

APPLICATION FORM

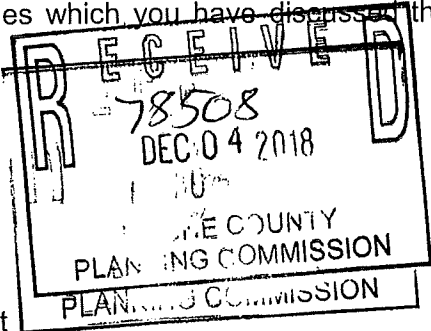
ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

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

Fee - \$1,600.00
\$ 250.00
\$ 32.00
15 x 21.8=\$ 327.00
Total = \$2,209.00

SECTION A (To be completed by applicant)

- 1. Name of Project: Creekside II
2. Location of Project: Camp Ernst Road & Cress Court
3. Total Acreage of Site: 21.8 Ac Per Deed
4. Current Zoning of Site: RSE
5. Proposed Zoning (Classification being requested): SR1
6. Proposed Uses (please specify each use): Single Family Residential
7. Names of Applicant(s): Viox & Viox, Inc.
8. Address of Applicant(s): 466 Erlanger Road, Erlanger, Kentucky 41018
9. Name of Property Owner(s): Suzanne Cress Estate & Herbert H. & Cindly L. Cress
10. Address of Property Owner(s): 7159 Pleasant Valley Road, Florence, Kentucky 41042
11. Proposed Building Intensities (please specify): SR1-4 Units per Ac, Creekside II 54 Home sites/21.8 Ac 2.48 Units per Ac
12. Are there any existing buildings on the site? Yes
13. Deed Book: DB 951, 170 Page No.: 307, 18 Group No.: 2038A
14. Are you also applying for: Waiver for Number of Flag Lots is required
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months: Boone County Water District, Florence Public Services Dept., Duke Energy, Sanitation District #1, Cincinnati Bell, Owen Electric Cooperative, Inc., Boone County Public Works Department, Kentucky Transportation Cabinet, Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)



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

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

1. Name of Project Creekside II
2. Location of Project Camp Ernst & Cress Court
3. Names of Applicant(s) Viox & Viox, Inc.
Phone No. 859 727-3293 Fax No. 859 727-8452 E-Mail _____
4. Address of Applicant(s) 466 Erlanger Road,
Erlanger Kentucky 41018
City State Zip
5. Name of Property Owner(s) Suzanne Cress Estate & Herbert H. & Cindy L. Cress

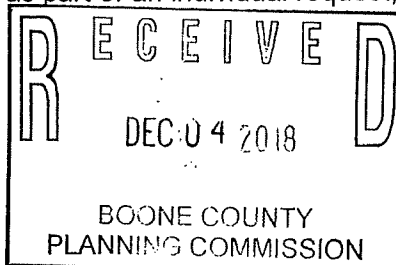
In accordance with the provisions in KRS 100.211, the applicant(s) and property owner(s) or originators above, hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment and/or Concept Development Plan* application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on March 31, 2019.

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

ORIGINAL Applicant's Signature *Cindy Cress*
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted) *Michelle JBE* (applicant Viox & Viox)

Note:

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



EXHIBIT

“A”

STAFF REPORT

Request of **Viox & Viox, Inc. (applicant)** for **Suzanne Cress Estate, Herbert H. Cress, and Cindy L. Cress (owners)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for an approximate 21.8 acre site located at 7456 Camp Ernst Road and 488 Cress Court, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family residences.

January 2, 2019

REQUEST

The applicant has applied for a zone change from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for an approximate 21.8 acre tract that's located at 7456 Camp Ernst Road and 488 Cress Court, Boone County, Kentucky.

The submitted Concept Development Plan shows the site will contain fifty-four (54) detached single-family residential lots if the application is approved (proposed building intensity of 2.48 dwelling units per acre). Two (2) houses already exist and fifty-two (52) new houses are proposed. Cress Court would be extended and provide access to fifty-three (53) lots in Creekside II Subdivision. The existing house located at 7456 Camp Ernst Road will be conveyed off separately and retain its access point on Camp Ernst Road.

As part of the request, the applicant is also seeking a Waiver to increase the number of flag lots that can be permitted in the subdivision from 15% of the lots to 22.64% of the lots (12 lots out of the 53 proposed in the subdivision). Section 315 of the Boone County Subdivision Regulations states that the maximum number of flag lots permitted for each phase of a subdivision shall not exceed 15% of the lots.

SITE CHARACTERISTICS

The 21.8 acre site has approximately 340 feet of frontage on the south side of Camp Ernst Road and 50 feet of frontage on Cress Court. The site currently contains two single-family residential dwellings, a detached garage, and a barn. The house located in the northeastern portion of the site is accessed from Camp Ernst Road and the house located in the central portion of the site is accessed from Cress Court. Boone County G.I.S. shows the topography of the site is rolling to severe. It ranges from 824' above sea level near the barn to 786' above sea level at the northwest property line (Camp Ernst Road frontage), and 698' above sea level where Gunpowder Creek flows through the southwestern part of the site. The submitted Concept Plan show three utility easements (50' wide Mid Valley pipeline, 30' wide gas easement, and 20' sanitary sewer easement) in the southeastern part of the site. Other water and sanitary mains exist along Camp Ernst Road and Cress Court. The rear of the site is heavily wooded with deciduous trees near Gunpowder Creek

ADJACENT LAND USES AND ZONING

Northeast: Single-Family Residential Dwellings and H.O.A. Parcel in Pebble Creek Subdivision (SR-1/PD/CD)

Northwest: Camp Ernst Road and Camp Ernst Lake/YMCA Camp (R)

Southeast: 84 Acre Farm Fronting on K D K Lane (A-2) and Pebble Creek H.O.A. Parcel (SR-1/PD/CD)

Southwest: Single-Family Residential Dwellings in Creekside Subdivision and 11.427 Owned by Boone County (SR-1/CD).

PERTINENT HISTORY

The adjoining 44.15 acre tract to the southwest was rezoned from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) in 2003 and later became Creekside Subdivision. The approved Concept Development Plan shows 96 lots on 44.15 acres of land (proposed building intensity was 2.17 dwelling units per acre), a street connection to the northeast (became Cress Court), and a 13.35 open space parcel along the limits of Gunpowder Creek (land was later conveyed to Boone County).

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2010 Boone County Comprehensive Plan's "2035 Land Use Plan" designates the site for Suburban Residential and Developmentally Sensitive uses. These future land use classifications are defined as follows:

Suburban Residential (SR) - "Single-family housing of up to four units per acre. This classification does not preclude low density or estate residential developed as a formal subdivision".

Developmentally Sensitive (DS) - "Areas that have an existing slope of twenty percent or greater for a height of 20 meters (67.6 feet), or have unique soil or flooding characteristics which limit the ability of an area to support urban development, or contain significant wooded areas, creeks, wildlife habitat, or other natural features that are important to a site's stability and visual character. In addition, developmentally sensitive areas may, in the future, be defined and protected due to historical or visual importance. Any development on land identified as Developmentally Sensitive must be carefully assessed by the developer and the Planning Commission to determine the ability of the land to support the proposed project. The land use priority for areas designated Developmentally Sensitive is preservation of the existing environment, as opposed to development of the land. This shall act as a guideline for any project proposed in Developmentally Sensitive areas; specific sites designated as Developmentally Sensitive require more detailed inventories of soil, slope, wildlife habitat, vegetation, and other possible physical constraints as part of the development plans. These inventories shall be used, along with engineering studies, to determine whether an area designated Developmentally Sensitive can be developed in a fashion which is sensitive to the existing site characteristics. The Developmentally Sensitive areas of Boone County have been identified by utilizing United States Department of Agriculture Natural Resources Conservation Service (formerly Soil Conservation Service) data and mapping, through the Boone County Geographic Information System (GIS). The degree of accuracy of these areas is intended to locate general areas of concern. Actual site assessments will determine the exact boundaries of Developmentally Sensitive areas in Boone County at the time of development".

The Land Use Element (Pleasant Valley/Oakbrook Area, pg. 168) contains the following passage regarding the general area:

- A. The remaining portions of this section of Boone County should develop in a Suburban Residential manner. Major subdivisions in the area should provide internal connector roads with no driveway access or parking.

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

- A. Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined. True Open Space subdivision design should be considered to blend new subdivisions in with areas that have a rural character (Utilization of Existing Vegetation and Topography, pp. 161-162).
- B. As described in the Goals and Objectives, different development densities can occur in Boone County as long as the development is designed in a proper manner and the infrastructure exists or is planned to support the development. The Goals and Objectives also acknowledge that fluctuations in the economy and housing market should be considered when evaluating the uses and design of developments.

Business, commercial, or industrial parks should be designed and developed to allow future residential or other uses to access through them where the corridor may extend to large developable tracts or may provide a future road connection. A roadway that is suitable for mixed use development should serve side streets for businesses rather than serving individual businesses directly, include an urban curb and gutter design, and provide pedestrian amenities and green space along the right-of-way. In this way, future residential development could be developed beyond the initial development, but be readily marketed.

Sanitary sewer issues have larger impact on where development occurs than do the other types of infrastructure in Boone County. The presence of sanitary sewer has a direct impact on the lot sizes of residential development in particular. Most residential development in outlying areas without access to sewer service typically develops on lots that are larger than an acre. In fact, accommodate leach areas. On the other hand, the presence of public sanitary sewer facilities have normally resulted an increased demand for more dense single-family residential development. This development often occurs roughly in the range of three dwelling units per acre - which typifies single family projects in Boone County at this time. There is little development occurring in Boone County between these two general density levels. As pointed out in the Housing Element, this phenomenon often results in different housing and lot characteristics adjacent to each other. In these conditions, proposed residential developments that have smaller lot sizes than surrounding land uses are recommended to utilize the following design mechanisms to address the impacts on existing development.

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

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

Highly visible portions of the proposed development site should consider green space. The style of green space, including tree types, fencing or other similar features should imitate the existing road corridor views. Grandiose subdivision entryways may not be appropriate depending on existing conditions in the corridor (Development Layout, Lot Sizes and Setbacks, pg. 162).

- C. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as open space within developments and between developments. Developments proposed adjacent to planned or established open spaces should provide pedestrian access where appropriate. Natural green space benefits the community as well as encourages developers to create innovative development designs through clustering of buildings and impermeable area. Typically, buffering is required and provided between unlike land uses; however, as the development of Boone County fills in previously rural areas, different lot sizes and designs of residential development sometimes impact each other. Where an appropriate gradation of lot size and setbacks cannot be designed into a proposed residential subdivision development of a significantly higher density than existing adjacent residential uses, deliberate vegetation buffering may need to be incorporated into the design to help protect low density residential areas. Buffer areas should use and supplement existing site features where possible (Buffering, pp. 162-163).
- D. Developments in Boone County must include landscaping to accompany the proposed project. Retention of existing healthy vegetation is considered a component of landscaping and is encouraged. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas, as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways. The amount of heat absorbed by impervious cover from sun radiation is decreased by landscaping, which reduces energy costs. Landscaping helps purify the air of harmful pollutants, thus reducing health impacts. It also helps reduce the quantity and improve the quality of storm water runoff, including temperature. The use of bioretention islands (water filtering basins) and grass swales should be used where possible in place of raised islands. Native species are often heartier than nursery stock and should be used wherever possible to minimize pesticides and other high impact forms of maintenance. Developments along major roadways in Boone County must include landscaping between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing land uses (Landscaping, pg. 163).
- E. Developments in Boone County must recognize the potential impacts of stormwater runoff. Developments must design and incorporate adequate provisions for the channelization and control of the rate of stormwater flow on and from the site. One goal of local storm water programs should be to minimize the amount of storm water generated by decreasing the amount of pavement and encouraging green rooftops. Creating less runoff by increasing on-site infiltration is a method of managing runoff.

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

- F. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system. Connections between and within commercial and industrial developments allow for more efficient provision of transit service (Access Management, pg. 163).
- G. Developments in Boone County must be designed, where appropriate, to improve the County's transportation network system of roadways, and functional classifications must be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets. The traditional grid system can provide an alternative to typical suburban design. Parallel and frontage roads should be used to minimize impacts of individual sites on collector and arterial roadways. Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths, but should provide connections to adjoining uses where appropriate. Public open space and recreation sites should be connected to each other by bicycle and pedestrian paths where appropriate. Transit Oriented Development (TOD) is discussed in detail in the Transportation Element, and should be examined as a future direction in Boone County development patterns (Transportation and Pedestrian Network, pp. 163-164).
- H. Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual appearance of a development or corridor. Overhead utility lines should be placed underground wherever possible, and junction boxes screened from public view. Neo-traditional residential and commercial development should be encouraged to provide quality development that blends with the natural or historic character of parts of Boone County. This Comprehensive Plan encourages the restoration, renovation and/or adaptive re-use of historically significant structures in Boone County (Design, Signs, and Historic Preservation, pg. 164).

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

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

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

- A. New subdivisions throughout the west Florence and Burlington areas should provide interconnections between their developments and adjacent developments to promote safety and easy transportation access (Geographic Housing Issues, Florence/Burlington area, pg. 84.)

The adopted 2017 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements.

- A. Boone County shall strive to achieve diversity and balance in land use while protecting natural resources and natural systems ("Overall," Objective 3).
- B. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community ("Overall," Objective 4).
- C. Promote quality of life amenities to retain current residents and attract new residents in order to have a stable and diversified population ("Demographics," Goal A, Objective 3).
- D. Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County ("Demographics," Goal A, Objective 4).
- E. A broad range of housing opportunities shall be provided to meet the needs and desires of all household types and shall be balanced with affordability, employment centers, commercial areas, and educational needs ("Demographics," Goal B, Objective 1).
- F. Residential developments shall be evaluated for impact on infrastructure, environment, health and safety considerations, buffering, and design with secondary consideration given to dwelling unit type and density ("Demographics," Goal B, Objective 4).
- G. Residential developments shall be encouraged to plan and build in a manner compatible with the general housing density and design planned for the area, with the existing conditions of the site, and significant site features ("Demographics," Goal B, Objective 8).
- H. Housing development shall be phased to coordinate with the provision of infrastructure, services, and education facilities ("Demographics," Goal B, Objective 9).
- I. Areas possessing unique environmental characteristics should be preserved, used as passive or active recreational areas, or appropriately incorporated into development design ("Environment," Objective 2).
- J. Development design shall consider natural and ecological systems, such as wildlife habitats, air, soils, and water ("Environment," Objective 6).
- K. Development shall attempt to utilize existing topography and vegetation (including mature trees where possible) and preserve the existing character of the land where practical ("Environment," Objective 7).
- L. Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system across jurisdictions ("Transportation," Goal A, Objective 1).
- M. New connector streets shall be developed where needed and feasible to lessen the dependence on arterial, collector, and local streets ("Transportation," Goal B, Objective 5).
- N. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops ("Transportation," Goal B, Objective 6).

- O. New land development shall be closely coordinated with the local transportation system to assure efficiency and continuity within Boone County and the with the multi-modal transportation system ("Transportation," Goal B, Objective 9).

BOONE COUNTY TRANSPORTATION PLAN

- A. The Boone County Transportation Plan contains a recommended project map and the "Camp Ernst Road Widening - Phase I" project is listed. The project is described as widening Camp Ernst Road from two lanes to four lanes and extending the multi-use path from the KY 237 widening project to improve safety and mobility. The recommended project is a Tier 1 project and is located between Boone County Arboretum and KY 237 (Pleasant Valley Road). Tier 1 projects are identified as high priority transportation needs and are forecasted to be implemented between 2020 and 2030.

FINDINGS NECESSARY FOR MAP AMENDMENT

Section 308 of the Boone County Zoning Regulations states that before any map amendment is granted, the Planning Commission and legislative body shall use the following criteria:

1. The map amendment is in agreement with the adopted comprehensive plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or
2. The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate; or
3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted comprehensive plan that substantially alter the area's character.

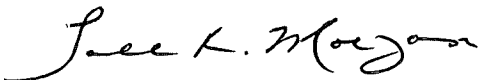
STAFF COMMENTS

1. Staff has attached a copy of a 12/3/18 email the County Administrator sent to the applicant regarding parcel B.
2. Staff sent out an Agency Memo and received comments back from Boone County Public Works, Burlington Fire Department, Boone County Water District, and Sanitation District No. 1. These comments are attached to the Staff Report.
3. Staff would like the applicant to address the following:
 - A. The findings for a Zoning Map Amendment.
 - B. The County Engineer asked for a Traffic Study in his email. Has it been prepared?
 - C. The comments from Burlington Fire Department regarding the number of flag lots that are proposed.
 - D. The Concept Plan shows that grading would occur on four adjoining properties on Lucia Drive if the project is approved. Has this grading been discussed with the adjoining property owners?

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and Boone County Fiscal Court in terms of Article 3 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area. The Future Land Use Map will not need to be amended if the request is approved.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner

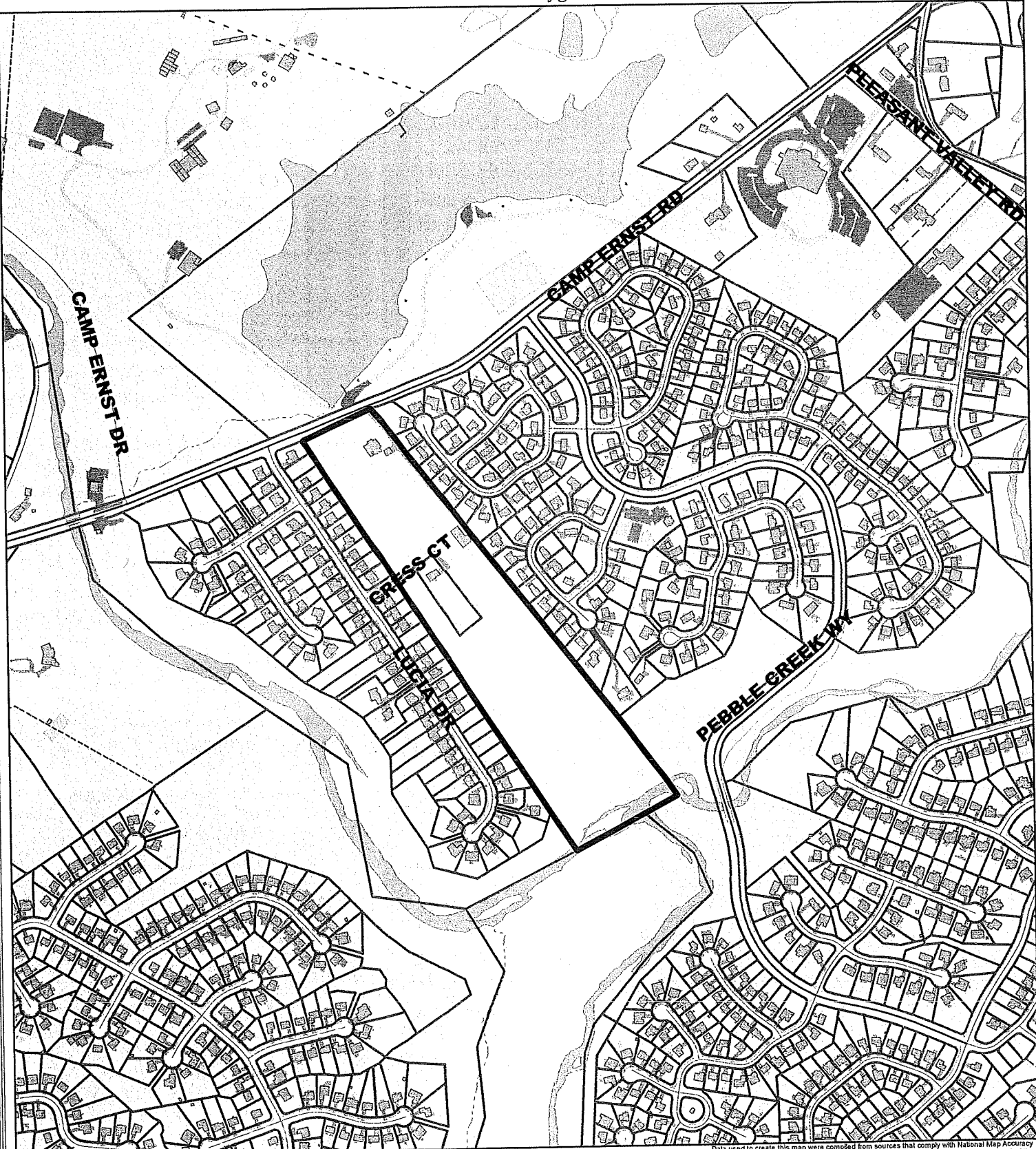
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Attachments:

- *Site Vicinity Map
- *Proposed Concept Development Plan
- *Zoning Map
- *2035 Future Land Use Map
- *Topographical Map
- *2016 Aerial Map
- *12/3/18 Email from Jeff Earlywine to Applicant
- *12/10/18 Agency Memo
- *11/29/18 Email From Scott Pennington
- *12/13/18 Email from Keith Feldhaus
- *12/19/18 Memo From Chief Jeff Barlow
- *12/21/18 Email from Greg Haggard
- *Application

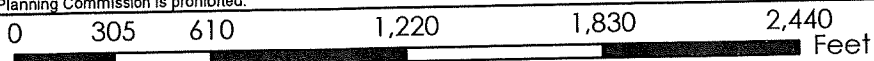
SITE VICINITY MAP

www.boonecountygis.com



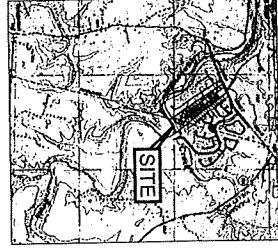
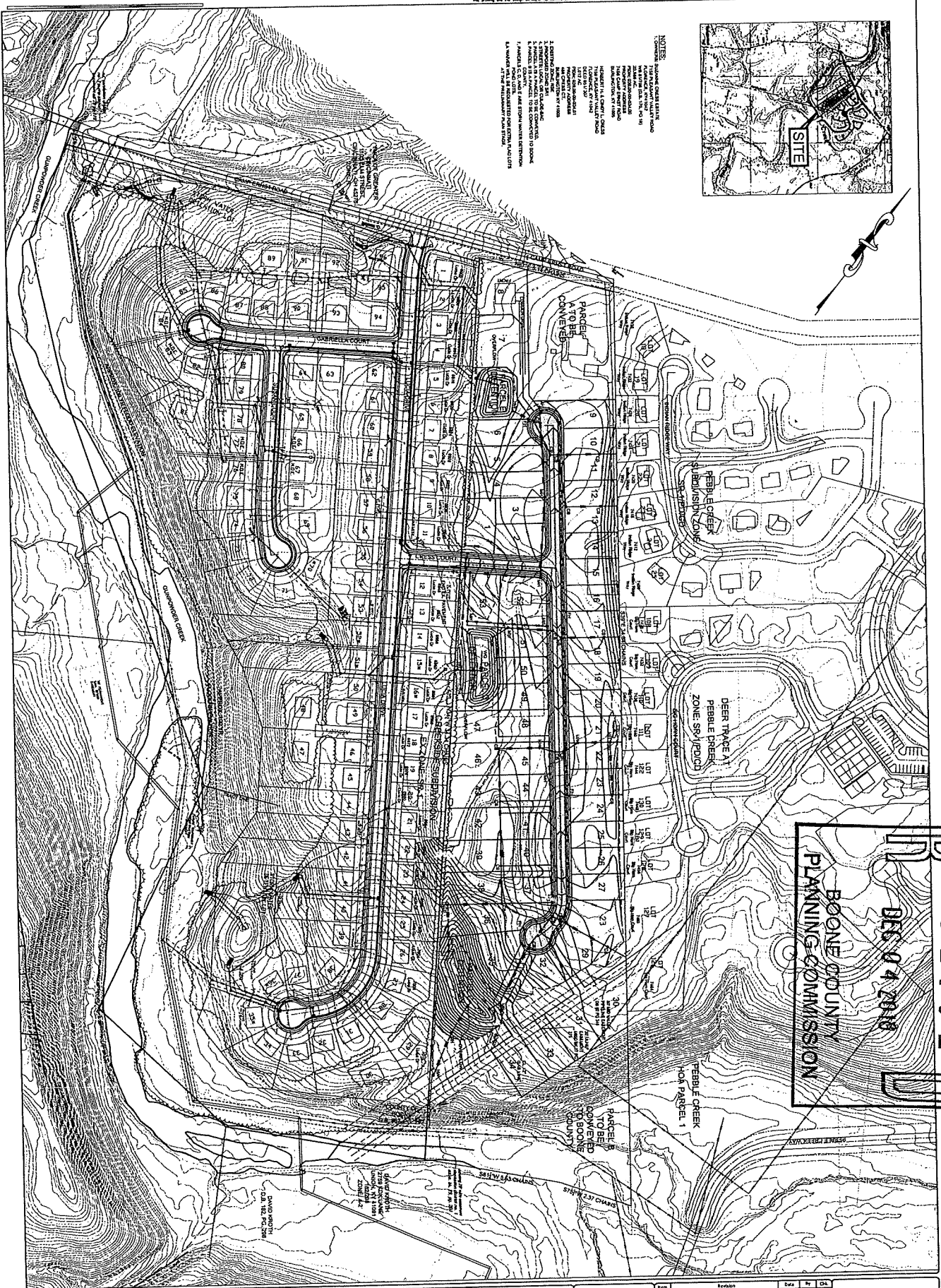
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Boone County GIS - Putting Northern Kentucky on the Map





- NOTES:**
1. PROPERTY LINES SHOWN ON THIS PLAN ARE BASED ON THE SURVEY OF THE LANDS OF THE STATE OF KENTUCKY, 1816, AS AMENDED BY THE ACT OF THE LEGISLATURE OF KENTUCKY, 1892, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 1904, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 1912, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 1918, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 1924, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 1930, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 1936, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 1942, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 1948, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 1954, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 1960, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 1966, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 1972, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 1978, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 1984, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 1990, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 1996, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 2002, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 2008, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 2014, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 2020.
 2. THE PROPERTY LINES SHOWN ON THIS PLAN ARE BASED ON THE SURVEY OF THE LANDS OF THE STATE OF KENTUCKY, 1816, AS AMENDED BY THE ACT OF THE LEGISLATURE OF KENTUCKY, 1892, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 1904, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 1912, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 1918, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 1924, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 1930, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 1936, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 1942, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 1948, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 1954, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 1960, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 1966, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 1972, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 1978, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 1984, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 1990, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 1996, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 2002, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 2008, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 2014, AND THE ACT OF THE LEGISLATURE OF KENTUCKY, 2020.
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DEER TRADE
 BOONE COUNTY
 PLANNING COMMISSION
 DEC 04 2024

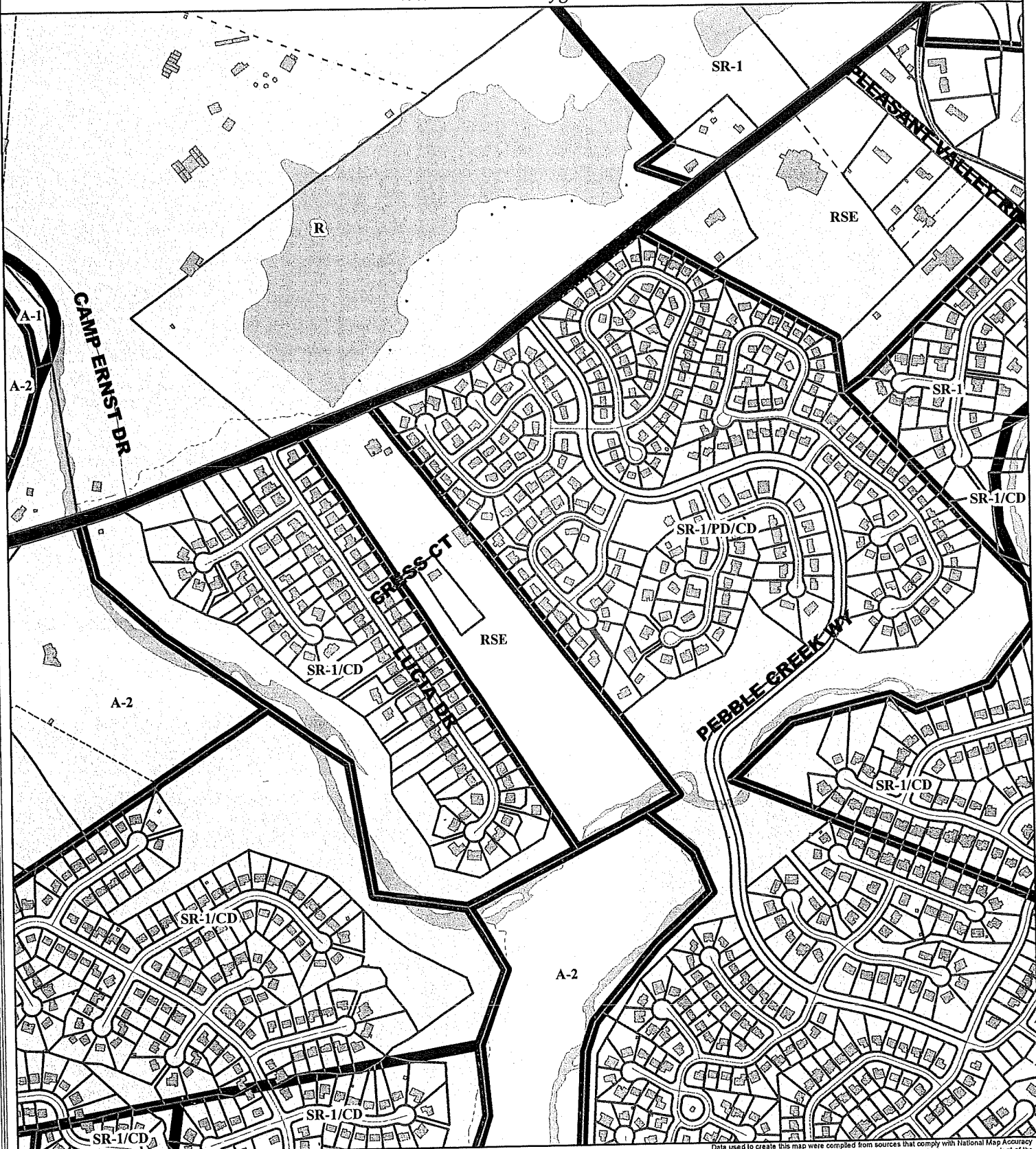
CREEKSIDE II SUBDIVISION
BOONE COUNTY, KENTUCKY
 CONCEPT PLAN

VIOX & VIOX
 Civil Engineers, Surveyors, and Landscape Architects
 448 Edgar Road • Ellettsville, Kentucky 41018
 2156 Main Street • Mifflin, Ohio 45150
 Ph: Edinger (855)777-3293 • Ph: Mifflin (513)878-1000
 www.vioxinc.com

NO.	REVISION	DATE	BY	CHK.

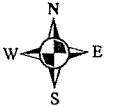
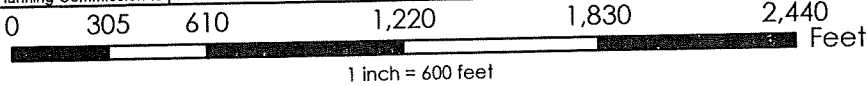
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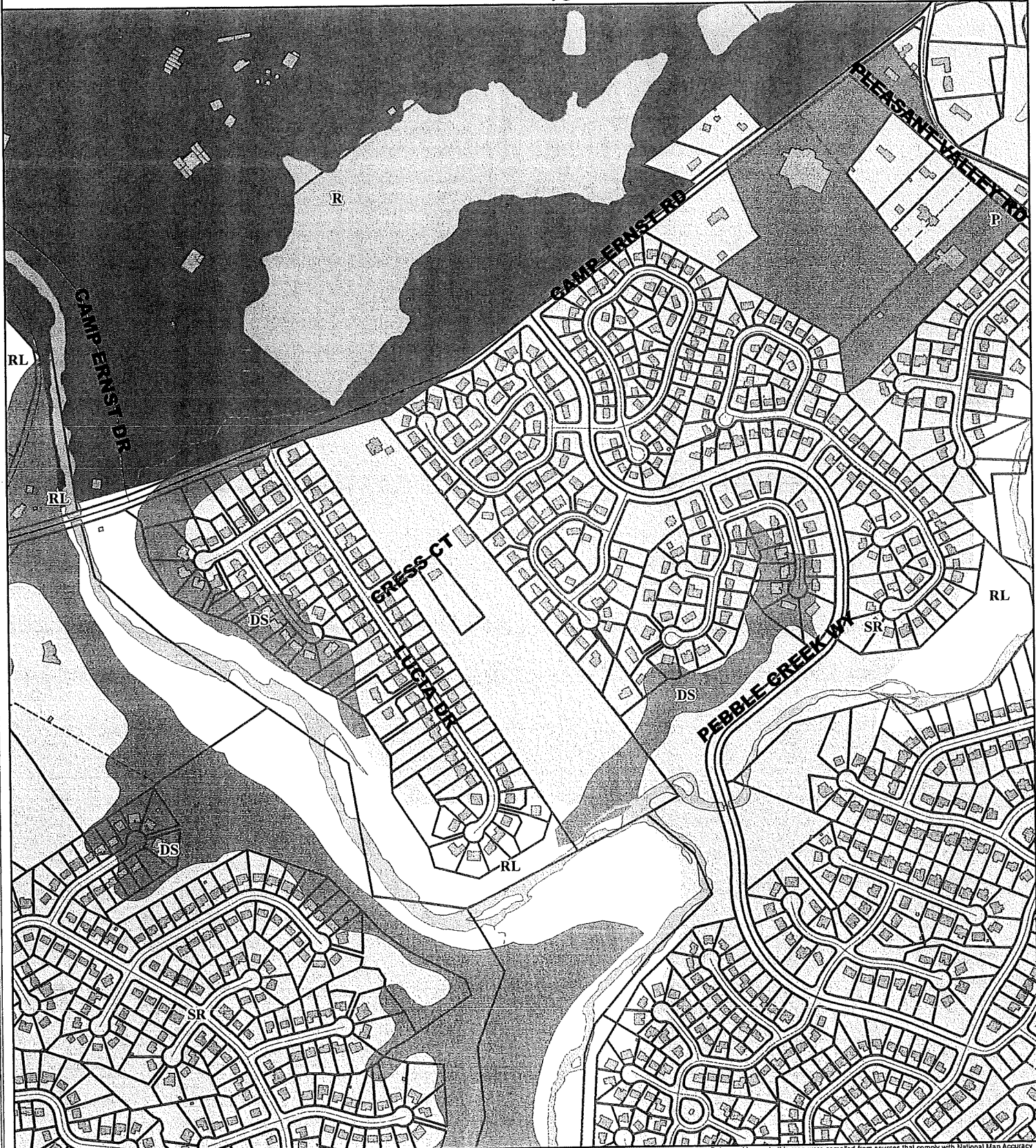
Boone County GIS - Putting Northern Kentucky on the Map

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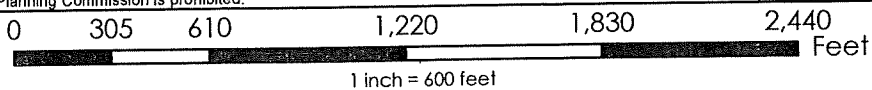
2035 FUTURE LAND USE MAP

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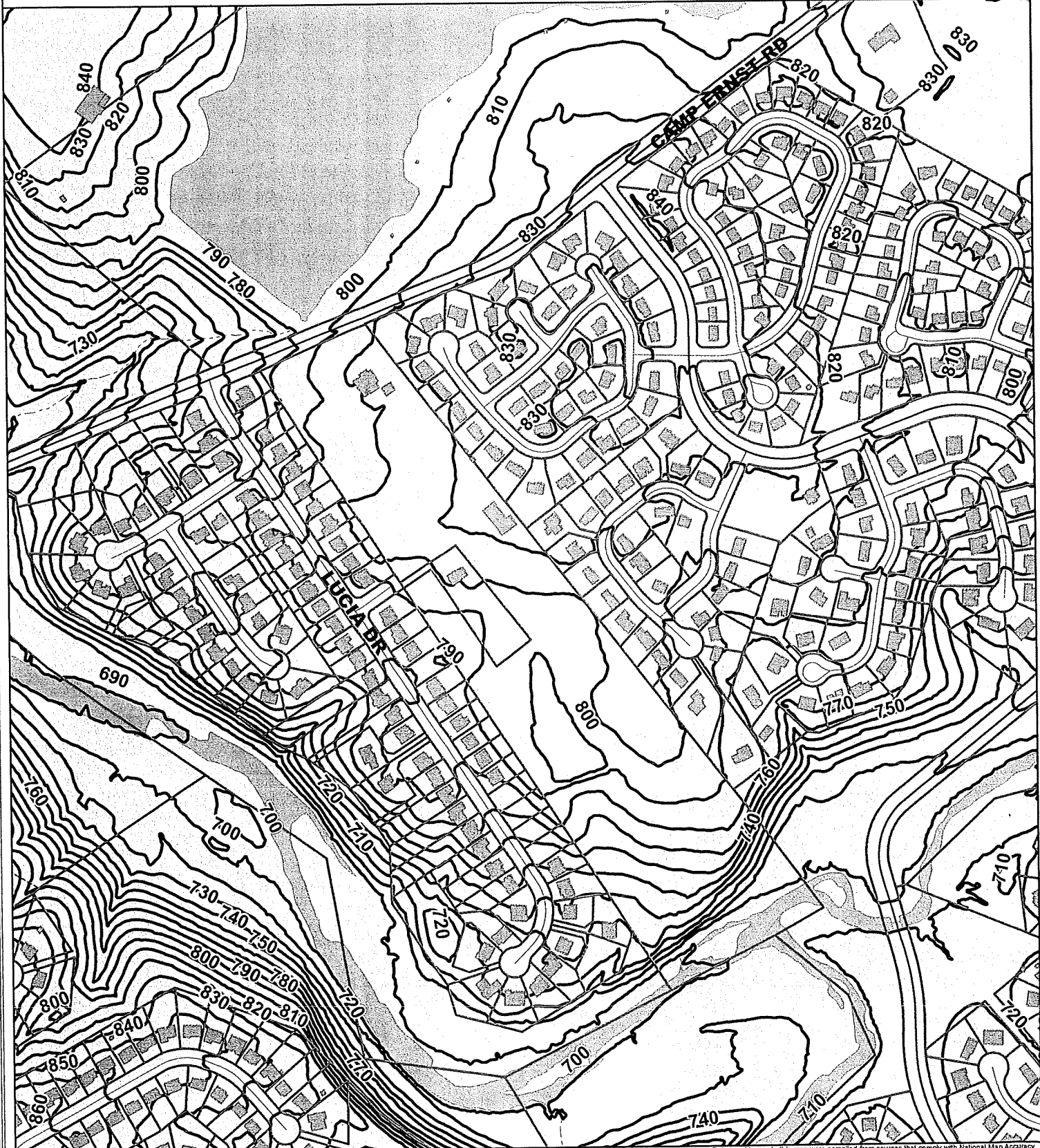
Boone County GIS - Putting Northern Kentucky on the Map



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TOPOGRAPHICAL MAP

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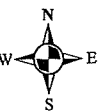
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0 205 410 820 1,230 1,640 Feet

1 inch = 400 feet



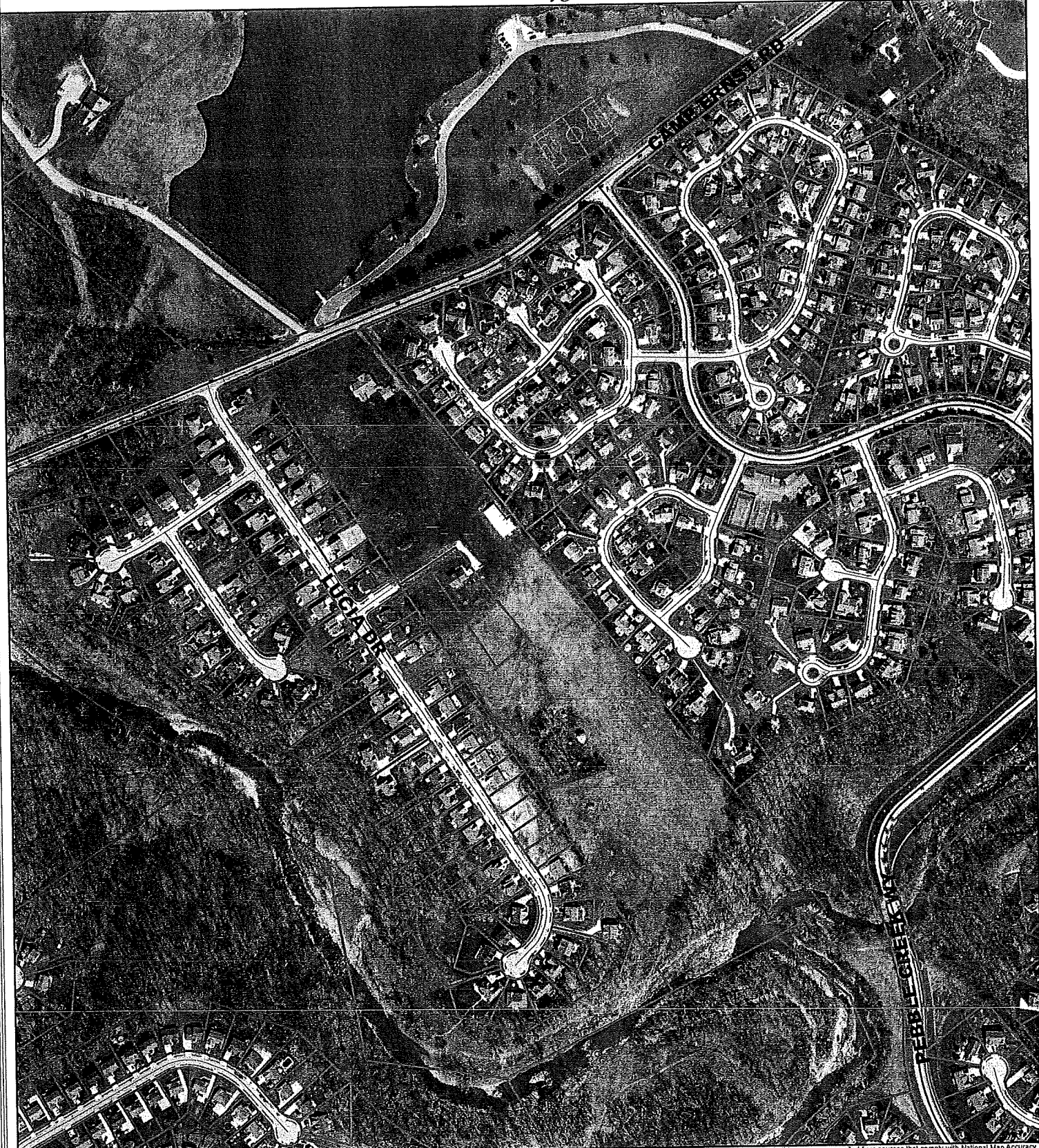
Boone County GIS - Putting Northern Kentucky on the Map

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ArcMap Document: BooneMap (file).mxd

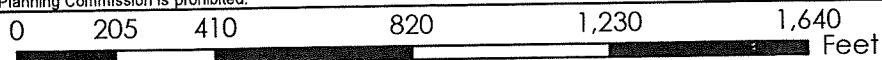
2016 AERIAL MAP

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1 inch = 400 feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 07/01/2013
ArcMap Document: BooneMap (file).mxd

Todd Morgan

From: Kevin Wall
Sent: Wednesday, December 05, 2018 10:01 AM
To: Todd Morgan
Subject: FW: Creekside II

From: Jeff Earlywine
Sent: Monday, December 03, 2018 1:00 PM
To: Vince Kahmann
Cc: Michelle Bollman; herb@newmantractor.com; Kevin Costello; Kevin Wall; Judge Moore; Scott Pennington
Subject: RE: Creekside II

Vince,

I wanted to acknowledge receipt of your email regarding county interest in residual property associated with the proposed Creekside II development. The county is looking more strategically, and critically, at these residual property opportunities these days. Due to the fact that we have already accepted adjacent property, and other adjacent property is owned by area HOA associations, it probably makes sense for the county to accept ownership of this parcel. If the project is approved and the county is presented with an offer, we would accept ownership of Parcel "B". I trust this answers your inquiry. Feel free to contact me for further discussion.

Jeff Earlywine

From: Vince Kahmann [<mailto:vkahmann@vioxinc.com>]
Sent: Thursday, November 29, 2018 2:34 PM
To: Jeff Earlywine
Cc: Michelle Bollman; herb@newmantractor.com
Subject: FW: Creekside II

Sorry, I meant Creekside II

Mr. Earlywine: Viox& Viox Inc. is representing Herb Cress in a zone change application for a property between Creekside and Peeblecreek on Camp Ernst Road. The PIDN # is 039.00-00-034.00. The zone change request is from RSE to SR1. Attached is the concept plan for your review. We have already had a pre-application meeting with Kevin Costello and Kevin Wall at BCPC. This email is to inquire if Boone County would accept an eventual conveyance of Parcel B as shown on the concept plan. This property is hillside, creek bottom, and creek with an access easement to a proposed new street. It would adjoin an existing Boone Co. parcel conveyed by JJ Miller from the existing Creekside Subdivision and a Pebble Creek HOA open space parcel that adjoins Pebble Creek Way. If possible, please get back to us before the anticipated January 2nd public hearing.

Thank you.
Vince Kahmann, PE



BOONE COUNTY PLANNING COMMISSION

www.boonecountky.org/pc
www.boonecountkygis.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@boonecountky.org

TO: Andy Aman, Sanitation District No. 1
Chief Jeff Barlow, Burlington Fire District
Keith Feldhaus, Boone County Water District
Mike Ford, Boone County School District
Greg Haggard, Sanitation District No. 1
Scott Pennington, Boone County Public Works
Matthew Webster, Assistant County Administrator

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

DATE: December 10, 2018

RE: Request of Viox & Viox, Inc. (applicant) for Suzanne Cress Estate, Herbert H. Cress, and Cindy L. Cress (owners) for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for an approximate 21.8 acre site located at 7456 Camp Ernst Road and 488 Cress Court, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family residences.

I have attached a copy of the Concept Development Plan for the above referenced request. The plan shows the approximate 21.8 acre site would contain fifty-four (54) detached single-family residential lots if the zone change application is approved. Two (2) houses already exist and fifty-two (52) new houses are proposed. Cress Court would be extended and provide access to fifty-three (53) lots in Creekside II Subdivision. The existing house located at 7456 Camp Ernst Road would be conveyed off separately and retain its access point on Camp Ernst Road. The public hearing for this request has been scheduled for January 2, 2019, at 7:30 P.M.

Please review the request relative to your agency's policies and service abilities and provide any comments in writing to me by December 21, 2018. Please provide a written response, even if your agency has no comments on the proposal. Comments can be e-mailed to tmorgan@boonecountky.org. Your feedback is greatly appreciated.

Todd Morgan

From: Kevin Wall
Sent: Wednesday, December 05, 2018 10:01 AM
To: Todd Morgan
Subject: FW: Creekside II zone change application
Attachments: P_CRESS HERB (155)_Subdivision-Site and phase (18001)_Engineering_DWG_HERB
CRESS ZONE CHANGE Layout1 (1).pdf

From: Scott Pennington
Sent: Thursday, November 29, 2018 5:50 PM
To: 'Jon Girdler'
Cc: Michelle Bollman <MBollman@VioxInc.com> (MBollman@VioxInc.com); Kevin Wall
Subject: FW: Creekside II zone change application

Jon,

Thank you for reaching out.

As shown, I'm okay w/ the access. Based upon the size of the development, I wouldn't require a full-blown TIS, but I believe it would be a good idea to simply note the expected traffic it would generate. Good info to have and it wouldn't surprise me if a Planning Commission member or a homeowner(s) in Creekside requested that info.

I do have a couple of other items to note:

- During the process, would you please address the location of the detention basins on Parcel D and E and their proximity to the homes in the Creekside Subdivision? I have some concerns as to what would happen if an outlet pipe from one of these basins became plugged and the basins overran. It could happen.....
- I've noted Parcel B is expected to be conveyed to the County. I know the County owns land along Gunpowder below Creekside. Have you already had the discussion w/ the County about that parcel? If not, no doubt that discussion will come.

You don't necessarily need to respond to these comments at this time. These items can be discussed during the process, but I simply wanted to go ahead and point them out.

Thanks.

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

From: Jon Girdler [<mailto:jgirdler@vioxinc.com>]
Sent: Thursday, November 29, 2018 3:21 PM
To: Scott Pennington <spennington@boonecountyky.org>
Cc: Michelle Bollman <mbollman@vioxinc.com>
Subject: Creekside II zone change application

Scott,

Per BCPC's suggestion to reach out to you after meeting with them about the attached concept, just wanted to touch base about the zone change application that we will be submitting next week for the January hearing. We aren't proposing any new access on Camp Ernst, but we are wondering if you are okay with the concept as we show it, specifically pertaining to access. Would the county require a TIS for this?

Thanks,

Jon Girdler, P.E.

Design Engineer

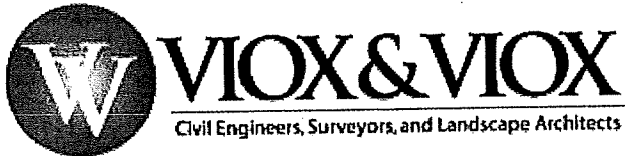
Viox & Viox, Inc.

466 Erlanger Road

Erlanger, Kentucky 41018

Office: 859-727-3293 ext. 2045

Cell: 859-415-8435



Todd Morgan

From: Keith Feldhaus <kfeldhaus@fuse.net>
Sent: Thursday, December 13, 2018 12:48 PM
To: Todd Morgan
Subject: Re: Agency Memo - Creekside II Subdivision - Zoning Map Amendment Application

Already made comment to Viox and they are going to make the water main to be Ductile iron throughout the project.
Thank you

Sent from my iPhone

On Dec 10, 2018, at 10:01 AM, Todd Morgan <TMorgan@boonecountyky.org> wrote:

All,

I have attached a Memo and a Concept Development Plan for the Creekside II Subdivision Zoning Map Amendment request. Please take a look at the plans and let me know if you have any comments. I am hoping to get comments back by December 21st. This will allow me to finalize my report before the holidays.

Thanks for your help.

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

<Memo.pdf>

<Creekside II Concept Plan.pdf>



Burlington Fire Protection District

6050 Firehouse Drive

PO Box 479

Burlington, Kentucky 41005-0479

Phone: (859) 586-6161 Fax: (859) 586-6178

Jeff Barlow, Fire Chief

To: Todd Morgan, AICP, Senior Planner, Zoning Services
Boone County Planning Commission

From: Jeff Barlow, Fire Chief *JB*

Date: December 19, 2018

RE: Creekside II zoning change and development plan

The Burlington Fire Protection District has reviewed the Concept Development Plan for the Creekside II subdivision project. Upon review, we have concerns with the ability to provide effective service for the proposed increased density from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) due to the following considerations:

1. Proposed zone change increases the number of flag lots with associated emergency access limitations; flag lots create access drives that do not physically support emergency response apparatus weight or size without increased risk of driveway damage during response.
2. Proposed zone change increases the number of flag lots with associated difficulties in locating emergencies within houses built upon such flag lots, especially when directly behind existing houses; locating house numbers for houses set back behind existing houses with sequential numbers, especially in mid-street settings, increases difficulties in locating emergencies when called upon.
3. Proposed zone change and development increases housing density with consequential longer travel distances for additional housing units upon public streets with no secondary access for emergency apparatus access or turnaround.
4. Proposed zoning increased density would add to existing capacity of vehicle access in and out of Camp Ernst Road via Lucia Drive; such increased traffic volume presents increased risk for vehicle accidents on a significant hill for increased traffic volume. The proposed density increase would increase the potential service demand upon fire/EMS services more so than RSE zoning.

Recognizing, the property is currently zoned for RSE, development consistent with the existing zoning's lower density, with no flag lots or as few as possible within existing regulations, could be supported. If you should have any questions or concerns, please feel free to contact me.

Todd Morgan

From: Haggard, Greg <ghaggard@sd1.org>
Sent: Friday, December 21, 2018 11:39 AM
To: Todd Morgan
Cc: Aman, Andy; Lydia Watkins; Daniel Doss
Subject: Re: Agency Memo - Creekside II Subdivision - Zoning Map Amendment Application

Todd,

This email is in response to your request for comments, dated December 10, regarding the Creekside II Subdivision Concept Plan. Viox & Viox has been in contact with SD1 about this development. Sanitary sewer capacity has not been reserved for this development, but we don't anticipate any issues with capacity. Prior to any construction, plans must be reviewed and approved by SD1 and any other applicable agencies. Please let me know if you have any questions.

Best regards,

On Mon, Dec 10, 2018 at 10:01 AM Todd Morgan <TMorgan@boonecountyky.org> wrote:

All,

I have attached a Memo and a Concept Development Plan for the Creekside II Subdivision Zoning Map Amendment request. Please take a look at the plans and let me know if you have any comments. I am hoping to get comments back by December 21st. This will allow me to finalize my report before the holidays.

Thanks for your help.

Todd K. Morgan, AICP

Senior Planner, Zoning Services

Boone County Planning Commission

(859) 334-2196

--

Greg Haggard

APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION

Fee - \$1,600.00

FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

\$ 250.00

(See Boone County Zoning Regulations)

\$ 32.00

15 x 21.8=\$ 327.00

SECTION A (To be completed by applicant)

Total = \$2,209.00

- 1. Name of Project: Creekside II
2. Location of Project: Camp Ernst Road & Cress Court
3. Total Acreage of Site: 21.8 Ac Per Deed
4. Current Zoning of Site: RSE
5. Proposed Zoning (Classification being requested): SR1
6. Proposed Uses (please specify each use): Single Family Residential

- 7. Names of Applicant(s): Viox & Viox, Inc.
Phone No.: 859 727-3293 Fax No.: 859 727-8452 E-Mail: mbollman@vioxinc.com

- 8. Address of Applicant(s): 466 Erlanger Road
Erlanger Kentucky 41018
City State Zip

- 9. Name of Property Owner(s): Suzanne Cress Estate & Herbert H. & Cindy L. Cress
Phone No.: N/A Fax No.: N/A E-Mail: herb@newmantractor.com

- 10. Address of Property Owner(s): 7159 Pleasant Valley Road
Florence Kentucky 41042
City State Zip

- 11. Proposed Building Intensities (please specify): SR1-4 Units per Ac
Creekside II 54 Home sites/21.8 Ac 2.48 Units per Ac

- 12. Are there any existing buildings on the site? Yes
How many? 2 Residential Homes

- 13. Deed Book: WB 81 & DB 951 Page No.: 708 & 307 Group No.: 2038A

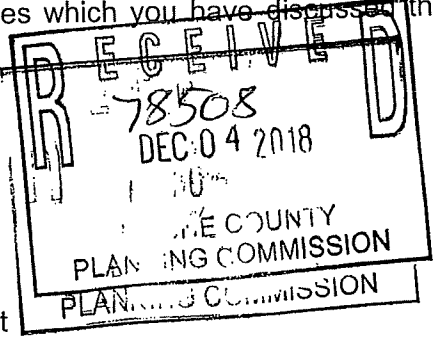
- 14. Are you also applying for:
Conditional Use Permit Waiver for Number of Flag Lots is required
Dimensional Variance

- 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:

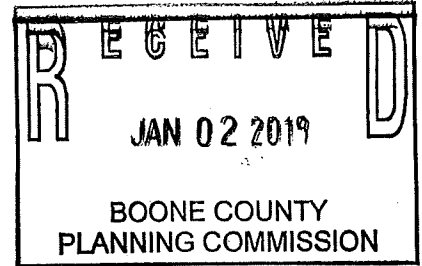
- Yes Boone County Water District
N/A Florence Public Services Dept.
No Duke Energy
Yes Sanitation District #1
No Cincinnati Bell
No Owen Electric Cooperative, Inc.
Yes Boone County Public Works Department
N/A Kentucky Transportation Cabinet
N/A Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)



Todd Morgan

From: Ford, Mike <mike.ford@boone.kyschools.us>
Sent: Wednesday, January 02, 2019 10:05 AM
To: Todd Morgan
Cc: Poe, Randy - Superintendent
Subject: Subdivision Plan

Importance: High



Todd,

I have reviewed the plan regarding Creekside II development, and on behalf of Boone County Schools am providing the following comments:

- Based on the plan and the school district's formula for student growth, the schools of Longbranch ES, Ballyshannon MS, and Cooper HS can support the anticipated growth in student population that could be generated by this development
- In reviewing the layout of the development, one item that I would like to point out is the continued need for appropriate street width for school bus movement, primarily in the cul-de-sac areas of the community. I know that the County Comprehensive Plan addresses street width, and during my time on the Commission, we addressed this commentary from the school district in response to new development and street construction. I just bring this point up as a reminder.

Thank you for your communication with me, and thanks to everyone at the Planning and Zoning Office for the ongoing partnership between our two agencies.

Mike

Mike Ford

Director of Pupil Personnel
Boone County Schools
8330 US 42
Florence, KY 41042
(office) 859-282-2379
(cell) 859-444-7193
mike.ford@boone.kyschools.us

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: February 6, 2019

RE: Request of **Viox & Viox, Inc. (applicant)** for **Suzanne Cress Estate, Herbert H. Cress, and Cindy L. Cress (owners)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for an approximate 21.8 acre site located at 7456 Camp Ernst Road and 488 Cress Court, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family residences.

REMARKS:

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

FINDINGS OF FACT

1. The Committee concluded the request is in agreement with the Boone County Comprehensive Plan for the following reasons:
 - A. The 2035 Future Land Use Plan designates the majority of the site for "Suburban Residential" uses. This classification 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 revised Concept Development Plan that the approximate 21.8 acre zone change site will contain fifty-three (53) single-family residential dwellings and have a building intensity of 2.43 dwelling units per acre.
 - B. The proposal is in agreement with the following passages from the Land Use Element:
 - The remaining portions of this section of Boone County should develop in a Suburban Residential manner. Major subdivisions in the area should provide internal connector roads with no driveway access or parking (Pleasant Valley/Oakbrook Area, pg. 168).
 - Developments in Boone County must be designed, where appropriate, to improve the County's transportation network system of roadways, and functional classifications must be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets... (Future Land Use Development Guidelines, Transportation and Pedestrian Network, pp. 163-164).

- Developments in Boone County must recognize the potential impacts of stormwater runoff. Developments must design and incorporate adequate provisions for the channelization and control of the rate of stormwater flow on and from the site...(Future Land Use Development Guidelines, (Stormwater Management and Erosion Control, pg. 163).

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

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

D. The proposal is in agreement with the following passages from the Housing Element:

- New subdivisions throughout the west Florence and Burlington areas should provide interconnections between their developments and adjacent developments to promote safety and easy transportation access (Geographic Housing Issues, Florence/Burlington area, pg. 84.)

E. The proposal is in agreement with the following 2017 Goals and Objectives:

- Residential developments shall be evaluated for impact on infrastructure, environment, health and safety considerations, buffering, and design with secondary consideration given to dwelling unit type and density ("Demographics," Goal B, Objective 4).
- Residential developments shall be encouraged to plan and build in a manner compatible with the general housing density and design planned for the area, with the existing conditions of the site, and significant site features ("Demographics," Goal B, Objective 8).
- New connector streets shall be developed where needed and feasible to lessen the dependence on arterial, collector, and local streets ("Transportation," Goal B, Objective 5).

The Committee analyzed the revised Concept Development Plan that was submitted at the 1/16/19 Zone Change Committee meeting and found:

- The approximate 21.8 acre zone change site will contain fifty-three (53) single-family residential dwellings and have a building intensity of 2.43 dwelling units per acre. The proposed subdivision is developing in a suburban residential fashion and will be compatible with the general housing density and design of the area.
- The subdivision will be served by a new local street that connects to Camp Ernst Road and a street connection to Creekside Subdivision.

2. The Committee has concluded the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2010 Boone County Comprehensive Plan and 2017 Goals and Objectives. The Committee has also concluded the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owners have signed a letter demonstrating agreement with the conditions.

CONDITIONS

1. The approval is based on the revised plans that were received by Boone County Planning Commission on January 23, 2019. The revised plans show:
 - A. The subdivision will have its own access access point on Camp Ernst Road.
 - B. The total number of buildable lots in the subdivision has been reduced from 53 lots to 52 lots.
 - C. The flag lot Waiver has been withdrawn. The number of flag lots complies with the Boone County Subdivision Regulations.
 - D. Grading and storm water management showing how storm water will be diverted away from Creekside Subdivision.
 - E. Sight distance calculations from the proposed intersection.
2. Any drainage swale created near Creekside Subdivision shall be held as far away from the Creekside Subdivision lots as possible.
3. Sidewalks shall be required on both sides of all streets.
4. The developer and/or project engineer shall be required to contact the owners of lot 21 of Creekside Subdivision and see if they work out a grading agreement that would be beneficial to both parties. This discussion shall occur before the Planning Commission approves any Grading Plan or Improvement Plans for the subject section of the subdivision.
5. The driveway serving the existing house and garage on Parcel A shall be removed once the new road serving the subdivision is open to the public.

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

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: January 16, 2019

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

2. Request of **Viox & Viox, Inc. (applicant)** for **Suzanne Cress Estate, Herbert H. Cress, and Cindy L. Cress (owners)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for an approximate 21.8 acre site located at 7456 Camp Ernst Road and 488 Cress Court, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family residences.

REMARKS:

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

Steve Turner

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

Randy Bessler (Alternate)

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

Kim Bunger

Kim Bunger, Chairman

For Project Absent ____
Against Project ____
Abstain ____ Deferred ____

Lisa Heilman, (Alternate)

For Project ____ Absent ____
Against Project ____

Janet Kegley

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

MH

Mark Hicks (Alternate)

For Project Absent ____
Against Project ____
Abstain ____ Deferred ____

Kim Patton

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

Richard Lunnemann (Alternate)

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

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

TOTAL: ____ DEFERRED 2 FOR PROJECT ____ ABSENT
____ AGAINST PROJECT ____ ABSTAIN

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Kim Bunger, Secretary/Treasurer
Corrin Gulick
Mr. Steve Harper
Mrs. Lori Heilman
Mrs. Janet Kegley
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Kim Patton
Mr. Charlie Rolfsen, Chairman
Mr. Bob Schwenke
Mr. Brad Shipe
Mr. Steve Turner, Temporary Presiding Officer
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. Mark Hicks

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director, Zoning Services
Mr. Todd K. Morgan, AICP, Senior Planner

Chairman Rolfsen called the Public Hearing to order at 8:23 P.M. and introduced the third item on the Agenda:

ZONING MAP AMENDMENT - Todd Morgan, Staff

3. Request of Viox & Viox, Inc. (applicant) for Suzanne Cress Estate, Herbert H. Cress, and Cindy L. Cress (owners) for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for an approximate 21.8 acre site located at 7456 Camp Ernst Road and 488 Cress Court, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family residences.

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation. He showed the location of the subject property located between Creekside and Pebble Creek Subdivisions. He presented the Concept Development Plan. The request is to change the zoning of the site from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) to allow 54 single family detached lots. The density is approximately 2.48 dwelling units per acre. Two of the houses already exist and 52 are proposed on the site. The existing house on Parcel A will remain and will be conveyed separately. It would retain its access point on Camp Ernst Road. The other 53 homes will be accessed through the existing street Cress Court. The applicant is also seeking a waiver from the subdivision regulations to increase the number of flag lots than can be permitted from 15% of the total lots to 22.64% or 12 lots out of the 53 proposed lots proposed. The Zoning Administrator would make a decision on the flag lot waiver if the request is approved and he receives input from the Planning Commission and Boone County Fiscal Court. The rear portion of the site adjoins Gunpowder Creek. The SR-1 zoning allows a minimum of 8,000 square foot lots similar to Pebble Creek and Creekside Subdivisions. Mr. Morgan showed photographs of the site.

In 2013, a zone change request was approved to create Creekside Subdivision with SR-1 zoning. Cress Court was constructed to connect to the subject property. The Comprehensive Plan designates this site a Suburban Density Residential (SR), which allows single family housing up to four units per acre and Developmentally Sensitive (DS). Other references to the Comprehensive Plan are noted on pages 2 of the Staff Report.

In terms of staff comments, Staff has attached a copy of a 12/3/18 email from the County Administrator, which was sent to the applicant regarding Parcel B. The County is interested in taking ownership of the parcel located along Gunpowder Creek. Staff sent out an Agency Memo and received comments back from Boone County Public Works, Burlington Fire Department, Boone County Water District, and Sanitation District No. 1. The agency comments are attached to the Staff Report. Mr. Mike Ford submitted comments from the Boone County School District after the report was finalized (See Exhibit A).

Staff would like the applicant to address the following: the findings for a Zoning Map Amendment as outlined on Page 6 of the Staff Report, the County Engineer asked for a Traffic Study in his email, the comments from Burlington Fire Department regarding the number of flag lots that are proposed, and finally, the Concept Plan shows that grading would occur on four adjoining properties on Lucia Drive if the project is approved. Has this grading been discussed with the adjoining property owners?

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

Marc Gloyeske, Viox & Viox, Inc., stated that he was representing the Cress family. The Cress family has been in Boone County for over 100 years. The site has been in the family since 1965. The Cress family has worked with the County to provide easements for water and sanitary sewer service to the neighboring properties. The applicant is requesting a zone change to match the zoning of the adjoining subdivisions. The Comprehensive Plan recommends Suburban Density Residential for the site. Access to the site is by Cress Court. Lucis Drive is 28 feet in width leading the intersection with Cress Court. This was done in anticipation of the Cress property developing next to the Creekside Subdivision. The wide street allows for additional traffic.

The County Engineer asked for a trip generation analysis. Based upon this analysis, 53 dwelling units will create approximately 45 A.M. peak hour trips and 59 P.M. peak hour trips. The A.M. peak hour will possess approximately 11 entering trips and 34 exiting trips. The P.M. peak hour will possess approximately 35 entering trips and 21 exiting trips. The proposal meets all of the requirements for zone change from RSE to SR-1.

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

Mr. Joshua Rusk, 7109 Susan Court, inquired about the need for the residential lots. Currently there are 7 lots still undeveloped in Creekside Subdivision. This is about 14% of the 53 lots they are adding. There isn't a need. The second concern is the number of flag lots. Currently, the flag (or stem) part of the flag lots in the Creekside Subdivision is not maintained or mowed. The type of house on these lots are different. There are no basements.

Ms. Jen Allen, 6980 Lucia Drive, stated that she lives at the end of the development and has lived in the subdivision for 3 years. Her main concern is the flag lots. The houses sit farther back. Because of the grade in their subdivision, they have already had a crack in their house foundation. Water has leaked into the house. She expressed a concern about the impact of the new houses. The grade of lots 19-25 is more than 45 degrees on the back of their hill. They only have 10 feet of flat land behind their house. There may be more damage to her house because of the new development. Even though there is an extra 3 feet on the main road, one can only park on one side of the road. From Cress Court to Camp Ernst Road, there is a 100-120 foot drop in grade. There are safety issues because one can't see people coming at you. It is very dangerous during rush hours. There is no need for the 4 additional flag lots at the end because of the topography. There is no need to go from 15% to 22% flag lots. Ms. Allen pointed to a map of her house location.

Mr. Frank Hendy, 6916 Lucia Drive, expressed a concern about the retention pond towards Camp Ernst Road. It is his backyard. Will the overflow from the retention basin go into his catch basin or will the developer have their own catch basin or will they extend his catch basin since there is an easement? Also, maybe a speed bump could be installed to slow people down the hill to make it safer.

Ms. Penny Barton, 7440 Big Horn Court, stated that Finke Homes told her that the Cress farm would never be sold or developed. Having one entrance for 53 houses does not sound good and is dangerous. She offered to sell her lot and it would provide new access through Pebble Creek Subdivision. She objected to the proposal.

Mr. Dan Allen, 6980 Lucia Drive stated that because of the hill, it is quiet. The houses on the proposed flag lots will be seen now along with lights from the new houses. The privacy will go away. They knew the property would eventually be developed but the flag lots were not anticipated. Will the developer add pine trees to screen the houses located on the flag lots?

Ms. Diane Russ, 6929 Lucia Drive, stated that her house is located at the top of the hill. It is dangerous to turn into her driveway when cars are parked on the street. More traffic will mean more safety problems.

Mr. Billy Phillips, 6928 Lucia Drive, asked if a traffic study has been submitted? That is a major concern with small children living in the subdivision. There are a lot of fatalities on Camp Ernst Road. What about storm water from the subdivision and its impact on his lot and downstream? Why keep the existing house? Why not create another entrance to the subdivision from Camp Ernst Road? Because of the hill and on-street parking, the road is unsafe. Why allow more traffic from the proposed development? He inquired about the Public Hearing notification procedure? The area is overpopulated and the only change on Camp Ernst Road in the last 40 years is the removal of brush. Mr. Phillips stated that he wouldn't be as opposed to the request if there was a separate entrance to the development like other subdivisions such as Oakbrook and Pebble Creek. What are the housing prices? Will it be similar?

Mr. Jim Sakevits, 7915 Driftwood Drive asked how are people informed about rezoning? He found out about it through a neighborhood watch. He is against the request. Mr. Morgan explained there are three forms of notice. The first is the posting of a sign on the subject property. One was placed on Camp Ernst Road and the other near Cress Court. Second, all of the adjoining property owners were notified by certified mail. Third, a legal ad was placed in the Boone County Recorder based upon State law.

Ms. Kelli Benedict, 6932 Lucia Drive, stated that she risks an accident every time she pulls into her driveway. What will the developer do with the loose sandy soil? Will she have more water issues as a result of the grading next door?

Ms. Jen Allen, 6980 Lucia Drive, asked what about the impact of this project and school redistricting? Longbranch Elementary School is currently bursting at the seams. How are the schools being addressed? Will they have to redistrict again? Mr. Costello replied that Mr. Ford from the School District responded to the request. He also stated there is land available in front of Ballyshannon Middle School to build an elementary school if needed. The School District would make that decision. The Planning Commission assists the School District in locating new schools. Ms. Allen inquired about a possible park in the new subdivision just like Pebble Creek Subdivision since Creekside Subdivision has a lot of kids. Mr. Costello responded that Central Park is located just down the street. Pebble Creek Subdivision was a larger subdivision, a Planned Development (PD) which required open space, a small recreational park and a community building. Ms. Allen

suggested changing the abundance of flag lots for park space. Mr. Costello referred to land in Creekside Subdivision owned by the County and a letter in the Staff Report refers to the donation of additional land to the County. Maybe something could happen with this acreage?

Mr. Alan Hicks, 1780 Oakrose Court stated that he is worried about the traffic on Camp Ernst Road. He runs in the area and has been doing it for the past 20 years. It is getting less and less safe without any sidewalks. What will 50 more houses add to the traffic on Camp Ernst Road? Mr. Costello responded that there will be a multi-use path built along KY 237 from Ky 18 to US 42. The Boone County Transportation Plan recommends improvements to Camp Ernst Road but it is in the future. Currently, there is no funding. Improvements need to be made from the proposed roundabout past Central Park.

At this time, Chairman Rolfsen asked if any of the Board members had any questions or comments?

Mr. Bunger inquired whether a Homeowners Association would be formed to maintain the green space? Mr. Gloyeske replied no. The only open space that will remain will be donated to Boone County. The County has agreed to accept it. Mr. Bunger asked if it has been determined who the builder will be? Mr. Gloyeske responded no at this time. Mr. Bunger asked if there has been a study of the soils? Mr. Gloyeske replied not yet. Mr. Bunger asked if any of the grading work will result in the construction of a wall? Mr. Gloyeske replied that no retaining walls are anticipated at this time. Mr. Bunger inquired whether the grading of the 4 lots in Creekside will resolve the concern of the neighbors? Mr. Gloyeske replied that none of the grading in Creekside will touch any of the existing homes. No storm water from the proposed site will sheet flow onto the existing subdivisions. It will be collected in grass swales and routed to the proposed detention ponds. The proposed retention ponds will outlet into the existing storm water system. They swales will be constructed on private lots. The grade of the proposed subdivision will be lower at the property line. The emergency spill ways will route storm water towards Gunpowder Creek and Camp Ernst Road. Mr. Bunger asked if the applicant could show how that would work at the Committee Meeting. He asked if the applicant would evaluate a curb cut to the proposed subdivision opposite of the entrance to the YMCA for the safety of the residents and not allowing all of the traffic to go through one entrance. He also inquired about the number of accidents in the area from the last several years.

Chairman Rolfsen asked why the application doesn't have its own access? Mr. Gloyeske replied that the County only required a one access to the property at the time of the Creekside rezoning as a result of the close proximity of Lucia Drive. Having two intersections so close to each other on Camp Ernst Drive is dangerous. That is why Lucia Drive is 28 feet in width due to the anticipated number of homes. Mr. Costello stated that Staff will have to research this information. There was no preconceived notion not to allow a curb cut because the subject site was not part of the application years ago. Mr. Bunger noted the reduction of speed in the area and residents often have to accelerate uphill to go north on Camp Ernst Road.

Mr. Patton asked how school buses would circulate in the subdivision? Mr. Gloyeske replied that he would provide that information to the Committee. Mr. Herb Cress (owner) explained when Creekside Subdivision was developed, Cress Court was further down Lucia Drive. The County

moved it up to service the area. He didn't oppose the development because he thought everyone would work together. Mr. Costello also noted there were provisions for improvements to Camp Ernst Road possibly a left turn lane that were not installed because the County didn't require them to occur later on. Mr. Cress noted that keeping the house was in the original plan. Chairman Rolfsen asked Mr. Cress about the possibility of a second curb cut on Camp Ernst Road and possibly eliminating the existing house? Mr. Cress replied no because it affects the value of the property. If the house was on public sanitary sewer, then a road could be located closer to the house. Mr. Bunger stated it would be a benefit to connect the existing house to public utilities. Mr. Cress stated that the house is on the market to sell. It is not an option at this time.

Mr. Lunnemann asked what is the reason for increasing the number of flag lots? Mr. Cress responded there is a Mid-Valley pipeline easement and a Duke Energy easement on the back of the property. The flag lots will be on the other side of the easements. The easement area is about 100 feet wide. It creates a green space area. Mr. Gloyeske stated that the odd width of the property only allows a single street in the middle of the property. In order to maximize the depth of the property along Creekside Subdivision, flag lots could be an option to fully utilize the property. The cul-de-sac street can't be extended further because of the pipelines.

Mr. Bunger asked if the 4-5 flag lots were essential to the viability of the development? Mr. Cress responded yes. Chairman Rolfsen suggested taking the house off the market, add more lots in its place, extend the road to Camp Ernst Road and remove some of the flag lots. Mr. Cress stated that he worked with J.J. Miller and the County years ago toward this layout. Mr. Costello noted that the zone change process includes good design and all the comments came up in the pre-application meeting. Mr. Gloyeske responded that he will take a look at a second access point to Camp Ernst Road based upon adequate spacing, geometrics and sight distance.

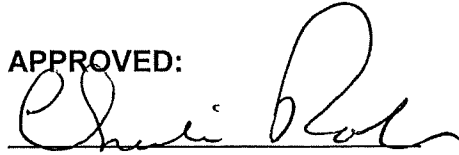
Mr. Turner noted that his flag lot concerns relate to the ones that adjoin the Creekside lots. Mr. Cress noted that Creekside Subdivision has flag lots that back up to his property.

Ms. Gulick asked for a turn lane analysis for the existing curb cut and the proposed curb cut? Mr. Gloyeske responded that Mr. Pennington did not require a full blown traffic impact study but requested expected trip generation. They intend not to provide a full impact study unless it is required. Ms. Gulick mentioned that she did not want a full traffic impact study but rather a left turn lane warrant analysis.

Mr. McMillian asked if there are any regulations that tell us how many houses can be built with one entrance? Mr. Costello replied no. There are access management regulations and guidelines for connecting to adjoining properties. Mr. McMillian asked why do people build in subdivisions with only one entrance? It is a safety issue.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on January 16, 2019 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on February 6, 2019 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 9:25 P.M.

APPROVED:



Charlie Rolfsen
Chairman

Attest:



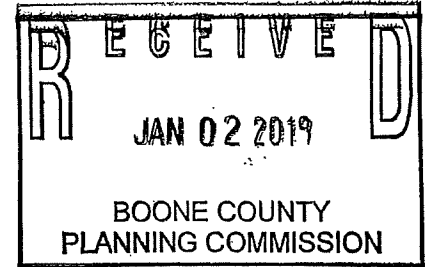
Kevin P. Costello, AICP
Executive Director

Exhibit A: January 2, 2019 Email from Mike Ford, Boone County School District

Todd Morgan

From: Ford, Mike <mike.ford@boone.kyschools.us>
Sent: Wednesday, January 02, 2019 10:05 AM
To: Todd Morgan
Cc: Poe, Randy - Superintendent
Subject: Subdivision Plan

Importance: High



Todd,

I have reviewed the plan regarding Creekside II development, and on behalf of Boone County Schools am providing the following comments:

- Based on the plan and the school district's formula for student growth, the schools of Longbranch ES, Ballyshannon MS, and Cooper HS can support the anticipated growth in student population that could be generated by this development
- In reviewing the layout of the development, one item that I would like to point out is the continued need for appropriate street width for school bus movement, primarily in the cul-de-sac areas of the community. I know that the County Comprehensive Plan addresses street width, and during my time on the Commission, we addressed this commentary from the school district in response to new development and street construction. I just bring this point up as a reminder.

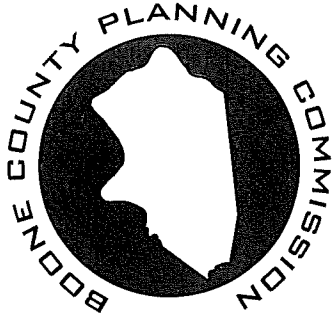
Thank you for your communication with me, and thanks to everyone at the Planning and Zoning Office for the ongoing partnership between our two agencies.

Mike

Mike Ford

Director of Pupil Personnel
Boone County Schools
8330 US 42
Florence, KY 41042
(office) 859-282-2379
(cell) 859-444-7193
mike.ford@boone.kyschools.us

SUPPORTING INFORMATION

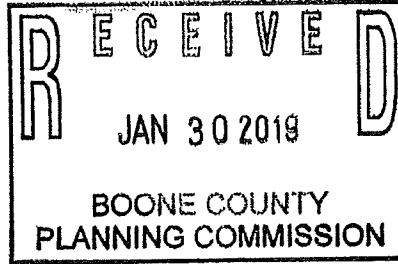


BOONE COUNTY PLANNING COMMISSION

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



January 24, 2019

Mrs. Michelle Bollman, P.E.
Viox & Viox, Inc.
466 Erlanger Road
Erlanger, KY 41018

RE: Request of **Viox & Viox, Inc. (applicant)** for **Suzanne Cress Estate, Herbert H. Cress, and Cindy L. Cress (owners)** for a Zoning Map Amendment from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for an approximate 21.8 acre site located at 7456 Camp Ernst Road and 488 Cress Court, Boone County, Kentucky. The request is for a zone change to allow a subdivision for detached single family residences.

Dear Mrs. Bollman,

The following represents the conditions of approval for the above referenced Zoning Map Amendment as agreed to by the applicant's team and the Boone County Planning Commission's Zone Change/Concept Development Plan Committee. The property owners will need to sign the appropriate lines on the last page of this letter if they agree to the listed conditions. Please return this letter to the Boone County Planning Commission office by February 4, 2019.

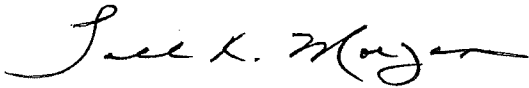
CONDITIONS

1. The approval is based on the revised plans that were received by Boone County Planning Commission on January 23, 2019. The revised plans show:
 - A. The subdivision will have its own access access point on Camp Ernst Road.
 - B. The total number of buildable lots in the subdivision has been reduced from 53 lots to 52 lots.
 - C. The flag lot Waiver has been withdrawn. The number of flag lots complies with the Boone County Subdivision Regulations.
 - D. Grading and storm water management showing how storm water will be diverted away from Creekside Subdivision.
 - E. Sight distance calculations from the proposed intersection.
2. Any drainage swale created near Creekside Subdivision shall be held as far away from the Creekside Subdivision lots as possible.

Mrs. Michelle Bollman
January 24, 2019
Page 2

3. Sidewalks shall be required on both sides of all streets.
4. The developer and/or project engineer shall be required to contact the owners of lot 21 of Creekside Subdivision and see if they work out a grading agreement that would be beneficial to both parties. This discussion shall occur before the Planning Commission approves any Grading Plan or Improvement Plans for the subject section of the subdivision.
5. The driveway serving the existing house and garage on Parcel A shall be removed once the new road serving the subdivision is open to the public.

Sincerely,




Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM\ss

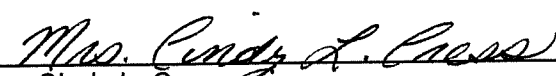
AGREEMENT

I, Hebert H. Cress, do hereby agree to the listed conditions of approval for the Zoning Map Amendment application, which is referenced on the first page of this letter.

 1-30-19

Mr. Herbert H. Cress Date

I, Cindy L. Cress, do hereby agree to the listed conditions of approval for the Zoning Map Amendment application, which is referenced on the first page of this letter.

 1-30-19

Mrs. Cindy L. Cress Date

ORDINANCE NO. 2019 – 07

AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, KENTUCKY, APPROVING, WITH CONDITIONS, FOR A REQUEST OF VIOX AND VIOX, INC. (APPLICANT) FOR SUZANNE CRESS ESTATE, HERBERT H. CRESS AND CINDY L. CRESS (OWNERS) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM RURAL SUBURBAN ESTATES (RSE) TO SUBURBAN RESIDENTIAL ONE (SR-1) FOR AN APPROXIMATE 21.8 ACRE SITE LOCATED AT 7456 CAMP ERNST ROAD AND 488 CRESS COURT, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Rural Suburban Estates Estate (RSE) to Suburban Residential One (SR-1) for an approximate 21.8 acre site located at 7456 Camp Ernst Road and 488 Cress Court, Boone County, Kentucky, which is more particularly described below; and

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

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

SECTION ONE

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby approved, with conditions, this Zoning Map Amendment being a zone change from Rural Suburban Estates (RSE) to Suburban Residential One (SR-1) for an approximate 21.8 acre site located at 7456 Camp Ernst Road and 488 Cress Court, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in a Rural Suburban Estates (RSE) zone is more particularly described in WILL BOOK 81, PAGE NO. 708 and DEED BOOK 951, PAGE NO. 307 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION TWO

That as a basis for this approval of a Zoning Map Amendment request are the Findings of Fact, and Conditions, of the Boone County Planning Commission as set forth in its Minutes and Official Records for this request and same shall be and are hereby incorporated by reference as if fully set out in this Ordinance and are marked as "Exhibit A."

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


SECTION THREE

This Ordinance shall be in effect and in full force from and after its passage, publication and recording, according to law.

First Reading the 12th day of March, 2019.


Second Reading the 9th day of April, 2019.

ADOPTED THIS 9th DAY OF April, 2019. Yes 4 No 0

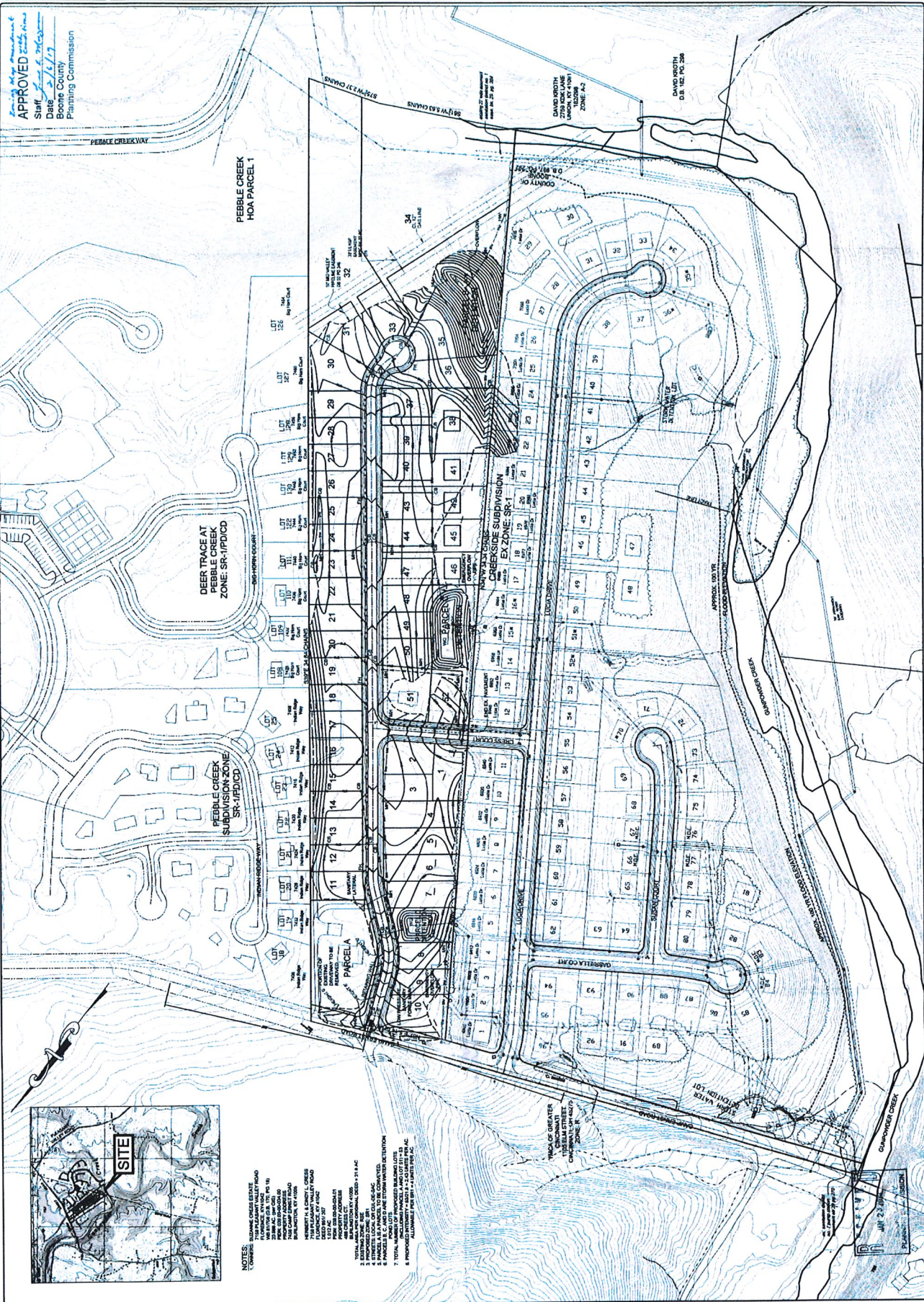


GARY W. MOORE, JUDGE/EXECUTIVE
BOONE COUNTY FISCAL COURT

ATTEST:



Sharon Burcham
Fiscal Court Clerk



NOTES:

1. EXISTING ROAD CENTER LINE
2. EXISTING ROAD RIGHT OF WAY
3. EXISTING ROAD WIDTH
4. EXISTING ROAD RIGHT OF WAY
5. EXISTING ROAD RIGHT OF WAY
6. EXISTING ROAD RIGHT OF WAY
7. TOTAL NUMBER OF PROPOSED BUILDING LOTS
8. PROPOSED TRAFFIC VOLUMES (AV) AT EACH INTERSECTION
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APPROVED
Staff: [Signature]
Date: 7/27/17
Boone County
Planning Commission



DATE PLOTTED: 07/27/17

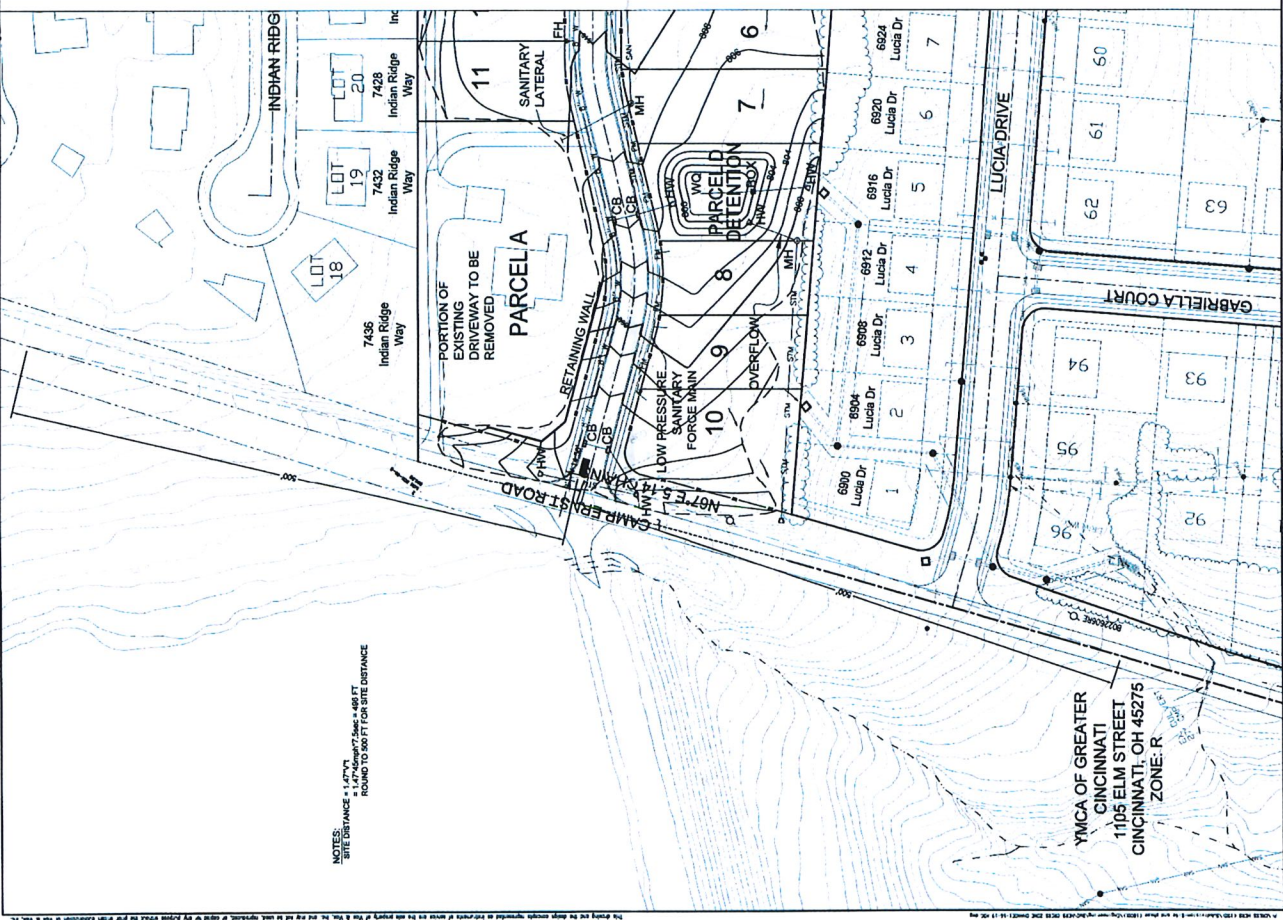
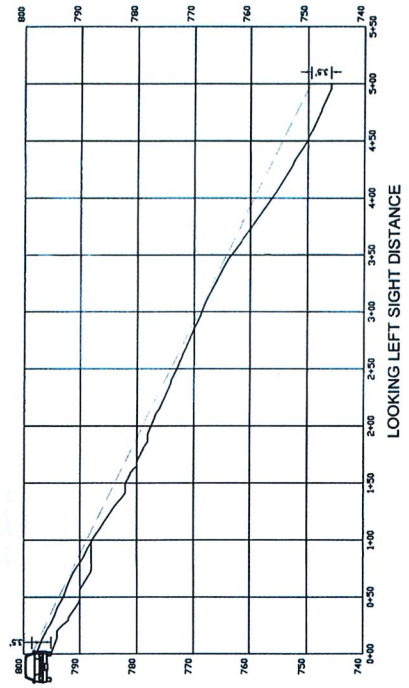
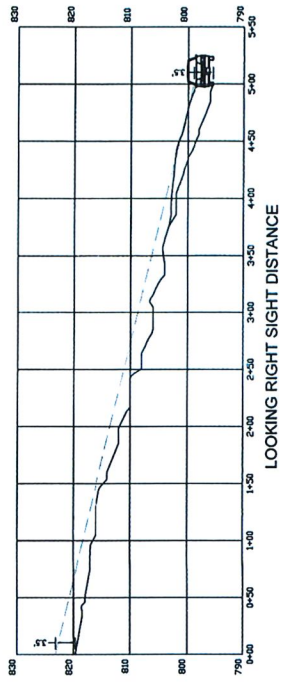
CREEKSIDE II SUBDIVISION
BOONE COUNTY, KENTUCKY

SIGHT TRIANGLES

VLOX & VLOX
 Civil Engineers, Surveyors, and Landscape Architects
 4695 Empire Road • Evansville, Kentucky 40318
 2188 Main Street • Indian Creek, Ohio 43155
 Phone: (812) 227-5293 • Fax: (812) 227-5000
 www.vloxinc.com

Scale: 1" = 100'
 Date: 11/11/11
 Project: Creekside II Subdivision
 Drawing: Sight Triangles

Sheet No.	2
Scale	1" = 100'
Date	11/11/11
Project	Creekside II Subdivision
Drawing	Sight Triangles



NOTES:
 SIGHT DISTANCE = 1,477 FT
 = 1.477 x 60 = 88.62 FT
 ROUNDED TO 89 FT ON SIGHT DISTANCE

YMCA OF GREATER CINCINNATI
 1105 ELM STREET
 CINCINNATI, OH 45275
 ZONE: R

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