

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

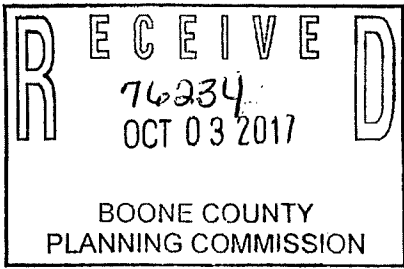
FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project Rivers Pointe Estates
2. Location of Project 1892 Stahl Road, Overall project KY 237, North of Stahl Road
3. Total Acreage of Site 2.2 Acres (Map Amendment area) Overall project 334 Acres + 2.2 Acres = 336.2 Acres
4. Current Zoning of Site A-2 and RSE for 2.2 Acre (Map Amendment area) Overall project SR-3/C-1/PD/CD
5. Proposed Zoning (Classification being requested) SR-3/C-1/PD/CD
6. Proposed Uses (please specify each use) Residential within the 2.2 acre parcel
7. Names of Applicant(s) Jay Bayer, Bayer Becker Inc.
8. Address of Applicant(s) 209 Grandview Drive Ft. Mitchell KY 41017
9. Name of Property Owner(s) Toebben, Ltd.
10. Address of Property Owner(s) 541 Buttermilk Pike, Suite 104 Crescent Springs KY 41017
11. Proposed Building Intensities (please specify) Original PD 23,500 SF if commercial and/or office 864 Maximum Residential Units on the 336.2 Acres
12. Are there any existing buildings on the site? Yes
13. Deed Book 1017 Page No. 334 Group No. 2002
14. Are you also applying for: No Conditional Use Permit Yes, in PD Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

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



# EXHIBIT

“A”

## STAFF REPORT

Request of **Jay Bayer, Bayer Becker Inc. (applicant)** for **Toebben, Ltd. (owner)** for a Zoning Map Amendment from Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Suburban Residential Three/Commercial One/Planned Development (SR-3/C-1/PD) for an approximate 2.2 acre lot located at 1892 Stahl Road, Boone County, Kentucky. The request is for a zone change to allow an expansion of a residential phase in the previously approved Rivers Pointe Estates development (no increase in number of dwelling units for the overall Rivers Pointe Estates development).

November 1, 2017

### PROPOSAL

This request is for a zone change from A-2 to SR-3/C-1/PD for a 2.2 acre lot at 1892 Stahl Road in Boone County. This site is proposed to be an addition to the Rivers Pointe Estates development that received a conditional zone change approval from A-1, A-2, and RSE to SR-3/C-1/O-1/PD in 2010 (9/1/10 Committee Report and Ordinance 10-13 are attached). The 2010 Concept Development Plan was for a 334 acre site that has frontage on North Bend Road and Stahl Road near the North Bend Road intersection, and extends to the north and east, and runs along the bluff overlooking the Ohio River. The plan for the initial 334 acres includes up to 23,000 square feet of commercial space near the North Bend Road frontage and a variety of residential uses (864 units maximum).

The subject site is proposed to be an addition to "Area II" on the 2010 Concept Development Plan and would increase the overall land area in the development to 336.2 acres. Area II as currently approved contains approximately 10.5 acres and would increase to approximately 12.7 acres if the pending application is approved. The maximum number of dwelling units in the overall development is proposed to remain at 864 units. The uses for Area II, both already approved and currently proposed, include "single family rear access" units, "townhomes street access/including landominiums," "townhomes rear access," and "multi-family buildings." The phase could include just one of these buildings types or some combination of them. Aside from an additional row of buildings and an additional service drive/street in the 2.2 acre zone change area, the conceptual layout of Area II is the same on both the proposed plan and the 2010 plan.

The application proposes to follow the stipulations in the 2010 Concept Development Plan booklet and the previous conditions of approval, including the architectural and landscaping commitments (pertinent excerpts were provided in the current application materials and are attached). Additional landscape details for buffering along the perimeter of the zone change area are shown on Exhibit F. The development is proposed to use public water and sanitary sewer services.

### ADJACENT LAND USES AND ZONING

The land uses and zoning adjoining the subject site include the following:

- A. Detached single family residences on frontage lots are located to the south on the opposite side of Stahl Road (RSE).
- B. Detached single family residences on frontage lots and multi-acre lots are located to the east along the north side of Stahl Road (A-2 and RSE).
- C. Two detached single family residences on acreage lots are located to the immediate north (A-2).
- D. The approved Rivers Pointe Estates site is located further to the north and northeast, and to the immediate west along the north side of Stahl Road (SR-3/C-1/O-1/PD). The Rivers Pointe Estates site currently contains a combination of woods, pasture, and one detached single family residence. A vacant site containing approximately 1.7 acres is located on the northeast corner of the North Bend Road/Stahl Road intersection (RSE).

### SITE CHARACTERISTICS

The subject site contains approximately 2.2 acres and has 136 feet of frontage on Stahl Road. With the exception of a garage building and a gravel driveway near the front of the lot, the site is an open pasture with a few trees at the north end (rear) of the site. The topography is relatively level overall and slightly more rolling at the north end. The high point of the site is the plateau around the garage and driveway at the south end of the site (el 822), and low point is at the northwest corner (el 806). Soil types include Jessup silt loam (JeD) and Rossmoyne silt loam (RsB). A public water main and a sanitary sewer force main exist in the adjoining Stahl Road right-of-way.

### RELATIONSHIP TO COMPREHENSIVE PLAN

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

Rural Density Residential (RD) for approximately 54 percent of the site. The RD area is along the Stahl Road frontage and is approximately 400 feet deep. This designation is described as "low density residential uses of up to one dwelling unit per acre."

Suburban Residential (SR) for the remaining approximately 46 percent of the tract. This designation is described as "single family housing of up to four units per acre."

This classification does not preclude low density or estate residential developed as a formal subdivision.”

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

- A. With planned public sanitary sewer improvements in the Sand Run Creek and Elijah Creek watersheds, including sewer lift stations, there will continue to be considerable growth pressures. Development should be clustered on the ridge top areas because of the limited capacity of the existing roadway network, the Developmentally Sensitive areas, and the importance of the stream valleys as greenbelts. Lower density development, such as Rural Density Residential, should provide a transition into the Developmentally Sensitive areas.

With the provision of adequate infrastructure, some Suburban Density Residential development and small amounts of attached housing may extend onto the ridge top areas. Development would need to retain the bluff line vegetation in order to minimize the visual and environmental impacts of residential development. Planned Development or clustered housing should be used to insure proper development of this area, due to environmental and site characteristics.

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

In general, Suburban Residential development should be concentrated on land nearest to KY 237, as indicated on the Future Land Use Map. Unlike most developing areas of Boone County, the north river area contains only one primary means of access, being North Bend Road.

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

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

be considered to blend new subdivisions in with areas that have a rural character ("Utilization of Existing Vegetation and Topography," pp. 161 and 162).

- B. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as open space within developments and between developments. Developments proposed adjacent to planned or established open spaces should provide pedestrian access where appropriate. Natural green space benefits the community as well as encourages developers to create innovative development designs through clustering of buildings and impermeable area. Typically, buffering is required and provided between unlike land uses; however, as the development of Boone County fills in previously rural areas, different lot sizes and designs of residential development sometimes impact each other. Where an appropriate gradation of lot size and setbacks cannot be designed into a proposed residential subdivision development of a significantly higher density than existing adjacent residential uses, deliberate vegetation buffering may need to be incorporated into the design to help protect low density residential areas. Buffer areas should use and supplement existing site features where possible. ("Buffering," pp. 162 and 163).
- C. Developments in Boone County must include landscaping to accompany the proposed project. Retention of existing healthy vegetation is considered a component of landscaping and is encouraged. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways.

Developments along major roadways in Boone County must include landscaping between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses ("Landscaping," pg. 163).

- D. Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to

compete for motorist attention.

Neo-traditional residential and commercial development should be encouraged to provide quality development that blends with the natural or historic character of parts of Boone County ("Design, Signs, and Historic Preservation," pg. 164).

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

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

- A. A variety of housing opportunities within the established urban areas and within developing areas would encourage some of the higher income residents to reside there and thus encourage mixing of different income levels. Therefore, single-family housing should remain an ingredient of the urban areas instead of being targeted only for rural or suburban areas. Large, left-over parcels in urban service areas are well suited for planned residential development that includes high density housing. However, established single-family housing areas in urban settings should not experience an influx of multi-family or duplex construction unless adequate buffering or proper development design can be provided ("Population Needs," pg. 79).
- B. Large lot areas, including Union, will see multi-family construction, although this higher density development should occur close to highway arterials and urban services and be sensitively developed in terms of building height, setbacks, mass, and visual impact. Throughout Boone County, high density developments should be close to thoroughfares to achieve a gradation of building site dimensions and land uses outlined in the Future Land Use Plan.

Multi-family housing developments should have convenient access to commercial districts or should provide their own supporting commercial uses. The developments should be designed to offer the shortest trips to the most people. High density residential developments help to hold down the cost of individual units due to many variables including lower land cost per unit, lower land development cost and building unit costs per unit. Clustering of the dwelling units allows this by requiring less site work and utility construction. Better design can correlate with more density, and walkable, multi-modal communities. This also provides a supply of affordable housing for county residents ("Housing Types," pp. 79 and 80).

- C. It is important to offer a variety of housing units, not only in terms of economics, but also because of the county's demographics. As stated previously, the youthful population, divorcees, and elderly often select a multi-family unit or manufactured

home to satisfy their housing needs. In the case of the young, this housing provides their first independent housing unit. In order for Boone County to retain its youth, the county must provide both jobs and housing, otherwise, an out-migration of the young and educated population will occur. Divorcees often select multi-family housing immediately following a separation. Elderly select these units for reasons usually related to economics and the need for a secure environment near their daily needs. The variety of multi-family housing includes nursing homes, retirement housing, apartments, townhouses, and condominiums all ranging greatly in price per unit. These types of units are increasing in demand outside of the established urban areas. As the county's population ages and land values rise, the need for higher density residential and planned unit developments will likely increase ("Housing Types," pg. 80).

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

Housing development density has become an issue of concern to many existing residents in established, large lot subdivisions in suburban Boone County. Many of these areas developed during the 1960's to the 1980's when land prices were relatively low, few utilities were present, the surrounding land was agricultural, and urban/suburban development had not yet extended out to these areas. Many of these older subdivisions contain two-acre lots or larger. By contrast, most new subdivisions in Boone County are developing at around three units per acre and sponsor sewer construction if sanitary sewer is not currently available to the site. The issue arises when these new higher density subdivisions are proposed near established low density areas and centers mainly around development impacts on infrastructure and the residential character of the area ("Housing Densities," pg. 81).

- E. North Bend Road has been upgraded to better serve development in that corridor, including the continuation of Thornwilde and the new Rivers Pointe Estates. The flat North Bend Bottom area and other river bottoms should be reserved primarily for their present agriculture, or for appropriate residential, recreational, or employment uses that further enhance the riverfront resource without placing development in

flood prone areas. Hillside development guidelines should be followed in this area to properly locate structures and avoid complete clearing of natural vegetation along the tops of hillsides so that development does not overwhelm the public view. The Williams Road area should be evaluated in the Land Use Element for future residential growth, if infrastructure can be provided ("North River/I-275 Corridor Area," pp. 83 and 84).

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

- A. Proper planning is achieved through accepted land use management tools and coordination with public infrastructure ("Overall," Goal).
- B. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged within appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- C. Proper design principles shall be applied in development ("Overall," Objective 3).
- D. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be monitored, maintained, and improved as needed ("Overall," Objective 4).
- E. Boone County shall strive to achieve both a diversity and balance in land use. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of the general public in a fair and impartial manner ("Overall," Objective 6).
- F. The needs of Boone County's population are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- G. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, and encourage preservation of the existing character of the land. Development design should minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ("Environment," Objective 2).
- H. Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment," Objective 9).
- I. A broad range of housing opportunities shall be provided which meet the needs and desires for all household types ("Housing," Objective 1).
- J. 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).
- K. 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).
  - L. New or redeveloped residential areas shall be designed to establish clearly defined neighborhoods with a mix of retail, public, and recreational uses. Established neighborhoods shall be protected and enhanced, and deteriorated neighborhoods shall be regenerated ("Housing," Objective 9).
  - M. Mixed use, higher density neighborhoods shall be encouraged near existing or proposed mass transit areas, commercial districts, and public facilities (i.e. parks) and also have convenient access to major streets and highways ("Housing," Objective 10).
  - N. 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).
  - O. Traditional and innovative design as well as mixed use options shall be encouraged throughout Boone County in order to accommodate market demands ("Housing," Objective 14).
  - P. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops ("Transportation," 2<sup>nd</sup> Goal, Objective 3).

## STAFF COMMENTS

### 1. COMPREHENSIVE PLAN AND STATUTORY FINDINGS

The 2010 Boone County Comprehensive Plan's Future Land Use Map designates approximately 54 percent of the site as Rural Density Residential (RD) and approximately 46 percent of the site as Suburban Residential (SR). The RD designation is described as "low density residential uses of up to one dwelling unit per acre," and the SR designation is described as "single family housing of up to four units per acre. This classification does not preclude low density or estate residential

developed as a formal subdivision.”

The applicable Land Use Element text (“17. North Hebron,” pg. 180) does not discuss this specific site, but it does discuss the overall area. It states “with the provision of adequate infrastructure, some Suburban Density Residential development and small amounts of attached housing may extend onto the ridge top areas.” It also notes that “with planned public sanitary sewer improvements in the Sand Run Creek and Elijah Creek watersheds, including sewer lift stations, there will continue to be considerable growth pressures,” and that “unlike most developing areas of Boone County, the north river area contains only one primary means of access, being North Bend Road.”

The Land Use Element’s “North Hebron” text is also concerned with development form in this area. It states “Planned Development or clustered housing should be used to insure proper development of this area, due to environmental and site characteristics,” and that “conventional layout subdivisions should be discouraged because of their inefficient circulation systems and excessive site grading requirements.”

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

- A. Large, left-over parcels in urban service areas are well suited for planned residential development that includes high density housing. However, established single-family housing areas in urban settings should not experience an influx of multi-family or duplex construction unless adequate buffering or proper development design can be provided (“Population Needs,” pg. 79).
- B. Throughout Boone County, high density developments should be close to thoroughfares to achieve a gradation of building site dimensions and land uses outlined in the Future Land Use Plan (“Housing Types,” pp. 79 and 80).
- C. Multi-family housing developments should have convenient access to commercial districts or should provide their own supporting commercial uses. The developments should be designed to offer the shortest trips to the most people. High density residential developments help to hold down the cost of individual units due to many variables including lower land cost per unit, lower land development cost and building unit costs per unit. Clustering of the dwelling units allows this by requiring less site work and utility construction.

Better design can correlate with more density, and walkable, multi-modal communities. This also provides a supply of affordable housing for county residents ("Housing Types," pp. 79 and 80).

- D. As the county's population ages and land values rise, the need for higher density residential and planned unit developments will likely increase ("Housing Types," pg. 80)
- E. High density residential areas should be located sufficiently near and with convenient access to major streets, highways, and shopping and public facilities. A progression of densities of residential uses from high (multi-family) to low (single family) shall be encouraged. Where traditional progressions of high to low net density are not possible through creative development design, an appropriate and attractive visual transition should be achieved. This could include existing vegetation or new landscaping and/or fencing. Existing vegetation (such as wooded fence rows) should be retained as much as possible to provide buffer strips and stormwater filters. This serves a dual purpose in that woodland is becoming relatively scarce in the eastern uplands of the county, and these areas buffer different land uses. Housing that is proposed on smaller, remnant tracts needs to be carefully designed ("Housing Densities," pg. 81).

Several of these statements are reinforced by the Comprehensive Plan's Goals and Objectives which are outlined in the body of this report, such as the recommendation to provide a broad range of housing opportunities. Proper buffering and the retention of existing vegetation are also mentioned in the Future Land Use Development Guidelines, Housing Element, and Goals and Objectives. Appropriate transitional uses or progression of densities are discussed by the Housing Element ("Housing Densities," pg. 81) and the Future Land Use Development Guidelines ("Buffering," pp. 162 and 163).

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

For informational purposes, the original 334 acre Rivers Pointe Estates site is zoned SR-3/C-1/O-1/PD, and SR-3/C-1/PD (no O-1 component) was requested for the 2.2 acre site on Stahl Road. This difference does not materially affect the zone change now under consideration.

## 2. PD OVERLAY ZONE CRITERIA

Concept Development Plan proposals in the PD overlay zone are to be assessed against the requirements set forth in Section 1514 "Planned Development Criteria" of the Boone County Zoning Regulations. The Concept Development Plan that was conditionally approved in 2010 for the initial 334 acre Rivers Pointe Estates site was determined by the governing bodies to meet the requirements in Section 1514 with the agreed conditions outlined in the 9/1/10 Committee Report and Ordinance 10-13 (attached).

The basic change to the 2010 plan as it relates to the 2.2 acre tract is to enlarge the overall site eastward by approximately 136 feet as measured along the Stahl Road right-of-way. Due to the increase in land area, additional dwelling units could be placed in Area II itself, but the application materials commit to limiting the maximum number of dwelling units in the entire 336.2 acre development to 864 per the 2010 approval.

Finding of Fact #2 in the 9/1/10 Committee Report states "the Committee has concluded that the Concept Development Plan including the "Rivers Pointe Estates Zoning Application" booklet dated May 28, 2010, coupled with the agreed conditions, fulfill the applicable requirements of Article 15 'Planned Development District' of the Boone County Zoning Regulations, including Section 1514 'Planned Development Criteria.' Compliance with Section 1514 is discussed in the Staff Report for this request, and the property owner has agreed to the conditions listed below which address these comments."

Several of the conditions from the 9/1/10 Committee Report either apply, or potentially apply, to the current 2.2 acre zone change. All of these conditions pertain to the issues addressed in Section 1514 and/or land use impacts in general. These include:

*Condition #8 - Perimeter landscape/buffer yard areas: Applies.*

*Condition #10 - Project-specific street sections: Applies.*

*Condition #13 - Design related issues (buildings, landscape, signage, site design, etc): Applies.*

*Condition #14 - Developer will not build more than an average of 50 units per year: Applies.*

*Condition #15 - Comprehensive storm water management approach: Applies.*

*Condition #18 - On-street parking:* Potentially applies.

*Condition #19 - Porous pavement:* Potentially applies.

*Condition #20 - Garbage dumpsters:* Potentially applies.

If the governing bodies conclude that the zone change should be approved from a basic land use and statutory criteria standpoint, Staff recommends that the 2010 conditions of approval be formally applied/confirmed to the 2.2 acre site as well.

Landscaping around the perimeter of Area II is a specific issue in context of the conditions. Exhibit F in the application materials shows a specific plan for the perimeter landscaping. Since the zone change proposal for this phase is still conceptual at this point, the previous condition #8 potentially allows for some flexibility depending on the final plan. This condition requires that the development follow the standard landscape requirements in Article 36 of the zoning regulations, but it allows the Zoning Administrator to permit alternate approaches, such as the schematic in Exhibit F, in response to a specific project design.

The Fiscal Court added a condition (#22) which requires the developer to coordinate/arrange for the installation of a traffic signal at the overall development's main intersection on North Bend Road when it is warranted (attached at the conclusion of Ordinance 10-13). This condition still applies to the overall development.

### 3. OUTSIDE AGENCY COMMENTS

- A. Lt. Andrew Ifcic with the Hebron Fire Protection District has stated that the District has no comments on the proposal (10/11/17 e-mail is attached).
- B. Greg Haggard, Project Coordinator for SD1, has commented that "this development will require extensive coordination between the development and SD1. Coordination has occurred over the years and is in progress now to ensure adequate sewer system and capacity is provided" (10/23/17 e-mail is attached).
- C. Carol Callan-Ramler with the Kentucky Transportation Cabinet, District 6, has commented that the District has no issues with the proposed zone change (10/24/17 e-mail is attached).
- D. Staff has requested comments on the proposal from the Boone County Public Works Department, Boone County Schools, and Boone County Water District. Such comments have not been received as of this writing. Any written

comments received from these agencies will be forwarded to the Zone Change Committee for review.

### CONCLUSION

The Boone County Planning Commission and the Boone County Fiscal Court need to evaluate this request in terms of the requirements of Article 3 "Amendment" of the Boone County Zoning Regulations, Article 15 "Planned Development District" of the zoning regulations, the 2010 Boone County Comprehensive Plan, and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will need to be amended to reflect attached/multi-family residential uses on this tract if the application is approved.

Respectfully submitted,



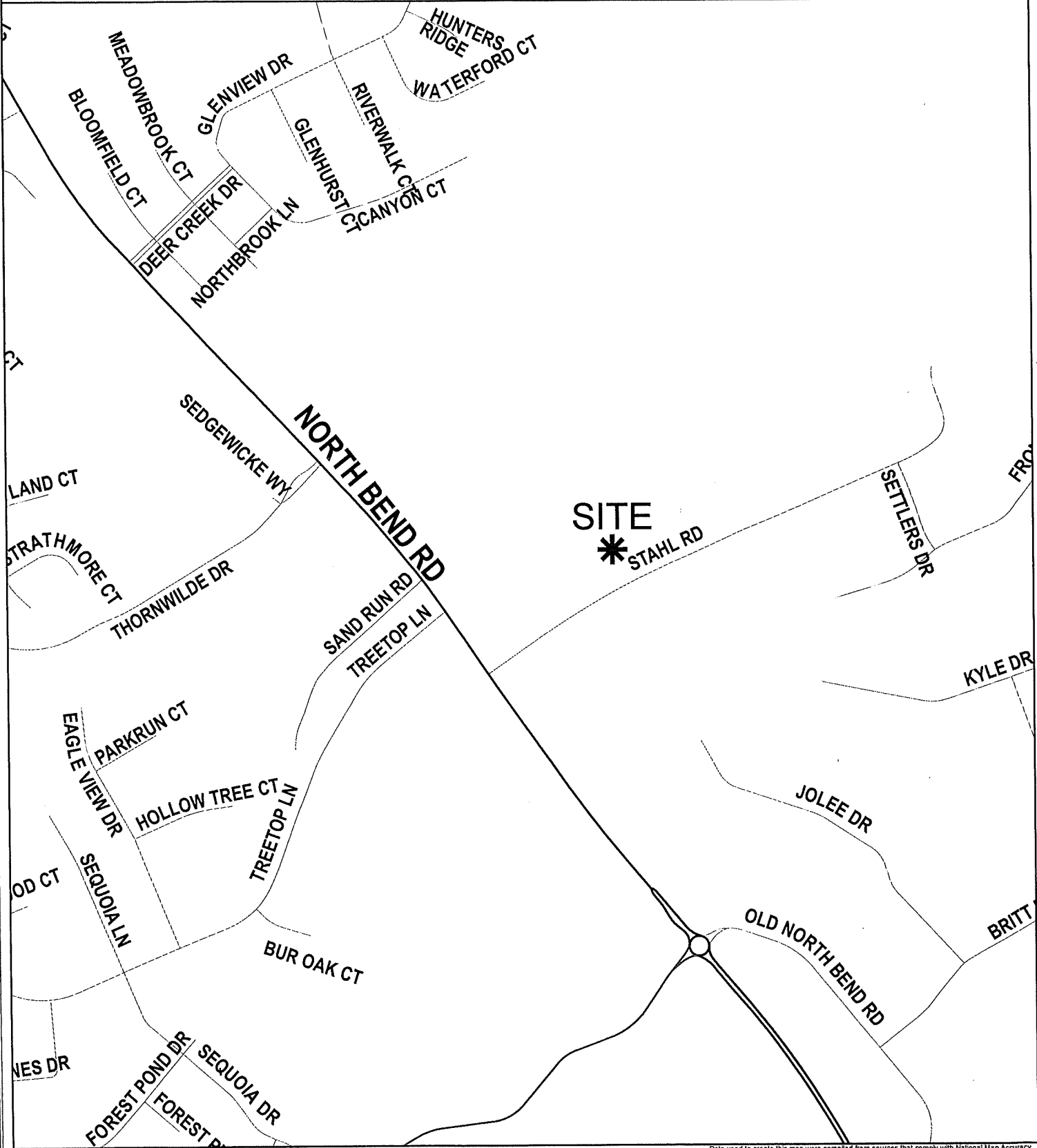
Kevin T. Wall, AICP  
Director, Zoning Services

#### Attachments:

- Location - 1892 Stahl Road map
- Air Photo map
- Zoning map
- 2035 Future Land Use map
- Topography map
- 9/1/10 Committee Report and Ordinance 10-13 for original Rivers Pointe Estates approval
- 10/11/17 e-mail from Lt. Andrew Ifcic, Hebron Fire Protection District
- 10/23/17 e-mail from Greg Haggard, Project Coordinator, SD1
- 10/24/17 e-mail from Carol Callan-Ramler, KYTC, District 6
- Application materials including concept development plan
- written public comment received to date

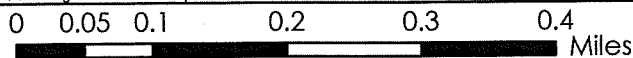
# Location - 1892 Stahl Road

www.boonecountygis.com



Copyright 2017 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 754 feet

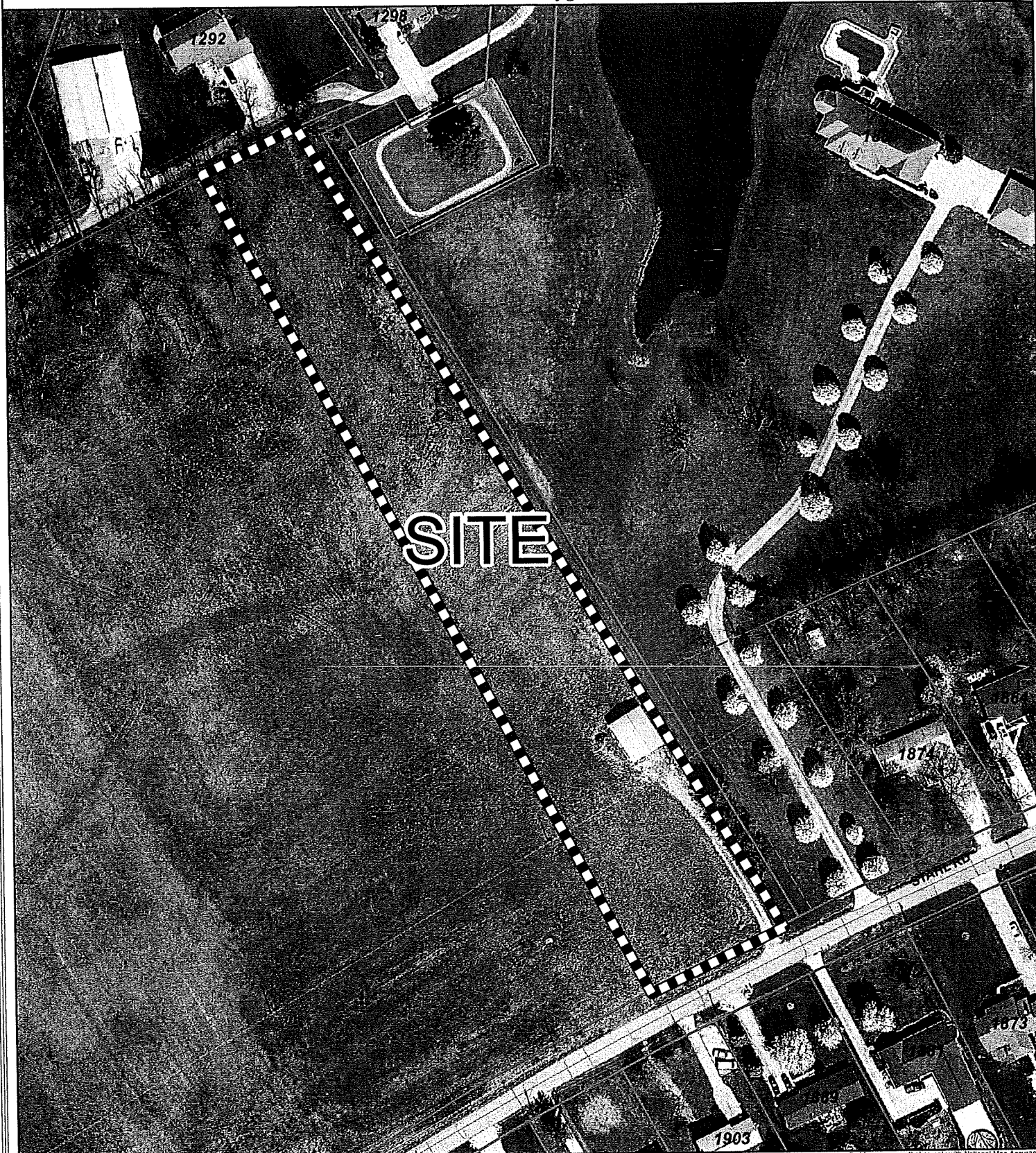


**Boone County GIS - Putting Northern Kentucky on the Map**



# Air Photo

www.boonecountygis.com



Copyright 2017 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.

0 0.01 0.02 0.04 0.06 0.08 Miles

1 inch = 120 feet



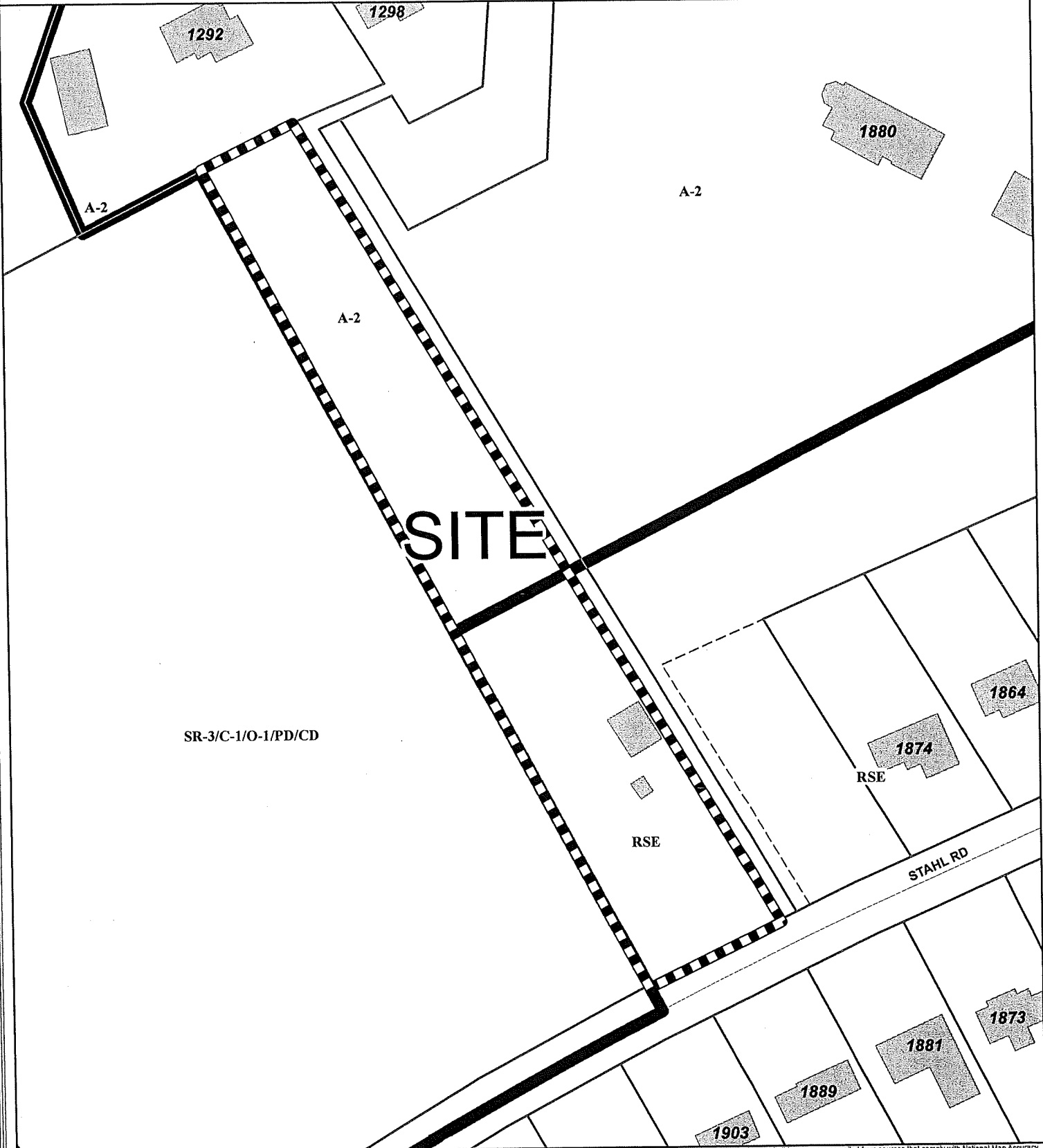
**Boone County GIS - Putting Northern Kentucky on the Map**



Map Created: xx/xx/2017  
ArcMap Document: BooneCounty.mxd

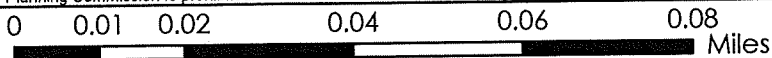
# Zoning

www.boonecountygis.com



Copyright 2017 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 120 feet

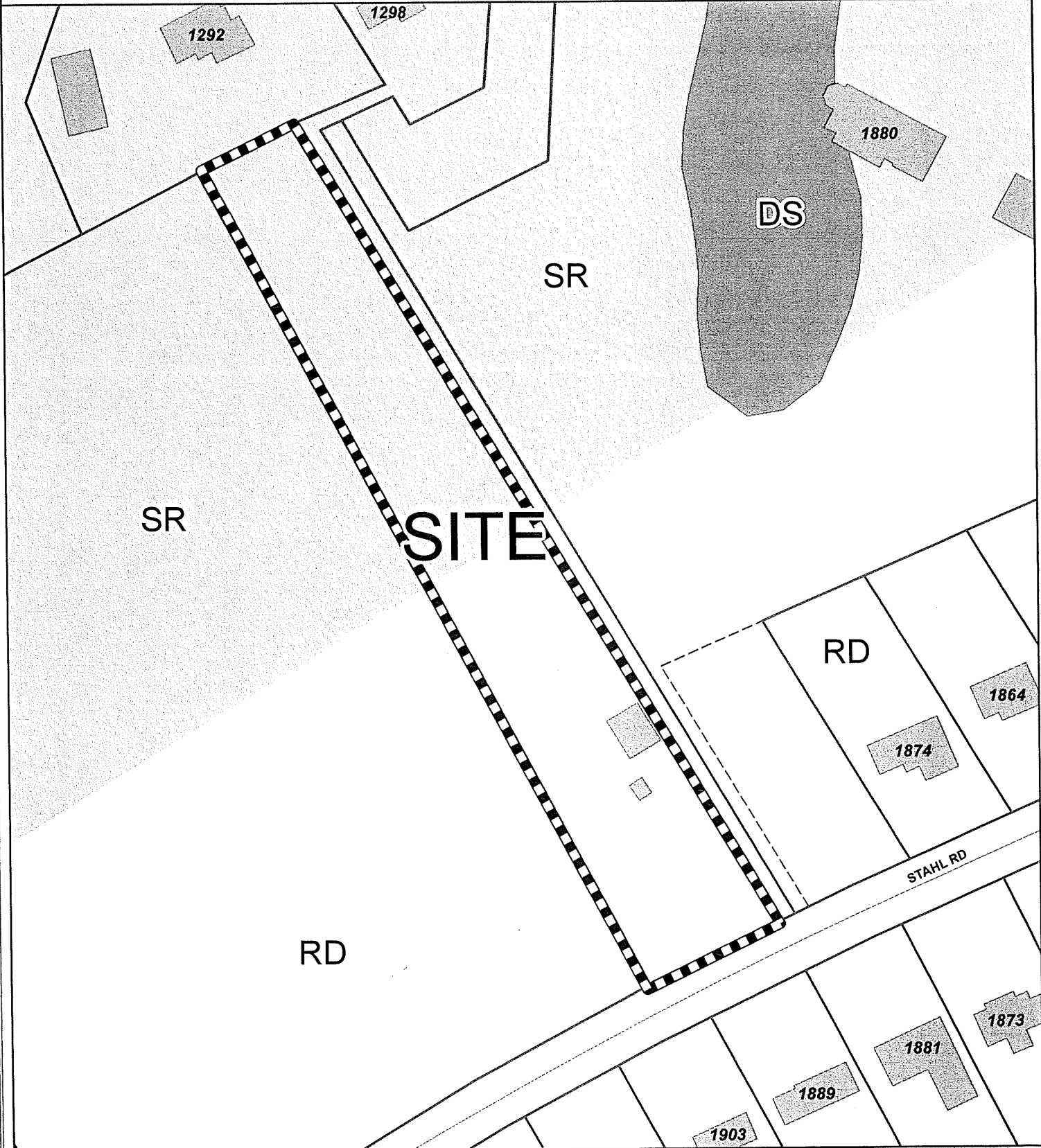


**Boone County GIS - Putting Northern Kentucky on the Map**



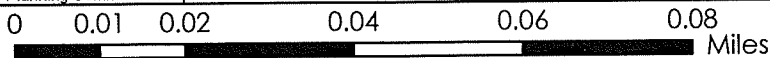
# 2J35 Future Land Use

www.boonecountygis.com



Copyright 2017 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 120 feet

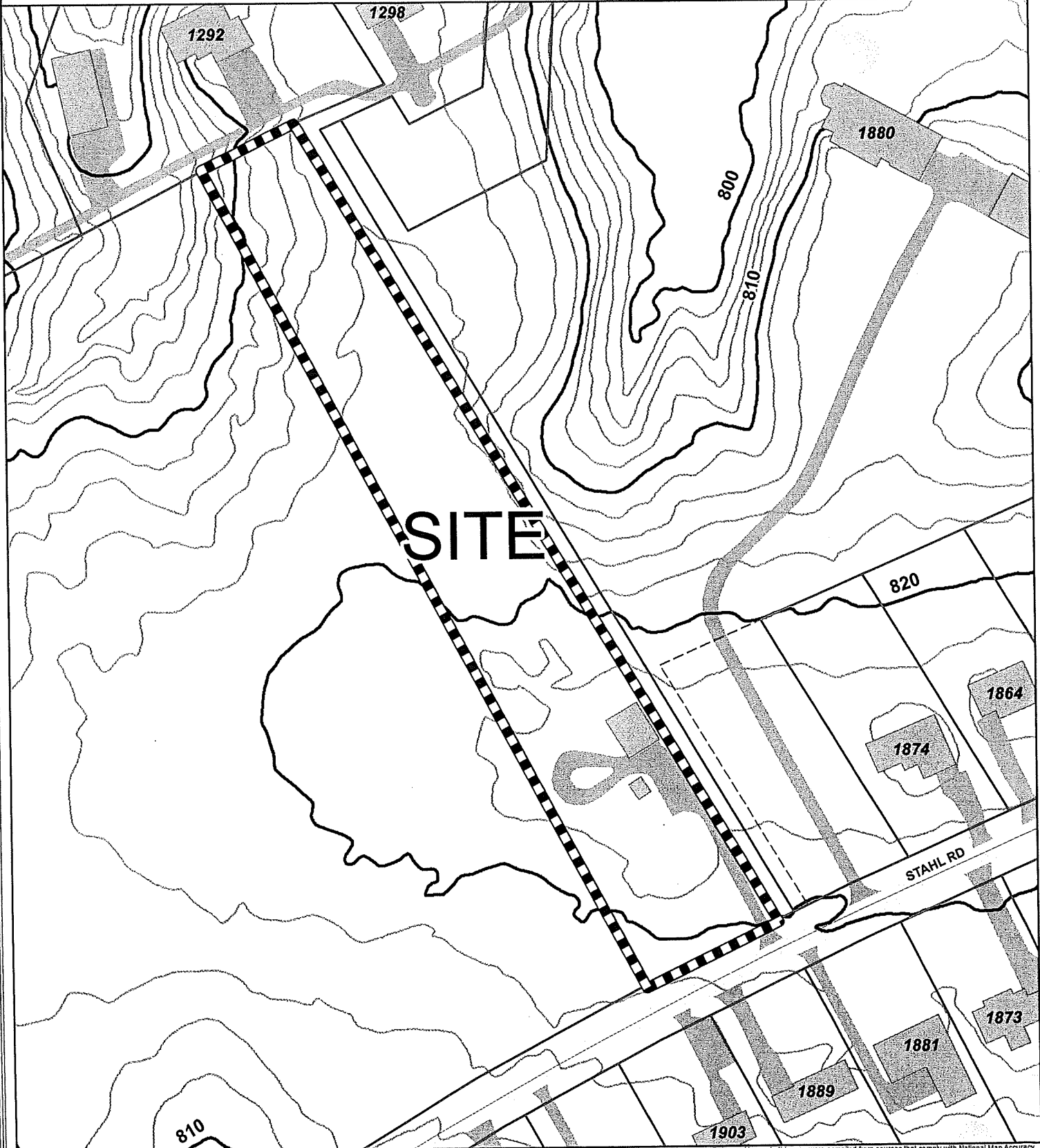


**Boone County GIS - Putting Northern Kentucky on the Map**



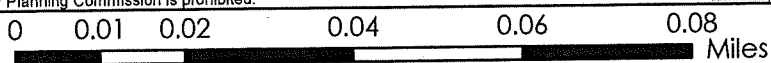
# Topography

www.boonecountygis.com



Copyright 2017 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch = 120 feet



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



Map Created: xhx/2017

ArcMap Document: BooneCounty.mxd

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

#1

**ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT**

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: September 1, 2010

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

REMARKS:

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

FINDINGS OF FACT

1. The Committee has concluded that the proposed Zoning Map Amendment is in agreement with the Comprehensive Plan due to the following reasons.
  - A. The Comprehensive Plan's Future Land Use Map designates the site for Rural Density Residential (approximately 2% of the site), Suburban Residential (approximately 26%), High Suburban Density Residential (approximately 6%), and Developmentally Sensitive uses (approximately 66%). The Developmentally Sensitive designation does not prohibit development, nor does it outline specific contemplated land uses or densities. Rather, the description of this designation includes the phrase any development on land identified as Developmentally Sensitive must be

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

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

Additionally, the overall residential density of the site is approximately 2.59 dwelling units per acre for the overall tract (approximately 2.65 units per acre when setting aside the village center, assuming that it did not contain any dwellings). This density figure is comparable to typical subdivisions of detached single family residences in the SR-1 zone. As a point of reference, the Goals and Objectives ("Housing," Objective 5) state "in order to offer the citizens of Boone County maximum choice in living environment, residential developments shall be judged primarily on the impact on infrastructure, buffering, and development design with only secondary consideration given to the type of dwelling units."

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

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

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

- C. The Land Use Element ("North Hebron Area," pg. 156) states "additional development activity in this corridor should not occur until the North Bend Road reconstruction is complete, and major developments must provide their own access to North Bend Road as opposed to accessing local streets like Stahl Road." As noted above, the North Bend Road reconstruction is complete. The proposal includes a primary, divided boulevard entrance on North Bend Road, a secondary access on Stahl Road near the intersection with North Bend Road, and an emergency access at the end of Stahl Road per the agreed conditions.
- D. The Housing Element ("Housing Types," pg. 75) states "multi-family housing developments should have convenient access to commercial districts or should provide their own supporting commercial uses." In accordance with this provision, a modest commercial/office phase is planned at the North Bend Road entrance to the development. This phase would have a maximum of 23,500 square feet within multiple buildings, and is designed to appear as a small village center which visually correlates to the residential uses in the proposed development and the adjoining areas. This phase would have a scale and uses similar to the commercial phase that has already been approved along Thornwilde Subdivision's North Bend Road frontage in the immediately vicinity. Based on its self contained "village" arrangement, this phase would not facilitate commercial strip style development on other tracts in the vicinity.

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

- E. The Committee has concluded that the proposal, with the agreed conditions, is in agreement with the applicable Future Land Use Development Guidelines as described in the Comprehensive Plan, and the Goals and Objectives. The Land Use Element's "Future Land Use Development Guidelines" include several provisions that pertain to this proposal which are quoted in the Staff Report. These include landscaping and buffering, signage, architectural design, minimizing disturbance and retaining existing vegetation, access management and impacts on roadways, and storm water management. These basic tenets are also discussed in the Goals and Objectives.
2. The Committee has concluded that the Concept Development Plan including the "Rivers Pointe Estates Zoning Application" booklet dated May 28, 2010, coupled with the agreed conditions, fulfill the applicable requirements of Article 15 "Planned Development District" of the Boone County Zoning Regulations, including Section 1514 "Planned Development Criteria." Compliance with Section 1514 is discussed in the Staff Report for this request, and the property owner has agreed to the conditions listed below which address these comments.
3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2005 Boone County Comprehensive Plan and Article 15 "Planned Development District" of the Boone County Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

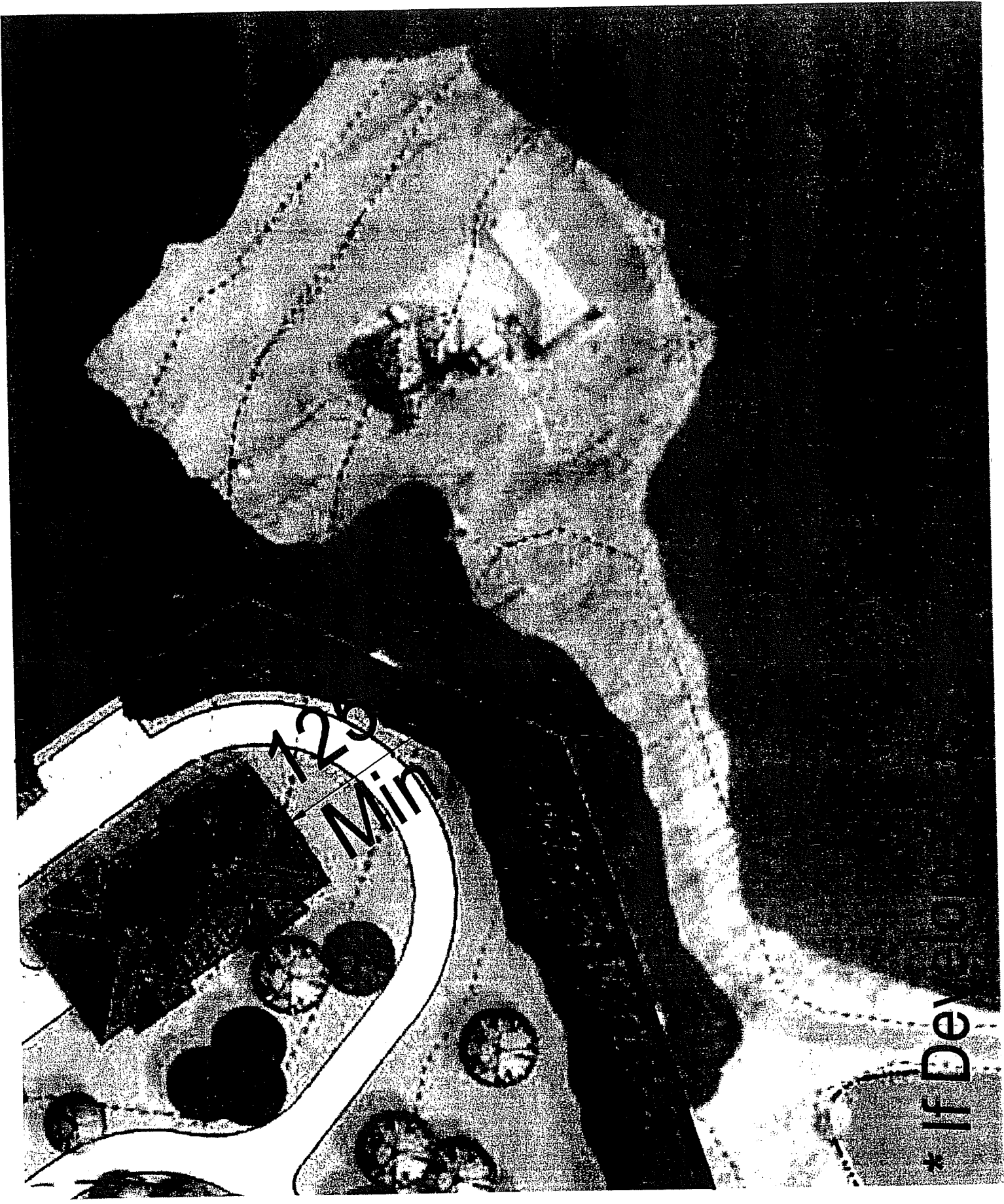
1. The buildings in Areas VII and VIII shall be setback at least 50 feet from the adjoining Flick property, however, the buildings in the 5 story multi-family option for Area VIII shall be setback at least 125 feet as shown on the attached plan exhibit. The normal buffer yard planting and width requirements per Article 36 of the Boone County Zoning Regulations shall be followed along this boundary (line 14 on the Landscape Buffer Plan on page 56 of the Concept Development Plan booklet), in addition to retaining the existing vegetation.
2. Areas VII and VIII shall have a combined maximum total of 150 dwelling units.
3. The four potential multi-family buildings in Area VIII shall be the only structures in the overall development that will be permitted a maximum building height of five (5) stories. The height for the remainder of the buildings and other potential building types in Area VIII shall follow the Concept Development Plan booklet.
4. If the multi-family option is selected for Area VIII, construction shall not begin on these structures until 2020.
5. Parking in front of the village center buildings in Area XIX shall be limited to one tier (one two-way driveway that is double loaded with parking spaces) that is surfaced with pavers or a comparable appearing stamped concrete product.
6. If commercial and/or office uses are built in the village center, the maximum amount of commercial/office floor area permitted is 23,500 square feet. Any single commercial/office building shall be limited to a 10,000 square foot maximum footprint. Regardless of the specific use(s) opted (commercial, office, or residential per the Concept Development Plan booklet), the village center shall include at least three (3) separate buildings.
7. Any outside storage or display in the village center shall either: A) follow the Temporary Commercial Display (TCD) requirements in Article 35 of the zoning regulations, which include the requirement to obtain a TCD or Seasonal TCD Permit; or, B) shall follow the applicable requirements of Section 3154 "Outside Storage, Display, and Loading Areas" of the zoning regulations.
8. Buffer yards/perimeter landscape areas around the boundary of the overall development shall use the requirements of Article 36 of the zoning regulations as the benchmark for width and planting standards. Alternate approaches, such as those proposed in pages 56 through 67 of the Concept Development Plan booklet,

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

9. The vehicular connection at the dead end of Stahl Road shall be an emergency access only utilizing grass pavers. This emergency access shall be gated with a locked gate that can be opened by emergency personnel. This emergency access shall be constructed by the developer within a dedicated right-of-way so that the Fiscal Court can construct a public street connection at a later time if desired. Any proposal by the developer to construct a full access street connection in this alignment in the future must be reviewed and approved through the formal Change in Concept Development Plan process.
10. The street sections proposed in the Concept Development Plan booklet are accepted in principle, however, the developer shall work with the County on the specific design and location of these modified sections through the plan review process.
11. Sidewalks shall be provided on both sides of the street between the end of the 8' multi-use path at the overlook park/entrance to Area IX and Area XI.
12. Community amenities in the overall development shall minimally include the village green, overlook park, multi-use path between the village center and the overlook park, and a pool facility.
13. The design related aspects of the development, including architectural design for the townhouses, multi-family buildings, and village center buildings, building orientation in the village center, signage, landscaping, site design details, and related matters, shall generally follow the text, photos, and graphic exhibits in the Concept Development Plan booklet. Compliance with this condition shall be determined by the Zoning Administrator, who shall review individual proposals in the development for consistency with the thematic and qualitative commitments and representations in the Concept Development Plan booklet.
14. Developer agrees that it will not build more than an average of 50 units per year regardless of type, calculated from the date of the submittal of the first preliminary plat.

15. Storm water management for the project shall be viewed in a comprehensive manner. As the Improvement Plans for each section are submitted to the Planning Commission for approval, the combined effect of peak flows shall be studied and limited to existing or approved flows for the entire development.
16. The existing tree cover shown in dark green on the Regulating Plan (page 43 of the Concept Development Plan booklet) shall generally be retained. It is understood that this plan sheet is a general concept that has not been engineered, and that disturbance in these areas may occur to match grades, construct infrastructure, community amenities, and the like.
17. The southern wind turbine shown in Area VIII on the Regulating Plan shall be relocated to the overlook park by the entrance to Area IX. As represented by the applicant, the proposed wind turbines are approximately 60 feet in height.
18. On-street parking within the public right of way and/or on private streets to be credited towards the required parking for the multi-family, townhome, and/or commercial/office area (as explained in the Concept Development Plan booklet) shall be provided within a physically defined parking lane that is separate from the moving lanes, with additional pavement width at these points. Examples of this approach are provided on page 15 of the Concept Development Plan booklet.
19. Any porous concrete or asphalt paving products to be used in the development must be approved through the plan review process to assure that these products have a life span and durability comparable to conventional concrete and asphalt paving. The use of gravel as a paving material shall be limited to the home sites in the cabin home phases and those along the private drives that extend from the end of cul-de-sacs.
20. Garbage containers stored outdoors shall be enclosed per Section 3151 "Required Trash Area" of the zoning regulations for all uses that require Site Plan Review.
21. Detached garages for the "small single family lots" product shall follow the normal size and height limitations in Section 3153 "Location of Accessory Structures or Use" of the zoning regulations. The "large single family lots" and "cabin home" products may use the size limitations for detached garages outlined on page 26 of the Concept Development Plan booklet.

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



\* If De

## ORDINANCE 10-13

**AN ORDINANCE RELATING TO APPROVAL, WITH CONDITIONS, FOR A REQUEST OF JAY BAYER, BAYER BECKER (APPLICANT) FOR TOEBBEN, LTD. AND WILLIAM TOEBBEN (OWNERS), FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURE (A-1), AGRICULTURAL ESTATE (A-2) AND RURAL SUBURBAN ESTATES (RSE) TO SUBURBAN RESIDENTIAL THREE/COMMERCIAL ONE/OFFICE ONE/PLANNED DEVELOPMENT (SR-3/C-1/O-1/PD) FOR AN APPROXIMATE 334 ACRE SITE GENERALLY LOCATED ON THE EAST SIDE OF NORTH BEND ROAD APPROXIMATELY 750 FEET NORTH OF THE NORTH BEND ROAD/STAHL ROAD INTERSECTION, TO THE EAST OF DEER CREEK AND RIVERSHORE FARMS SUBDIVISIONS, AT THE TERMINUS OF STAHL ROAD, AND INCLUDING THE PROPERTIES AT 1280 NORTH BEND ROAD, 1302 NORTH BEND ROAD AND 1958 STAHL ROAD, BOONE COUNTY, KENTUCKY.**

**WHEREAS**, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Agriculture (A-1), Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Suburban Residential Three/Commercial One/Office One/Planned Development (SR-3/C-1/O-1/PD) for an approximate 334 acre site generally located on the east side of North Bend Road approximately 750 feet north of the North Bend Road/Stahl Road intersection, to the east of Deer Creek and Rivershore Farms subdivisions, at the terminus of Stahl Road, and including the properties at 1280 North Bend Road, 1302 North Bend Road and 1958 Stahl Road, Boone County, Kentucky, which is more particularly described below; and,

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

**NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF COUNTY OF**

**BOONE, COMMONWEALTH OF KENTUCKY:**

**SECTION I**

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved, with conditions, this Zoning Map Amendment being a zone change from Agriculture (A-1), Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Suburban Residential Three/Commercial One/Office One/Planned Development (SR-3/C-1/O-1/PD) for an approximate 334 acre site generally located on the east side of North Bend Road approximately 750 feet north of the North Bend Road/Stahl Road intersection, to the east of Deer Creek and Rivershore Farms subdivisions, at the terminus of Stahl Road, and including the properties at 1280 North Bend Road, 1302 North Bend Road and 1958 Stahl Road, Boone County, Kentucky. The real estate which is the subject of this approval for a Zoning Map Amendment in an Agriculture (A-1), Agricultural Estate (A-2) and Rural Suburban Estates (RSE) zone is more particularly described in the following DEED BOOKS (as supplied by the applicant) as recorded in the Boone County Clerk's office:

DEED BOOK 973, PAGE NO. 103	DEED BOOK 889, PAGE NO. 295
DEED BOOK 968, PAGE NO. 543	DEED BOOK 943, PAGE NO. 547
DEED BOOK 907, PAGE NO. 130	DEED BOOK 819, PAGE NO. 131
DEED BOOK 818, PAGE NO. 258	DEED BOOK 920, PAGE NO. 442
DEED BOOK 801, PAGE NO. 117	DEED BOOK 806, PAGE NO. 366
DEED BOOK 839, PAGE NO. 668	DEED BOOK 942, PAGE NO. 648
DEED BOOK 874, PAGE NO. 10	DEED BOOK 482, PAGE NO. 16
DEED BOOK 961, PAGE NO. 129	DEED BOOK 867, PAGE NO. 290

**SECTION II**

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

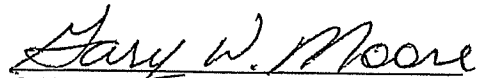
The Committee recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and marked as "Exhibit B."

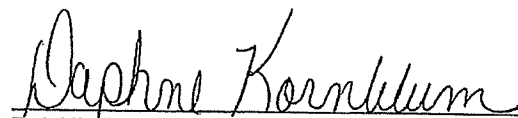
### SECTION III

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

Introduced and given First Reading on the 19<sup>th</sup> day of October, 2010.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 23<sup>rd</sup> day of November, 2010 and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the County Fiscal Court Clerk and declared to be in full force and effect.

  
GARY W. MOORE  
BOONE COUNTY JUDGE/EXECUTIVE

  
DAPHNE KORNBLUM  
FISCAL COURT CLERK



*add'l  
Conditions*

RIVERS POINTE ESTATES/TOEBBEN PROJECT

Conditions of Approval

22. The developer shall be responsible for coordinating and arranging the installation of a traffic signal at the intersection of Rivers Pointe Boulevard and North Bend Road (Ky. 237) at such time when future traffic warrants dictate the need for such signal, as determined by the Kentucky Transportation Cabinet.

Approved by Fiscal Court action: November 23, 2010

Toebben zoning map amendment and concept development approval approved: 4 yes, 0 nay

JSE

11/24/2010

## Kevin Wall

---

**From:** Andrew Ifcic <AIfcic@hebronfire.org>  
**Sent:** Wednesday, October 11, 2017 3:12 PM  
**To:** Kevin Wall  
**Subject:** Rivers Pointe Zone Change

Kevin,

We have reviewed the Rivers Pointe Zone Change and have no comments.

Thanks, Andy

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

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

## Kevin Wall

---

**From:** Haggard, Greg <ghaggard@sd1.org>  
**Sent:** Monday, October 23, 2017 2:57 PM  
**To:** Kevin Wall  
**Cc:** Greg Stacy  
**Subject:** River Pointe Estates

Kevin,

This email is in response to your request for comments regarding the Zoning Map Amendment application for Rivers Pointe Estates. Our comment is as follows:

*This development will require extensive coordination between the development and SD1. Coordination has occurred over the years and is in progress now to ensure adequate sewer system and capacity is provided.*

Please let me know if there is anything additional you need at this time.

Best regards,

--

Greg Haggard

Project Coordinator  
Planning and Design Group  
SD1  
ph 859-578-6763  
fax 859-578-6897  
email: [ghaggard@sd1.org](mailto:ghaggard@sd1.org)

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

---

Cut the clutter. [Sign up for e-bills](#) today through our customer portal run by Paymentus, SD1's secure electronic billing provider. Learn more at [www.sd1.org](http://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](mailto:records@sd1.org). **Your request will not be forwarded.**

## Kevin Wall

---

**From:** Callan-Ramler, Carol A (KYTC-D06) <Carol.Callan-Ramler@ky.gov>  
**Sent:** Tuesday, October 24, 2017 3:38 PM  
**To:** Kevin Wall  
**Subject:** Rivers Pointe Estates Zoning

Hi Kevin,

I'm quite a bit back-logged these days. I just reviewed the subject project. Thankfully, the District has no issues with the additional acreage being rezoned.

Sorry I was late.

Thanks,

Carol

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 Rivers Pointe Estates
2. Location of Project 1892 Stahl Road, Overall project KY 237, North of Stahl Road
3. Total Acreage of Site 2.2 Acres (Map Amendment area) Overall project 334 Acres + 2.2 Acres = 336.2 Acres
4. Current Zoning of Site A-2 and RSE for 2.2 Acre (Map Amendment area) Overall project SR-3/C-1/PD/CD
5. Proposed Zoning (Classification being requested) SR-3/C-1/PD/CD
6. Proposed Uses (please specify each use) Residential within the 2.2 acre parcel

7. Names of Applicant(s) Jay Bayer, Bayer Becker Inc.
Phone No. (859) 261-1113 Fax No. (859) 261-1710 E-Mail jaybayer@bayerbecker.com

8. Address of Applicant(s) 209 Grandview Drive
Ft. Mitchell KY 41017
City State Zip

9. Name of Property Owner(s) Toebben, Ltd.
Phone No. (859) 331-1560 Fax No. (859) 331-9702 E-Mail jtoebben@toebben.com

10. Address of Property Owner(s) 541 Buttermilk Pike, Suite 104
Crescent Springs KY 41017
City State Zip

11. Proposed Building Intensities (please specify) Original PD 23,500 SF if commercial and/or office
864 Maximum Residential Units on the 336.2 Acres

12. Are there any existing buildings on the site? Yes
How many? 1 house and 1 barn

13. Deed Book 1017 Page No. 334 Group No.

14. Are you also applying for:
No Conditional Use Permit
Yes, in PD Dimensional Variance

15. Have you submitted a Concept Development Plan? Yes

16. Have you had a pre-application meeting with BCPC Staff? Yes

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

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

**ZONING MAP AMENDMENT  
APPLICATION  
PAGE 2**

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

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

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

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

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

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

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

**NOTE:** An application consists of all fees paid in full, submitted drawings and a completed application form.



Where Creativity  
Meets Functionality

Civil Engineers | Transportation Engineers | Landscape Architects | Planners | Land Surveyors

October 3, 2017

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

**RE: Rivers Pointe Estates  
Zoning Amendment Additional 2.2 acres**

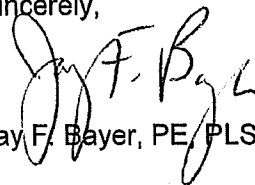
Dear Kevin,

We are proud to submit the application for the River's Pointe Estates Zoning Amendment. The attached include the following:

- 1) One signed original of the application form
- 2) One copy deed of the property to serve as the legal description of the area to be re-zoned
- 3) A list of names and addresses of all adjoining property owners within 200 feet of this parcel;
- 4) A check in the amount of \$2326.00 for the application fee, written to Boone County Planning Commission.
- 5) 5 copies of the Rivers Pointe Estates Zoning Application booklet, dated October 3, 2017, which includes supporting narrative, concept plan and design guidelines
- 6) One USB drive containing the booklet in pdf format

Please do not hesitate to call with any questions or comments.

Sincerely,



Jay F. Bayer, PE/PLS

cc: John Toebben, Toebben Companies

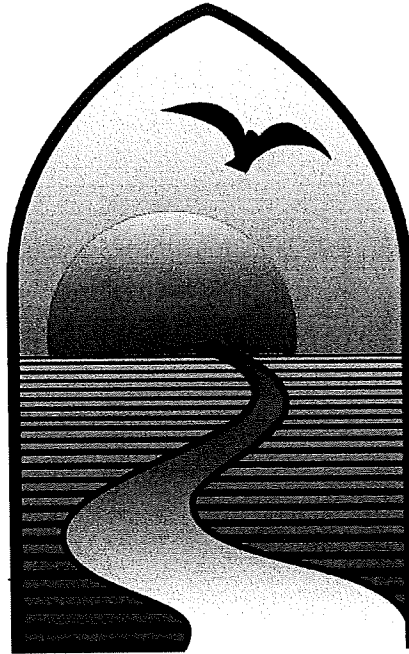
6900 Tylersville Road, Suite A  
Mason, OH 45040  
513-336-6600

110 South College Ave, Suite 101  
Oxford, OH 45056  
513-523-4270

1404 Race Street, Suite 204  
Cincinnati, OH 45202  
513-834-6151

209 Grandview Drive  
Fort Mitchell, KY 41017  
859-261-1113

<http://www.bayerbecker.com>



**RIVERS POINTE**  
ESTATES

**Zoning Application for 2.2-Acre Addition**

By



10/3/2017

A pre-application meeting was held at the offices of the Boone County Planning Commission on 9/8/2017. Those in attendance included Kevin Wall, Zoning Administrator, Boone County, John Toebben of the Toebben Companies, owner and Jay Bayer of Bayer Becker, applicant. Based on the meeting, the Toebben Companies would like to add an approximate 2.2 acres of land to the Rivers Pointe Estates project in Hebron Kentucky. Highlights of the request include:

- 1) Original project size 334 acres. Requested Area to be added 2.2 acres. New total area 336.2 acres
- 2) Original project total residential units were 864. Proposed new total 864 units
- 3) Original project zoning SR-3/C-1/O-1/PD. Requested zoning for the 2.2-acre site is the same.

The following pages provide supporting information for the requested zoning map amendment.

#### Concept Plan

Attached you will find Exhibit A, the previously approved concept for Rivers Pointe Estates, with the proposed area to be rezoned highlighted in blue and labeled "Proposed Addition". We are asking for a zone change from existing RSE and A-2 to SR-3/C-1/O-1/PD to match the previously approved Rivers Pointe Estates. We are proposing to commit to all the prior conditions that were agreed upon with the original rezoning.

Attached as Exhibit B, is a concept plan for the area to be rezoned. The plan shows a concept for the 2.2-acre area along with the shaded area from the previously approved project. As noted above, unit types may change within the approved plan but no additional units will be added to the overall project of 864 units.

Attached as Exhibit C, is the portion of the original Design Guidelines Regulating Plan which has been updated to include the 2.2-acre parcel. The Toebben Companies are proposing, with this rezoning request, to add the 2.2-acre area to the Area II designation of the approved Regulating Plan, as highlighted on Exhibit C. Per the chart provided on Exhibit C, under Regulating Plan Area II, the types of units that are proposed with in the 2.2-acre area may include Single Family Rear Access, Townhome Street Access Including Landominiums, Townhomes Rear Access, and Multi-family buildings.

#### General Site Characteristics

The 2.2-acre property to be rezoned is owned by the Toebben Companies. The property is located on the north side of Stahl Road approximately 1000 feet from North Bend Road. The property is primarily open with soil types including Avonburg Silt Loam, Jessup Silt Loam and Rossmoyne Silt Loam per the USDA Soil Conservation Service Soil Survey.

#### Transportation Patterns

The 2.2-acre property currently has frontage on Stahl Road. Per the concept plan, the property will be an addition to the Rivers Pointe Estates project with proposed public and private roadways. Based on discussion at the pre-application meeting, Kevin Wall informed us that an updated Traffic Impact Study

for the project is not required with this application since no additional units are being added to the overall project.

### Land Use Characteristics

As shown in the concept plan and noted above the land use proposed for the property is residential. Attached as Exhibit D are examples of the architecture envisioned for the project. The proposed residential unit types include Single Family (Rear Access), Townhomes (Street or Rear Access) and Multi-Family. The overall units are proposed to remain the same as previously approved. With the additional acreage the overall project density is affectively reduced.

Attached as Exhibit E are Design Guidelines from the original approved zoning which are proposed for the requested 2.2-acre parcel. Attached as Exhibit F, are Landscape Buffer Design Guidelines from the original approved zoning which are proposed for the requested 2.2-acre parcel. The proposed buffer for previously approved line 16 was extended along the Stahl Road frontage for the 2.2-acre parcel. The proposed buffer for lines 19 and 20 are defined on the exhibit.

### Utilities and Infrastructure

The Toebben Companies have worked closely with the utility agencies to plan this unique project. The utilities for the 2.2-acre property will be provided along with the overall project.

### Relationship to the Comprehensive Plan

The Boone County Future Land Use Plan places the Rivers Pointe Estates project including the requested 2.2-acre property in Area 17- North Hebron Area. The site includes several land use categories including High Suburban Density Residential, and Suburban Residential. The plan for this 2.2-acre site generally follows the Future Land Use Map guidance by providing a variety of housing options, diversity in neighborhood character and a broad market appeal through clusters of higher density and lower density. The proposed zoning will be an addition to the approved Rivers Pointe Estates zoning and project.

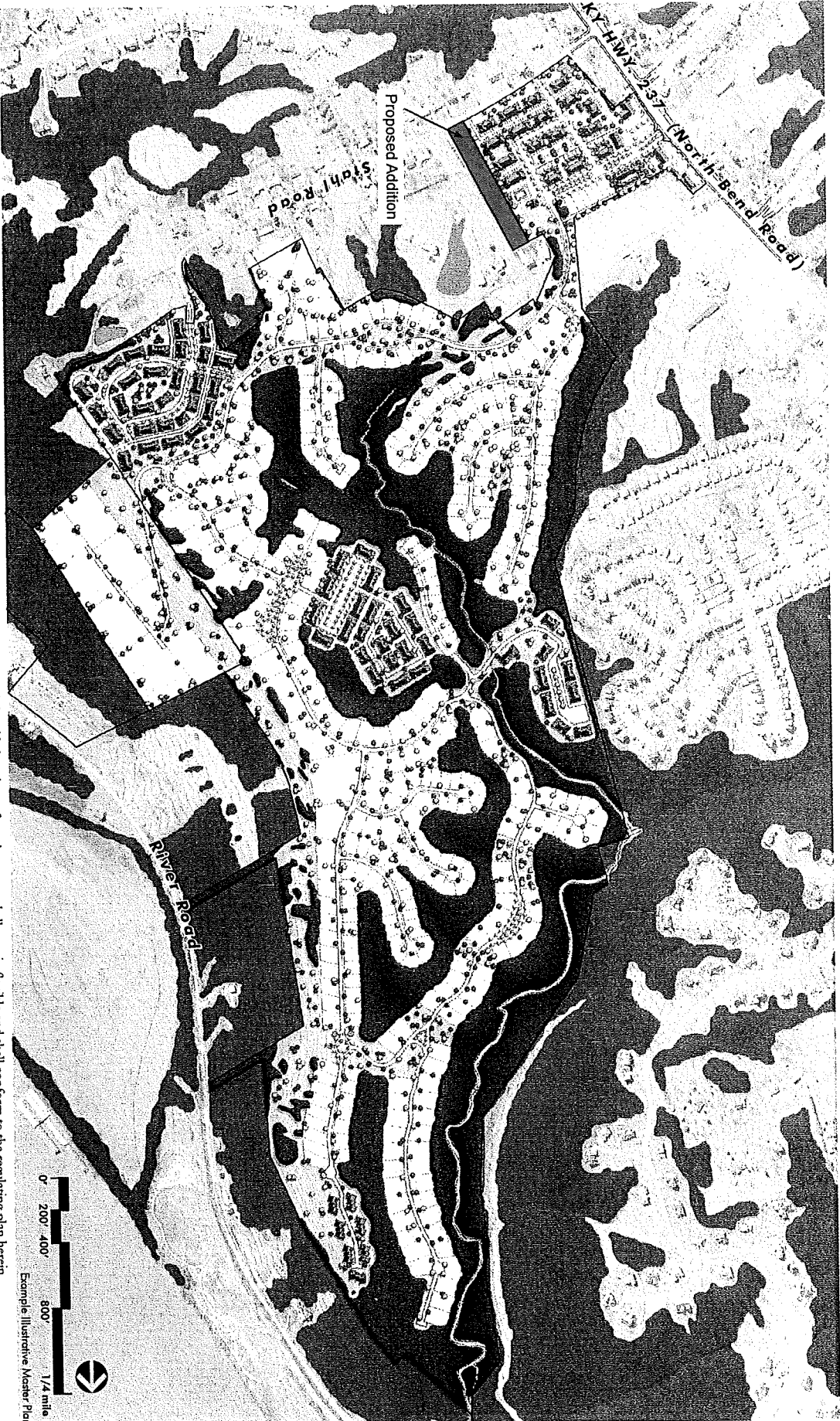
### Construction Schedule

The Toebben Companies would like to complete design of construction plans and begin construction upon completion of the approval process.

EXHIBIT A

(PAGE 23 FROM PREVIOUSLY APPROVED ZONING SUBMITTAL WITH "PROPOSED ADDITION" SHOWN)

REDUCED MASTER PLAN EXHIBIT



The Illustrative Master Plan above is an example of how Rivers Pointe Estates may be developed. Specific locations of product types shall remain flexible and shall conform to the regulating plan herein.

TOEBBEN COMPANIES | BOONE COUNTY, KENTUCKY

**EXHIBIT B**

(PART OF PAGE 23 FROM PREVIOUSLY APPROVED ZONING SUBMITTAL WITH "PROPOSED ADDITION" SHOWN)

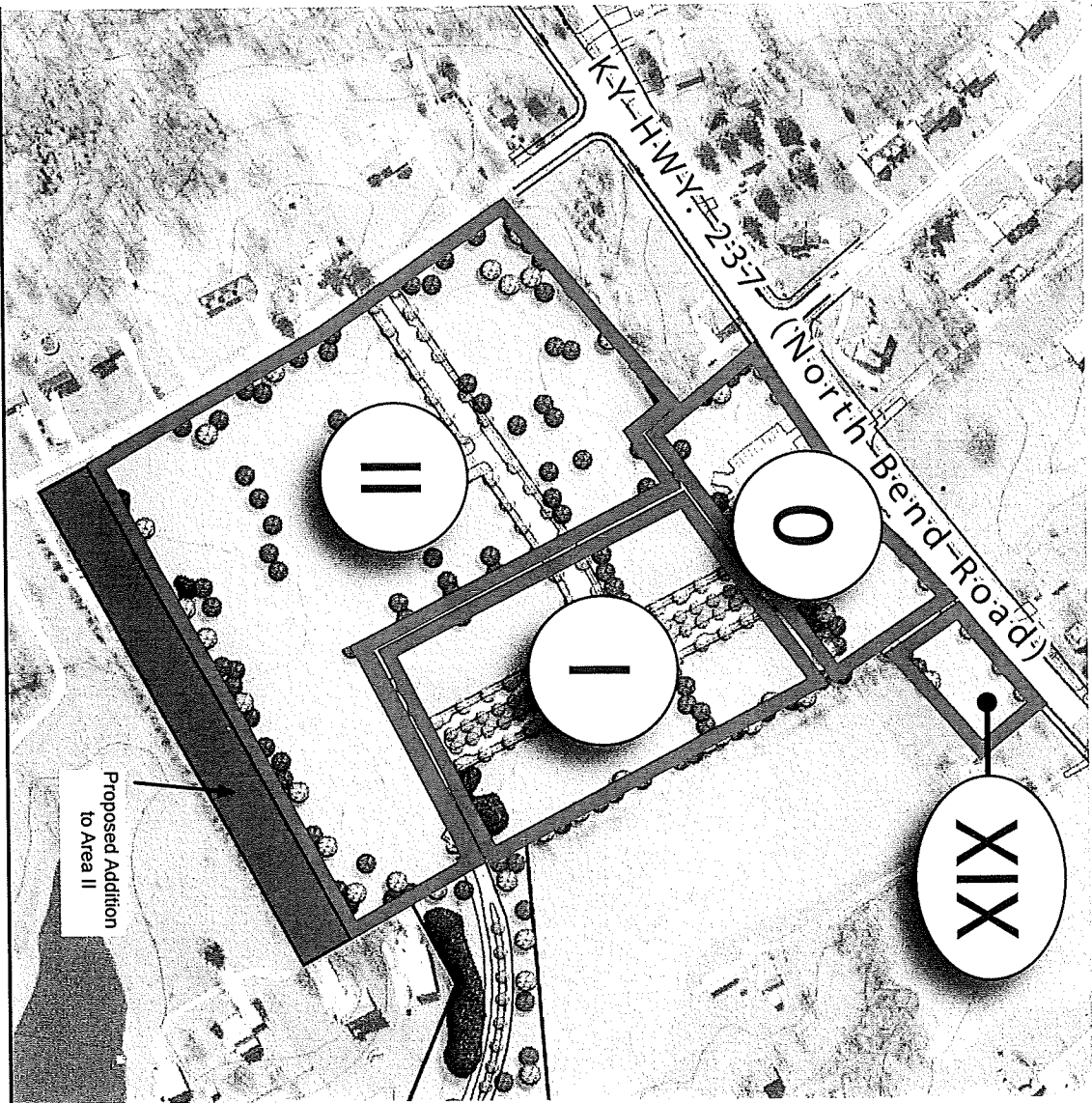


**REDUCED MASTER PLAN EXHIBIT**

The Illustrative Master Plan shown is an example of how Rivers Pointe Estates may be developed. Specific locations of product types shall remain flexible and shall conform to the regulating plan herein.

EXHIBIT C

(PART OF PAGE 43 FROM PREVIOUSLY APPROVED ZONING SUBMITTAL WITH "PROPOSED ADDITION" SHOWN)



Regulating Plan Area	O	II	XIX
Large Single Family Lots	-	-	-
Small Single Family Lots / Including Landminiums	-	-	-
Single Family Rear Access	P	P	P
Cabin Homes	-	-	-
Townhomes Street Access/ Including Landminiums	P	P	P
Townhomes Rear Access	P	P	P
Multi-Family Buildings	P	P	P
Village Center Buildings	P	P	P

Note: Private streets allowed in plan area

Rivers Pointe Estates is designed as a mixed-use community, including diverse housing types, retail/restaurant, and community services and amenities. The individual block layouts within the Regulating Plan are for illustration purposes only. The Regulating Plan and distribution of housing typologies should be flexible to respond to physical site constraints, end-users' needs, community desires and changing market conditions; so long as they meet the intent of the regulations and guidelines within.

The Village Core is intended to accommodate multi-family housing and commercial uses (allowed by the base zoning) with the opportunity for residential, office or community service uses on upper floors above commercial uses.

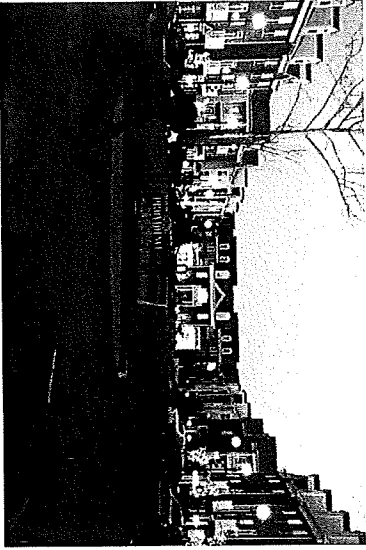
Design Guidelines for village center commercial buildings and a variety of housing types are illustrated on the following pages. These building types are keyed to the Regulating Plan, indicating which types are permitted in each Roman Numerated development area. Each development area may contain any combination of allowed uses that are keyed to that area, so far as the total unit count for all combined development areas does not exceed a maximum of 864 dwelling units and the total commercial program does not exceed 23,000 square feet.

<b>*Note: Private streets allowed in plan areas</b>	<b>XIX</b>	-	P	P	-	-	P	P	P	
	<b>II</b>	-	-	P	P	-	P	P	-	
	<b>I</b>	-	-	P	-	-	P	P	P	
	<b>0</b>	-	-	-	-	-	P	P	P	
										<b>Regulating Plan Area</b>
										<b>Large Single Family Lots</b>
										<b>Small Single Family Lots/ Including Condominiums</b>
										<b>Single Family Rear Access</b>
										<b>Cabin Homes</b>
									<b>Townhomes Street Access/ Including Condominiums</b>	
									<b>Townhomes Rear Access</b>	
									<b>Multi-Family Buildings</b>	
									<b>Village Center Buildings</b>	

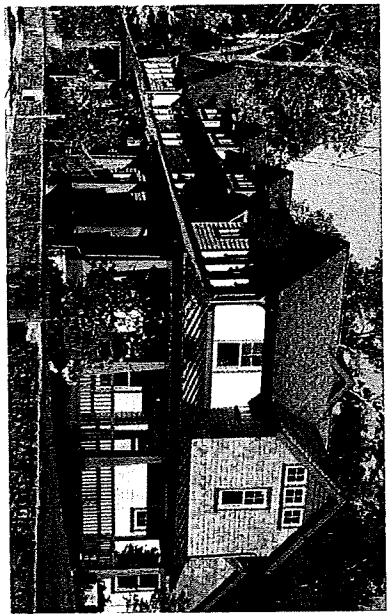
**EXHIBIT D (PAGE 20 FROM PREVIOUSLY APPROVED ZONING SUBMITTAL)**

**Housing**

Rivers Pointe Estates offers a wide range of housing opportunities with varying sizes, types and affordability. This diversity in housing options will attract all types of residents from singles to families to empty nester and retirees, allowing residents to "age-in-place" as their housing needs change. Adequate infrastructure will be provided to properly serve the residents. While site constraints minimize connectivity to adjacent neighborhoods, the community is designed with multiple access points and inter-connectivity. The mixed-use Village Center offers residents an amenity within walking distance of their homes and is appropriately located relative to existing infrastructure. Higher density housing is located near the Village Center offering a critical mass of residents to help support commercial uses. In order to preserve green space, wooded areas, slopes and other significant site features, the housing at Rivers Pointe Estates has been clustered into neighborhoods of increased density. Public infrastructure, street capacity, services and public schools (existing and planned) are adequate to support the planned housing at Rivers Pointe Estates.



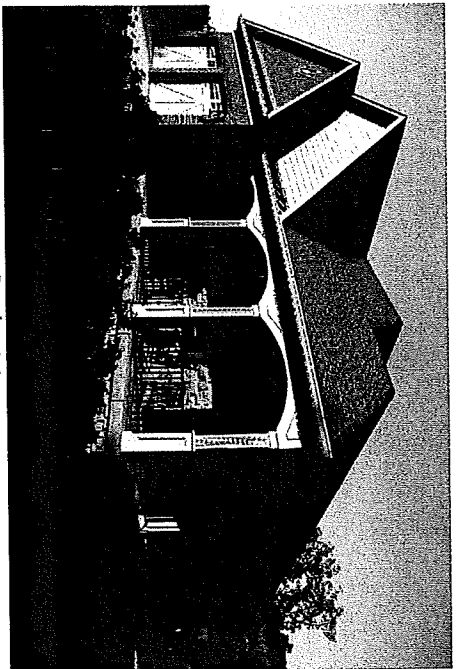
Multi-Family



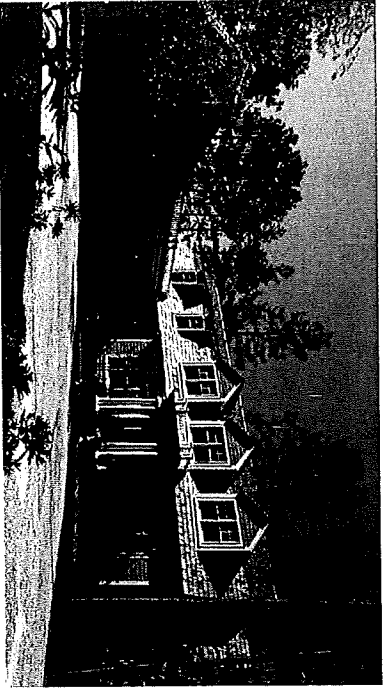
Town Homes



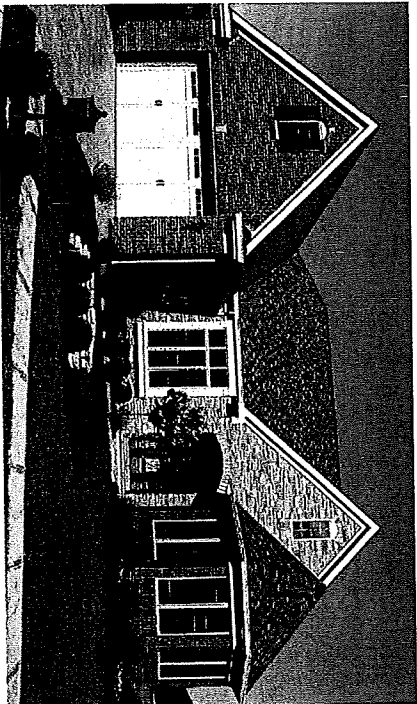
Condominiums



Landminium

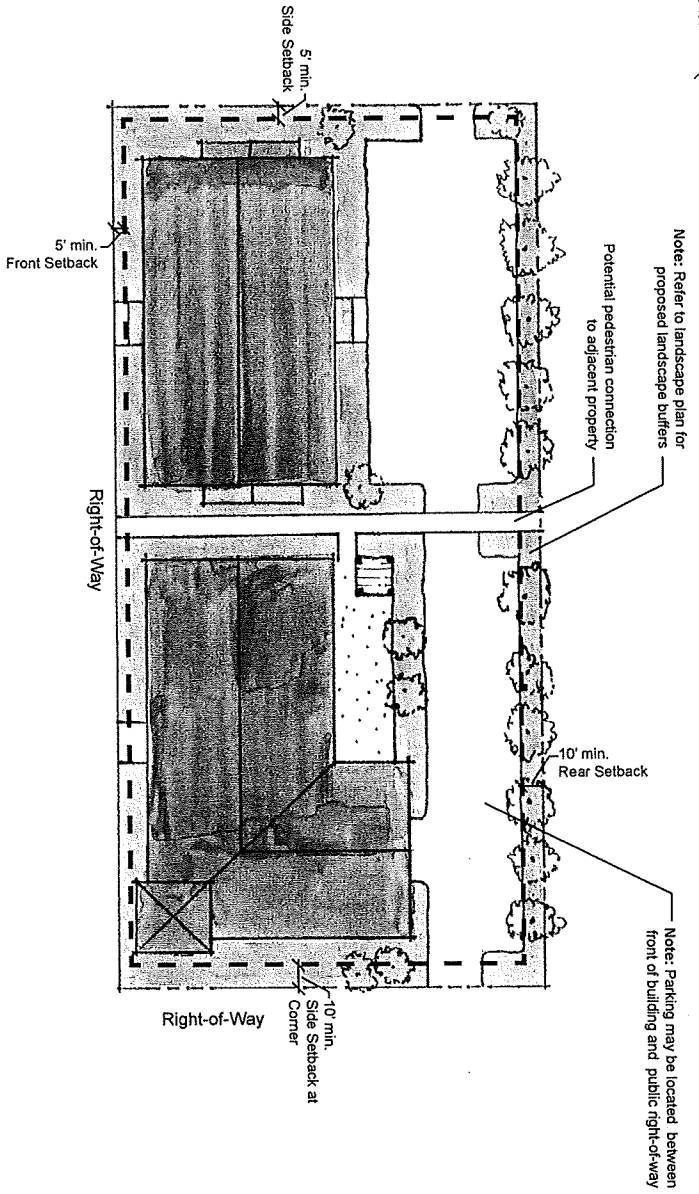


Single Family



Landminium

TOEBBEN COMPANIES | BOONE COUNTY, KENTUCKY



**MULTI-FAMILY BUILDINGS - TYPE 'A'**

Multi-family apartment or condominium buildings may include stacked flats (single-story units) or townhouse-style units (two-story units) in different combinations that allow for a diversity in the buildings' architecture. Parking may be provided in surface lots and/or in garages tucked under the rear of the building. The massing of these 2- to 3-story buildings can be used to frame pedestrian walk-throughs, courtyards and shared amenity spaces.

**Patterning**  
 Parking: Rear Parking Lots, Front Parking Lots, Tuck-under Garages  
 Front, rear or side parking access

Potential Pedestrian connections to adjacent properties

**Lot Requirements**

- Front Setback: 5' minimum; 15' at perimeter property lines
- Side Setback: 5' minimum (10' min. distance between buildings)  
 10' minimum sideyard setback at street corner
- Rear Setback: 10' minimum
- Perimeter Setback from adjacent properties: 30' min.

Front, Side and Rear Setbacks from KY 237 (North Bend Rd.) shall be 20' Minimum or to the back of the existing overhead utility easement, whichever is greater

**Height**  
 Maximum Height: 3 stories

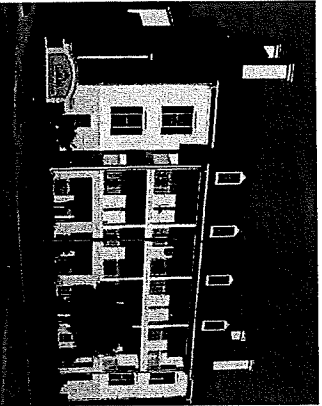


Multi-family buildings may have interior corridors and shared entries that create the architectural appearance of townhomes

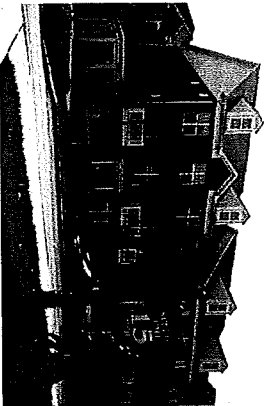
Example Lot Diagram



Rustic materials and architectural detailing are appropriate to create a consistency of community character



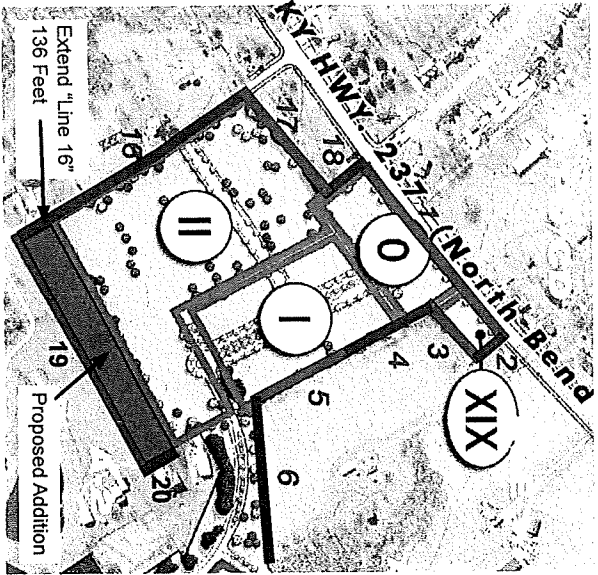
Balconies are appropriate architectural elements that help activate streetcapes



Active amenity uses such as leasing centers, fitness centers and lounge areas may be expressed along streets to support a vibrant village center

EXHIBIT F

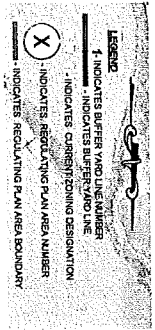
(PAGE 65 FROM PREVIOUSLY APPROVED ZONING SUBMITTAL)



Part of "Landscape Buffer Plan"  
(Page 56 from Previously Approved Zoning Submittal)



Existing Landscaping - Stahl Road Looking East

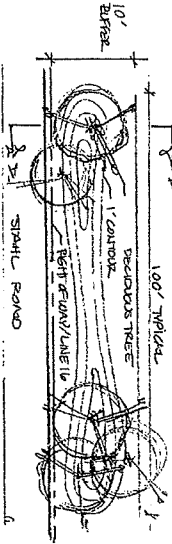


LA9 - STAHL ROAD BUFFER

Applicant's Plan:

The Applicant proposes a 10' wide landscape buffer along boundary line 16. In order to preserve the pastoral feel along this rural community roadway, the Applicant proposes to meet the intent of the code through constructing a small mound and installing 5 small trees from BCP L C per 100 linear feet of frontage.

LINE 16 (EXTEND 136 LF)



Proposed Landscaping -  
Typical 100 linear Foot Plantings - Plan View

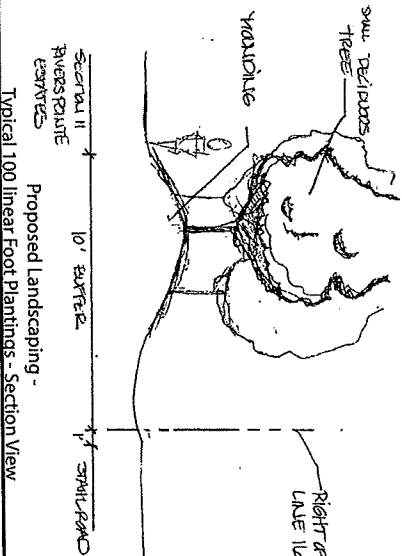
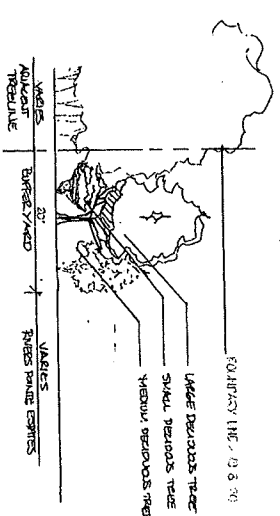
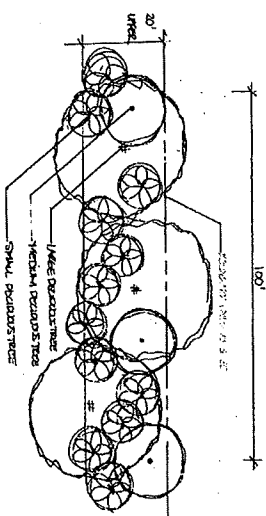
LA - BUFFER

(PROPOSED ADDITION TO AREA II)

Applicant's Plan:

The Applicant proposes a 20' wide landscape buffer along boundary lines 19 & 20. Similar to other buffers, Applicant proposes installing additional trees in lieu of shrubs as needed in a ratio of one (1) tree per every four (4) required shrubs for a total of 18 trees from BCP L A, B, and/or C per 100 feet. This proposed landscaping is in alignment with the surrounding areas and buffers and the Applicant's desire to maintain the park like character of the development.

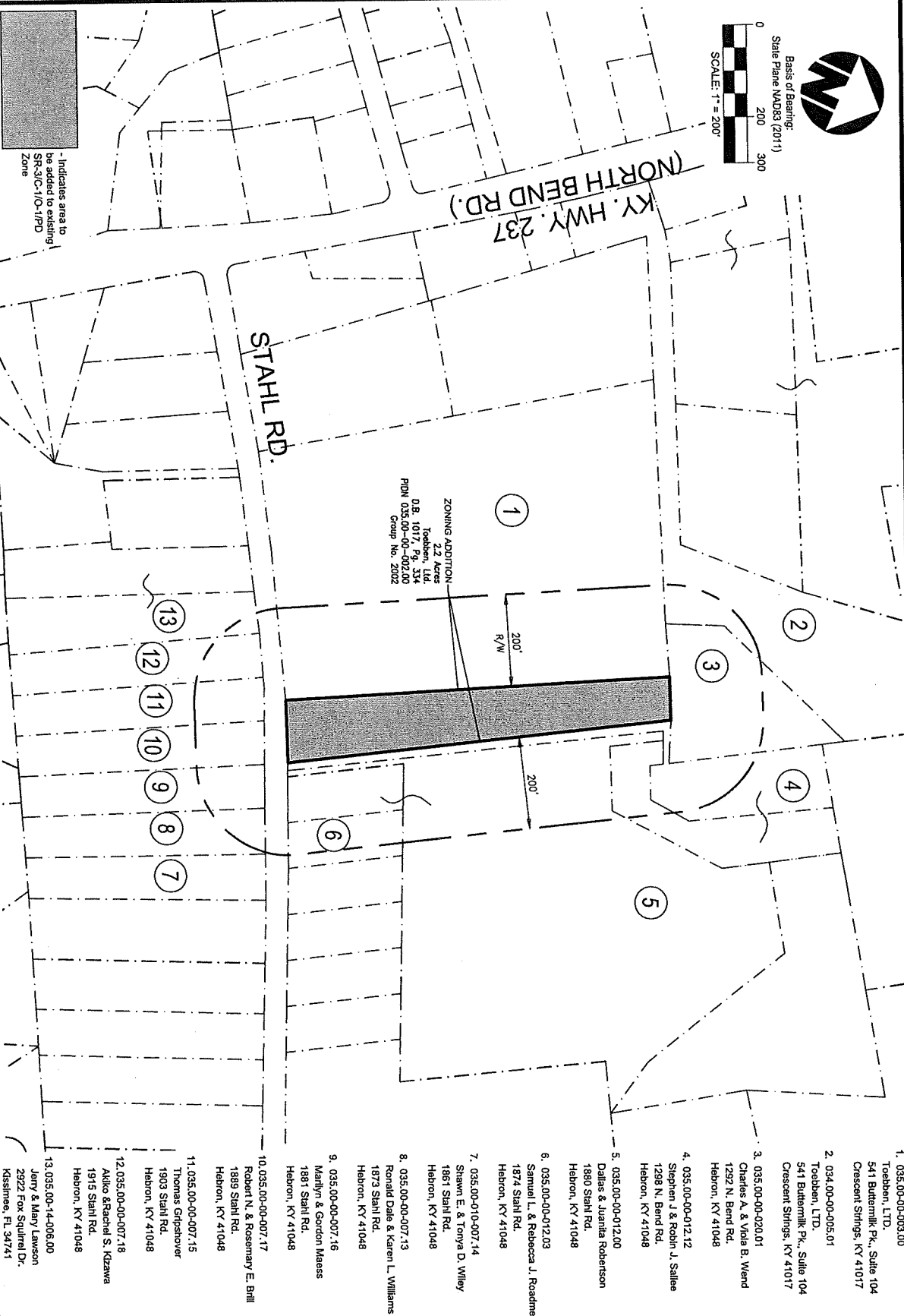
LINE 19 (840 LF) & LINE 20 (94 LF)



Proposed Landscaping -  
Typical 100 linear Foot Plantings - Section View



Basis of Bearing:  
State Plane NAD83 (2011)  
0 200 300  
SCALE: 1" = 200'



- Indicates area to be added to existing SR-C-1-O-1/P/D Zone

ZONING ADDITION-  
2.2 Acres  
Toebben, Ltd.  
D.B. 1017, Pg. 334  
PIDN 035.00-00-002.00  
Group No. 2002

- 1. 035.00-00-003.00 Toebben, LTD.  
541 Badenmilk Pk., Suite 104  
Crescent Springs, KY 41017
- 2. 034.00-00-005.01 Toebben, LTD.  
541 Badenmilk Pk., Suite 104  
Crescent Springs, KY 41017
- 3. 035.00-00-020.01 Charles A. & Viola B. Wend  
1292 N. Bend Rd.  
Hebron, KY 41048
- 4. 035.00-00-012.12 Stephen J. & Robin J. Sallee  
1298 N. Bend Rd.  
Hebron, KY 41048
- 5. 035.00-00-012.00 Dallas & Juanita Robertson  
1880 Stahl Rd.  
Hebron, KY 41048
- 6. 035.00-00-012.03 Samuel L. & Rebecca J. Roadner  
1874 Stahl Rd.  
Hebron, KY 41048
- 7. 035.00-010-007.14 Shawn E. & Tonya D. Willey  
1861 Stahl Rd.  
Hebron, KY 41048
- 8. 035.00-00-007.13 Ronald Dale & Karen L. Williams  
1873 Stahl Rd.  
Hebron, KY 41048
- 9. 035.00-00-007.16 Marilyn & Gordon Maess  
1881 Stahl Rd.  
Hebron, KY 41048
- 10. 035.00-00-007.17 Robert N. & Rosemary E. Brill  
1889 Stahl Rd.  
Hebron, KY 41048
- 11. 035.00-00-007.15 Thomas Gipschner  
1903 Stahl Rd.  
Hebron, KY 41048
- 12. 035.00-00-007.18 Alike & Rachel S. Kizawa  
1915 Stahl Rd.  
Hebron, KY 41048
- 13. 035.00-14-006.00 Jerry & Mary Lawson  
2922 Fox Squirrel Dr.  
Kissimmee, FL 34741

**RIVERS POINTE ESTATES  
TOEBBEN, LTD.**

1892 STAHL ROAD - PIDN 035.00-00-002.00  
UNINCORPORATED BOONE COUNTY  
COMMONWEALTH OF KENTUCKY

**ZONING ADDITION**



www.bayerbecker.com  
209 Grandview Drive  
Fort Mitchell, KY 41017 - 859.261.1113

Drawing: 02K020-002 RZ  
Scale: 1"=200'  
Drawn by: ARV  
Checked by: MDW  
Issue Date: 9/25/17

## Kevin Wall

---

**From:** Sara Smith  
**Sent:** Monday, October 30, 2017 8:13 AM  
**To:** Kevin Wall  
**Subject:** FW: Stop new development around N. KY 237. It impacts and endangers Boone County lives.

-----Original Message-----

**From:** Barbara Jacobson [<mailto:barbarann4@hotmail.com>]  
**Sent:** Sunday, October 29, 2017 3:59 PM  
**To:** Planning Commission General Account  
**Subject:** Stop new development around N. KY 237. It impacts and endangers Boone County lives.

My husband and I strongly oppose any zoning changes that allow for further construction on N. KY 237 that will add additional traffic to the area. We live in a development off Old North Bend Rd. and are stunned by the number of cars that line up daily to go around the rotaries. Every day we see and are impacted by the congested traffic. For the hundreds of us who travel in this area, traffic has become more than an inconvenience; it has become a danger. Getting into the rotary can be a scary prospect when a long line of traffic is streaming by. Worse yet, emergency vehicles have no way to get around traffic to enter our development or others in the area. Delays will be worse with the variances already granted by the Board of Planning and Zoning. In an area designated for a few more individual homes, the Board made special arrangements with builders to put up hundreds of apartments and a strip mall that will add at least 200 more vehicles cramming onto KY 237 rotaries. Of course, Board members and Judge Moore knew of residents' serious concerns but went ahead with this very controversial decision. Shockingly, the Board is considering allowing many more apartments, condos, houses and another strip mall to be built in the area. At a recent Board meeting, Thornwilde homeowners came out en masse, but there are many more of us in nearby areas who also object to the changes you made and are considering at future meetings. The building companies have been favored while we residents are adversely affected by the Boards actions-changes to current agreements. Not only will our property values and commute times be affected, but our very safety will be compromised. My husband and I cannot attend the Nov. 1 meeting, so I'm sending this message. We want Board members to know that we expect them to vote against additional building variances. They must live up to their civic and moral duty for the good of the many citizens who strongly oppose these variances. While we thank Commissioner Cathy Flaig for her dissent, she must know that previous variance meetings would have been packed if affected residents were aware of the possibility of such drastic changes to our community. Stop saturating our neighborhoods and our roads.

**EXHIBIT**

**“B”**

**ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT**

TO: Boone County Planning Commission

FROM: Mark Hicks, Chairman

DATE: December 7, 2017

RE: Request of **Jay Bayer, Bayer Becker Inc. (applicant)** for **Toebben, Ltd. (owner)** for a Zoning Map Amendment from Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Suburban Residential Three/Commercial One/Planned Development (SR-3/C-1/PD) for an approximate 2.2 acre lot located at 1892 Stahl Road, Boone County, Kentucky. The request is for a zone change to allow an expansion of a residential phase in the previously approved Rivers Pointe Estates development (no increase in number of dwelling units for the overall Rivers Pointe Estates development)..

**REMARKS:**

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

**FINDINGS OF FACT**

1. The Committee has concluded that the proposed Zoning Map Amendment is in agreement with the 2010 Boone County Comprehensive Plan. The Comprehensive Plan's Future Land Use Map designates the site for Rural Density Residential (approximately 54% of the site) and Suburban Residential (approximately 46% of the site). The Land Use Element ("17. North Hebron," pg. 180) states "Planned Development or clustered housing should be used to insure proper development of this area, due to environmental and site characteristics," and that "conventional layout subdivisions should be discouraged because of their inefficient circulation systems and excessive site grading requirements."

The Committee has evaluated the proposal and found it to be consistent with the general land use concept outlined on the Future Land Use Map and with the Land Use Element. This zone change requests a modest land area expansion to the previously approved Rivers Pointe Estates development. The Concept Development Plan and agreed conditions of approval commit to limiting the number of dwelling units in the overall Rivers Pointe Estates development, including this 2.2 acre expansion area, to 864 units maximum on 336.2 total acres. Since the 864 maximum dwelling unit limitation was also a condition for the original Rivers Pointe Estates zone change that was approved in 2010, the overall density of the project will be slightly reduced to approximately 2.57 dwelling units per acre. This density figure is comparable to typical subdivisions of detached single family residences in

the SR-1 zone. As a point of reference, the Goals and Objectives ("Housing," Objective 5) state "in order to offer the citizens of Boone County maximum choice in living environment, residential developments shall be judged primarily on the impact on infrastructure, buffering, and development design with only secondary consideration given to the type of dwelling units."

The subject site is proposed to be added to "Area II" on the Concept Development Plan which illustrates a cluster/traditional neighborhood layout with up to four different unit types in order to maintain wooded areas and hillsides in other parts of the development. Both the previously approved and proposed portions of Area II follow the Planned Development requirements. This aspect of the project agrees with "Housing" Objective 14 which states "traditional and innovative design as well as mixed use options shall be encouraged throughout Boone County in order to accommodate market demands."

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

The Concept Development Plan includes a three page document entitled "Rivers Pointe Estates, Zoning Application for 2.2-Acre Addition" (dated 10/3/17) and exhibits labeled A, B, C, D, E, and F. Exhibit F includes a proposal for landscape buffering around the perimeter of the zone change site. Since the proposal is still conceptual at this point and up to four different building/use types are possible, the Committee has concluded that Condition #8 from the September 1, 2010 Committee Report for the original Rivers Pointe Estates zone change approval is still applicable. This condition requires the "buffer yards/perimeter landscape areas" to use the requirements of Article 36 of the Boone County Zoning Regulations as the "benchmark for width and planting standards," but it also allows the Zoning Administrator to approve other solutions based on the final, overall design of the phase.

3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2010 Boone County Comprehensive Plan and Article 15 "Planned Development District" of the Boone County Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The development of the subject tract shall follow the submitted Concept Development Plan. This Concept Development Plan includes a three page document entitled "Rivers Pointe Estates, Zoning Application for 2.2-Acre Addition" (dated 10/3/17) and exhibits labeled A, B, C, D, E, and F.
2. The development of the subject tract shall follow the conditions of zone change approval for the original Rivers Pointe Estates site that were adopted in 2010. This includes conditions #1 through 21 that are outlined in the September 1, 2010 Committee Report, and condition #22 that was approved by the Boone County Fiscal Court on November 23, 2010. If there is any discrepancy between the Concept Development Plan and these conditions, the conditions shall prevail.

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

## ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Mark Hicks, Chairman


DATE: November 15, 2017

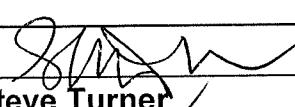
### ZONING MAP AMENDMENT - Mark Hicks, Chairman, Kevin Wall, Staff

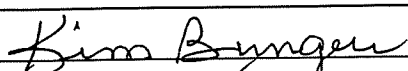
3. Request of **Jay Bayer, Bayer Becker Inc. (applicant)** for **Toebben, Ltd. (owner)** for a Zoning Map Amendment from Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Suburban Residential Three/Commercial One/Planned Development (SR-3/C-1/PD) for an approximate 2.2 acre lot located at 1892 Stahl Road, Boone County, Kentucky. The request is for a zone change to allow an expansion of a residential phase in the previously approved Rivers Pointe Estates development (no increase in number of dwelling units for the overall Rivers Pointe Estates development).

#### REMARKS:

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

  
\_\_\_\_\_  
**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 \_\_\_\_

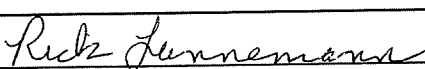
\_\_\_\_\_  
**Randy Bessler (Alternate)**  
For Project \_\_\_\_ Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

\_\_\_\_\_  
**Janet Kegley**  
For Project \_\_\_\_ Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

\_\_\_\_\_  
**Lori Heilman (Alternate)**  
For Project \_\_\_\_ Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

\_\_\_\_\_  
**Kim Patton**  
For Project \_\_\_\_ Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

  
\_\_\_\_\_  
**Mark Hicks, Chairman**  
For Project  Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

  
\_\_\_\_\_  
**Rick Lunnemann**  
For Project  Absent \_\_\_\_  
Against Project \_\_\_\_  
Abstain \_\_\_\_ Deferred \_\_\_\_

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

**COMMISSION MEMBERS PRESENT:**

Mr. Kim Bunger, Secretary/Treasurer  
Mrs. Lori Heilman  
Mr. Mark Hicks  
Mrs. Janet Kegley  
Mr. Rick Lunnemann  
Mr. Don McMillian  
Ms. Jamie Nieves  
Mr. Kim Patton  
Ms. Lisa Reeves  
Mr. Charlie Rolfsen, Chairman  
Mr. Bob Schwenke

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Randy Bessler  
Mr. Greg Breetz  
Mr. Brad Shipe  
Mr. Steve Turner, Temporary Presiding Officer

**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/ZEO  
Mr. Todd K. Morgan, AICP, Senior Planner  
Mr. Robert A. Jonas, AICP, Director, Zoning Services

Mr. Randy Bessler left the meeting room.

Chairman Rolfsen called the Public Hearing to order at 8:11 P.M. and introduced the second item on the Agenda:

**ZONING MAP AMENDMENT - Kevin Wall, Staff**

2. Request of **Jay Bayer, Bayer Becker Inc. (applicant)** for **Toebben, Ltd. (owner)** for a Zoning Map Amendment from Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Suburban Residential Three/Commercial One/Planned Development (SR-3/C-1/PD) for an approximate 2.2 acre lot located at 1892 Stahl Road, Boone County, Kentucky. The request is for a zone change to allow an expansion of a residential phase in the previously approved Rivers Pointe Estates development (no increase in number of dwelling units for the overall Rivers Pointe Estates development).

Staff Member, Kevin Wall, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The request is for a Zone Change from A-2 and RSE to SR-3/C-1/PD for a 2.2 acre lot at 1892 Stahl Road. The site has a garage building on it and is split zoned. The Future Land Use Map from the Comprehensive Plan designates the site as Rural Density Residential (RD) and Suburban Density Residential (SD). The topography of the site is relatively flat with the exception of the back portion. Mr. Wall provided a Concept Development Plan for the entire site of Rivers Pointe Estates Subdivision. The original zone change was approved in 2010. The entire site is 334 acres in size and has residential, commercial and office uses. It includes 23,000 square feet of commercial/office space off North Bend Road. In addition, a variety of residential building types were approved with a total unit count of 864. The proposed 2.2 acres will be added to Area II. There are four different residential building types in this area. Residential uses include single family detached lots, landminiums, townhomes, and apartments. The applicant submitted a specific landscaping plan for the perimeter of Area 2. No increase in the number of lots/units will occur even though the applicant is adding 2.2 acres to the project. In theory, the applicant could add one lot to the project based upon the existing zoning but they are not proposing to do so. Mr. Wall showed photographs of the site and adjoining properties.

In terms of Staff Comments, Mr. Wall noted quotes from the Comprehensive Plan on pages 2-8 of the Staff Report. There are a lot of references to the Housing Element. Because the applicant is pursuing the Planned Development (PD), there are criteria that the applicant must address. These criteria were examined extensively when the original request was reviewed in 2010. Further, the approved conditions are also noted in the Staff Report and in terms of which ones apply to the 2.2 acre parcel. There were 22 conditions that apply to the original project. Mr. Wall referred to Condition #8 that pertains to the landscape perimeter. The landscape around the perimeter should be designed based upon the final use and layout of the 2.2 acres. Mr. Wall stated that comments were received from Hebron Fire, SD1, and the Kentucky Transportation Cabinet. Comments were requested from other outside agencies but have yet to be received. This includes the Boone County Water District, the Boone County Public Works Department and the Boone County School District. Mr. Wall concluded that the request has to be reviewed in relation to the statutory requirements, the PD requirements, and the potential impacts. If approved the Future Land Use Map would need to be amended.

Mr. John Toebben, Toebben Companies, stated that after much debate the original project was approved in 2010. Since then, there was a sanitary sewer moratorium, along with a recession,

which slowed the project. After the original approval, they had the opportunity to purchase the parcel in question. No additional units are being proposed. It is a relatively small parcel compared with the entire project.

Mr. Jay Bayer, engineer for the project, showed the original plan for Rivers Pointe Estates Subdivision. The Regulating Plan had a table which described the allowable uses. This includes single family homes with rear access, townhomes, landminiums and multi-family units. The overall number of units and density will remain the same. Mr. Bayer stated that the Housing Element of the Comprehensive Plan suggests offering a variety of housing and units. Page 8 of the Comprehensive Plan states as the County's population ages, the need for higher density and planned unit developments will likely increase. It was envisioned that this type of need was coming. The parcel in question is small compared with the overall size of the project of 334 acres. Traditional innovative design as well as mixed use design options shall be encouraged throughout Boone County in order to accommodate market demands. The Land Use Element for the North Hebron area states that planned development or clustered housing should be used to insure proper development of this site. Mr. Bayer commented that the Zone Change Committee noted that the original plan was generally consistent with the Land Use Concepts in the Comprehensive Plan. In addition, the Committee felt that the original proposal was consistent with the Future Land Use Development Guidelines outlined in the Comprehensive Plan. It included the agreed conditions and the design guidelines from the Rivers Pointe Estates booklet. It fulfilled the requirements of the Planned Development (PD) requirements. He asked that the current request follow the same procedure and requirements of the previous applications and approval including the plan, booklet and conditions.

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

Mr. Robert Brill, 1889 Stahl Road, stated that the site in question is directly across the road from his house. He is not clear on what will be put on the property. He heard about a few things but what will really go there? He is unsure of whether he is for or against the request. One hundred by five hundred feet is not 2 acres. He doesn't want to see an apartment building across the street. Stahl Road is a relatively small road as it is difficult for two cars to pass at the same time. He explained that he didn't want to lose his property value for Mr. Toebben's profit or benefit.

Chairman Rolfsen asked if the applicant knew exactly what was going to be built on the 2.2 acres? Mr. Bayer showed a drawing of potential buildings on the 2.2 acres. It is a concept of what could occur. It could be any of the previously approved residential uses or buildings - single family detached houses, townhomes or apartments.

Ms. Donna Herald, 2400 Frontier Drive, stated that she didn't live in Hebron in 2010. She had the understanding that not all the new housing from the project would have access to Stahl Road. She expressed a concern about Stahl Road since it is very narrow. There is an elderly lady who walks her dog every day. There are no sidewalks or striping. It is difficult to make a left turn onto KY 237 due to increased traffic at peak time. Stahl Road is a paved gravel lane. To add multi-family housing to Stahl Road, it would result in a loss of life. Mr. Costello asked if there are any conditions placed on the applicant for Stahl Road? Mr. Wall replied no. There are 2 access points to Stahl

Road from the phase in question. There was a condition pertaining to the end of Stahl Road. It is a gated emergency access point. Mr. Wall stated that Fiscal Court added a condition that a traffic signal would be added at the primary entrance to the development on KY 237 when warranted. The bulk of the traffic including the phase in question will use the primary entrance.

Mr. Paul Marsh, 2481 Frontier Drive, asked whether the developer was changing the number of units because he didn't see them all on the plan? Maybe some of the buildings are larger? Can Stahl Road handle the additional traffic and weight limits? Most of the traffic from Stahl Road turns left onto KY 237. It is a nightmare if you don't leave your home early enough. It can take 10-15 minutes to turn left at a minimum. Most of the time people move to the middle lane and wait to merge right. Maybe a new traffic study needs to be done to expand KY 237. There was an accident this morning near the Remke intersection. Mr. Marsh showed a photo from his phone about a parcel for sale and a proposed development. Mr. Costello instructed Mr. Marsh to send the information to Mr. Wall.

Mr. Brill noted that Stahl Road has a lot of cracks and is not any wider than a driveway. The County will need to upgrade Stahl Road if apartments are built on the site in question.

Ms. Joanne Ellena, 1718 Grandview Drive, inquired about an article that appeared in the newspaper about 400 apartments. She said she would send a copy to the Planning Commission. She doesn't agree with apartments. There is a lot of traffic with Amazon and the new library. It can take 30 minutes to get to Kroger. Why haven't the police, sewer and schools commented? Where does it leave this issue if we don't know the impact? Is the land stable enough to support development? Where will the animals go?

Chairman Rolfsen asked the applicant to verify the acreage. Mr. Toebben replied it is 2.2 acres. He stated that they are not proposing to put any additional units on the 2.2 acres. It will be built on but will be in the overall unit count from 2010. An exhaustive study of the site was performed along with a traffic study. The entire project has 9 different housing pods. Mr. Toebben stated this area could have single family, paired homes, cluster units in the Village Center area. It will be urbanistic.

Chairman Rolfsen inquired about the start of the project. Mr. Toebben responded there is a force sanitary sewer main that has to be built along North Bend Road to Tanner Road in order to provide service. Construction will start in the Spring 2018. The force main is located in front of their property.

Mr. Bunger asked how the project would be phased? Mr. Toebben replied they will construct 50 units per year. They are currently working on a final plan and marketing studies. They hope to present a preliminary plan next Spring. The first phase will go beyond the retail area along KY 237. The connection to Stahl Road will be market driven.

Ms. Heilman asked if the developer is simply expanding the land area to build the previously approved 864 units? Mr. Wall responded yes. If the application was denied, the applicant could still build 864 units plus one unit on the 2.2 acres. The overall density of the project would decrease slightly.

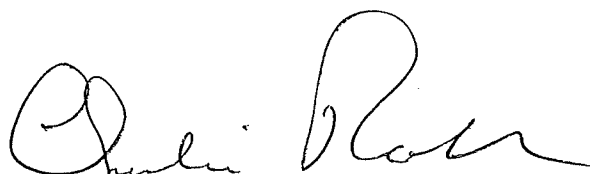
Mr. Douglas Herald, 2400 Frontier Drive, stated that the 2010 Traffic Study should be updated since the population density in the area has increased. There needs to be a new traffic study. Times have changed. It was an old study. Traffic is different now than in 2010. The property hasn't been touched in 7 years, maybe it should be re-evaluated.

Mr. Ron Williams, 1873 Stahl Road, stated that the plan shows 20-30 units and big buildings. He didn't know about the changes on Stahl Road. He thought it was strictly off North Bend Road. It is difficult to get out onto KY 237. The apartments are getting closer to the single family residential areas. He is against the project. It is too much traffic. The County will have to do a lot more.

Chairman Rolfsen asked if any Board members had any additional comments or questions?

**Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on November 15, 2017 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on December 6, 2017 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:44 P.M.**

**APPROVED:**



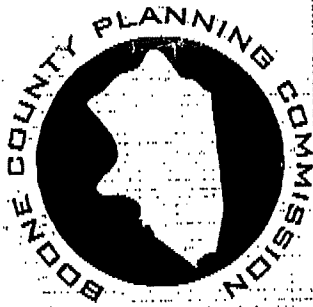
**Charlie Rolfsen**  
**Chairman**

**Attest:**



**Kevin P. Costello, AICP**  
**Executive Director**

# **SUPPORTING INFORMATION**

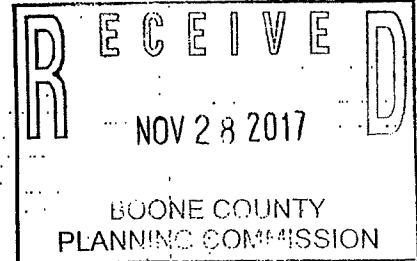


# BOONE COUNTY PLANNING COMMISSION

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



November 20, 2017

Mr. John Toebben  
Toebben Ltd.  
541 Buttermilk Pike  
Suite 104  
Crescent Springs, KY 41017

FAX: 331-9702

RE: Recommended Conditions of Approval for Toebben Ltd. Zone Change Application from A-2 and RSE to SR-3/C-1/PD for 2.2 Acre Tract at 1892 Stahl Road, Boone County, Kentucky

Dear Mr. Toebben:

The following represents the conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their November 15, 2017 meeting. If you, as the authorized representative for the property owner, agree to this condition, please so indicate by signing in the space provided at the end of this letter and return the original letter to the Planning Commission's office by Tuesday, November 28, 2017.

### CONDITIONS

1. The development of the subject tract shall follow the submitted Concept Development Plan. This Concept Development Plan includes a three page document entitled "Rivers Pointe Estates, Zoning Application for 2.2-Acre Addition" (dated 10/3/17) and exhibits labeled A, B, C, D, E, and F.
2. The development of the subject tract shall follow the conditions of zone change approval for the original Rivers Pointe Estates site that were adopted in 2010. This includes conditions #1 through #21 that are outlined in the September 1, 2010 Committee Report, and condition #22 that was approved by the Boone County Fiscal Court on November 23, 2010. If there is any discrepancy between the Concept Development Plan and these conditions, the conditions shall prevail.

Sincerely,

Kevin T. Wall  
Director, Zoning Services

Mr. John Toebben  
November 20, 2017  
Page 2

AGREEMENT

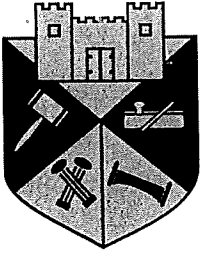
I, the authorized representative for the property owner of the 2.2 acre site located at 1892 Stahl Road, Boone County, Kentucky, agree to the conditions listed herein for the above referenced Zoning Map Amendment application.



11/22/17

John Toebben, Authorized Representative for  
Toebben Ltd  
Property Owner

Date



# TOEBBEN COMPANIES

541 Buttermilk Pike, Suite 104 Crescent Springs, Kentucky 41017  
Phone: (859) 331-1560 Fax (859) 331-9702  
E-mail: toebben@toebben.com Web Site: www.toebben.com

Bill Toebben, President  
Toebben Companies  
Toebben Construction Co.  
Commercial/Industrial Construction  
Design/Build  
General Contracting  
Construction Management

John Toebben, President  
Toebben Builders, Inc.  
Residential Construction  
The Reserve at Rivers Pointe  
Rivers Pointe, Hebron, KY  
Riverview Homes  
Country Squire Estates  
Luxury Homes  
Squire Valley Landominiiums  
Villa Hills, KY

Landstone Developers, Inc.  
Residential Community Developers  
The Reserve, Hebron, KY

Industrial Park  
Enterprise V, Boone County, KY  
Mt. Zion Technology Park,  
Boone County, KY

COMMERCIAL PROPERTIES  
Kentucky Properties  
High Street Center, Crescent Springs  
Mall Road Center, Florence  
Toebben Exec. Center, Crescent Springs  
Mt. Zion Center, Boone County  
Summit Medical Building, Crittenden  
Cresetville Center, Crescent Springs  
Fifth Street Center, Covington  
Huff Executive Center, Ft. Mitchell  
Grainger, Boone County  
Technology Park, Boone County  
North Bend Square, Hebron  
Independence Square, Independence

Ohio Properties  
Keystone Plaza, Blue Ash  
Milford Shopping Center, Milford  
Houston Park Center, Colerain Township  
Western Row Center, Deerfield Twp.  
Wilmington Comm. Park, Wilmington  
Harrison Retail Center, Harrison

Agricultural Property  
Toebben TTT, Carrollton, KY

November 22, 2017

Bonne County Administration Building  
2950 Washington St, Room 317  
Burlington, KY 41005  
Attn: Kevin Wall

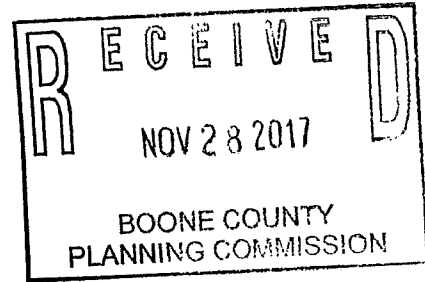
Re: Toebben Zoning

Kevin,

Please see the enclosed.

Thank you,

John Toebben  
President  
Toebben Builders



**COPY**

**MASTER COMMISSIONER DEED**

Whereas, The Boone Circuit Court on

JUNE 1, 2009 rendered a Judgment in the Action of

NATIONSTAR MORTGAGE LLC  
FKA CENTEX HOME EQUITY COMPANY, LLC  
350 HIGHLAND DRIVE  
LEWISVILLE, TX 75067

PLAINTIFF(S)

vs { **Case No. 09-CI-00786**

MONA HENSON  
AMERICAN GENERAL HOME EQUITY, INC.  
BENEFICIAL KENTUCKY, INC.

D/B/A BENEFICIAL MORTGAGE COMPANY OF KENTUCKY  
COMMONWEALTH OF KENTUCKY DIVISION OF COLLECTIONS  
FINANCE & ADMINISTRATION CABINET  
NORTH STAR CAPITAL ACQUISITION LLC  
LVNV FUNDING LLC  
GMAC

UNKNOWN SPOUSE, IF ANY, OF MONA HENSON  
DEFENDANT(S)

directing the sale of the property hereby conveyed, which sale was accordingly made to TOEBBEN LTD., for \$112,220.00 on FEBRUARY 14, 2013, and was reported FEBRUARY 15, 2013, by the Commissioner of this Court, and the Court on FEBRUARY 26, 2013, confirmed that report, and directed the undersigned to convey to the Grantee herein named, the property hereinafter described.

Now, therefore, in consideration of these premises, the Commissioner of the Boone Circuit Court, hereby Aliens and Conveys unto: TOEBBEN, LTD, its successors and assigns forever

All the right, title and interest of all of the parties to the lawsuit involved herein who are before the Court including, but not limited to: NATIONSTAR MORTGAGE LLC FKA CENTEX HOME EQUITY COMPANY, LLC, 350 HIGHLAND DRIVE, LEWISVILLE, TX 75067; MONA HENSON; AMERICAN GENERAL HOME EQUITY, INC.; BENEFICIAL KENTUCKY, INC. D/B/A BENEFICIAL MORTGAGE COMPANY OF KENTUCKY; COMMONWEALTH OF KENTUCKY DIVISION OF COLLECTIONS FINANCE & ADMINISTRATION CABINET; NORTH STAR CAPITAL ACQUISITION LLC; LVNV FUNDING LLC; GMAC; UNKNOWN SPOUSE, IF ANY, OF MONA HENSON

DOCUMENT NO: 620091  
RECORDED ON: MARCH 07, 2013 11:52:10AM  
TOTAL FEES: 120.00  
GROUP: 2002  
COUNTY CLERK: KENNY BROWN  
COUNTY: BOONE COUNTY CLERK  
REPUTY CLERK: STACY HARKINS  
BOOK 01017 PAGES 324 - 337

In and to the following described Real Estate, County of Boone and more particularly described as follows;

Group No. 2002

The following described property located in Boone County, Kentucky, to wit:

Being situated in the County of Boone, and Commonwealth of Kentucky, and being the remainder of original 19 acres in D.B. 889, Pg. 457, owned by Robert and Mona Henson, and being described as follows:

Beginning at a 5/8" rebar found in the North right-of-way line of Stahl Road being approximately 1038' +/- to Kentucky Highway 237 (North Bend Road) and being a corner to 11.69 acres owned by Toebben, Ltd. in D.B. 839, Pg. 668; thence with said Toebben, Ltd. N 28 deg. 52' 52" W a distance of 245.05' to a 1" pipe found; thence N 27 deg. 47' 24" W a distance of 593.90' to a 5/8" rebar set w/ cap Ty Pell 3221 being in the South line of 1.47 acres owned by Charles A. Wend et. ux. in D.B. 419, Pg. 229; thence with said Wend N 64 deg. 39' 50" E a distance of 93.84' to a 5/8" rebar found being a corner to 0.312 acres owned by Stephen J. and Robin J. Sallee in D.B. 912, Pg. 367; thence with said Sallee S 31 deg. 02' 00" E a distance of 839.60' to a 5/8" rebar found in the North right-of-way line of Stahl Road; thence with said North line of Stahl Road S 63 deg. 37' 21" W a distance of 136.64' to a 5/8" rebar found, which is the true point of beginning, containing 2.247 acres, more or less, and being subject to all legal right of ways, easements and restrictions of record.

Bearings are based upon the S 66 deg. 15' 00" W line.

An actual field survey was performed under the supervision of Ty R. Pell, Registered Land Surveyor No. 3221, on October 5, 2011 as found in File No. 11-120.

Being the same property conveyed to Robert Henson and Mona Henson, husband and wife who acquired title, with rights of survivorship, by virtue of a deed from Robert Henson and Mona Henson, husband and wife, dated January 18, 2005, filed January 18, 2005, recorded in Deed Book 889, Page 457, County Clerk's Office, Boone County, Kentucky.

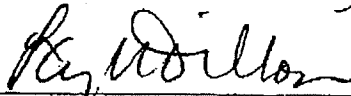
Robert Henson died June 17, 2008 and pursuant to the survivorship clause on the vesting deed, all his rights, title and interest pass to Mona Henson.

Subject to all restrictions, conditions and covenants and to all legal highways and easements.

**TO HAVE AND TO HOLD SAID PROPERTY WITH APPURTENANCES unto the said TOEBBEN, LTD., its successors and assigns forever.**

THE SAID COMMISSIONER conveys all of the right, title and interest of the parties aforesaid in and to said property and warrants the title thereto so far as he is authorized by the judgment, orders and proceedings in said cause, and no further; but he does not bind himself personally by anything contained herein, in any event whatsoever.

Witness, the hand of the said Commissioner, this 4<sup>th</sup> day of March, 2013.



Larry B. Dillon, Master Commissioner

Gregory W. McDowell, Deputy Commissioner

Acknowledged, examined and approved in Open Court



Judge, Boone Circuit Court

3/4/13

COMMONWEALTH OF KENTUCKY, BOONE CIRCUIT COURT

NATIONSTAR MORTGAGE LLC  
PLAINTIFF(S)

No. 09-CI-00786

VERSUS

MONA HENSON, ET AL  
DEFENDANT(S)

I, DIANNE MURRAY, Clerk of the Boone Circuit Court, do hereby certify that this Deed, by the Commissioner of said Court, was this day, presented in open Court by the Commissioner, and was by him duly acknowledged to be his act and deed; and the said Deed, having been examined by the Court, was approved and confirmed, and so endorsed by the Judge, and ordered to be transmitted, and duly certified to the Clerk of the Boone County Court for record, which is now done accordingly.

Given under my hand, this 4 day of March, 2013.

ATTEST:

Dianne Murray  
Clerk of Boone Circuit Court

Gregory W. McDowell, Deputy Clerk

This Instrument Prepared By:

Larry B. Dillon

Larry B. Dillon, Master Commissioner  
Gregory W. McDowell, Deputy Commissioner  
Master Commissioner's Office  
Boone Circuit Court  
6025 Rogers Lane  
Burlington, Kentucky 41005

KENTUCKY CERTIFICATE/AFFIDAVIT

PROPERTY ADDRESS: 1892 STAHL ROAD HEBRON, KY 41048

GRANTEE (PURCHASER) Toebben, Ltd.

GRANTEE MAILING ADDRESS/IN-CARE-OF: 541 Buttermilk Pike SE 104  
Crescent Springs KY 41107

GRANTOR (SELLER) COMMISSIONER, BOONE CIRCUIT COURT

GRANTOR MAILING ADDRESS: 6025 Rogers Lane Burlington, Kentucky 41005

COMES NOW THE ABOVE-NAMED GRANTEE(S) AND GRANTOR(S) AND, AFTER BEING DULY CAUTIONED AND SWORN, STATE AS FOLLOWS:

1. THAT THE MAILING ADDRESSES FOR THE GRANTEE AND GRANTOR SET FORTH ABOVE ARE TRUE AND CORRECT.
2. THAT THE CONSIDERATION SET FORTH ABOVE IS THE FULL CONSIDERATION PAID FOR THE PROPERTY DESCRIBED ABOVE.

GRANTEE Toebben, Ltd. by its General Partner,  
 BY: Math Toebben Companies, Inc.  
 TITLE: President  
 PRINT NAME: Bill Toebben

[Signature]  
 GRANTOR (SELLER)  
 COMMISSIONER, BOONE CIRCUIT COURT

STATE OF KENTUCKY, COUNTY OF BOONE: SCT.

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED BEFORE ME THIS 15th DAY OF April, 2013 BY THE ABOVE NAMED GRANTOR, COMMISSIONER, OF THE BOONE CIRCUIT COURT.

MY COMMISSION EXPIRES:

KAREN ANGEL (Commission Expires: 9-17-2013 ID 402919)

JESSICA SCHMIDT (TRUMP) (Commission Expires: 5-4-2016 ID 466043)

[Signature]  
 NOTARY PUBLIC, STATE AT LARGE

STATE OF Kentucky, COUNTY OF Kenton, SCT.

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED BEFORE ME THIS 7th DAY OF March, 2013, BY THE ABOVE GRANTEE(S) Toebben, Ltd. by Math Toebben Companies, Inc. by Bill Toebben  
(Print Grantee(s) Name)

MY COMMISSION EXPIRES:

June 6, 2015

[Signature]  
 NOTARY PUBLIC, STATE AT LARGE

**ORDINANCE NO. 2018 - 03**

**AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, A REQUEST OF JAY BAYER, BAYER BECKER, INC. (APPLICANT) FOR TOEBBEN, LTD. (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM AGRICULTURAL ESTATE (A-2) AND RURAL SUBURBAN ESTATES (RSE) TO SUBURBAN RESIDENTIAL THREE/COMMERCIAL ONE/PLANNED DEVELOPMENT (SR-3/C-1/PD) FOR AN APPROXIMATE 2.2 ACRE LOT LOCATED AT 1892 STAHL ROAD, BOONE COUNTY, KENTUCKY.**

**WHEREAS**, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Suburban Residential Three/Commercial One/Planned Development (SR-3/C-1/PD) for an approximate 2.2 acre lot located at 1892 Stahl Road, Boone County, Kentucky, which is more particularly described below; and

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

**NOW, THEREFORE BE IT ORDAINED BY THE BOONE COUNTY FISCAL COURT, 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 Agricultural Estate (A-2) and Rural Suburban Estates (RSE) to Suburban Residential Three/Commercial One/Planned Development (SR-3/C-1/PD) for an approximate 2.2 acre lot located at 1892 Stahl Road, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in an Agricultural Estate (A-2) and Rural Suburban Estate (RSE) zone is more particularly described in DEED BOOK 1017, PAGE NO. 334 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

**Section Two**

That a basis for this approval for a Zoning Map Amendment 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 13<sup>th</sup> day of February, 2018

First Reading - the 9th day of January, 2018

Second Reading - the 13<sup>th</sup> day of February, 2017 Yes 3 No 0

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

Attest:

  
Sharon Burcham,  
Fiscal Court Clerk

APPROVED

Staff 

Date 12/6/17

Boone County  
Planning Commission  
*\*WITH CONDITIONS*



# RIVERS POINTE

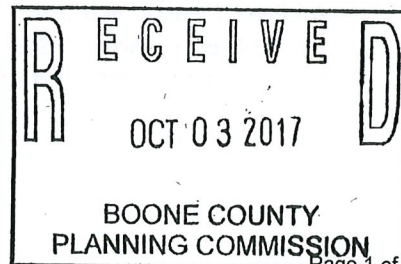
ESTATES

Zoning Application for 2.2-Acre Addition

By



10/3/2017



A pre-application meeting was held at the offices of the Boone County Planning Commission on 9/8/2017. Those in attendance included Kevin Wall, Zoning Administrator, Boone County, John Toebben of the Toebben Companies, owner and Jay Bayer of Bayer Becker, applicant. Based on the meeting, the Toebben Companies would like to add an approximate 2.2 acres of land to the Rivers Pointe Estates project in Hebron Kentucky. Highlights of the request include:

- 1) Original project size 334 acres. Requested Area to be added 2.2 acres. New total area 336.2 acres
- 2) Original project total residential units were 864. Proposed new total 864 units
- 3) Original project zoning SR-3/C-1/O-1/PD. Requested zoning for the 2.2-acre site is the same.

The following pages provide supporting information for the requested zoning map amendment.

#### Concept Plan

Attached you will find Exhibit A, the previously approved concept for Rivers Pointe Estates, with the proposed area to be rezoned highlighted in blue and labeled "Proposed Addition". We are asking for a zone change from existing RSE and A-2 to SR-3/C-1/O-1/PD to match the previously approved Rivers Pointe Estates. We are proposing to commit to all the prior conditions that were agreed upon with the original rezoning.

Attached as Exhibit B, is a concept plan for the area to be rezoned. The plan shows a concept for the 2.2-acre area along with the shaded area from the previously approved project. As noted above, unit types may change within the approved plan but no additional units will be added to the overall project of 864 units.

Attached as Exhibit C, is the portion of the original Design Guidelines Regulating Plan which has been updated to include the 2.2-acre parcel. The Toebben Companies are proposing, with this rezoning request, to add the 2.2-acre area to the Area II designation of the approved Regulating Plan, as highlighted on Exhibit C. Per the chart provided on Exhibit C, under Regulating Plan Area II, the types of units that are proposed within the 2.2-acre area may include Single Family Rear Access, Townhome Street Access Including Landominiums, Townhomes Rear Access, and Multi-family buildings.

#### General Site Characteristics

The 2.2-acre property to be rezoned is owned by the Toebben Companies. The property is located on the north side of Stahl Road approximately 1000 feet from North Bend Road. The property is primarily open with soil types including Avonburg Silt Loam, Jessup Silt Loam and Rossmoyne Silt Loam per the USDA Soil Conservation Service Soil Survey.

#### Transportation Patterns

The 2.2-acre property currently has frontage on Stahl Road. Per the concept plan, the property will be an addition to the Rivers Pointe Estates project with proposed public and private roadways. Based on discussion at the pre-application meeting, Kevin Wall informed us that an updated Traffic Impact Study

for the project is not required with this application since no additional units are being added to the overall project.

### Land Use Characteristics

As shown in the concept plan and noted above the land use proposed for the property is residential. Attached as Exhibit D are examples of the architecture envisioned for the project. The proposed residential unit types include Single Family (Rear Access), Townhomes (Street or Rear Access) and Multi-Family. The overall units are proposed to remain the same as previously approved. With the additional acreage the overall project density is affectively reduced.

Attached as Exhibit E are Design Guidelines from the original approved zoning which are proposed for the requested 2.2-acre parcel. Attached as Exhibit F, are Landscape Buffer Design Guidelines from the original approved zoning which are proposed for the requested 2.2-acre parcel. The proposed buffer for previously approved line 16 was extended along the Stahl Road frontage for the 2.2-acre parcel. The proposed buffer for lines 19 and 20 are defined on the exhibit.

### Utilities and Infrastructure

The Toebben Companies have worked closely with the utility agencies to plan this unique project. The utilities for the 2.2-acre property will be provided along with the overall project.

### Relationship to the Comprehensive Plan

The Boone County Future Land Use Plan places the Rivers Pointe Estates project including the requested 2.2-acre property in Area 17- North Hebron Area. The site includes several land use categories including High Suburban Density Residential, and Suburban Residential. The plan for this 2.2-acre site generally follows the Future Land Use Map guidance by providing a variety of housing options, diversity in neighborhood character and a broad market appeal through clusters of higher density and lower density. The proposed zoning will be an addition to the approved Rivers Pointe Estates zoning and project.

### Construction Schedule

The Toebben Companies would like to complete design of construction plans and begin construction upon completion of the approval process.

REDUCED MASTER PLAN EXHIBIT

EXHIBIT A  
(PAGE 23 FROM PREVIOUSLY APPROVED ZONING SUBMITTAL WITH "PROPOSED ADDITION" SHOWN)



The Illustrative Master Plan above is an example of how Rivers Pointe Estates may be developed. Specific locations of product types shall remain flexible and shall conform to the regulating plan herein.

TOEBBEN COMPANIES | BOONE COUNTY, KENTUCKY

# REDUCED MASTER PLAN EXHIBIT

The Illustrative Master Plan shown is an example of how Rivers Pointe Estates may be developed. Specific locations of product types shall remain flexible and shall conform to the regulating plan herein.

EXHIBIT B  
(PART OF PAGE 23 FROM PREVIOUSLY APPROVED ZONING SUBMITTAL WITH "PROPOSED ADDITION" SHOWN)



EXHIBIT C

(PART OF PAGE 43 FROM PREVIOUSLY APPROVED ZONING SUBMITTAL WITH "PROPOSED ADDITION" SHOWN)



Regulating Plan Area	Large Family Lots	Small Single Family Lots / Buildings	Single Family Rear Access	Cabin Homes	Townhomes Street Access / Buildings	Townhomes Rear Access	Multi-Family Buildings	Village Center Buildings
0	-	-	-	-	-	-	-	-
I	-	-	-	-	-	-	-	-
II	-	-	-	-	-	-	-	-
XIX	-	-	-	-	-	-	-	-

\*Note: Private streets allowed in plan area

Rivers Pointe Estates is designed as a mixed-use community, including diverse housing types, retail/restaurant, and community services and amenities. The individual block layouts within the Regulating Plan are for illustration purposes only. The Regulating Plan and distribution of housing typologies should be flexible to respond to physical site constraints, end-users' needs, community desires and changing market conditions; so long as they meet the intent of the regulations and guidelines within.

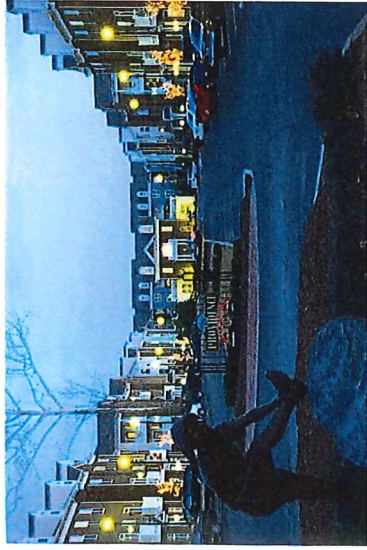
The Village Core is intended to accommodate multi-family housing and commercial uses (allowed by the base zoning) with the opportunity for residential, office or community service uses on upper floors above commercial uses.

Design Guidelines for village center commercial buildings and a variety of housing types are illustrated on the following pages. These building types are keyed to the Regulating Plan; indicating which types are permitted in each Roman Numerated development area. Each development area may contain any combination of allowed uses that are keyed to that area, so far as the total unit count for all combined development areas does not exceed a maximum of 864 dwelling units and the total commercial program does not exceed 23,000 square feet.

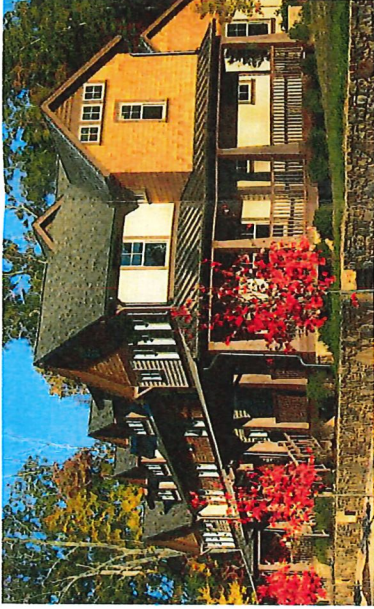
**EXHIBIT D (PAGE 20 FROM PREVIOUSLY APPROVED ZONING SUBMITTAL)**

**Housing**

Rivers Pointe Estates offers a wide range of housing opportunities with varying sizes, types and affordability. This diversity in housing options will attract all types of residents from singles to families to empty nester and retirees, allowing residents to “age-in-place” as their housing needs change. Adequate infrastructure will be provided to properly serve the residents. While site constraints minimize connectivity to adjacent neighborhoods, the community is designed with multiple access points and inter-connectivity. The mixed-use Village Center offers residents an amenity within walking distance of their homes and is appropriately located relative to existing infrastructure. Higher density housing is located near the Village Center offering a critical mass of residents to help support commercial uses. In order to preserve green space, wooded areas, slopes and other significant site features, the housing at Rivers Pointe Estates has been clustered into neighborhoods of increased net density. Public infrastructure, street capacity, services and public schools (existing and planned) are adequate to support the planned housing at Rivers Pointe Estates.



Multi-Family



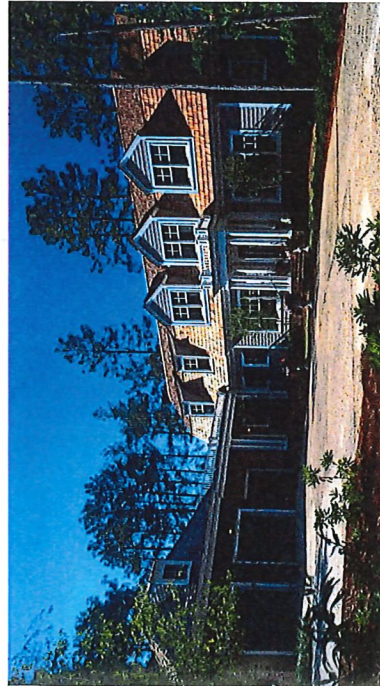
Town Homes



Condominiums



Landminium

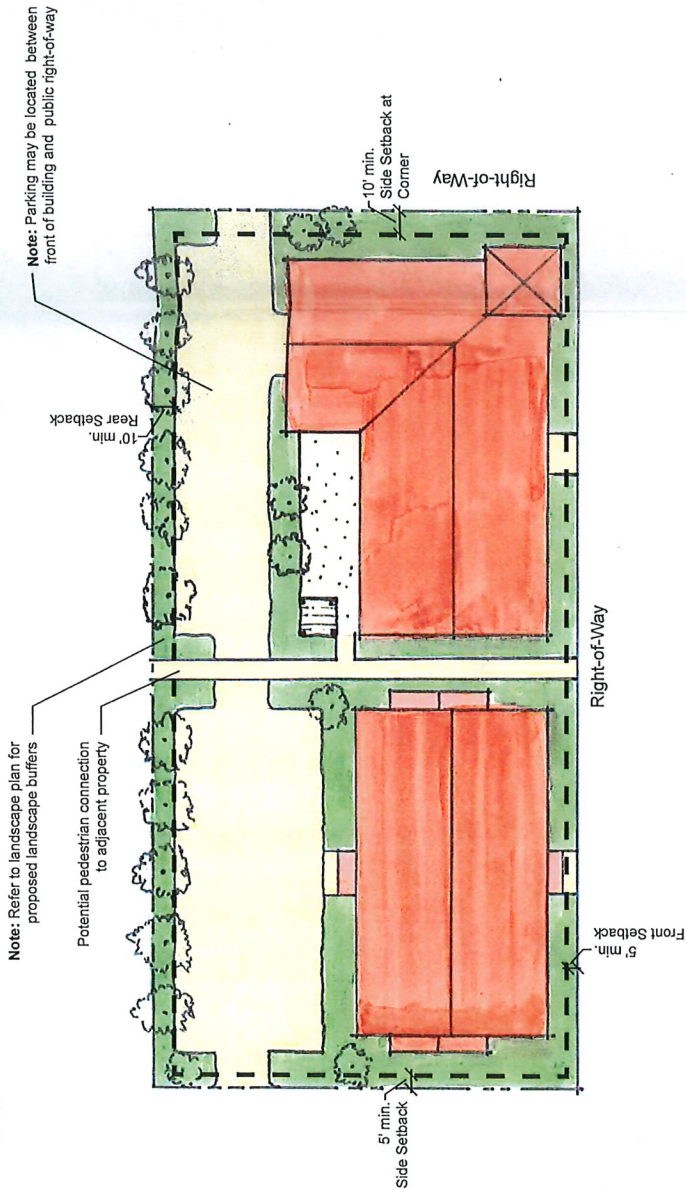


Single Family



Landminium

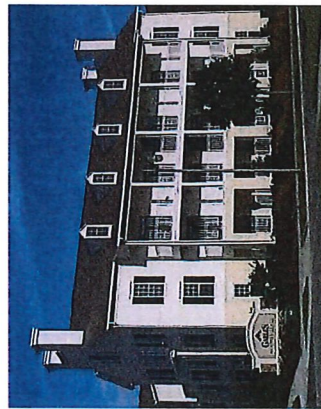
# EXHIBIT E (PAGE 50 FROM PREVIOUSLY APPROVED SUBMITTAL)



Example Lot Diagram



Rustic materials and architectural detailing are appropriate to create a consistency of community character



Balconies are appropriate architectural elements that help activate streetscapes



Active amenity uses such as leasing centers, fitness centers and lounge areas may be expressed along streets to support a vibrant village center

## MULTI-FAMILY BUILDINGS - TYPE 'A'

Multi-family apartment or condominium buildings may include stacked flats (single-story units) or townhouse-style units (two-story units) in different combinations that allow for a diversity in the buildings' architecture. Parking may be provided in surface lots and/or in garages tucked under the rear of the building. The massing of these 2- to 3-story buildings can be used to frame pedestrian walk-throughs, courtyards and shared amenity spaces.

### Patterning

Parking: Rear, Parking Lots, Front, Parking Lots, Tuck-under Garages  
Front, rear or side parking access

Potential Pedestrian connections to adjacent properties

### Lot Requirements

- Front Setback: 5' minimum; 15' at perimeter property lines
- Side Setback: 5' minimum (10' min. distance between buildings)
- Side Setback: 10' minimum sideyard setback at street corner
- Rear Setback: 10' minimum
- Perimeter Setback from adjacent properties: 30' min.

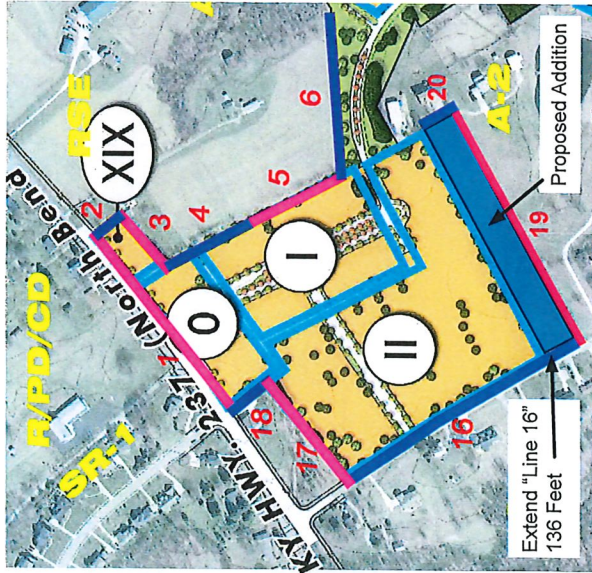
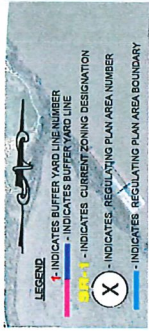
Front, Side and Rear Setbacks from KY 237 (North Bend Rd.) shall be 20' Minimum or to the back of the existing overhead utility easement, whichever is greater

### Height

Maximum Height: 3 stories



Multi-family buildings may have interior corridors and shared entries that create the architectural appearance of townhomes



Part of "Landscape Buffer Plan" (Page 56 from Previously Approved Zoning Submittal)



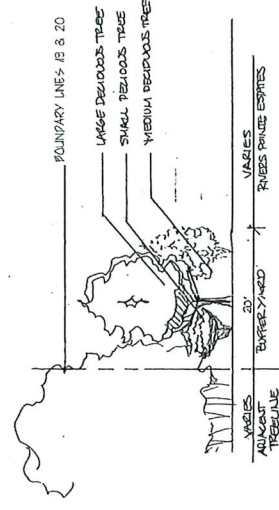
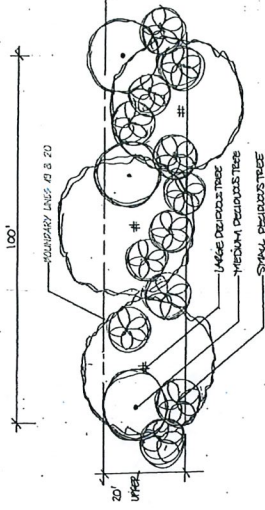
Existing Landscaping - Stahl Road Looking East

# LA - BUFFER (PROPOSED ADDITION TO AREA II)

Applicant's Plan:

The Applicant proposes a 20' wide landscape buffer along boundary lines 19 & 20. Similar to other buffers, Applicant proposes installing additional trees in lieu of shrubs as needed in a ratio of one (1) tree per every four (4) required shrubs for a total of 18 trees from BCPL A,B, and/or C per 100 feet. This proposed landscaping is in alignment with the surrounding areas and buffers and the Applicant's desire to maintain the park like character of the development.

## LINE 19 (840 LF) & LINE 20 (94 LF)

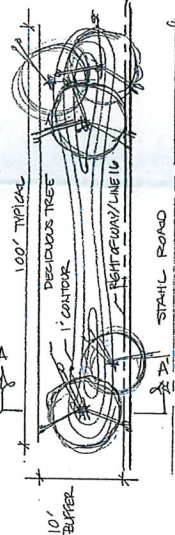


## LA9 - STAHL ROAD BUFFER

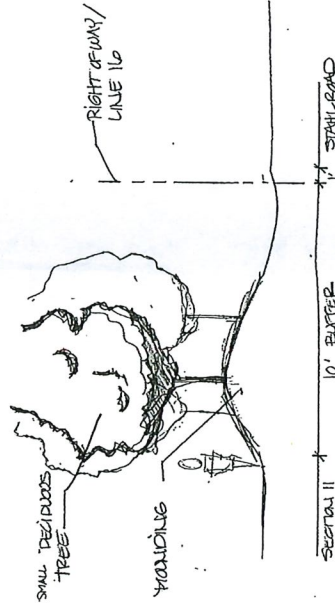
Applicant's Plan:

The Applicant proposes a 10' wide landscape buffer along boundary line 16. In order to preserve the pastoral feel along this rural community roadway, the Applicant proposes to meet the intent of the code through constructing a small mound and installing 5 small trees from BCPL C per 100 linear feet of frontage.

## LINE 16 (EXTEND 136 LF)



Proposed Landscaping - Typical 100 linear Foot Plantings - Plan View



Proposed Landscaping - Typical 100 linear Foot Plantings - Section View