	D 44.6	D 45.3	C 28.2	C 30.5	C 31.6	C 30.9	C 32.1
Frogtown Road Westbound	C 32.7	C 36.4	D 38.7	D 49.0	E 56.8	C 30.4	C 30.6	C 30.7	C 31.2	C 31.3
US 42 Northbound	C 22.9	C 28.4	C 29.9	C 32.9	C 34.3	C 24.1	C 26.9	C 28.4	C 31.3	C 33.2
US 42 Southbound	C 20.3	C 23.2	C 24.2	C 25.3	C 26.2	B 17.9	B 19.7	C 20.5	C 23.1	C 25.0
Frogtown Road at Callie Way/St. Timothy entrance										
Frogtown Road Eastbound Left turn	A 9.1	A 9.7	A 10.0	B 10.1	B 10.4	A 8.0	A 8.3	A 8.4	A 8.4	A 8.5
Frogtown Road Westbound Left turn	A 8.1	A 8.2	A 8.2	A 8.3	A 8.3	A 8.4	A 8.6	A 8.7	A 8.7	A 8.9
Callie Way Northbound	C 16.6	C 19.4	C 20.7	C 21.4	C 22.8	B 11.4	B 11.8	B 12.3	B 12.3	B 12.9
St. Timothy Southbound	B 14.9	C 17.3	C 18.4	C 18.8	C 20.0	B 13.0	C 15.0	C 15.8	C 16.1	C 17.0
Frogtown Road at Galileo Boulevard										
Frogtown Road Eastbound Left turn	A 9.2	A 9.9	B 10.1	B 10.2	B 10.5	A 7.9	A 8.1	A 8.5	A 8.2	A 8.6
Frogtown Road Westbound Left turn	A 8.2	A 8.3	A 8.3	A 8.4	A 8.4	A 8.4	A 8.6	A 8.6	A 8.7	A 8.7
Galileo Boulevard Northbound	C 17.1	C 21.7	E 47.8	D 26.5	F 89.4	B 13.8	B 13.1	C 15.6	B 13.9	C 16.8
St. Timothy Southbound	B 13.6	C 24.6	E 42.0	D 28.5	F 54.4	B 10.0	B 13.5	C 16.5	B 14.2	C 17.8

Key: Level of Service, Delay in seconds per vehicle

The Kentucky Transportation Cabinet (KYTC) evaluates the need for turn lanes using Highway Design Memorandum No. 03-09 dated July 28, 2009. The volumes for the 2032 Build condition do meet the warrant for an eastbound left

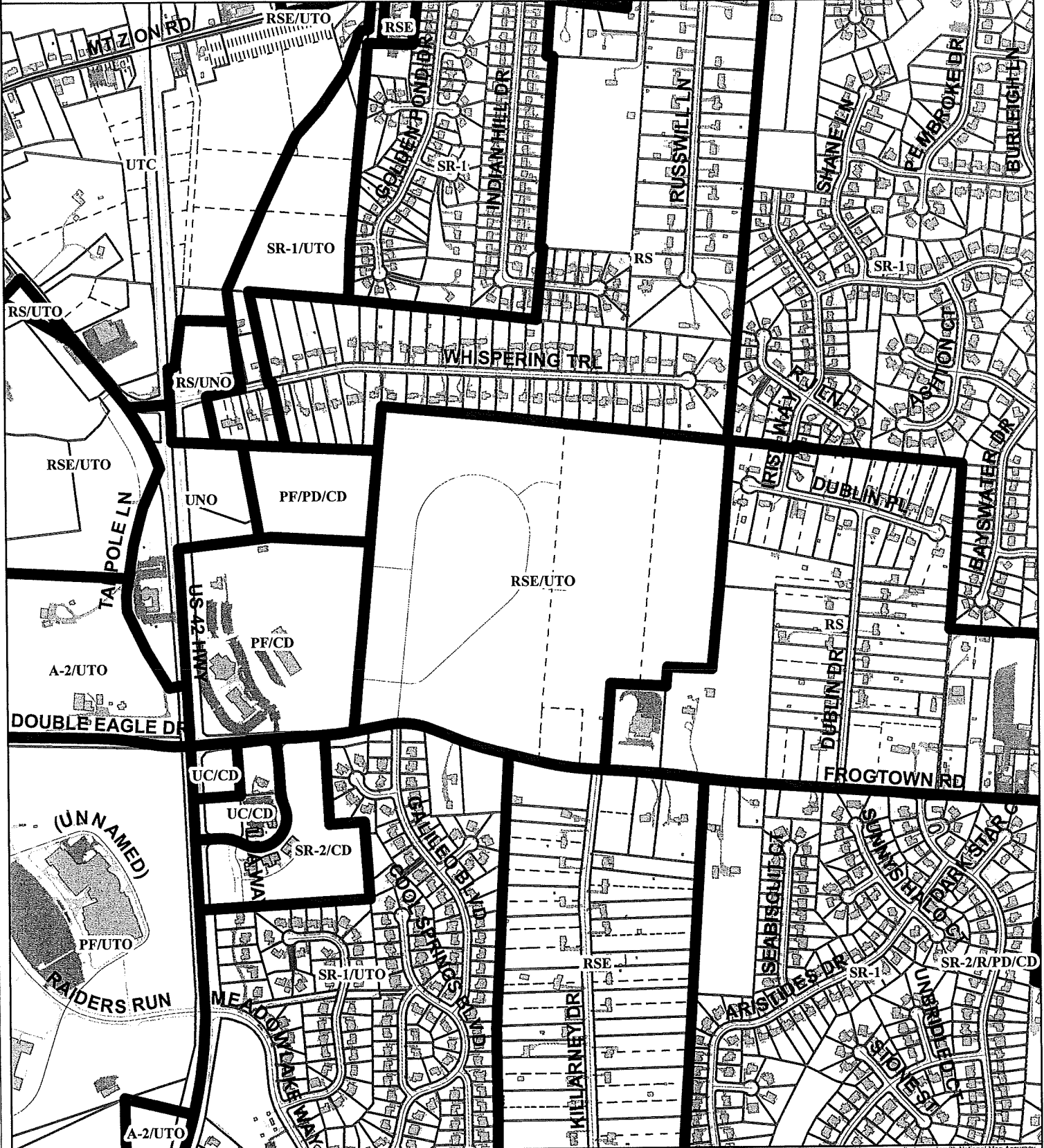
turn lane on Frogtown Road at the proposed entrance. The westbound right turn volumes do not meet the warrant for a right turn lane.

CONCLUSIONS

Based upon the volume of traffic generated by the development and the amount of traffic forecasted for the year 2022 and 2032 there will be a minimal impact to the existing highway network. The improvement recommended is the left turn lane at the proposed entrance.

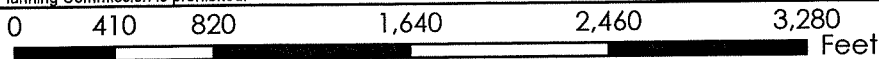
ZONING MAP

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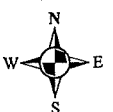


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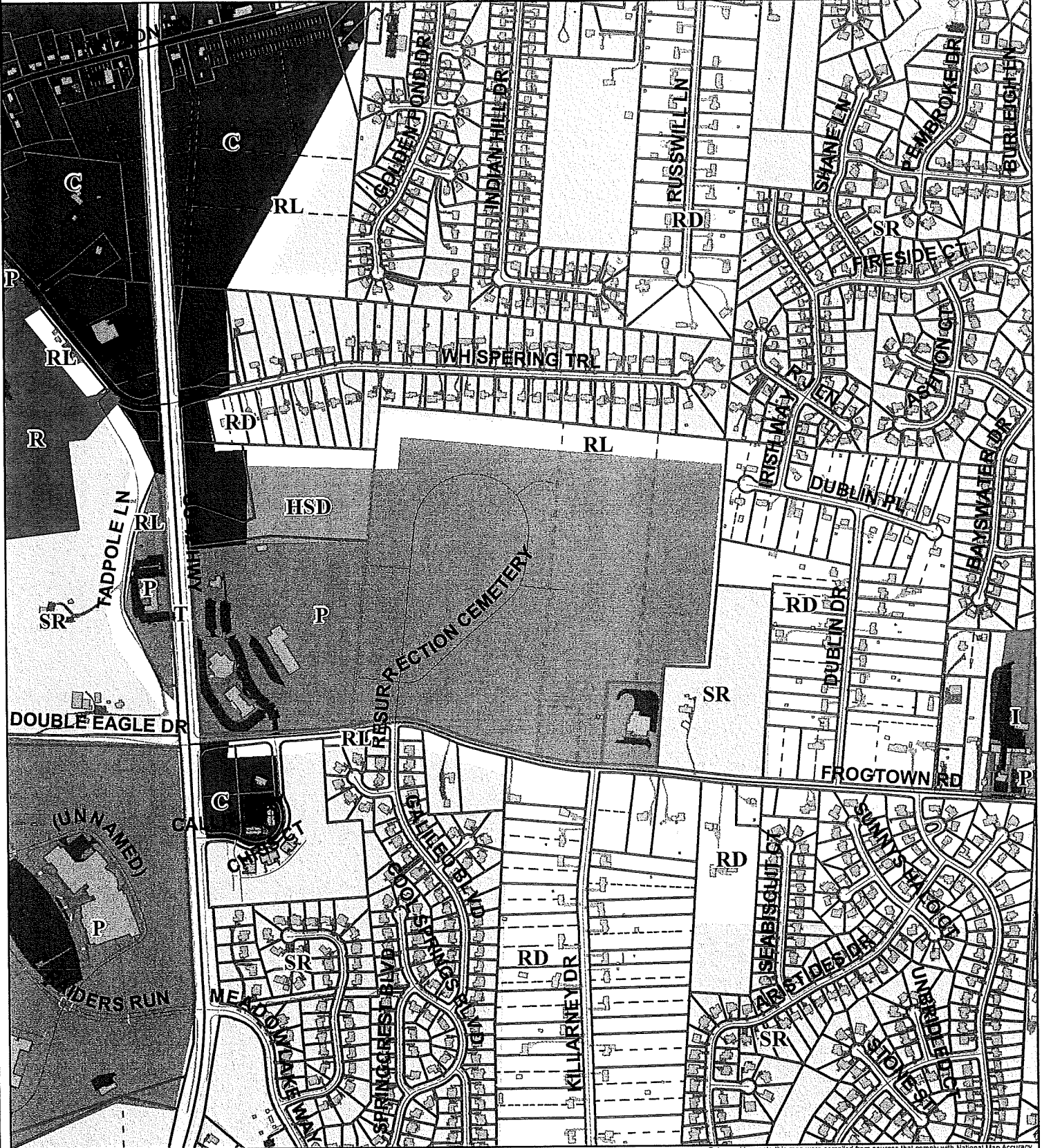
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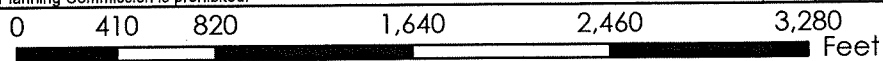
2035 FUTURE LAND USE MAP

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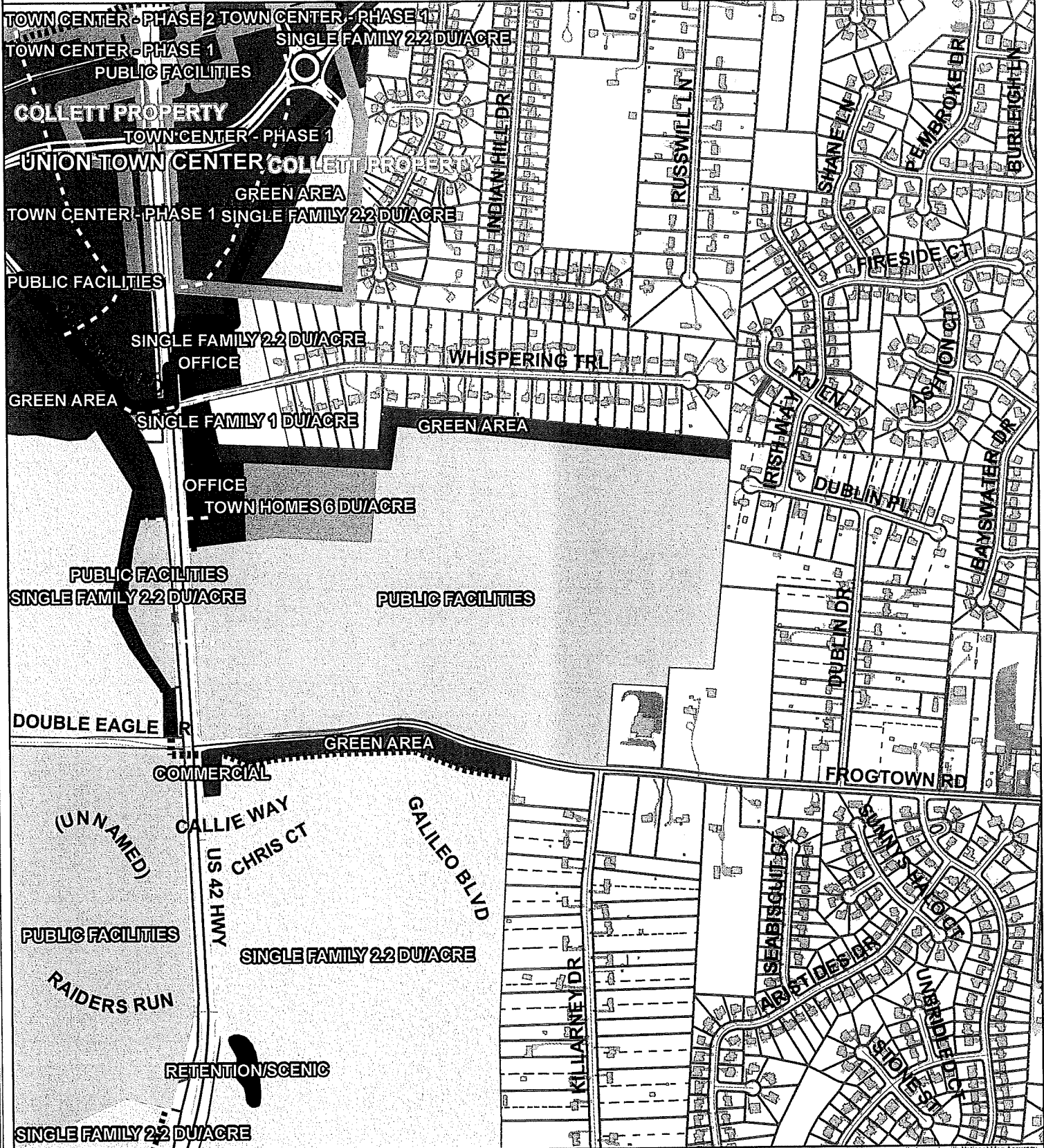
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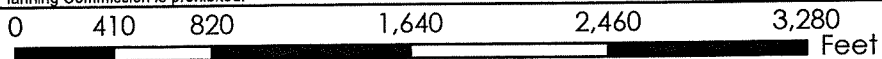
2000 UNION TOWN LAND USE PLAN

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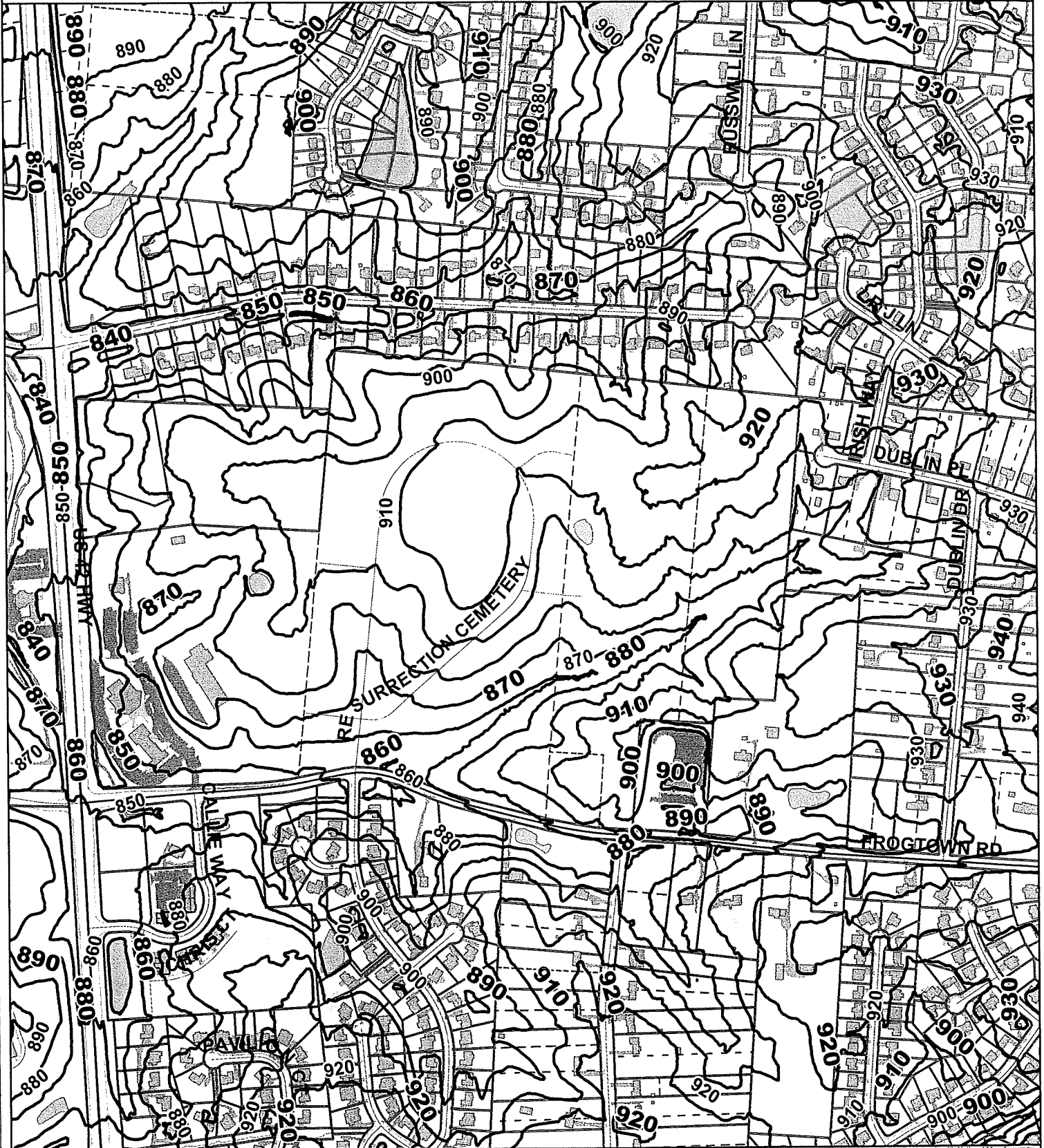
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Boone County GIS - Putting Northern Kentucky on the Map

TOPOGRAPHICAL MAP

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0 305 610 1,220 1,830 2,440 Feet

1 inch = 600 feet



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Map Created: 07/01/2013

ArcMap Document: BooneMap (fite).mxd

2016 AERIAL MAP

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1 inch = 600 feet




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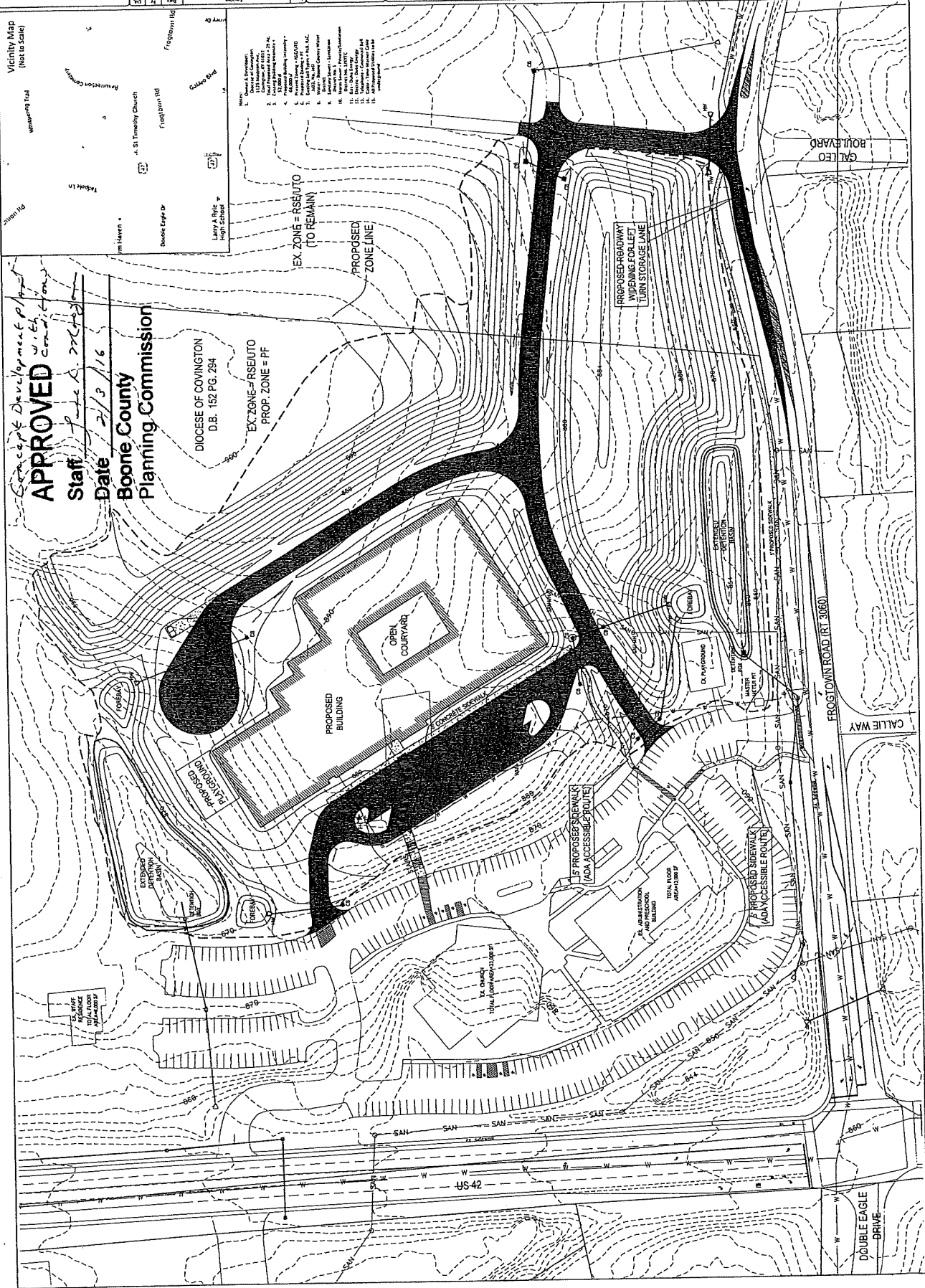


VIOX & VIOX
Civil Engineers, Surveyors, and Landscape Architects
1555 Peachtree Road, Suite 1000, Atlanta, GA 30309
Phone: (404) 261-1111
Fax: (404) 261-1112
www.viox.com

Scale: 1" = 40'



1"	40'
1/2"	20'
1/4"	10'
1/8"	5'

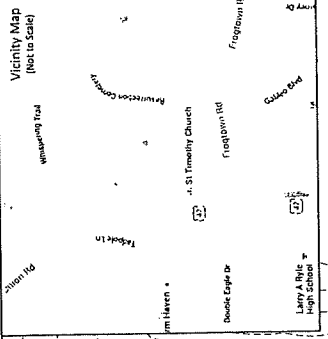


Concept Development Plan
APPROVED
Staff: [Signature]
Date: 2/13/16
Boone County Planning Commission

DIocese of Covington
 D.B. 152 PG. 294
 EX-ZONE=RSE/LITO
 PROP. ZONE = PF

EX-ZONE = RSE/LITO
 (TO REMAIN)
 PROPOSED
 ZONE LINE

- Notes:
1. Check for easements.
 2. Check for utility lines.
 3. Check for existing structures.
 4. Check for existing site work.
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DATE
3/27/16

6/20/16

Sheet

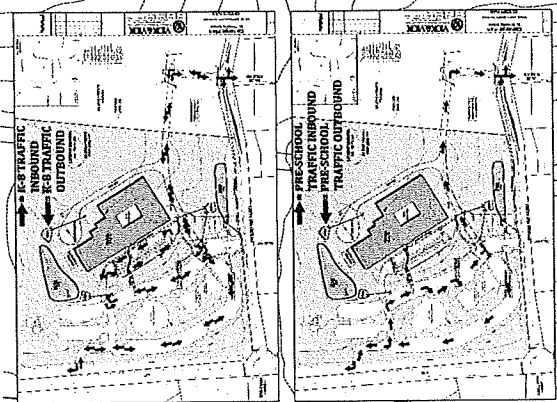
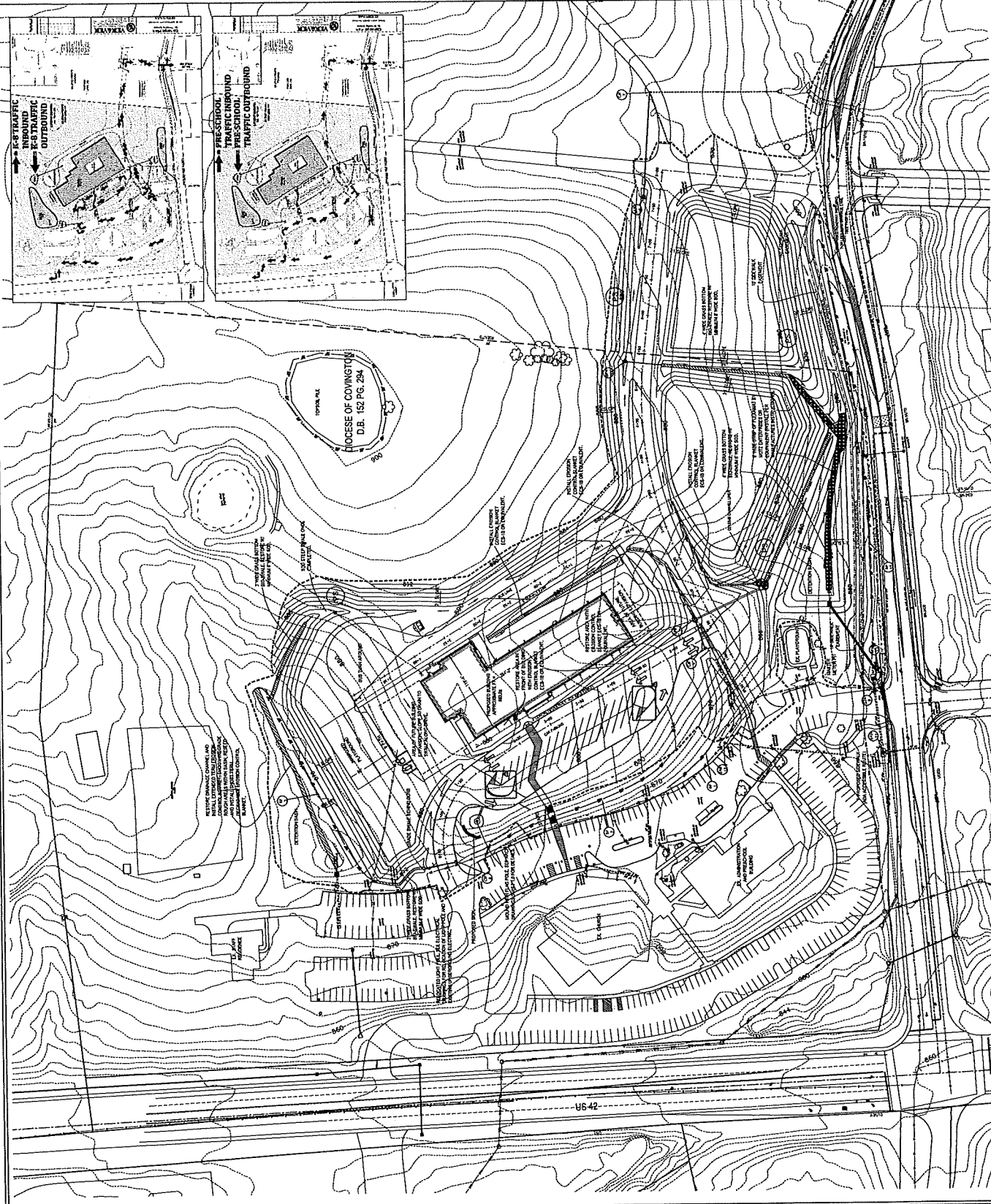
SD2

CONSTRUCTION SET

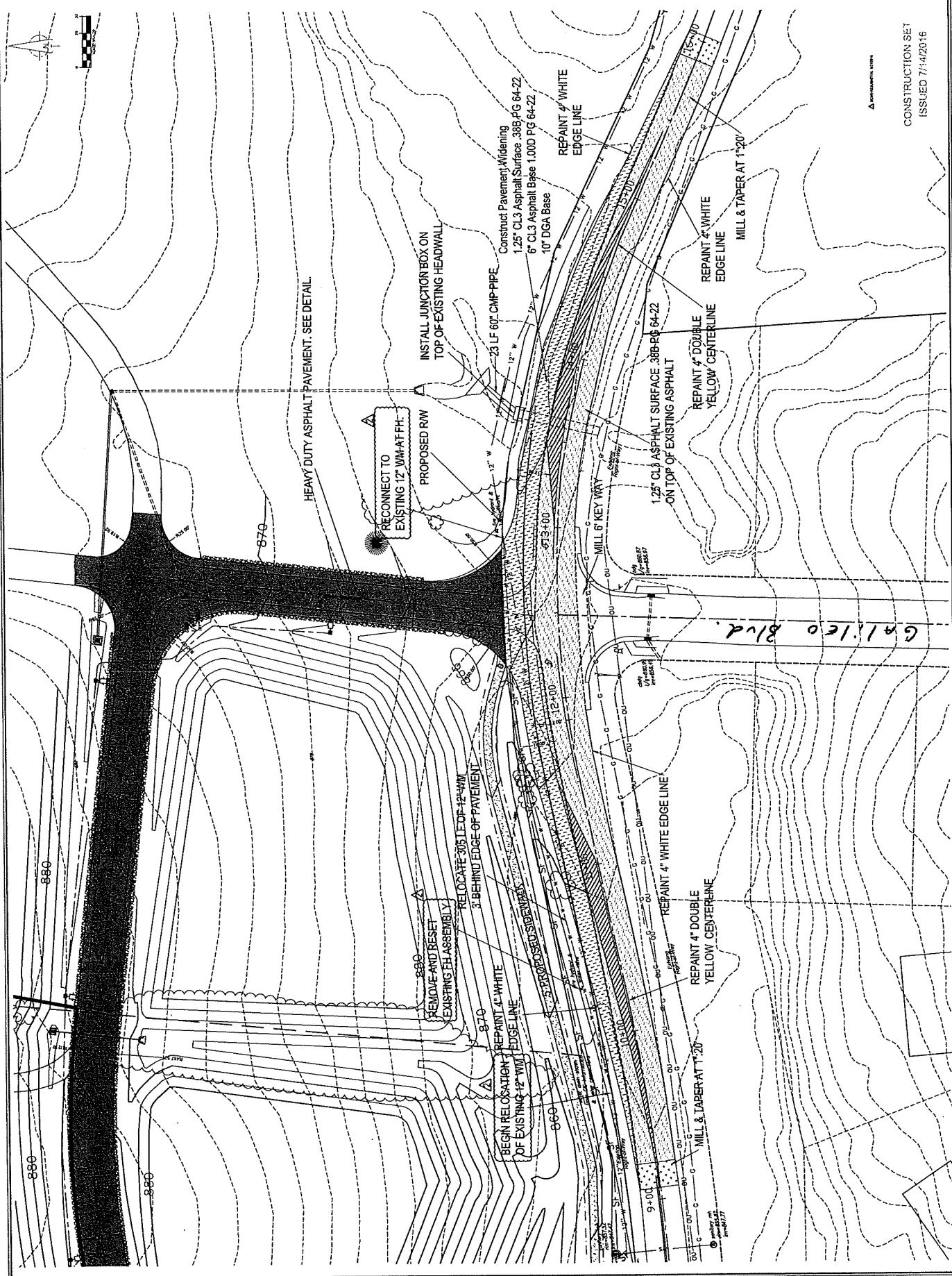
ISSUED 7/14/2016

NOTES

1. General
2. The proposed building and site improvements are shown on this plan.
3. All existing structures, utilities, and other features are shown on this plan.
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6/21/16 Approved Major Site Plan



6/21/16 Approved Major Site Plan



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

TO: Andy Aman, Sanitation District No. 1
Matt Bogen, Kentucky Transportation Cabinet
Keith Feldhaus, Boone County Water District
Eric McArtor, Boone County School District
Chief Michael Morgan, Union Fire Protection District
Scott Pennington, Boone County Public Works
Matthew Webster, Assistant County Administrator

FROM: Todd K. Morgan, AICP, Senior Planner, Zoning Services *TKM*

DATE: April 7, 2017

RE: Request of The Drees Company (owner by contract) for a Zoning Map Amendment from Rural Suburban Estates/Union Town Overlay (RSE/UTO) to Suburban Residential One (SR-1) for a 87.25 acre tract located on the north side of Frogtown Road between the properties at 10272 US 42 (St. Timothy Church) and 1664 Frogtown Road (U.S. Post Office), and across the road from the Frogtown Road/Galileo Boulevard intersection, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family residences.

I have enclosed copies of the Concept Development Plan and application for the above referenced request. The public hearing for this request has been scheduled for May 3, 2017, at 7:30 P.M.

Please review the request relative to your agency's policies and service abilities and provide any comments in writing to me by April 24, 2017. Please provide a written response, even if your agency has no comments on the proposal. Comments can be e-mailed to tmorgan@boonecountyky.org or faxed to (859) 334-2264. Your feedback is greatly appreciated.

Todd Morgan

From: Scott Pennington
Sent: Tuesday, April 11, 2017 4:42 PM
To: Todd Morgan; Daniel Rice
Subject: Drees Company - Frogtown Road Development - Request for a Zoning Map Amendment
Attachments: 20170411162520071.pdf; 20170411162528039.pdf

Todd,

Comments for Drees' Concept Development Plan on Frogtown Rd between St Tim's and the US Post Office (assuming streets will be publicly owned/maintained):

- St Tim's is installing sidewalk from US 42 to new entrance across from Galileo Blvd w/ their current development. BCFC currently has a project design underway to install sidewalk along the north side of Frogtown from St Tim's to War Admiral. In concept, this submitted plan needs to include a sidewalk along Frogtown Rd for the length of the development. Depending on project phasing and site work, the sidewalk may need to be installed w/ this development.
- Concept plan shows development coming off of the new private entrance to St Tim's. With this development, the entrance from Frogtown to the development should be constructed as a public street and become the through movement w/ the St Tim's entrance coming off of the new public street. Is St Tim's okay w/ this?
- Is KYTC okay w/ the concept plan? In particular, is KYTC okay w/ the combined street and church/school entrance accessing Frogtown across from Galileo (I'm assuming KYTC will want a TIS and I would like to see one as well)? How about the two lots directly accessing Frogtown Rd?
- No "eyebrows" on public street (as shown at northwest corner).
- Developer should plan to address all drainage issues where multiple lots back up to each other. Up to SD1, but I'm "assuming" they will want dedicated parcels for detention/retention ponds if they are part of their system.
- Lower right corner of plan – Will need turnaround at street termination at property line. Cul-de-sac at end of street appears a little odd, will this be a corner cul-de-sac? A couple of "odd" lots in this area, a small misshapen lot and a greenspace lot.
- Will trails be maintained by HOA? Trail connections will need to cross public streets at intersections.
- Individual lots will need to be designed to adhere to driveway spacing from intersections per Zoning Regs.

Daniel, if you want to add anything, please let Todd know.

Thank you.

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

Todd Morgan

From: Morgan, Michael <m.morgan@unionky911.org>
Sent: Wednesday, April 12, 2017 11:14 AM
To: Todd Morgan
Subject: St. Timothy Property Development

Todd,

The Union Fire Protection District has no issues with the concept development plan for this property.

Michael Morgan, Fire Chief

Union Fire Protection District
9611 U.S. Hwy. 42
Union, KY 41091
859.384.3342 Ext. 102 Office
859.620.0675 Cell

Todd Morgan

From: Bogen, Matthew (KYTC-D06) <Matthew.Bogen@ky.gov>
Sent: Tuesday, April 18, 2017 3:13 PM
To: Todd Morgan
Cc: Scott Pennington; Arlinghaus, Matt J (KYTC-D06)
Subject: Zoning Amendment, Frogtown Rd.

Todd,

D6 Permits has reviewed the Zoning Amendment application for Drees on Frogtown Rd. The existing access point across from Galileo Blvd. has widening and improvements in progress for the St. Timothy School expansion. Based on the change in land use, we have concerns that the 75' left turn lane being built would not be sufficient for the combined school and residential traffic. If the applicant must widen the cemetery entrance for access as a public street, KYTC will require an encroachment permit submittal and will request that the applicant provide a traffic impact study to evaluate for an extension of the left turn lane and/or construction of a right turn decel lane.

For the lots with frontage exclusively onto Frogtown, the applicant would need to apply for a private entrance permit and sight distance at the driveway(s) would need to be evaluated. We would prefer that lots fronting on Frogtown and the subdivision streets be accessed only from the subdivision street.

Thanks,

Matt Bogen, PE
KYTC District 6
Permits Section Supervisor
Phone: (859) 341-2700 x307
Cell: (859) 462-8718

Todd Morgan

From: Aman, Andy <aaman@sd1.org>
Sent: Monday, April 24, 2017 8:10 AM
To: Todd Morgan
Subject: Zoning Map Amendment The Drees Company

Regarding Storm Water management associated with the proposed development on Frogtown Rd. between 10272 US42 and 1664 Frogtown Rd., all applicable sections of the NKY SW Rules and Regulations will need to be met for the entire development build out.

Best Regards,

--

Andy Aman

Environmental Compliance Administrator
SD1
1045 Eaton Dr
Ft. Wright, KY 41017
859-578-6880
aaman@sd1.org
www.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. **Your request will not be forwarded.**

Todd Morgan

From: Haggard, Greg <ghaggard@sd1.org>
Sent: Tuesday, April 25, 2017 4:50 PM
To: Todd Morgan
Cc: Verst, Joe
Subject: Fwd: St. Timothy Property Development (PIDN 063.00-00-045.00)

Todd,

Joe Verst sent this to you yesterday, but had the wrong email address. Please let us know if you have any further questions.

Best regards,

----- Forwarded message -----

From: Verst, Joe <jverst@sd1.org>
Date: Mon, Apr 24, 2017 at 1:32 PM
Subject: St. Timothy Property Development (PIDN 063.00-00-045.00)
To: tmorgan@boonecounty.com
Cc: "Haggard, Greg" <ghaggard@sd1.org>, "Aman, Andy" <aaman@sd1.org>, Greg Stacy <gstacy@sd1.org>, "Warndorf, John" <jwarndorf@sd1.org>

Todd,

SD1 sanitary sewers have capacity for the St. Timothy Property, (87.25 acres with 172 single family homes).

The flow is tributary to gravity sewers that tie into Tunnel Shaft #1 heading toward the Western Regional Water Reclamation Facility.

Capacity has not been reserved for this development and will be a requirement for plan approval.

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

Todd Morgan

From: McArtor, Eric <eric.mcartor@boone.kyschools.us>
Sent: Wednesday, April 26, 2017 12:46 PM
To: Todd Morgan
Subject: Re: Drees Company/St. Tim's Property - Zone Change Request

Hi Todd,

I really can't think of anything from our end at this point to add.

Thank you,

Sent from my iPad
Eric K. McArtor
COO/Deputy Superintendent
Boone County Schools

On Apr 25, 2017, at 10:07 AM, Todd Morgan <TMorgan@boonecountyky.org> wrote:

Mr. McArtor,

I wanted to send you a reminder regarding the Zoning Map Amendment application. I will be finalizing my Staff Report this Friday afternoon and would like to include any comments that you may have.

Thanks for your help.

Sincerely,

Todd K. Morgan, AICP
Senior Planner, Zoning Services
Boone County Planning Commission
(859) 334-2196

- e) Lot Frontage - All lots in a subdivision shall have the minimum frontage on a public or private street as stated for their respective zone under the current Boone County Zoning Regulations.
- f) Cemeteries - An applicant, property owner or developer has the option either to (1) preserve an existing private family cemetery and develop around it or (2) relocate an existing cemetery. In relocating a private family cemetery, an applicant, property owner or developer shall be required to follow applicable local and state laws, which include KRS 381.720 through KRS 381.750 and KRS 381.750 and coordination with the Kentucky Office of Vital Statistics and Kentucky Heritage Council, as applicable. In preserving a cemetery, while at the same time developing a parcel, an applicant, property owner or developer has the following options:
1. Transfer the existing cemetery as part of a buildable lot. Ownership and maintenance of the cemetery would be transferred to the individual lot owner.
 2. Make the existing cemetery a separate lot. Ownership and maintenance of the cemetery would be transferred by written agreement to either a subdivision Homeowners Association, the developer of the subdivision, a local legislative unit, or an historical organization.

If a private family cemetery exists on a parcel of land and the exact location of grave sites is not determined, a developer or property owner is advised to follow the procedures and guidelines stated in the Boone County Cemetery Preservation Plan (pgs. 23-26). Specifically, these requirements shall be followed if a developer or property owner wishes to preserve an existing cemetery, while at the same time subdivide their property. These regulations mentioned below apply only to private family cemeteries and not to active cemeteries maintained and administered by an existing cemetery board, sexton, church, or other formal organization. Any waiver of these regulations is permitted under the authority of the Zoning Administrator.

1. No construction or disturbance of any type shall occur within 30 feet of an existing private family cemetery regardless of adjoining property lines or land ownership. This 30 foot building limitation is also required regardless of whether the cemetery is part of a building lot and is being conveyed as a separate lot. Also, this setback limitation may result in combining lots or making larger lots in the area where the cemetery is located. The 30 foot limitation is in the form of an exclusive cemetery easement. Cemetery boundaries shall be determined by an applicant's professional archaeologist from the list of archaeologists approved by the Kentucky Heritage Council. The Boone County Historic Preservation Review Board shall review the work and information of the archaeologist. The archaeologist shall be responsible for determining the approximate boundaries of the cemetery and providing information on the history of the cemetery. The Boone County Historic Preservation Review Board will be responsible for monitoring the field work of the archaeologist and reviewing the final report. Maps included in the final report must (1) portray the location and orientation of graves within the cemetery and (2) depict the location and orientation of the cemetery relative to the site and at least three nearby recognized landmarks such as public roads or benchmarks visible on a USGS map. The final report must also describe the field and archival methods and results used to document the cemetery, including any genealogical information gathered in the process. Two copies of the final report shall be submitted to the Boone County Historic Preservation Review Board.

2. Existing cemetery fences and walls shall be maintained and repaired for security reasons, prior to any other site work or disturbance. No attempt should be made to clean, reposition, or reconstruct grave markers without prior coordination with the Boone County Historic Preservation Review Board.
3. If a cemetery exists and a property owner or developer wishes to build on the lot where the cemetery is located, or if proposed to be a separate lot the property owner or developer is required to erect a new permanent fence (if one does not exist) surrounding the cemetery. The new permanent fence shall be made of a material which is compatible with the material of the proposed new structure(s) (e.g. stone fence, brick fence, and wooden and vinyl picket fence) and should also fit in with the character of the existing cemetery and surrounding residences or buildings. If a portion of an original fence or wall remains, and it is a compatible material (as above, and including cast iron fencing), the permanent fence or wall shall be properly repaired using the same material. If the existing fence is an inappropriate material (e.g. chain link fence, barbed wire fence, or farm fence), it should be replaced with a new fence made of an appropriate material. Although the permanent fence must be erected as soon as practical, a temporary fence (e.g., orange snow fencing, wire fence) must be erected and maintained at all times during site development and construction before the permanent fence or wall is constructed.
4. Weeds shall be removed from a cemetery on a routine basis during both site development and after construction is completed.
5. Grass shall be mowed on a routine basis.
6. All ironwork and stonework shall be inspected for damage. Repairs shall be made by the owner of the property.
7. Other planting or foliage shall be pruned and be generally left in its natural state.
8. All other debris or trash shall be removed from the cemetery during both site development and after construction is completed.
9. A statement by the property owner, applicant or developer shall be made on the site plan or subdivision plan regarding permanent cemetery ownership and maintenance.
10. A Certificate of Land Use Restriction and a deed restriction shall be recorded in the Boone County Clerk's office acknowledging the location, size, ownership and permanent maintenance responsibility of a cemetery. This information shall also be recorded on a Final Plat for a subdivision if not yet recorded.
11. Public access shall be provided to the existing cemetery with a minimum 5 foot recorded ingress-egress pedestrian access easement. Also, public and private streets shall be designed or located to provide access to an existing cemetery.
12. If no sign or marker is existing for the cemetery, a metal sign which displays the name and date(s) of the cemetery shall be installed. This sign shall have a maximum area of six (6) square feet and a maximum height of five (5) feet.

13. Under KRS 381.755, only the Boone County Fiscal Court has the authority to issue an order or resolution authorizing the relocation of a cemetery in Boone County. In some instances, the Kentucky Office of Vital Records may also approve the relocation of graves. An applicant is not required to appear before the Boone County Historic Preservation Review Board. However with cemetery relocation or the relocation of graves, the Boone County Historic Preservation Review Board shall be notified in writing by the property owner or developer by supplying to the Board copies of all State and local applications and permits during the relocation procedure.

SECTION 320

Water and Sanitary Sewer, Private Utilities and Property Used for Public Purposes

The following shall be the minimum standards for utilities (with the exception of storm water drainage See Section 325). These standards are minimum requirements and more stringent local, county, state, or federal regulations may apply. In general, water and sanitary sewer service should be designed to tie into a public system. It is recommended that utility construction doesn't occur until permission has been granted by the appropriate utility company or organization.

- a) Water Systems and Fire Hydrants - Connection into either an existing or planned public water supply system shall be required if the system is sufficient or can be expanded in order to provide an adequate amount of water to a proposed subdivision. Where appropriate water supply lines shall be designed to loop back to existing or proposed systems. Fire hydrants shall be provided in all subdivisions where public water systems are provided. Fire hydrants should be located with a maximum spacing of 500 feet, as measured along the street right-of-way. Fire hydrants should be located no further than 250 feet from any building site, as determined by the applicable setbacks set forth by the Boone County Zoning Regulations if the specific building footprint is unknown at the time of platting, with the exception that additional hydrants are not required to serve a flag lot if a hydrant is located within 100 feet of the vehicular entrance to the flag lot. Where existing public water mains that have existing fire hydrants are to serve a proposed subdivision and no public water main construction is necessary, no additional fire hydrants are required. In Clustered Residential Subdivisions, additional fire hydrants may be required by the Planning Commission due to restricted roadway width and density of development, including those that utilize existing public water mains with existing fire hydrants. Fire hydrants shall be designed and constructed in accordance with the Boone County Street, Storm and Sidewalk Specifications and the appropriate water district specifications. Public water supply systems shall be designed and constructed in accordance with the Boone County Street, Storm and Sidewalk Specifications. Individual on-site water supply systems (wells and cisterns) shall be constructed in accordance with the current Standards and Specifications of the state or local health department/district.
- b) Sanitary Sewer Systems - Connection into either an existing or planned public sanitary sewer system shall be required if the system is sufficient or can be expanded in order to accommodate the additional flow from the proposed subdivision. Sanitary sewer systems shall be designed and constructed in accordance with the Boone County Street, Storm and Sidewalk Specifications. Private lateral lines may only occupy the lot it is serving, except where approved by the appropriate utility. Where package sewage treatment plants are proposed, the sewage collection system shall be designed for ultimate connection to the public system. Individual septic tank systems and package treatment plants shall be constructed in accordance with the current standards and specification of the state and local health department/district. No sanitary sewage treatment plant for any subdivision shall be located nearer than two hundred (200') feet to any residence. In calculating this

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

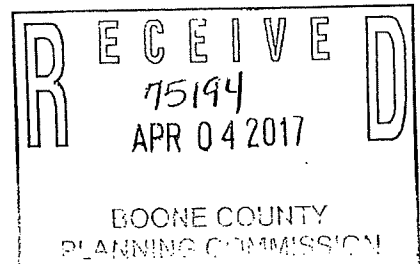
FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project St. Timothy Property Development
2. Location of Project Intersection of Frogtown Road & Resurrection Cemetery
3. Total Acreage of Site 87.25 Acres
4. Current Zoning of Site RSE/UTO
5. Proposed Zoning (Classification being requested) SR-1
6. Proposed Uses (please specify each use) Single-family detached residential
7. Names of Applicant(s) The Drees Company c.o. Mike Schoettelkotte
8. Address of Applicant(s) 211 Grandview Drive
9. Name of Property Owner(s) The Drees Company (By Contract)
10. Address of Property Owner(s) 211 Grandview Drive
11. Proposed Building Intensities (please specify) Units Per Acre
12. Are there any existing buildings on the site? No
13. Deed Book 152 Page No. 294 Group No. 2056
14. Are you also applying for:
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

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



EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Kim Patton, Chairman

DATE: July 5, 2017

RE: Request of **The Drees Company (owner by contract)** for a Zoning Map Amendment from Rural Suburban Estates/Union Town Overlay (RSE/UTO) to Suburban Residential One (SR-1) for a 87.25 acre tract located on the north side of Frogtown Road between the properties at 10272 US 42 (St. Timothy Church) and 1664 Frogtown Road (U.S. Post Office), and across the road from the Frogtown Road/Galileo Boulevard intersection, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family residences.

REMARKS:

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

FINDINGS OF FACT

1. The Committee concluded the request is in general agreement with the Boone County Comprehensive Plan and 2000 Union Town Plan for the following reasons:

A. The Boone County Comprehensive Plan states the Future Land Use Map is intended to be used in tandem with the Land Use Element text and that the future land use boundaries are approximate and subject to refinement and interpretation by the Planning Commission and county legislative bodies (Land Use Maps, pg. 164).

The Committee concluded that while the 2035 Future Land Use Map and 2000 Union Town Land Use Plan forecast the majority of the site for Public/Institutional uses, there are passages in the Comprehensive Plan that support a single-family residential subdivision being developed on the subject site.

B. The proposal is in agreement with the following passages from the Land Use Element:

- This section of Boone County contains the City of Union and a substantial portion of Hathaway Road and U.S. 42. In general, this section should experience considerable residential growth due to Union's current residential nature, growth associated with the City of Florence, and improvements to U.S. 42. For these reasons, the 2000 Union Town Plan was prepared by the Boone County Planning Commission, City of Union, and Boone County Fiscal Court. The plan's recommendations are shown on the 2035 Future Land Use Map and also affect the Boone County Zoning Regulations (Union Area, pp. 168-169).
- Developments in Boone County must recognize the potential impacts of stormwater runoff. Developments must design and incorporate adequate provisions for the channelization and control of the rate of stormwater flow on and from the site (Future Land Use Development Guidelines Stormwater Management and Erosion Control, pg. 163).

- 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 (Future Land Use Development Guidelines, Landscaping, pg. 163).
- 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 (Future Land Use Development Guidelines, Access Management, pg. 163).

The Committee analyzed the passages above and concluded the proposed zone change is in agreement with them based on the following:

- Considerable residential growth is projected in the area.
- The current zoning of the property, Rural Suburban Estates/Union Town Overlay (RSE/UTO), allows an applicant to seek a shortened Planning Commission review process when a single-family residential subdivision is proposed and it meets all the recommendations of the Union Town Plan. The applicant chose not to pursue this shortened review and sought a zone change. It should be noted that the proposed building intensity of 1.97 dwelling is less than the 2.2 dwelling that is permitted by the UTO zone when a typical subdivision layout is proposed.
- The applicant's engineer provided a preliminary drainage map at the May 17, 2017 Zone Change Committee meeting showing an approximate 14.3 acre drainage area from the subject site will be diverted away from Whispering Trails and into a retention basin on site.
- Landscaping will be required along Frogtown Road per the Boone County Subdivision Regulations. A condition was also imposed which requires significant landscaping along the northern, eastern, and southeast property boundaries.
- The Committee analyzed the proposed subdivision/school road and driveway network and concluded it greatly reduces the potential for vehicle backups on Frogtown Road when the school will be in session.
- The applicant has agreed to conditions which require left hand turn lanes to be installed or expanded. The Concept Development also shows that one of the development streets will terminate at the Bentle property line. It's possible this street could be extended to Dublin Drive or Frogtown Road in the future.
- Don Knochelmann, with the Diocese of Covington, provided an email indicating that signage and barricade (possible gate) may be installed on the church/school campus to stop cut through traffic.

3. The proposal is in agreement with the following passage from the Population Element:

- A. The Population Element outlines population estimates based on OKI transportation analysis zone "regions." The site is located in the Union region. The population of the Union region is estimated to change to 33,568 in 2020, and to 41,886 in 2030 (OKI Traffic Zone Forecast, pp. 20-21).
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. 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 applicant and property owner have signed a letter demonstrating agreement with the conditions.

CONDITIONS

1. The approval is based on the 6/21/17 Concept Development Plan, 6/21/17 cross sections, and 5/17/17 preliminary drainage area map (see attachments).
2. The final length of the eastbound left hand turn lane on Frogtown Road, at the proposed subdivision/school entrance, shall be determined by Kentucky Transportation Cabinet.
3. As recommended by the submitted Traffic Impact Study, a dedicated southbound left turn lane shall be provided at the Frogtown Road intersection.
4. Nine (9) lots in the subdivision have frontage on Frogtown Road. The houses on these lots shall be oriented as follows:
 - A. The 3 lots closest to the subdivision entrance - The front facade shall face Frogtown Road.
 - B. The other 6 lots - The front facade shall face the new local street.
5. Private driveways shall not be permitted on Frogtown Road.
6. Public sidewalks shall be required on both sides of all public streets.
7. A sidewalk project is currently funded on the north side of Frogtown Road between US 42 and War Admiral Drive and construction is tentatively planned for the Spring of 2018.

The applicant hereby agrees to install the sidewalks along the subdivision's Frogtown Road frontage in the event they start construction on the street frontage phase of the subdivision (9 lots with frontage on Frogtown Road) and the public sidewalk project is not complete. The construction start date will be the date the Improvement Plan for the street frontage phase of the subdivision is approved by Boone County Planning Commission Staff.
8. The applicant agrees to dedicate additional right-of-way along Frogtown Road if it's needed for the sidewalk project.
9. Section 3166 of the Boone County Zoning Regulations shall be followed regarding the preservation or relocation of the Old Bethel Baptist Church Cemetery. All documentation strategies, preservation, or relocation efforts shall be coordinated with the Boone County Historic Review Board and Staff.
10. The following perimeter landscaping shall be required along the northern, eastern, and Bentle property lines (see attachment):

- A. Areas with 20' or more of preserved vegetation - No additional landscaping shall be required.
- B. Areas with less than 20' of preserved vegetation - Any disturbed limits within 20' of the property lines shall be replanted with Buffer Yard B landscaping plantings or their equivalent.

The tree clearing limits and 20' setback lines shall be marked in the field before any site grading occurs. Planning Commission Staff will walk the subject property lines with the project engineer and determine areas where additional landscaping is required. A landscaping plan shall be required with each Improvement Plan that is submitted.

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

REVISED
 JUN 21 2017
 BOONE COUNTY
 PLANNING COMMISSION

ST. TIMOTHY PROPERTY DEVELOPMENT
 CONCEPT PLAN
 BOONE COUNTY, KENTUCKY
VOX & VOX

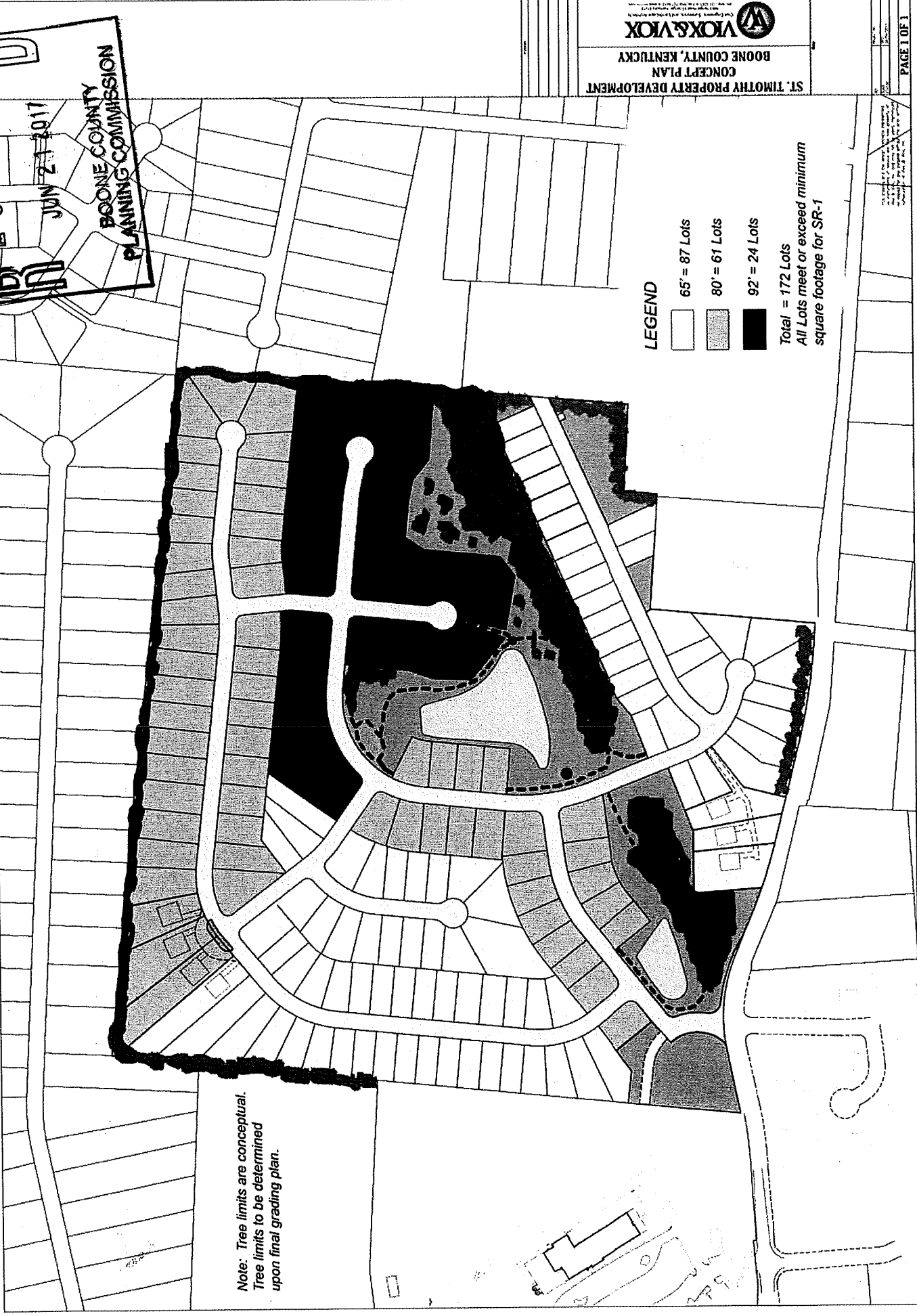
PAGE 1 OF 1

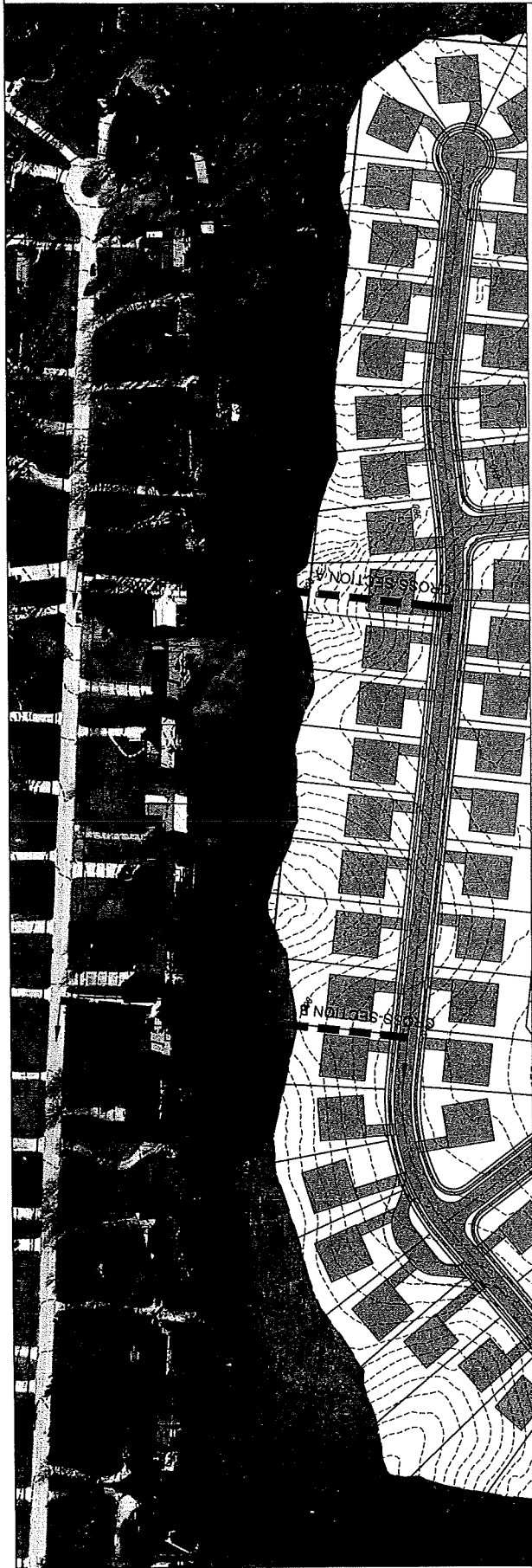
LEGEND

- 65' = 87 Lots
- ▨ 80' = 61 Lots
- 92' = 24 Lots

Total = 172 Lots
 All Lots meet or exceed minimum square footage for SR-1

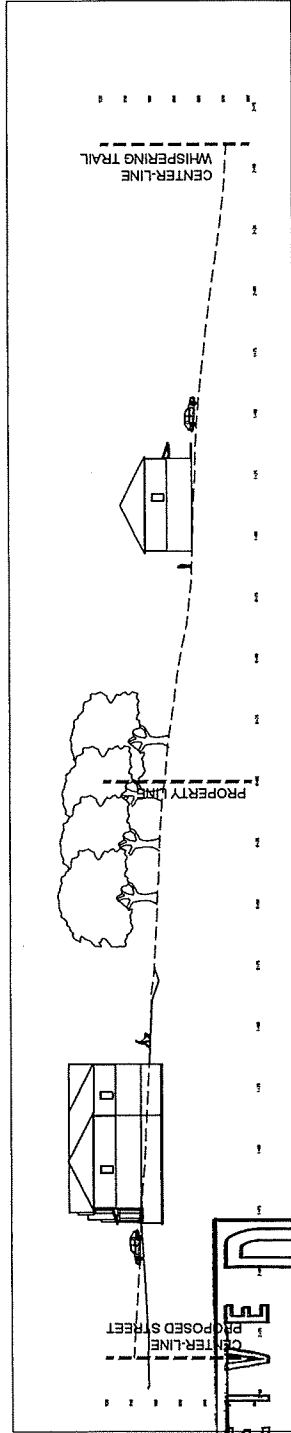
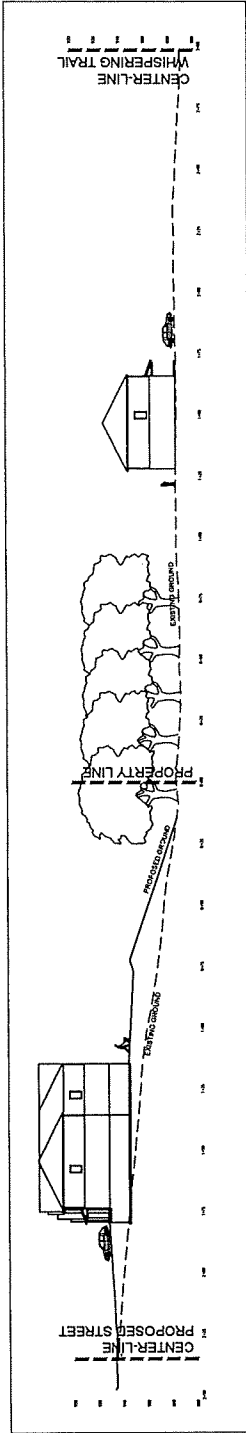
Note: Tree limits are conceptual.
 Tree limits to be determined upon final grading plan.



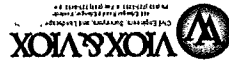


WJOX & WJOX
INCORPORATED
1000 EAST MAIN STREET
COLUMBIANA, MISSISSIPPI 39232
601-938-1111

The owner and the design engineer warrant that the information shown on this plan is true and correct to the best of their knowledge and belief, and that they are not aware of any facts or circumstances which would make this information misleading or false.



RECEIVED
JUN 21 2017
BOONE COUNTY
PLANNING COMMISSION



ST. TIMOTHY PROPERTY DEVELOPMENT
DRAINAGE AREA MAP
BOONE COUNTY, KENTUCKY

- APPROXIMATE POST-DEVELOPMENT DRAINAGE AREA
- APPROXIMATE PRE-DEVELOPMENT DRAINAGE AREA
- APPROXIMATE DRAINAGE AREA TO BE DIVERTED

WHISPERING TRAIL
 APPROXIMATE POST-DEVELOPMENT DRAINAGE AREA TO WHISPERING TRAIL - 62.4 ACRES

APPROXIMATE PRE-DEVELOPMENT DRAINAGE AREA TO WHISPERING TRAIL - 19.6 ACRES

RECEIVED
 MAY 17 2011
 BOONE COUNTY
 PLANNING COMMISSION



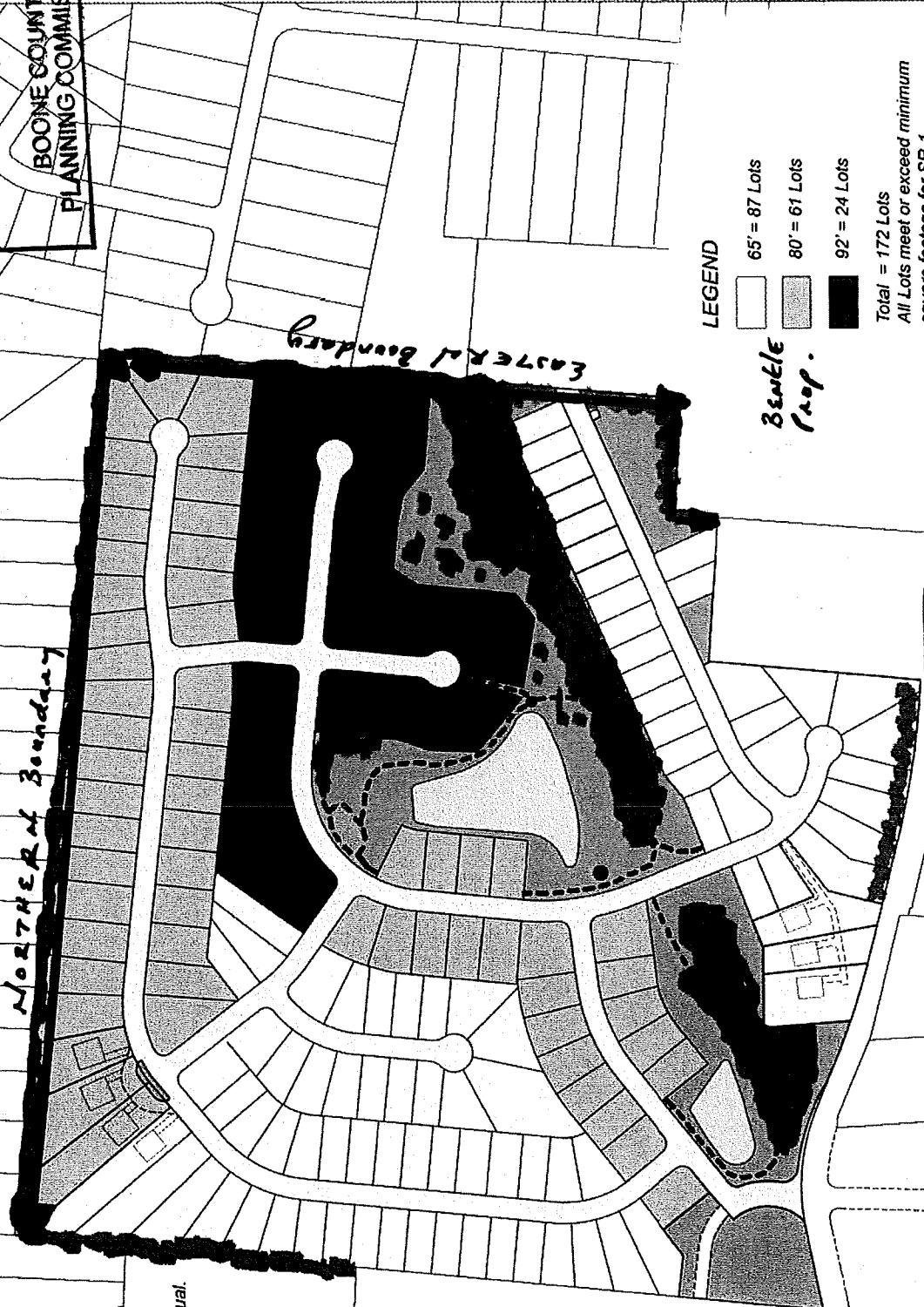
RESERVE
 JUN 21 2017
 BOONE COUNTY
 PLANNING COMMISSION

LEGEND

- 65' = 87 Lots
- 80' = 61 Lots
- 92' = 24 Lots

Total = 172 Lots
 All Lots meet or exceed minimum square footage for SR-1

Swale Prop.



Note: Tree limits are conceptual.
 Tree limits to be determined upon final grading plan.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Patton, Chairman

DATE: June 21, 2017

ZONING MAP AMENDMENT - Kim Patton, Chairman, Todd Morgan, Staff

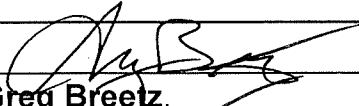
1. Request of **The Drees Company (owner by contract)** for a Zoning Map Amendment from Rural Suburban Estates/Union Town Overlay (RSE/UTO) to Suburban Residential One (SR-1) for a 87.25 acre tract located on the north side of Frogtown Road between the properties at 10272 US 42 (St. Timothy Church) and 1664 Frogtown Road (U.S. Post Office), and across the road from the Frogtown Road/Galileo Boulevard intersection, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family residences.


REMARKS:


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

Drees/St. Tim's

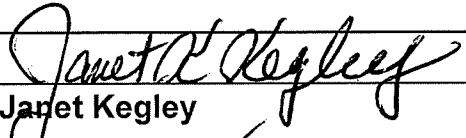
June 21, 2017


Greg Breetz,
 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, Chairman
 For Project Absent
 Against Project
 Abstain Deferred

Mark Hicks (Alternate)
 For Project Absent
 Against Project
 Abstain Deferred

TOTAL: DEFERRED 3 FOR PROJECT ABSENT
 AGAINST PROJECT ABSTAIN

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Patton, Chairman

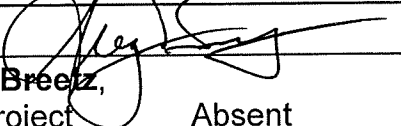
DATE: June 21, 2017

ZONING MAP AMENDMENT - Kim Patton, Chairman, Todd Morgan, Staff

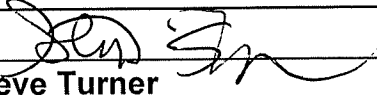
3. Request of **The Drees Company (owner by contract)** for a Zoning Map Amendment from Rural Suburban Estates/Union Town Overlay (RSE/UTO) to Suburban Residential One (SR-1) for a 87.25 acre tract located on the north side of Frogtown Road between the properties at 10272 US 42 (St. Timothy Church) and 1664 Frogtown Road (U.S. Post Office), and across the road from the Frogtown Road/Galileo Boulevard intersection, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family residences.

REMARKS:

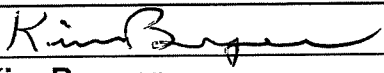
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.



Greg Breez,
For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred

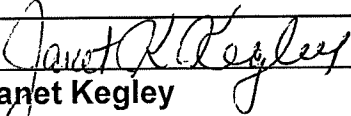


Steve Turner
For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred



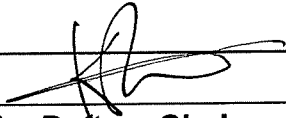
Kim Bunger
For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred

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, Chairman
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

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Greg Breetz
Mrs. Lori Heilman
Mr. Mark Hicks
Mrs. Janet Kegley
Mr. Don McMillian
Mr. Kim Patton
Ms. Lisa Reeves
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mr. Matt Apke
Mr. Kim Bungler, Secretary/Treasurer
Mr. Charlie Reynolds
Mr. Brad Shipe

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 9:47 P.M. and introduced the third item on the Agenda:

ZONING MAP AMENDMENT - Kim Patton, Chairman, Todd Morgan, Staff

3. Request of **The Drees Company (owner by contract)** for a Zoning Map Amendment from Rural Suburban Estates/Union Town Overlay (RSE/UTO) to Suburban Residential One (SR-1) for a 87.25 acre tract located on the north side of Frogtown Road between the properties at 10272 US 42 (St. Timothy Church) and 1664 Frogtown Road (U.S. Post Office), and across the road from the Frogtown Road/Galileo Boulevard intersection, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family residences.

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The site is 87.25 acres in size and is located off Frogtown Road. The Union Post Office is located next door along with the new St. Timothy's School. Access to the site is located across from Galileo Boulevard on Frogtown Road. The site is located in unincorporated Boone County. The project includes 172 single family lots. The proposed building intensity is 1.97 dwelling units per acre. Eighty-seven (87) lots are shown with 65 feet or more of road frontage, 61 lots are shown with 80 feet or more of road frontage and 24 lots are shown with 92 feet or more of road frontage. There are planned community open spaces, lakes and a walking trail system. The proposed access will serve both the development and the St. Timothy's School bus traffic. A future street connection to the southeast is planned. Mr. Morgan gave an overview of the site history which included approval for the new St. Timothy's School. This approval included the new curb cut and a left turn lane off Frogtown Road. He showed a topographical map and zoning map for the area. The current zoning of the site is Rural Suburban Estates/Union Town Overlay (RSE/UTO). The applicant is requesting Suburban Residential One (SR-1). The site is the former Diocese of Covington cemetery site. No one has been buried at the site. He showed photographs of the site and adjoining properties. The Comprehensive Plan's Future Land Use Map designates the site as mostly Public/Institutional (P) and a small part of it Rural Lands (RL) for buffering purposes. Mr. Morgan referred to Pages 2-9 of the Staff Report, which outlined sections of the Boone County Comprehensive Plan and the Union Town Plan.

In terms of Staff Comments, Mr. Morgan noted that the applicant submitted a basis for the proposed zoning map amendment with the application (see attachments). Staff also sent out an Agency Memo and received comments from the Boone County Public Works Department, the Union Fire Department, Kentucky Transportation Cabinet, Sanitation District No. 1, and Boone County Schools. These comments are attached to the Staff Report. The applicant submitted their Traffic Impact Study (TIS) to the Planning Commission and Kentucky Transportation Cabinet. The Kentucky Transportation Cabinet has not reviewed this study but did provide preliminary comments. The introduction, existing conditions, future conditions, trip generation, analysis, and conclusions of the Study are attached to the Staff Report. The conclusion section indicates that a left turn lane is recommended at the proposed entrance. The applicant recently revised it so it reads better (See Exhibit A). The applicant informed Staff that the Diocese of Covington acquired the subject property in 1961. Although the Diocese constructed the loop driveway system on the property, they never allowed anyone to be buried in cemetery. The applicant is currently having the University of Kentucky Archeology Department delineate the property because there is record of an old cemetery, which dates back to the 1800's. Staff has attached the section of the Boone County Subdivision Regulations that deals with cemeteries. Mr. Morgan listed several additional

questions about the development on Page 9 of the Staff Report. He asked the applicant to address those questions individually. He explained that Frogtown Road (KY 3052) is defined as a collector roadway by Section 3210 of the Boone County Zoning Regulations. The following regulations will need to be addressed by the Applicant if Preliminary Plat and Improvement Plan applications are submitted for review: Section 3122 of the Boone County Zoning Regulations indicates the rear yard setback requirement is 50' for principal structures and 20' for accessory structures when the rear yard adjoins a collector road. Which direction will the houses face? Section 3215 of the Boone County Zoning Regulations requires 185' of spacing between adjacent driveways on collector roads when the speed limit is 40 miles per hour or less. Will there be any individual driveways off Frogtown Road? Also, one item involves landscaping requirements along Frogtown Road. It refers to evergreen trees, berming, fencing, hedges, etc.. Lastly, the following projects are currently funded on Frogtown Road: Geometric reconstruction of Frogtown Road near Triple Crown Boulevard. Construction is planned in 2018. Construction of additional sidewalks on the north side of Frogtown Road between US 42 and War Admiral Drive will probably be constructed in the Spring of 2018.

Finally, Mr. Morgan stated that the request needs to be evaluated by the Boone County Planning Commission and Boone County Fiscal Court in terms of Article 3 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area. The Future Land Use Map will need to be amended if the request is approved.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with its presentation?

Mr. Ben Taylor, The Drees Company, referred to a PowerPoint presentation. The Concept Development Plan reflects multiple lot sizes and price points. The proposed development is like Hampshire Subdivision. There will be 80 foot wide lots along Whispering Trails. There will be 90 foot lots near Dublin Drive and the 65 foot lots will be located in the interior of the development. They are preserving an existing stream and creating 2 lakes, one of which is 2 acres in size, for storm water purposes. Twenty-two percent of the site will be open space. There will be a nice entrance monument and an extensive trail system with paved and natural surfaces. There will be a pavilion that will serve as a gathering space. There will not be a pool. All the common areas will be maintained by an HOA. All streets will be public with sidewalks and trees on both sides of the street. Turning lane improvements on Frogtown Road will be shared with the Diocese of Covington. Currently there is a portion of the site that drains toward Whispering Trails. They are going to change the grade of the site to redirect the storm water towards the interior of the site. The Drees Company is asking for a Waiver of the landscaping requirements on the north side of the site since it is a single family use next to another single family residential use. The lots along Whispering Trails Subdivision are deeper so houses will be further away from the residences in Whispering Trails Subdivision. Mr. Taylor showed illustrations of some of the housing types. All homes will have a masonry wrap, landscape packages and be part of an HOA. The houses price point will be between \$300,000 and \$500,000. Mr. Taylor showed examples of park and entrance

features. He showed an example of the outdoor gathering space, mailboxes, street lights and traffic signs. Mr. Taylor stated that no homes will have individual access to Frogtown Road. Access will be through the interior road system. All buffer yard requirements will be met for the houses proposed along Frogtown Road. They might be able to save some trees. The road to St. Timothy's School will be partially public and then private through an easement. He noted that the traffic study did not recommend a right turn deceleration lane on Frogtown Road. The traffic impact study did include the school traffic. Both uses were examined in the analysis. The cemetery will be delineated and preserved. It was next to an old church.

At this time Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Mr. Gary Bentle, 1592 Frogtown Road, stated that there were no photographs of his property shown even though the project adjoins his property. He asked if the proposed lots have to be 8,000 square foot minimum? If the ratio is current, it is not 4 dwelling units per acre rather it is 5 dwelling units per acre in the 65 foot wide lot area. Would the supplemental performance standards in Article 31 apply to the proposed project? Mr. Costello responded generally. Mr. Bentle raised a concern about sound levels. Mr. Costello stated that the sound level requirements in Article 31 refer to areas impacted by aviation noise in and around the airport area. Mr. Bentle expressed a concern about new residential abutting farmland. Diesel tractors will operate on the farm as close as 15 feet from the property line. There will be noise. Also, children from the neighborhood will ride four wheelers onto his property. The answer is to make the 65 foot lots larger in order to reduce the number of lots and to meet the 4 units per acre requirement. He also preferred to add more green space to the area that adjoins his farm. Keeping some of the existing trees will help out for noise and safety.

Mr. Steve McCarthy, 11756 Suncrest Drive, stated that he owns 5 acres located across from the proposed development. He stated that he proposed subdivision is beautiful. There is one problem. From 6:00 a.m. to 10:00 a.m. during the week, there is a tremendous amount of traffic from the Ryle School complex. He stated that he did his own traffic study. Between 7:00 a.m. and 10:00 a.m., school buses line up back to his property. It is difficult for him to see vehicles when he pulls out of his property. There will be at least 344 more cars coming from and to the proposed subdivision. With all the cars and buses, he might have to "pitch a tent" until he can get out of his driveway. Frogtown Road gets a lot of traffic from Triple Crown Boulevard and Steeplechase Drive. Mr. McCarthy stated that he wants to build a house on his property but can't because of the traffic in the morning and late afternoon. Traffic is already bad in the area without the development. If Frogtown Road is widened, who will replace his bridge? With the reconstruction of the I-75/Richwood Road Interchange, there will more traffic diverted to the Frogtown Road area.

Mr. Howard Russell, 1819 Whispering Trail Drive, submitted some photographs of flooded property (See Exhibit B). Two existing creeks converge onto his property. There is a 6 inch pipe located on his property. Every time there is new development, he gets flooded. His backyard is like a lake. It doesn't dry out until after several days. If Drees can stop the storm water, they have his blessing.

Mr. Warren Siebe, 1437 R.J. Lane, stated that his property backs up to this site. There is 10 inches of water from time to time. He distributed a drawing to the Board that shows parking on the sidewalk (See Exhibit C). Mr. Costello stated that the Planning Commission is fully aware of the

Whispering Trails storm water issue and the SD1 study and recommendations given to the City of Union. There is a concept and cost estimates to solve the problem. Also, Boonespring was required to redirect their storm water away from Whispering Trails.

Mr. Russell stated that he has lived on Whispering Trail since 1997 and no one has done anything about the flooding. He would like to see a buffer between both sites. If they want to install a pipe on his property, they are welcomed to do so. Mr. Costello responded that the storm water issue described by Mr. Russell falls back on SD1 and the parties involved in the Study. The Staff will investigate the status of the project and inform the Committee at their May 17th meeting.

Mr. Robert Brown, 1875 Whispering Trail, inquired about the buffer since he just moved into his house recently. Residents from the new subdivision will be able to look into his backyard. His second concern is the school system. He moved to the Union area because of the school system. Mr. Brown referred to one of the Housing objectives that evaluates the impact of development on school enrollment capacity. He stated that if the request is approved somehow he gets pushed out of the Ryle, Gray and Mann District. The schools are already crowded. Based upon what is recommended in the Boone County Comprehensive Plan and the Union Town Plan, what has changed to make this property more conducive to residential uses?

Mr. Brian Smith, 1795 Whispering Trail, said he bought his house over 22 years ago based upon a planned cemetery being behind him. He stated that because of a cemetery, he would never see a house in his backyard. If approved, he could look out his back door and then see at least 3 houses. With the additional housing, the buffer goes away. He disagreed that the existing zoning of the subject site is inappropriate. The applicant's lot size and layout is inappropriate because it doesn't match the existing zoning and neighboring properties. According to Bruce Ferguson, "every person who moves to Union wants to be the last person to move in." He has deer, turkey and wildlife living in his backyard.

At this time, Chairman Rolfsen asked if any Planning Commission Members had any comments or questions? Mr. Turner inquired on whether the applicant evaluated obtaining access through the St. Timothy's property to U.S. 42 and aligning the curb cut with Killarney Drive? Mr. Ben Taylor responded that all of the infrastructure is private and they would have to investigate whether they could route traffic through the parish property to U.S. 42. Mr. Turner stated that this issue was discussed at great length when the St. Timothy's School was evaluated.

Mr. Taylor replied that they assessed the relocation of the curb cut opposite of Killarney Drive. He stated there were some sight distance issues and the close location of the post office exit is another issue. The existing infrastructure and planned improvements will be helpful to address traffic on Frogtown Road. Mr. Taylor stated that the existing traffic counts from the Ryle complex, the church, the new school and the proposed development were factored in the Traffic Impact Study. He asserted that it was a B rated intersection today and don't see degradation with full build out.

Chairman Rolfsen asked about the storm water plan. How effective can it be to redirect the storm water away from Whispering Trail? Mr. Adrian Yanes, Viox & Viox, Inc. stated that currently 19.5 acres is draining towards Whispering Trail. After the project, it will only be 6.2 acres. Chairman

Rolfesen inquired about the post office. Mr. Costello stated that Staff can research the post office site. Mr. Patton asked about roof tops and house gutters? Mr. Yanes replied there will be a catch basin and a ditch system that will collect the storm water and take it to the large retention system. They will capture about 99% of it and redirect it.

Mr. Costello suggested that the applicant put together a drawing showing the existing road network from the St. Timothy's site to the proposed site. This would show the complete road network. Frogtown Road is a very busy road from 6:30 a.m. - 8:30 a.m.

Mr. Warren Siebe stated that where Dublin Drive ends is where the storm water problem is located.


Mr. Patton asked if the applicant would consider adding to the buffer since many of the residents living next door thought the site would be a cemetery versus a farm waiting for possible development in the future? Mr. Taylor responded yes they could look at it. It could have been a school or a senior facility. Mr. Verst noted that they were looking for some leniency on the buffer because they have to start some of the grading at the property line and raise the site to drain towards Frogtown Road. Mr. Patton inquired on whether additional landscaping could be installed if some had to be removed? Mrs. Heilman asked if the applicant could bring a more detailed drawing showing the grade change, buffer and existing trees along Whispering Trail?

Ms. Mary Ann Fischer, 1815 Whispering Trail, noted that she lived on her street for about 30 years. If the grade of the subject property is raised, will the new residents be looking down onto their property? There are a lot of ash trees in the area. These trees are dying. Mr. Verst responded that land will be raised to redirect the storm water away from the subdivision. He stated that he would bring a drawing to the Committee meeting to show what the residents will be looking at from their properties.

Mr. Schwenke expressed a concern about the existing condition of Frogtown Road and the proposed improvements are limited to 75 feet. That isn't very long. The buffer next to the farm is small in size and the farmer has been in the area for a long time. It needs to be more. It seems like the flow of traffic should be better between the 2 properties and accessing Frogtown Road.

Seeing no further questions or comments, Chairman Rolfesen 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 Rolfesen closed the Public Hearing at 10:55 P.M.

APPROVED:


Charlie Rolfsen
Chairman

Attest:


Kevin P. Costello, AICP
Executive Director

- Exhibit A - Revised Traffic Impact Study
- Exhibit B - Photographs - Mr. Howard Russell
- Exhibit C - Photograph & Drawing - Mr. Warren Siebe

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

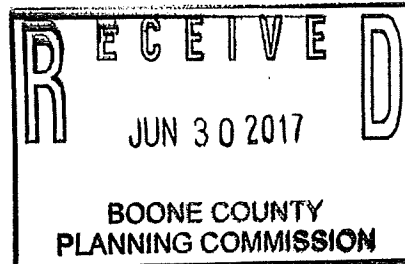
www.boonecountyky.org/pc
www.boonecountygis.com

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

June 29, 2017

The Drees Company
c/o -Mr. Mike Schoettelkotte
211 Grandview Drive
Ft. Mitchell, KY 41017



RE: Request of The Drees Company (owner by contract) for a Zoning Map Amendment from Rural Suburban Estates/Union Town Overlay (RSE/UTO) to Suburban Residential One (SR-1) for a 87.25 acre tract located on the north side of Frogtown Road between the properties at 10272 US 42 (St. Timothy Church) and 1664 Frogtown Road (U.S. Post Office), and across the road from the Frogtown Road/Galileo Boulevard intersection, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family residences.

Dear Mr. Schoettelkotte,

The following represents the conditions of approval for the above referenced Zoning Map Amendment, as agreed to by the applicant's team and Boone County Planning Commission's Zone Change Committee. Please sign the signature line on the last page of this letter if you agree to the listed conditions. Please return this original letter to the Boone County Planning Commission office by July 3, 2017.

CONDITIONS

1. The approval is based on the 6/21/17 Concept Development Plan, 6/21/17 cross sections, and 5/17/17 preliminary drainage area map (see attachments).
2. The final length of the eastbound left hand turn lane on Frogtown Road, at the proposed subdivision/school entrance, shall be determined by Kentucky Transportation Cabinet.
3. As recommended by the submitted Traffic Impact Study, a dedicated southbound left turn lane shall be provided at the Frogtown Road intersection.
4. Nine (9) lots in the subdivision have frontage on Frogtown Road. The houses on these lots shall be oriented as follows:

- A. The 3 lots closest to the subdivision entrance - The front facade shall face Frogtown Road.
 - B. The other 6 lots - The front facade shall face the new local street.
5. Private driveways shall not be permitted on Frogtown Road.
 6. Public sidewalks shall be required on both sides of all public streets.
 7. A sidewalk project is currently funded on the north side of Frogtown Road between US 42 and War Admiral Drive and construction is tentatively planned for the Spring of 2018.

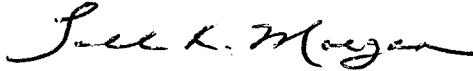
The applicant hereby agrees to install the sidewalks along the subdivision's Frogtown Road frontage in the event they start construction on the street frontage phase of the subdivision (9 lots with frontage on Frogtown Road) and the public sidewalk project is not complete. The construction start date will be the date the Improvement Plan for the street frontage phase of the subdivision is approved by Boone County Planning Commission Staff.

8. The applicant agrees to dedicate additional right-of-way along Frogtown Road if it's needed for the sidewalk project.
9. Section 3166 of the Boone County Zoning Regulations shall be followed regarding the preservation or relocation of the Old Bethel Baptist Church Cemetery. All documentation strategies, preservation, or relocation efforts shall be coordinated with the Boone County Historic Review Board and Staff.
10. The following perimeter landscaping shall be required along the northern, eastern, and Bentle property lines (see attachment):
 - A. Areas with 20' or more of preserved vegetation - No additional landscaping shall be required.
 - B. Areas with less than 20' of preserved vegetation - Any disturbed limits within 20' of the property lines shall be replanted with Buffer Yard B landscaping plantings or their equivalent.

The tree clearing limits and 20' setback lines shall be marked in the field before any site grading occurs. Planning Commission Staff will walk the subject property lines with the project engineer and determine areas where additional landscaping is required. A landscaping plan shall be required with each Improvement Plan that is submitted along the subject property lines.

Mr. Mike Schoettelkotte
June 29, 2017
Page 3

Sincerely,

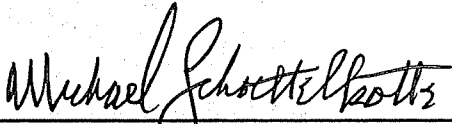


Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM\ss

AGREEMENT

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



6/29/2017

Mr. Mike Schoettelkotte for the Drees Company
Property Owner By Contract


Date



 JUN 21 2017

 BOONE COUNTY

 PLANNING COMMISSION



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 BOONE COUNTY, KENTUCKY

 CONCEPT PLAN

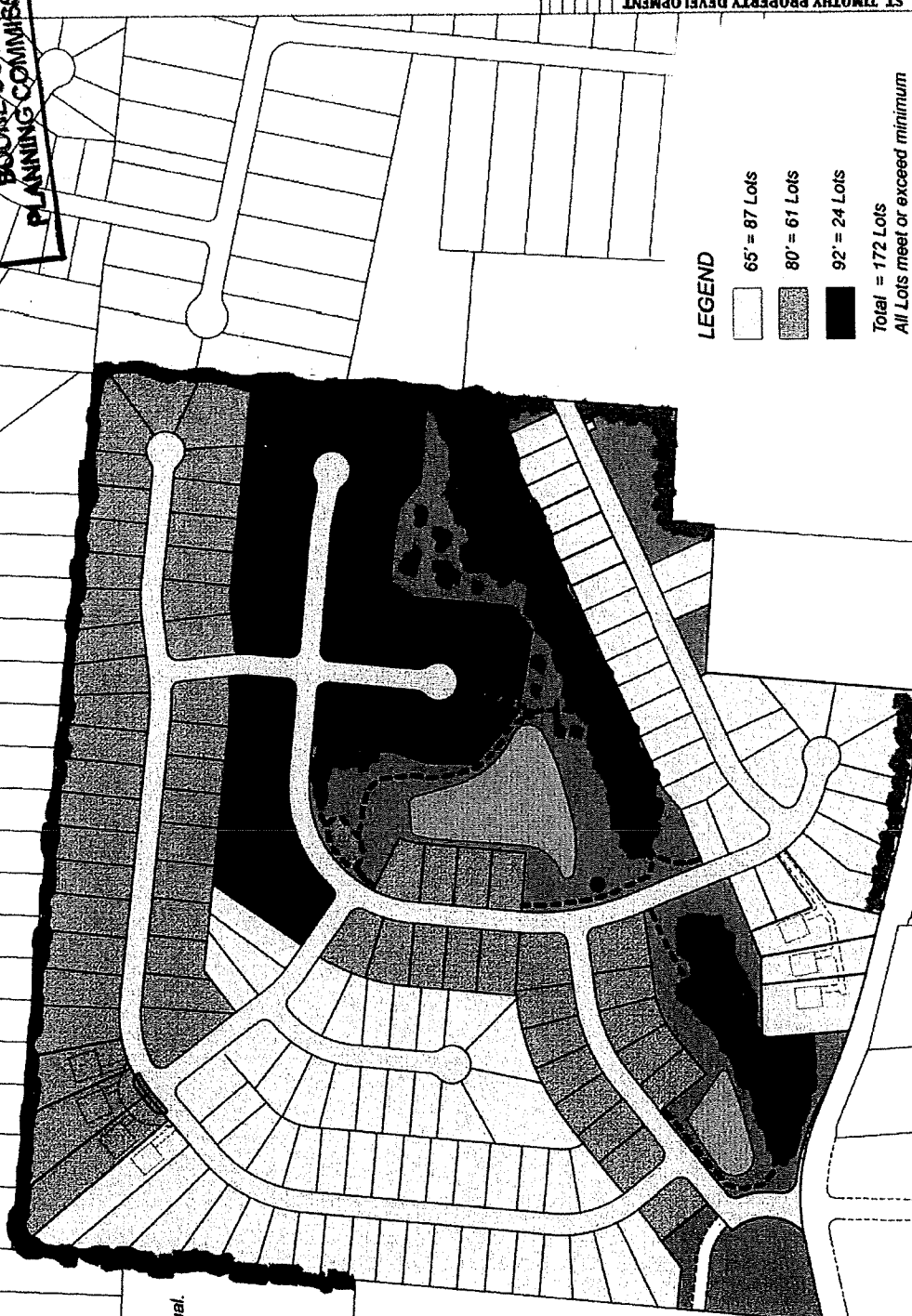
 ST. TIMOTHY PROPERTY DEVELOPMENT

PAGE 1 OF 1

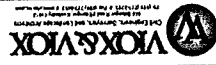
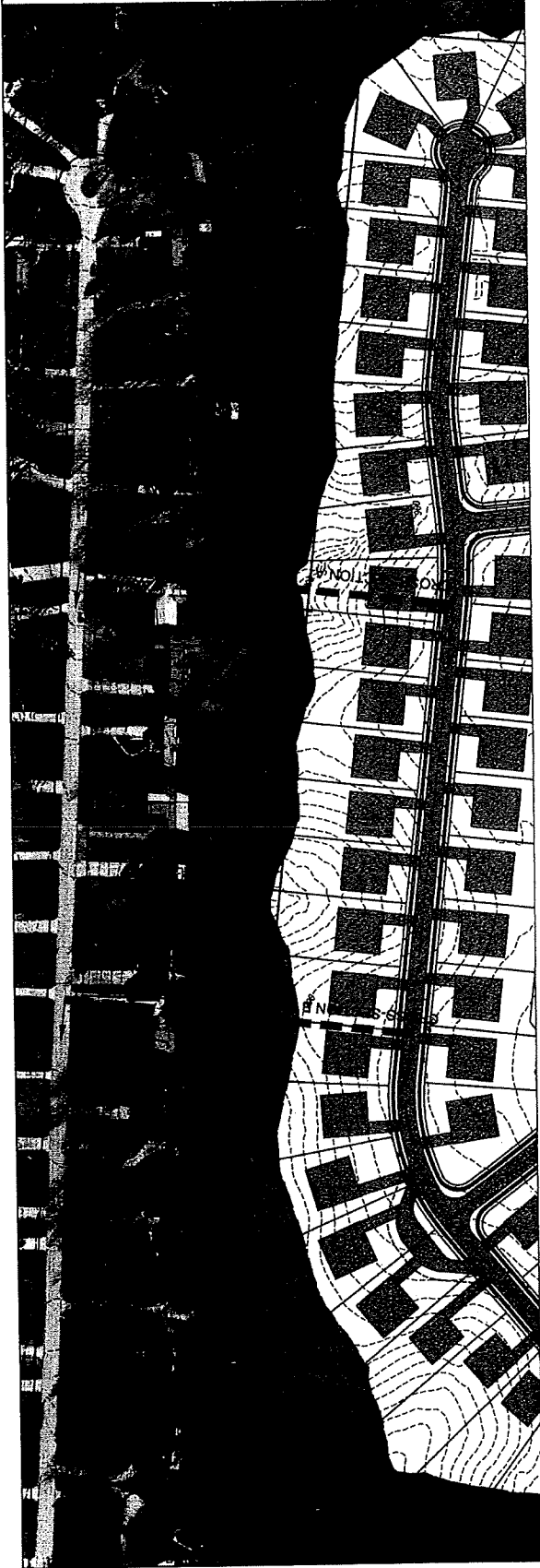
LEGEND

-  65' = 87 Lots
-  80' = 61 Lots
-  92' = 24 Lots

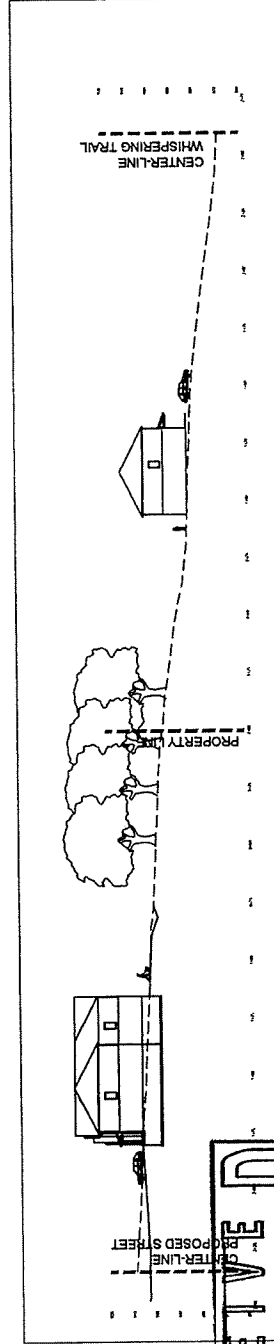
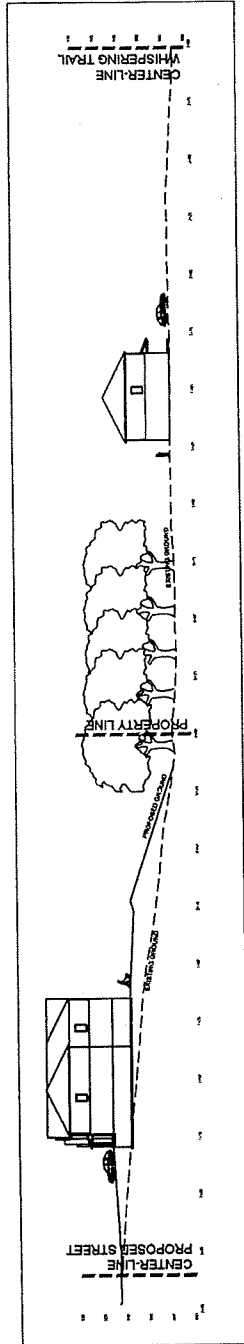
Total = 172 Lots
 All Lots meet or exceed minimum
 square footage for SR-1



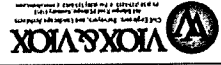
Note: Tree limits are conceptual.
 Tree limits to be determined
 upon final grading plan.



ONE COMPANY, SEVERAL OFFICES AND SERVICES
100 MARKET STREET, SUITE 1000, BOONE, KY 40309
PH: 606-338-1111 FAX: 606-338-1112

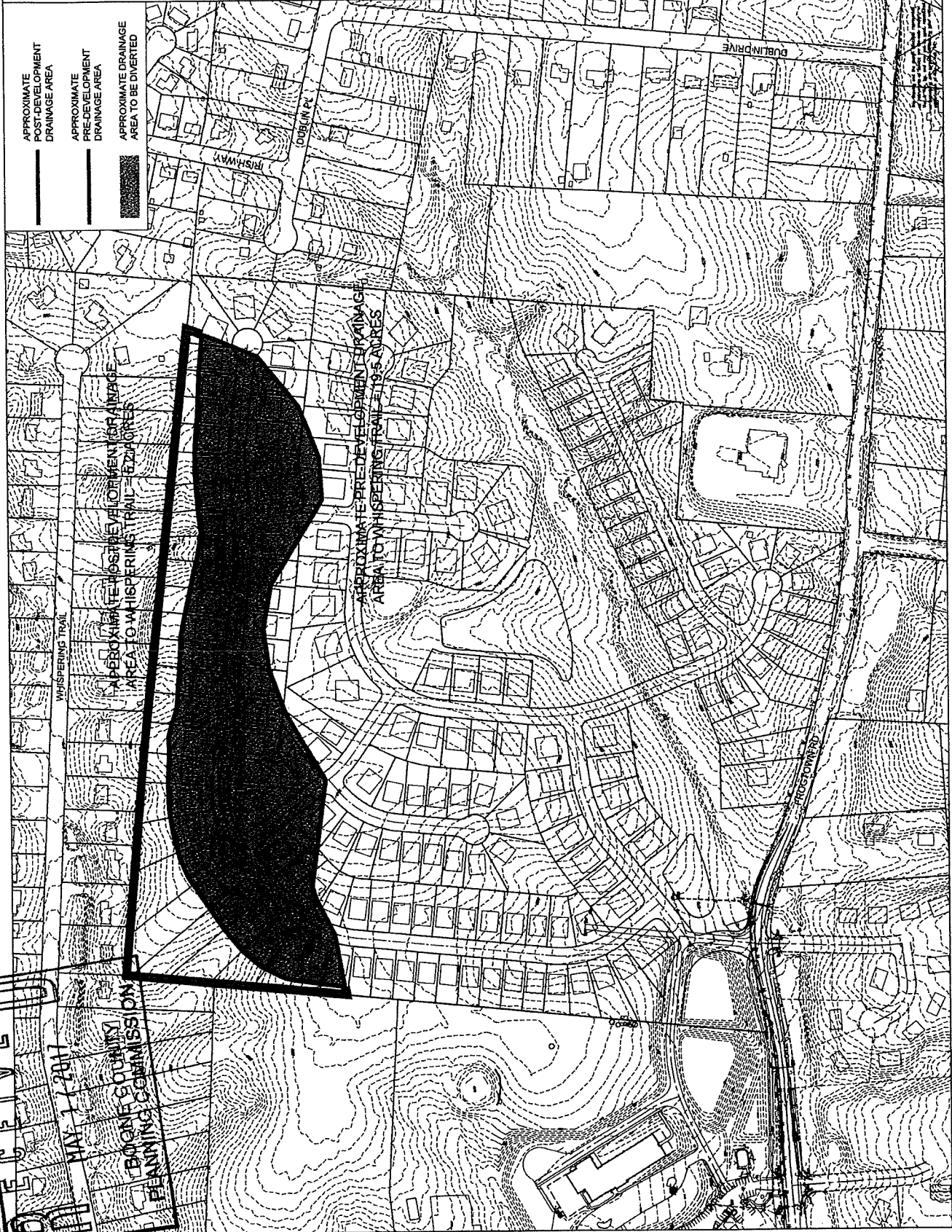


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ST. TIMOTHY PROPERTY DEVELOPMENT
 DRAINAGE AREA MAP
 BOONE COUNTY, KENTUCKY

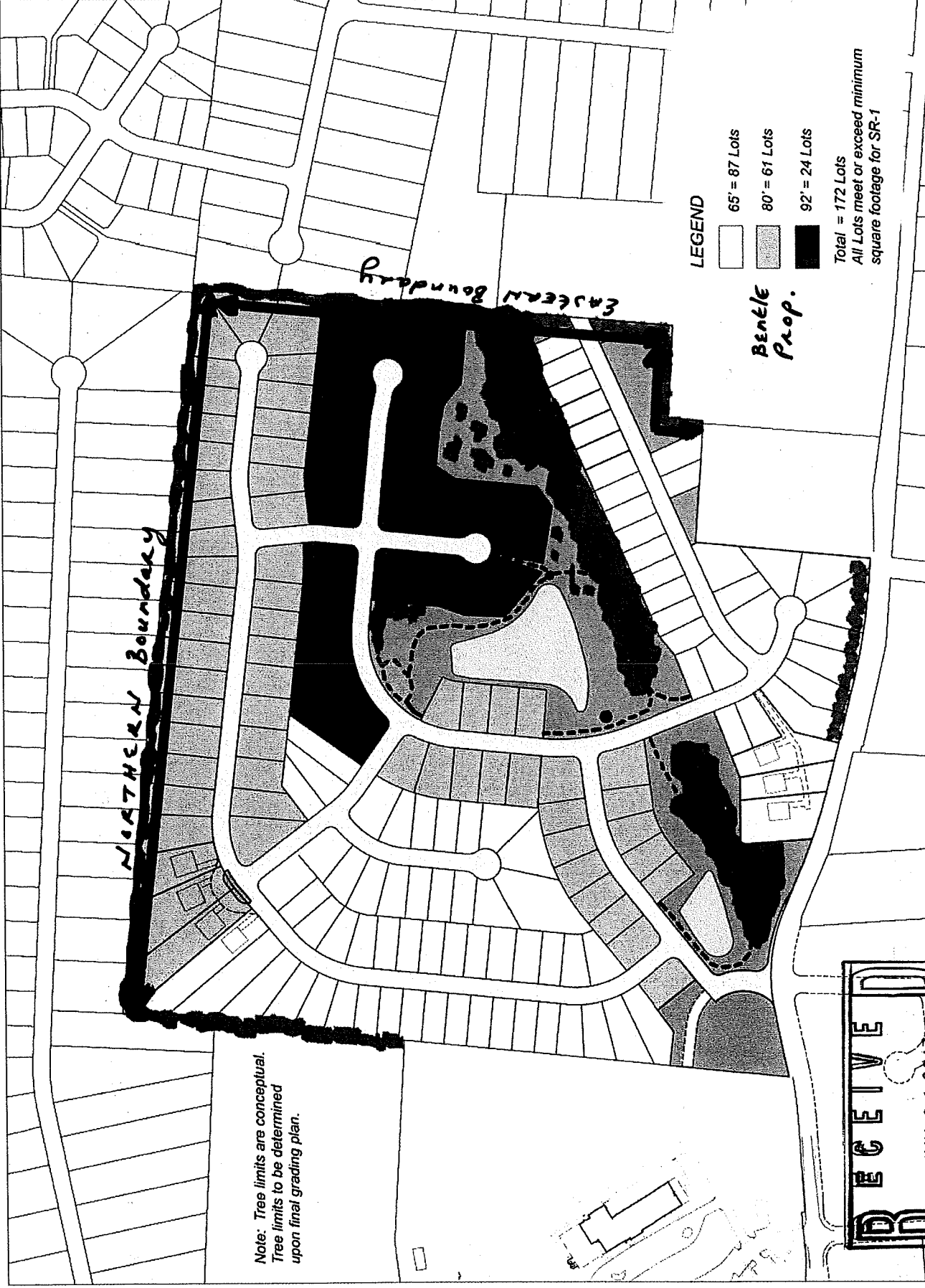
- APPROXIMATE POST-DEVELOPMENT DRAINAGE AREA
- APPROXIMATE PRE-DEVELOPMENT DRAINAGE AREA
- APPROXIMATE DRAINAGE AREA TO BE DIVERTED



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APPROXIMATE PRE-DEVELOPMENT DRAINAGE AREA TO WHISPERING TRAIL - 113.5 ACRES

APPROXIMATE POST-DEVELOPMENT DRAINAGE AREA TO WHISPERING TRAIL - 82.4 ACRES



LEGEND

- 65' = 87 Lots
- 80' = 61 Lots
- 92' = 24 Lots

Bentle Prop.

Total = 172 Lots
 All Lots meet or exceed minimum square footage for SR-1

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013

ORDINANCE NO. 2017 - 14

AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, A REQUEST OF THE DREES COMPANY (OWNER BY CONTRACT) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM RURAL SUBURBAN ESTATES/UNION TOWN OVERLAY (RSE/UTO) TO SUBURBAN RESIDENTIAL ONE (SR-1) FOR A 87.25 ACRE SITE GENERALLY LOCATED ON THE NORTH SIDE OF FROGTOWN ROAD BETWEEN THE PROPERTIES AT 10272 U.S. 42 (ST. TIMOTHY'S CHURCH) AND 1664 FROGTOWN ROAD (U.S. POST OFFICE), AND ACROSS THE ROAD FROM THE FROGTOWN ROAD/GALILEO BOULEVARD INTERSECTION, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Rural Suburban Estates/Union Town Overlay (RSE/UTO) to Suburban Residential One (SR-1) for a 87.25 acre site generally located on the north side of Frogtown Road between the properties at 10272 U.S. 42 (St. Timothy Church) and 1664 Frogtown Road (U.S. Post Office), and across the road from the Frogtown Road/Galileo Boulevard intersection, Boone County, Kentucky, which is more particularly described below; and,

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

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

Section One

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved, with conditions, this Zoning Map Amendment being a zone change from Rural Suburban Estates/Union Town Overlay (RSE/UTO) to Suburban Residential One (SR-1) for a 87.25 acre site generally located on the north side of Frogtown Road between the properties at 10272 U.S. 42 (St. Timothy Church) and 1664 Frogtown Road (U.S. Post Office), and across the road from the Frogtown Road/Galileo Boulevard intersection, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Rural Suburban Estates/Union Town overlay (RSE/UTO) zone is more particularly described in DEED BOOK 152, PAGE NO. 294 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

Section Two

That as a basis for this approval for a Zoning Map Amendment request are the findings of fact, and conditions, of the Boone County Planning Commission as set forth in its minutes and official records for this request 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."

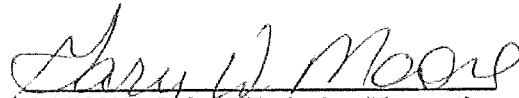
Section Three

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


Adopted this 19th day of September, 2017

First Reading - the 22nd day of August, 2017

Second Reading - the 19th day of September, 2017 Yes 4 No 0


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

Attest:


Sharon Burcham,
Fiscal Court Clerk

APPROVED
 Date: 5/17/17
 Planning Commission



VIOLA & VIOX
 CIVIL ENGINEERS, ARCHITECTS AND LANDSCAPE ARCHITECTS
 100 SOUTH PARKWAY, SUITE 100, BOONE COUNTY, KY 40306
 PHONE: 502-261-1111 FAX: 502-261-1112
ST. TIMOTHY PROPERTY DEVELOPMENT
CONCEPT PLAN
 BOONE COUNTY, KENTUCKY

PAGE 1 OF 1



LEGEND

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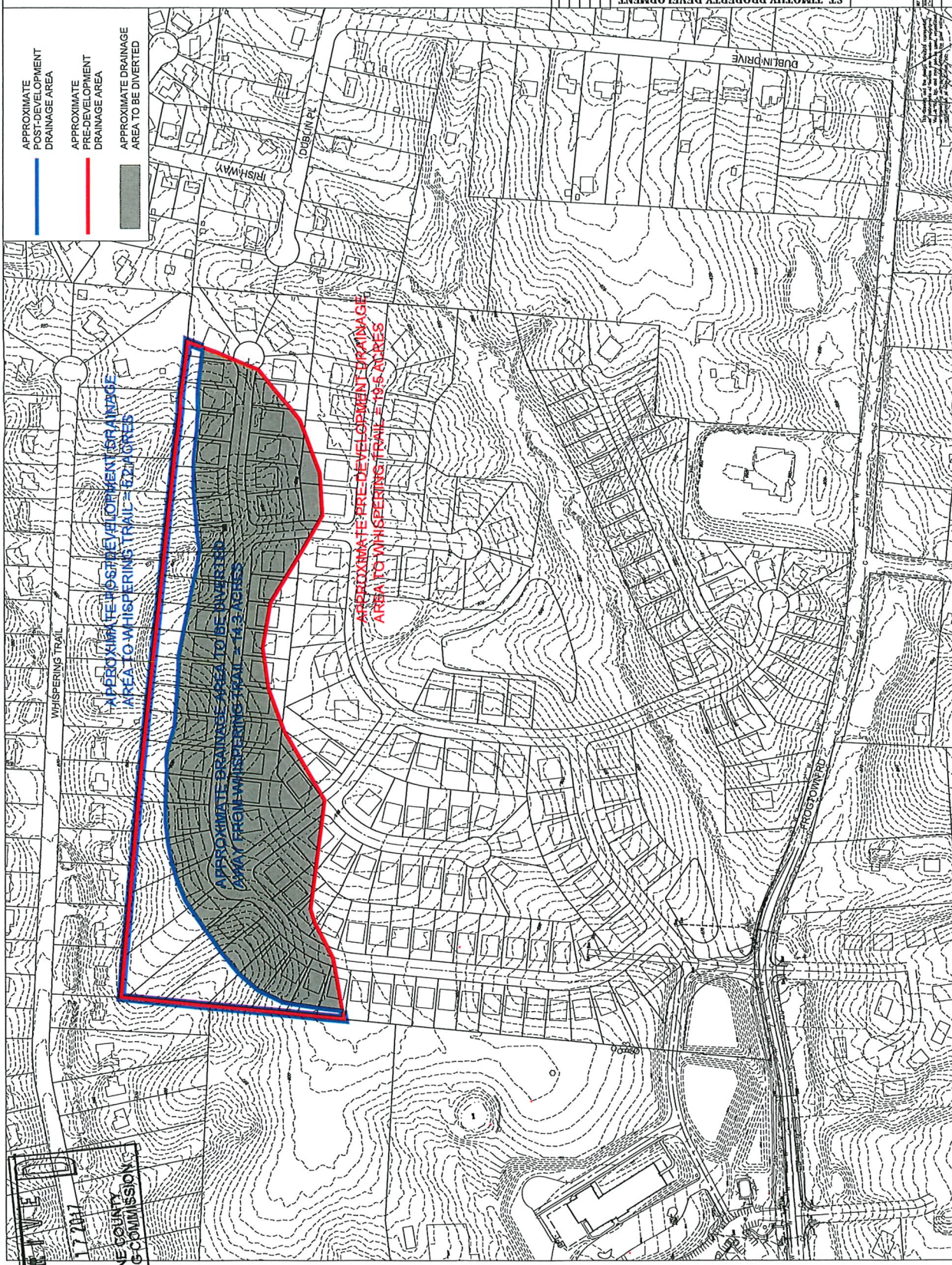
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BOONE COUNTY, KENTUCKY

ST. TIMOTHY PROPERTY DEVELOPMENT

- APPROXIMATE POST-DEVELOPMENT DRAINAGE AREA
- APPROXIMATE PRE-DEVELOPMENT DRAINAGE AREA
- APPROXIMATE DRAINAGE AREA TO BE DIVERTED





 MAY 17 2017

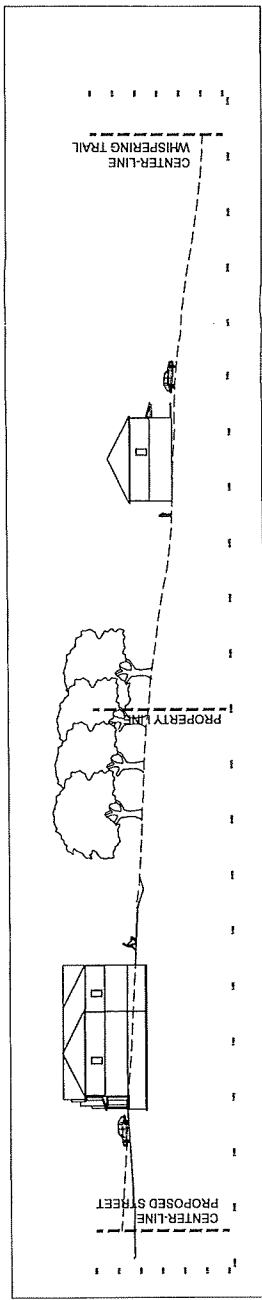
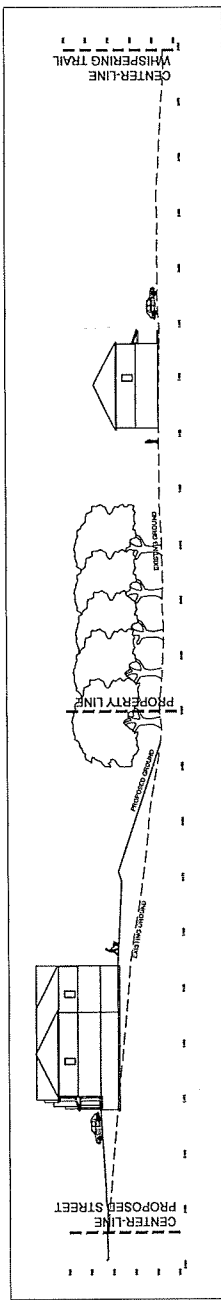
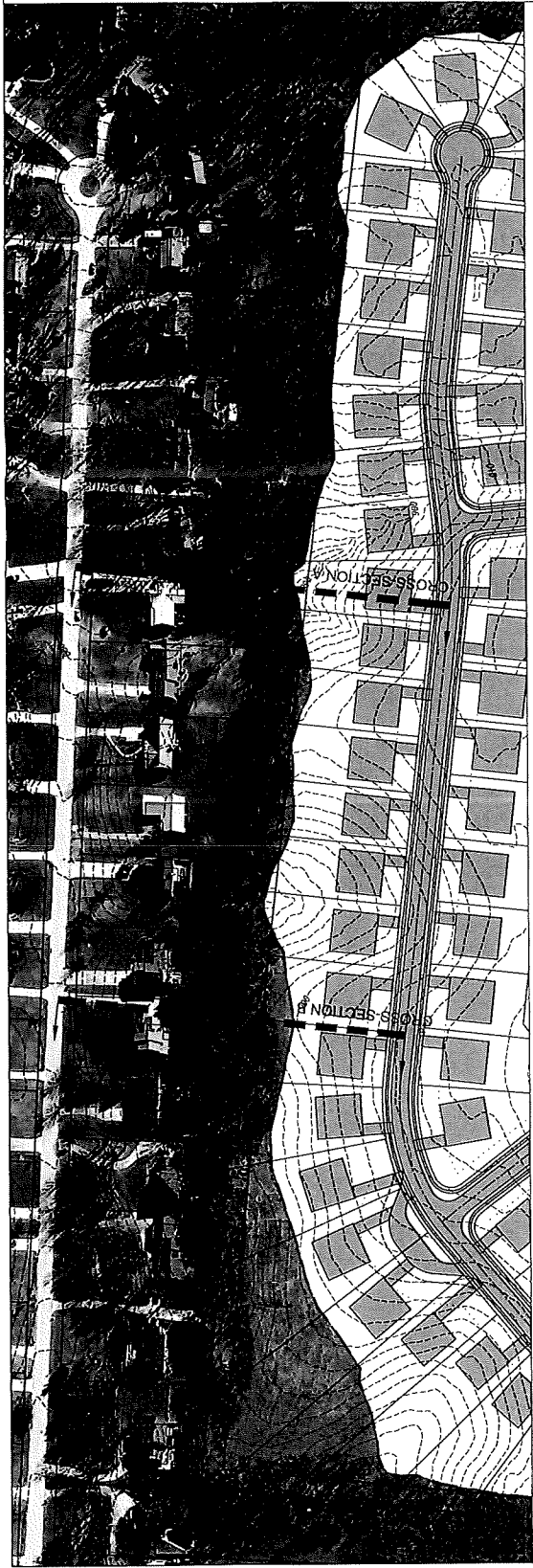
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upon final grading plan.





ST. TIMOTHY PROPERTY DEVELOPMENT
 BOONE COUNTY, KENTUCKY



DATE: 06/01/2017
 TIME: 10:00 AM
 PROJECT: ST. TIMOTHY PROPERTY DEVELOPMENT
 SHEET: 1 OF 1

The sheets and the survey, drawings, specifications, and all other documents referred to herein are hereby accepted and approved by the Boone County Planning Commission on this date.

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