

APPLICATION FORM

Note: Applicant amended
Zone Change acreage on
4-1-19.

**ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION**

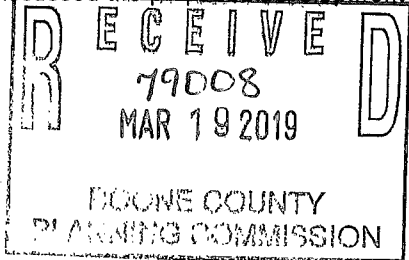
SEVEN (7) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project The Woodlands (formerly Aylor Property)
2. Location of Project East side of Old North Bend Road South of Britt Drive
3. Total Acreage of Site 44.7277 - 2.8853 (Residual Exact) = 41.8424
4. Current Zoning of Site SR-1/CD & RS/CD
5. Proposed Zoning (Classification being requested) SR-2-PD Zone
6. Proposed Uses (please specify each use) Multi-Family Condominium Building of 3 Units to 8 Units per building, 130 units. Single Family Lots-31 Total = 161 Units/Lots
7. Names of Applicant(s) Drees Company-Matt Mains
Phone No. 859-578-4324 Fax No. 859-426-2873 E-Mail mmains@dreeshomes.com
8. Address of Applicant(s) 211 Grandview Drive, Suite 100
Ft. Mitchell Kentucky 41017
City State Zip
9. Name of Property Owner(s) See Attached
Phone No. _____ Fax No. _____ E-Mail _____
10. Address of Property Owner(s) See Attached

City State 41.8424 Zip
Gross Density = 3.60 Units/Acre - 3.85 Units/Acre
11. Proposed Building Intensities (please specify) 161 Units on 44.7277 Acres
Gross Density = 3.60 Units/Acre - 3.85 Units/Acre
12. Are there any existing buildings on the site? Yes
How many? House & Out Building
13. Deed Book See Attached Page No. _____ Group No. 2002
14. Are you also applying for:
_____ Conditional Use Permit
_____ Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:
XXXX Boone County Water District
_____ Florence Public Services Dept.
_____ Duke Energy
XXXX Sanitation District #1
_____ Cincinnati Bell
_____ Owen Electric Cooperative, Inc.
XXXX Boone County Public Works Department
XXXX Kentucky Transportation Cabinet
_____ Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)
_____ 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: _____



EXHIBIT

“A”

STAFF REPORT

Request of Drees Company - Matt Mains (applicant) for Aylor Investments Limited Partnership, Raymond O. Godsey, Jr., and Akin & Miller Land Developers (owners) for a Zoning Map Amendment from Rural Suburban (RS) and Suburban Residential One (SR-1) to Suburban Residential Two/Planned Development (SR-2/PD) for a 41.8424 acre site located on the east side of Old North Bend Road, approximately 220 feet south/southeast of the Britt Drive/Old North Bend Road intersection, to the north and east of the properties at 1820 and 1828 Old North Bend Road, at the terminus of Cardinal Way and Grandview Drive, and including approximately 8.1 acres in the northeast portion of the 10.987 acre tract at 1846 Old North Bend Road, Boone County, Kentucky. The request is for a zone change to allow detached single family residences, attached residential condominiums, and townhouses.

May 1, 2019

REQUEST

The applicant has submitted a Zoning Map Amendment application from Rural Suburban (RS) and Suburban Residential One (SR-1) to Suburban Residential Two/Planned Development (SR-2/PD) for the 41.8424 acre site outlined above. The submitted Concept Development Plans show:

- A. Thirty-one (31) single-family residential lots and one hundred and thirty (130) townhouse/condominium dwelling units in twenty-one (21) buildings. The single-family residential lots are located in the northwest and southwest portions of the site near Parlor Grove Subdivision and Old North Bend Road. The townhouse and condominiums are located in the central and southeastern portions of the site. The proposed building intensity of the project is 3.85 dwelling units per acre.
- B. The thirty-one (31) single-family residential homes will be two bedroom units with an owner option for a third bedroom. Notes on the plan show they will comply with the patio home standards of the SR-2 zone.
 - Minimum 6,500 square foot lots.
 - Minimum 50' street frontage.
 - Minimum building setbacks - 25' front yard, 25 rear yard, 5' side yards.
- C. The multi-family buildings contain thirty-six (36) walkout townhouse units (Buildings A-I) and 94 condominium units (Buildings J-U). Notes on the plan indicate:
 - The 36 townhouses units will be 2 bedrooms with an owner option for a third bedroom.
 - 47 condominium units will be 2 bedrooms with an owner option for a third bedroom.
 - 47 condominium units will be 3 bedroom units.
 - Minimum building setbacks - 30' feet from property lines.
- D. Access is proposed from a private street network that connects to Old North Bend Road and Cardinal Way. The streets will be built to public condominium street specifications (24' of pavement) and sidewalks are shown on one side of streets A, B, and C. A note on the plan indicates the street that connects to Cardinal Way will be gated for emergency access only.

- E. 587 parking spaces. The applicant informed Staff that:
 - The patio homes (31 units) and townhouses (36 units) have 2 garage spaces and 2 driveway spaces = 268 spaces
 - The condominiums (94 units) have 1 garage space and 1 driveway space = 188 spaces
 - Private street parking/overflow parking = 131 spaces
- F. Grading will be kept to a minimum. Large areas in the northeast, northwest, and central parts of the site will be left undisturbed and 43% of the overall site is shown as green space.
- G. Minimum 30' wide buffer yards between the multi-family portions of the development and the adjoining property lines.
- H. Sidewalks along the Old North Bend Road frontage.
- I. A pocket park in front of building D and a trail that goes through the community green space. Trail heads are shown between buildings C and D and buildings P and Q.
- J. Building renderings and floor plans for the patio homes, condominiums, and townhouses.

PERTINENT SITE HISTORY

In 2004, Zoning Map Amendment and Variance applications were submitted for the subject properties. The properties currently located at 1820 and 1828 Old North Bend Road were also part of the applications.

Boone County Fiscal Court approved the Zoning Map Amendment application from Agricultural Estate (A-2), Rural Suburban Estates (RSE) and Rural Suburban (RS) to Suburban Residential One (SR-1) and Rural Suburban (RS) for the 47 acre site. The request rezoned approximately 31.8 acres to Suburban Residential One (SR-1) and approximately 15.2 acres to Rural Suburban (RS). The approved Concept Development Plan showed the subdivision would contain 115 residential lots (112 proposed dwellings & 3 existing dwellings), 50' wide public right-of-ways, a new curb cut on KY 237, a street connection to Cardinal Cove Subdivision, some tree preservation areas, and a detention basin. Out of the 115 lots, 90 were zoned SR-1 and 25 were zoned RS. The proposed density of the subdivision was 2.45 dwelling units per acre. The following conditions were imposed on the approval:

1. No tree removal, grading, or construction work of any kind shall occur before the North Bend Road improvements (North Bend Road Project) are completed and entirely open to the public between the I-275 interchange and Graves Road. This development shall use "Old" KY 237 for access after it has been demonstrated that the sight distance requirements from Article 32 of the Boone County Zoning Regulations are being met. Any Preliminary Plat, Grading Plan, Improvement Plan, or other Plans approved by the Boone County Planning Commission prior to the completion and opening of the North Bend Road improvements described above shall clearly state this restriction.
2. Primary access for the subdivision shall not be through Cardinal Cove Subdivision.
3. The "green areas" shown on the Concept Development Plan will be delineated as conservation easements on the subdivision final plats. No fences or structures will be permitted in the conservation easements.

4. The driveways on lots 2 and 5 must be on the eastern side of the lots.

Boone County Planning Commission denied the Variance application to allow reductions in the required sight distances at the intersection of the proposed subdivision access road and North Bend Road (KY 237). The chart below outlines the Variance that was sought.

	Section 3217 <u>Boone Co. Zoning Regulations</u> (2 Lane Road/45 MPH)	Submitted Sight Distance Calculations	Variance Needed
Right Turn Out of Development	720 Feet	400 Feet	320 Feet
Left Turn Out of Development	780 Feet	562 Feet	218 Feet
Entering Development Northbound (Stopping Distance Southbound)	530 Feet	400 Feet	130 Feet
Entering Development Southbound (Stopping Distance Northbound)	530 Feet	482 Feet	48 Feet

In 2018, Zoning Map Amendment and Variance applications were submitted for a 44.7277 acre tract (subject 41.8424 acre site and the 2.8853 acre residual tract shown at 1846 Old North Bend Road).

The Zoning Map Amendment application was to rezone the 44.7277 acre tract from Rural Suburban (RS) and Suburban Residential One (SR-1) to Suburban Residential Three (SR-3). The submitted Concept Development Plan showed that 162 townhouse/condominium dwelling units were proposed in 30 buildings and the existing single family residence at 1846 Old North Bend Road would remain on a new lot. The proposed building intensity of the project was 3.64 dwelling units per acre. The townhouse/condominium buildings were setback a minimum of 168.6' feet from the northeast property line, 136.5' from the northwest property line, 36.2' from the southeast property line, and 36' from the southwest property line. Access to the subdivision was proposed from public streets (26' wide right-of-way and 24' of pavement) that would connect to Old North Bend Road and Cardinal Way. Notes on the plan indicated there would be 236 garage spaces and 153 surface parking spaces. The plan also showed that grading will be kept to a minimum. Large areas in the northeast, northwest, and central parts of the site were to be left undisturbed. The applicant also provided front building renderings, floor plans, and a chart which indicated there would be seventy-six (76) three bedroom units and eighty-six (86) two bedroom units.

The Variance application was to allow the perimeter landscaping buffer requirements along portions of the southeast and southwest property lines to be reduced from Buffer Yard C to Buffer Yard B. Section 3645 and Buffer Yard Table #1 of the Boone County Zoning Regulations requires multi-family developments to provide Buffer Yard C plantings along property lines when the proposed development contains more than 80 units and adjoining property is residentially zoned. Buffer Yard B would have been required if the proposed development contained 80 units or less. The applicant withdrew the Variance application at the September 19, 2018 Zone Change Committee Meeting.

On October 3, 2018, Boone County Planning Commission recommended denial of the Zoning Map Amendment request to Boone County Fiscal Court by a 7-4 vote. Boone County Fiscal Court did not take final action on the Planning Commission's recommendation by their January 1, 2019 deadline and the Planning Commission's recommendation of denial became final action.

SITE CHARACTERISTICS

The overall site is 41.8424 acres in area and is comprised on three properties. The site has road frontage on Old North Bend Road, Grandview Drive, and Cardinal Way. Public water mains exist along Old North Bend Road, Grandview Drive, and Cardinal Way. A sanitary sewer main exists along the northwestern property boundary and extends to Grandview Drive.

The northernmost property (Akin & Miller) is 3.909 acres in area and has 193.62 feet of frontage on Old North Bend Road and 50 feet of frontage on Grandview Drive. The parcel contains no structures and adjoins single-family residential lots fronting on Britt Drive, Grandview Drive, and Hempfling Place. The lot is heavily wooded and contains an intermittent blue line stream. The topography of the parcel falls from 850' above sea level near Old North Bend Road to 760' above sea level where a blue line stream runs through the property.

The middle property (Aylor) is 29.928 acres in area and has 250.85 feet of frontage on Old North Bend Road. The parcel contains no structures and is heavily wooded with deciduous trees along the northeastern and southeastern property boundaries. Boone County G.I.S. shows the topography of the parcel falls from 860' above sea level near Old North Bend Road to 750' above sea level along the northeast property line.

The southernmost parcel (Godsey) is 10.8907 acres in area and has 355.72 feet of frontage on Old North Bend Road and 50' of frontage on Cardinal Way. The property is located at 1846 Old North Bend Road and contains a single family residence, swimming pool, and barn. The rear portion of this property is heavily wooded and contains rolling to severe topography. Boone County G.I.S. shows the topography of the parcels falls from 860' above sea level at Old North Bend Road to 730' above sea level along the rear property line. An intermittent blue line stream is located along the rear property boundary. Note - The front 2.8853 acres of this property is not part of this application and would be conveyed off separately as a residual tract.

ADJACENT LAND USES AND ZONING

- Northeast: Single-Family Residential Dwellings Fronting on Grandview Drive, Hempfling Place, and Blair Drive (RSE & RS)
- Northwest: Single-Family Residential Dwellings Fronting on Britt Drive (RSE)
- Southeast: Single-Family Residential Dwellings and Park in Cardinal Cove Subdivision (SR-1)
- Southwest: Single-Family Residential Dwellings Fronting on Old North Bend Road (RSE & SR-1) and Property Owned by Boone County Library (RSE & PF)

RELATIONSHIP TO COMPREHENSIVE PLAN

An Existing Land Use Map, accurate to September of 2009, and a Future Land Use Map have been produced with the use of the Boone County Geographic Information System (GIS) program. The maps are intended to be used in tandem with the accompanying text below; the future land use boundaries are approximate and subject to refinement and interpretation by the Planning Commission and county

legislative bodies. The text and map should be used as a tool to aid in managing growth in Boone County. It is important to consult the Land Use Element text to learn of timing or phasing issues that may be present in a particular corridor. The Future Land Use Map may indicate future land uses for a particular area, however, the area may not be ready for development until certain infrastructure is in place or another area develops first. It is critical to note that the Future Land Use Map is a 25 year projection, and is not intended to commit all areas to development immediately... (Land Use Maps, pg. 164).

The 2010 Boone County Comprehensive Plan's "2035 Future Land Use Plan" designates the majority of the site as "Suburban Residential" and smaller areas for "Rural Density Residential" and "Developmentally Sensitive". These future land use classifications are described 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".

Rural Density Residential (RD) - "Low density residential uses of up to one dwelling unit per acre".

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 (North Hebron Area, pg. 180) contains the following passages regarding the general area:

- A. Some Suburban Residential and Rural Density Residential development should occur along the southern portion of Williams Road as a result of infrastructure improvements. Future road access to the KY 8 area from the Graves Road and KY 237 areas would be more suitable than the discussed connection of KY 8 with the I-275 Idlewild Interchange, because of topography and Developmentally Sensitive Areas. 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.
- B. With the provision of adequate infrastructure, some Suburban Density Residential development and small amounts of attached housing may extend onto the ridge top areas. Development would need to retain the bluff line vegetation in order to minimize the visual and environmental impacts

of residential development. Planned Development or clustered housing should be used to insure proper development of this area, due to environmental and site characteristics. Much of the remaining land in this section contains Developmentally Sensitive and scenic hillsides, and should stay wooded in order to create open space between future developments. The Sand Run Creek and Elijah Creek valleys should constitute such open space.

- C. There are areas within this section of the County which are suitable for recreational uses, such as the 422 acre Traditions Golf Course on Williams Road. This section should experience considerable residential growth pressures especially around the golf course to the east. This development should not occur until adequate infrastructure is provided, including significant improvements to Graves Road. The area west of the golf course and north of I-275 should develop residentially, once adequate road access and utilities are available. As stated in previous sections, this development should not encroach on the developmentally sensitive areas.
- D. Land in the Williams Road area, north of I-275, is suitable for some Suburban Density residential development now that Worldwide Boulevard is completed and water and sanitary sewer are available. A road connection from KY 8 to I-275 warrants further study to determine feasibility and potential impacts on Developmentally Sensitive areas. Such a connection may be more appropriate between the Idlewild interchange and Graves Road near and parallel to I-275. Limited Rural Density residential growth should occur along other roads in this section. Suburban Residential development cannot be adequately supported by the existing road system, and significant improvements to Williams Road would be necessary.
- E. 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.
- F. In general, Suburban Residential development should be concentrated on land nearest to KY 237, as indicated on the Future Land Use Map. Unlike most developing areas of Boone County, the north river area contains only one primary means of access, being North Bend Road. In the event that a bridge is proposed between Boone County and Hamilton County, a full study of the impacts should be made. These impacts could include effects on labor supply and transpositions, increased truck traffic in Boone County, and impacts on existing and planned residential areas.

The Land Use Element 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 Hebron region. The population of the this region is estimated to change to 15,086 in 2020 and to 17,886 in 2030 (OKI Traffic Zone Forecast, pp. 20-21).

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

- A. 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 (Meeting Housing Needs, Housing Types, pg. 79).
- B. 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, p. 81).

- C. The design of true open space housing development should be encouraged as an alternative to the conventional subdivision divided entirely into ownership lots. To accomplish this, densities within portions of a site can be increased while the overall intensity on the site can remain basically the same. Topography, vegetation, and public improvement costs reduction should be incentives for open space design. Provision is made in the zoning and subdivision regulations for true open space design to occur under existing zoning. By increasing densities and clustering on portions of a site, these planned developments will preserve green space and/or provide space for public facility or recreation opportunities. The overall intensity of units per acre on the whole site becomes the issue to consider when evaluating public services and relationship to the Future Land Use Map. All residential developments should be designed to preserve and utilize natural site features wherever possible (Open Space Subdivision Design, pg. 82).
- D. 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 (Geographic Housing Issues, North River/I-275 Corridor Area, pp. 83-84).

The following 2017 Goals and Objectives relate to the proposal:

- A. Currently accepted and innovative design methods, land use management tools, and coordination among agencies as well as with public infrastructure shall be pursued to produce a healthy, well-designed community that supports residents and businesses (Overall, Objective 1).
- B. The makeup of Boone County's population is identified and their needs met through orderly growth (Demographics, Goal A).
- 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. Safe, sound, and sanitary housing opportunities exist for all Boone County residents (Demographics, Goal B).
- 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. Land use planning should recognize and protect natural systems (streams, wetlands, forests, etc.) essential to safety, health, economic stability, and overall quality of life (Environment, Goal A).
- J. Developmentally Sensitive and scenic areas shall be identified, mapped, and stabilized. Developments proposed in any of these areas shall be carefully designed and reviewed to minimize environmental impacts (Environment, Goal A, Objective 3).
- 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, Goal A, Objective 7).
- L. Safe, efficient, and environmentally responsible public services and facilities shall exist for all residents and businesses in Boone County (Public Facilities, Goal A).
- M. Existing infrastructure and services such as water, stormwater, wastewater, gas, electric, communication lines, and emergency and municipal services shall be utilized efficiently. The phasing of proposed development may be one way of addressing significant impacts on existing infrastructure and services (Public Facilities, Goal A, Objective 1).
- N. 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).
- O. The local transportation system in Boone County shall be maintained and improved to enhance the overall safety and level of service (Transportation, Goal B).
- P. 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).
- Q. 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).
- R. Traffic impact analysis should be used as a tool to address impacts to the existing transportation system (Transportation, Goal C, Objective 3).
- S. Roadways under local jurisdiction shall be designed to recognize the planned character of an area, and provide space for landscaping and entry features (Transportation, Goal C, Objective 6).

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.

PLANNED DEVELOPMENT DISTRICT AND STANDARDS

Section 1500 of the Boone County Zoning Regulations states that a Planned Development may vary the height, use, organization, design, intensity, size or other features of the proposed development. However, any exceptions to the normally applicable development standards in a Planned Development must be requested in writing in the Concept Development Plan application pursuant to Article 3.

The application needs to be evaluated in terms of the Planned Development Standards that are found in Section 1514 of the Boone County Zoning Regulations because the site is proposed to be rezoned to Suburban Residential Two/Planned Development (SR-2/PD). A proposed Concept Development Plan shall fulfill the criteria outlined in this section unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal (see attachments).

STAFF COMMENTS

1. There are some differences between the plan that was submitted last year and the current plan. Highlighted changes include:

	2018 Plan	2019 Plan
Proposed Zoning District	Suburban Residential Three (SR-3)	Suburban Residential Two/Planned Development (SR-2/PD)
Proposed Units	162 Townhouse/Condominiums and 1 Existing House	31 Single-Family Dwellings and 130 townhouse/condominiums
Acreage	44.7277 Acres	41.8424 Acres
Building Intensity	3.64 Units Per Acre	3.85 Units Per Acre
Bedrooms	76 Three Bedroom Units and 86 Two Bedroom Units	47 Three Bedrooms and 114 Two Bedrooms With Owner Option for Three Bedrooms *See Breakdown on Page 1
Parking	625 stalls	587 stalls *See Breakdown on Page 2

2. Section 940 of the Boone County Zoning Regulations states that "the purpose of the Suburban Residential Two (SR-2) district is to provide a more compact, but essentially single family residential environment. Such districts will be located on suitable lands within established or proposed urban entities where adequate infrastructure facilities and services are available or proposed."

Detached single family dwelling units, patio homes with clusters of 20 or more contiguous units, detached single family landominiums with clusters of twenty or more contiguous units, and townhouse dwelling units are all principally permitted uses in this zoning district. Section 3161 of the Zoning Regulations calls out the following design standards for the SR-2 zone:

Townhouses may be developed at a density not to exceed eight (8) dwelling units per acre. No building shall exceed forty-five (45) feet in height. Detached single family dwellings, duplexes, and patio houses shall follow the dimensional standards outlined in Table 31.1. All townhouse structures shall maintain a thirty (30) foot front yard setback, thirty (30) foot rear yard setback, and a minimum five (5) foot side yard setback with a combined total of both side yard setbacks being at least fifteen (15) feet. All townhouse and accessory structures must maintain a minimum thirty (30) foot setback from all property lines of adjacent property not included as part of the townhouse development as approved.

3. Staff sent out an Agency Memo and received comments back from Hebron Fire Protection District, Boone County Public Works, Sanitation District No. 1, and Boone County Schools. These comments are attached to the Staff Report.
4. The following road projects are currently under construction or being planned in the North Hebron area:
 - A. Adding lanes to Worldwide Boulevard and KY 237 - Construction has started and is expected to be complete by June 2019.
 - B. Adding Lanes to KY 237 between Cardinal Way and Graves Road - The road design is expected to be complete in 2019.
 - C. I-275/Graves Road - Redesign is underway and the open date is projected is for 2022.
5. Staff recommends the following Planned Development Standards should be analyzed in more detail by the Planning Commission and Fiscal Court:
 - A. Mixed Use Development and Pedestrian Orientation
 - The proposed project is a mixed use residential development with single-family residential dwellings, condominiums, and townhouses.
 - Staff recommend that sidewalks should be installed on one side of the street that connects to Cardinal Way if the project is approved.
 - B. Compatibility of Uses
 - The proposed development adjoins single-family residential housing to the north, south, east, and west.
 - Will the proposed buffers make the development compatible with adjoining properties?
 - C. Open Space
 - The submitted plan shows the development will have substantial open space and with a pocket park and trail.
 - D. Preservation of Existing Site Features
 - The plan shows that 43% of the site will be left undisturbed and significant tree lines in "Developmentally Sensitive" areas will be preserved.
 - E. Landscaping - The following landscaping will need to be retained or installed if the application is approved:

- Old North Bend Road Street frontage - Street frontage landscaping is required per Section 3620 of the Boone County Zoning Regulations.

If the project is approved, Staff recommends a condition which would require the street frontage landscaping buffer to be upgraded and comply with Section 308 B. of the Boone County Subdivision Regulations. This would require the street frontage buffer to include earthen berming, consistent decorative fencing, hedging, evergreen or deciduous plant materials or combination thereof which are high enough at maturity to screen the adjoining lot areas at a height of at least six (6) feet.

- Buffer Yard C is required when multi-family buildings and/or parking align with adjoining residentially zoned property. Buffer Yard C is a minimum of 30' in width and contains the following per 100 linear feet:
 - 10 evergreens from Plant List D
 - 8 large or medium trees from Plant List A or B
 - 15 shrubs from Plant List C
 - 6' tall berm, privacy fence, or masonry wall (fence/wall required in center of buffer)
- Single-Family Residential Lots - One street tree is required per lot per Section 3619 of the Boone County Zoning Regulations.
- Multi-Family Buildings - Street Frontage Landscaping per Section 3620 of the Boone County Zoning Regulations.
- Trees shown in the undisturbed limits will need to be preserved.

- F. Architecture - This standard states the predominant building materials for attached or multi-family residential developments shall have a solid appearance, such as could be achieved with brick, stone, and architectural grade cast concrete...

Staff would like the applicant to address the following:

The submitted building renderings show there are different variations of each building type. Staff has the following questions:

- Will each building have a minimum masonry percentage?
- Could entire facades be finished with vinyl or composite siding?

- G. Transportation Connections and Entry Points - The street connection that is shown to Cardinal Way is proposed to be gated for emergency access only. This standard calls out that full access street connections should be provided unless they are physically unfeasible or unsafe.

- H. Conformance with the Comprehensive Plan - See pages 4-11 of the Staff Report.

6. Staff would like the applicant to address the following:

- A. The zone change criteria.
- B. Is an updated Traffic Study or Memo going to be submitted?

- C. The plans indicate the houses, townhouses, and condos could all be three bedroom units and the plan shows less parking than the previous proposal. Can the number of three bedroom units be reduced or capped?
 - D. What is the anticipated construction start time and proposed phasing of the project if the application is approved?
7. The Planning Commission and Boone County Fiscal Court need to analyze the following findings before acting on the Zoning Map Amendment request:
- A. 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
 - B. The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate; or
 - C. 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.

CONCLUSION

The Zoning Map Amendment request needs to be evaluated by the Boone County Planning Commission and Boone County Fiscal Court in terms of K.R.S. 100.213, Articles 3 and 15 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area. The Future Land Use Map will need to be amended if the request is approved.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner

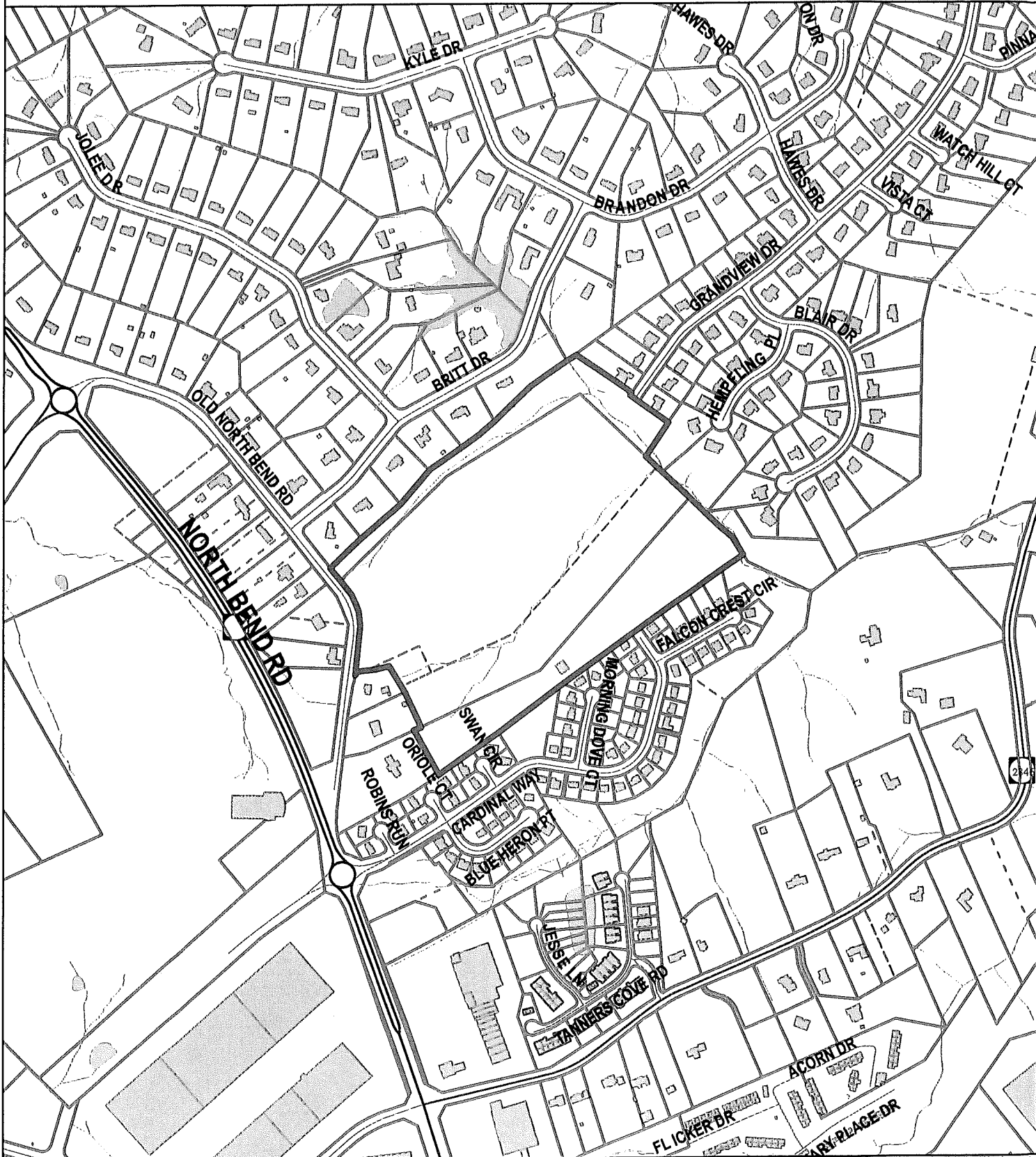
TKM/ss

Attachments:

- *Site Vicinity Map
- *Proposed Concept Development Plan
- *Front Building Renderings and Floor Plans
- *Zoning Map
- *2035 Future Land Use Map
- *Topographical Map
- *2016 Aerial Map
- *2/16/05 Approved Concept Development Plan for 47 Acre Site
- *8/30/18 Concept Development Plan for 44.7277 Acre Site
- *Planned Development Standards
- *Agency Memo
- *4/8/19 Email from Andy Ifcic, Hebron Fire Protection District
- *4/12/19 Email from Scott Pennington, Boone County Public Works
- *4/15/19 Email from Andy Aman, Sanitation District No. 1
- *4/15/19 Email from Mike Ford, Boone County Schools
- *Application

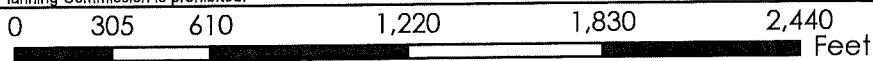
SITE VICINITY MAP

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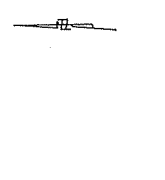
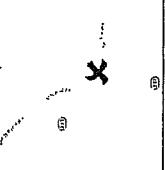
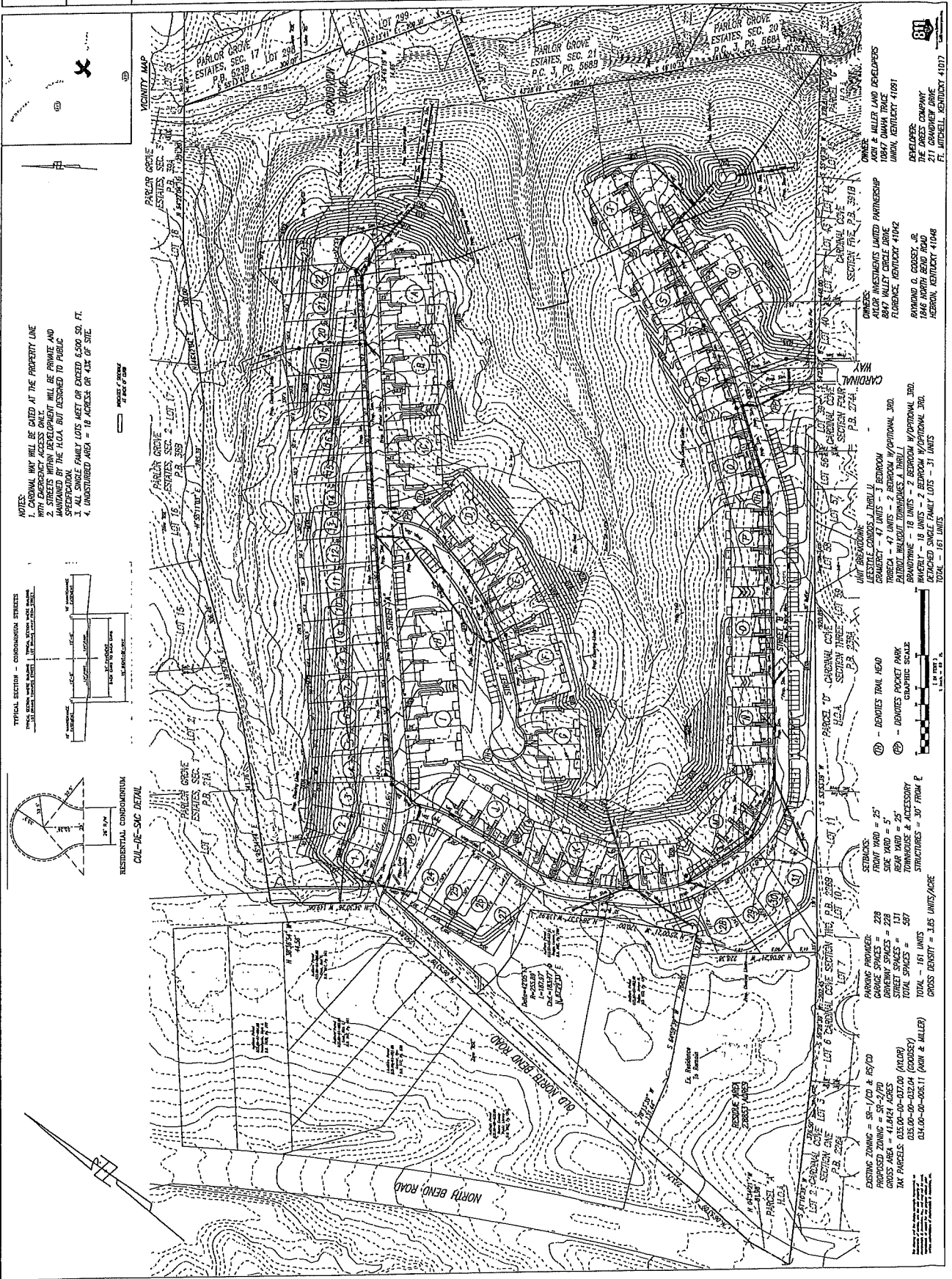
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1 inch = 600 feet



Boone County GIS - Putting Northern Kentucky on the Map



NOTES:

1. CARROLL WAY WILL BE GRADED AT THE PROPERTY LINE WITH EMERGENCY ACCESS ONLY. ELEVATIONS WILL BE PRIVATE AND HANDLED BY THE H.A.C.A. BUT DESIGNED TO PUBLIC SPECIFICATIONS.
2. ALL SINGLE FAMILY LOTS WEST OF EXCEED 65,000 SQ. FT. UNDISTURBED AREA = 18 ACRES OR 43% OF SITE.

SETBACKS:

- FRONT YARD = 25'
- SIDE YARD = 5'
- REAR YARD = 25'
- CONDOMINIUMS & ACCESSORY STRUCTURES = 30' FROM E

PARKING PROVIDED:

- CHARGE SPACES = 228
- DRIVEWAY SPACES = 228
- STREET SPACES = 131
- TOTAL SPACES = 587
- TOTAL - 181 UNITS
- GROSS DENSITY = 1.65 UNITS/ACRE

EXISTING ZONING = R-1 (70' & R3/70)

PROPOSED ZONING = SR-2 (70')

GROSS AREA = 41.8424 ACRES

TAX PARCELS: 035.00-00-037.00 (ATLOR)

035.00-00-032.04 (COODES)

034.00-00-006.11 (AMW & MALLER)

DEVELOPER:
THE JONES COMPANY
211 GARDNER DRIVE
FLORENCE, KENTUCKY 41042

OWNER:
ATLOR INVESTMENTS LIMITED PARTNERSHIP
2847 VALLEY CIRCLE DRIVE
FLORENCE, KENTUCKY 41042

OWNER:
AMW & MALLER LAND DEVELOPERS
10847 OAKHURST TRACE
JUNIAH, KENTUCKY 41091

DEVELOPER:
THE JONES COMPANY
211 GARDNER DRIVE
FLORENCE, KENTUCKY 41042

SCALE: 1" = 60'

DATE: 6-1-18

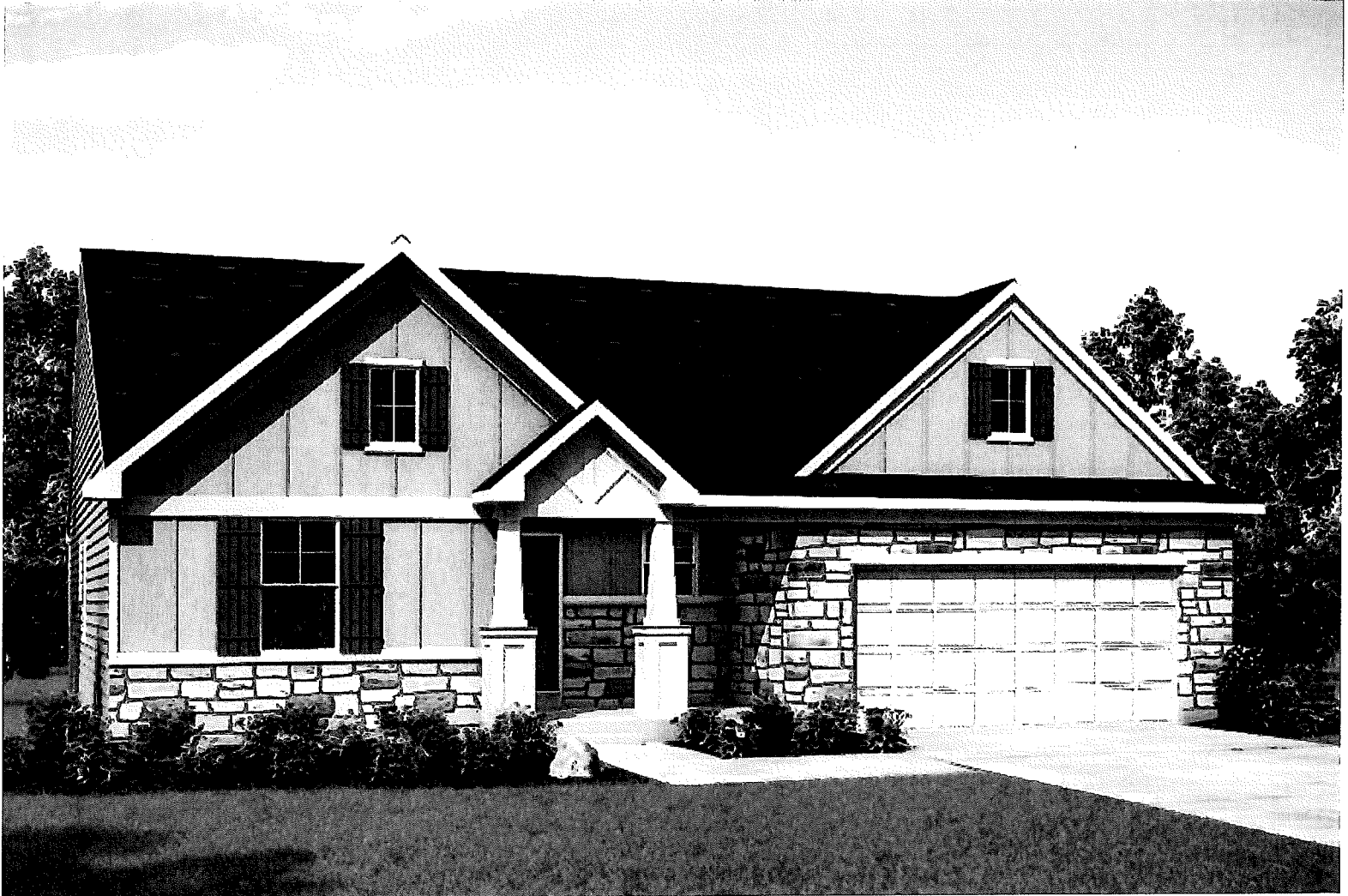
BY: B.C.R.

CHECKED: G.R.

APPROVED: [Signature]

Beachwood

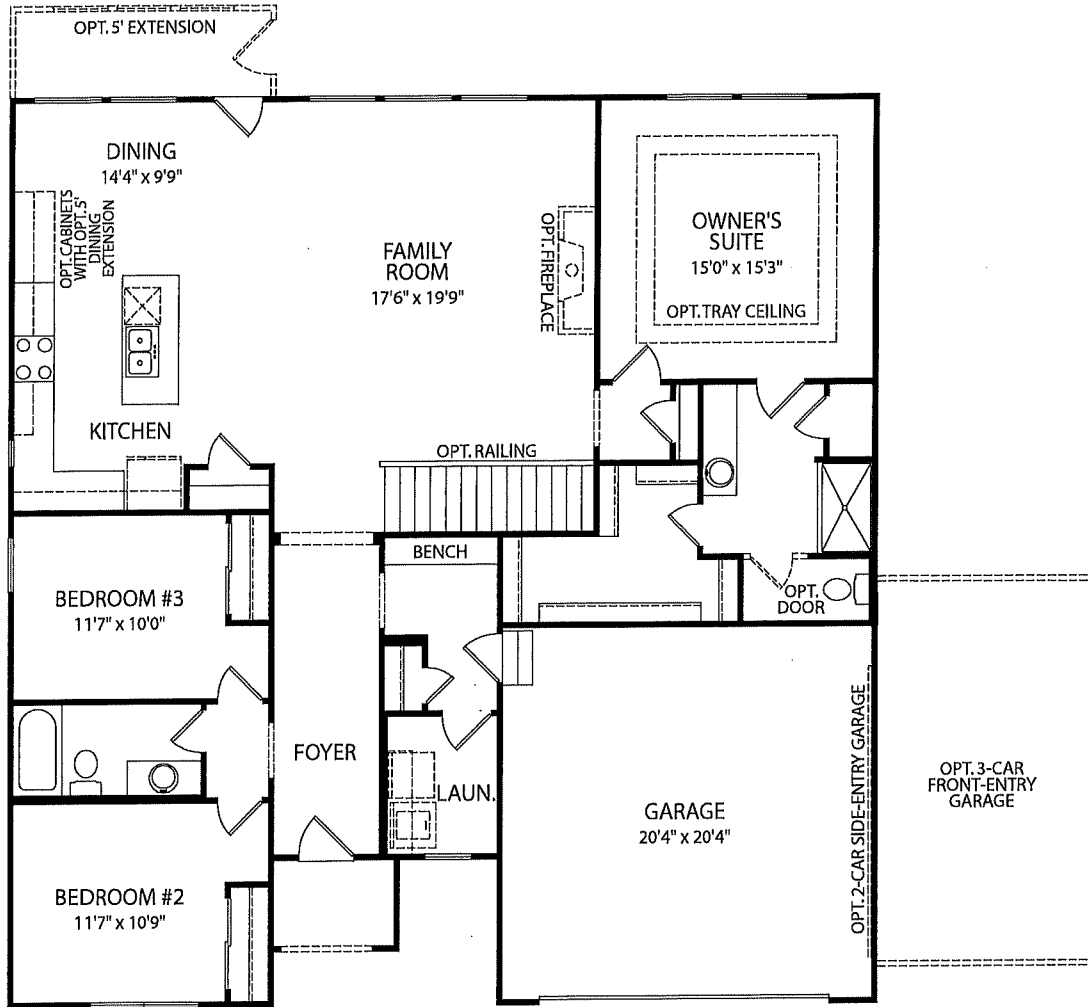
Single - Family



Beachwood B

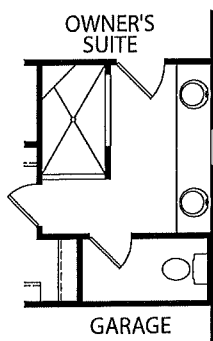
Beachwood

by Drees Homes

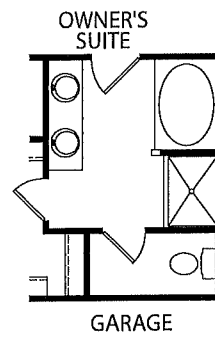


FRONT VARIES PER ELEVATION

Main Level



Optional Super Shower

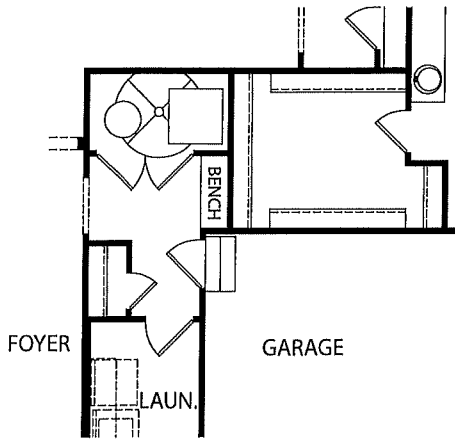


Optional Garden Bath

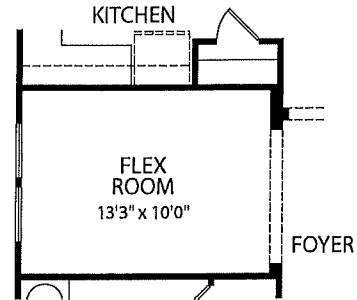
Note: Not all plans and elevations are available in all communities. Room sizes may vary due to elevation and siding material selected. The elevations and floor plans in this brochure show optional items. Because we are constantly improving our product, we reserve the right to change product features, brand names, dimensions, architectural details and design. This brochure and exterior colors shown here are for illustrative purposes only. They are not meant to represent actual product selections and may not be representative of available colors in specific communities. This is not part of a legal contract.

Beachwood

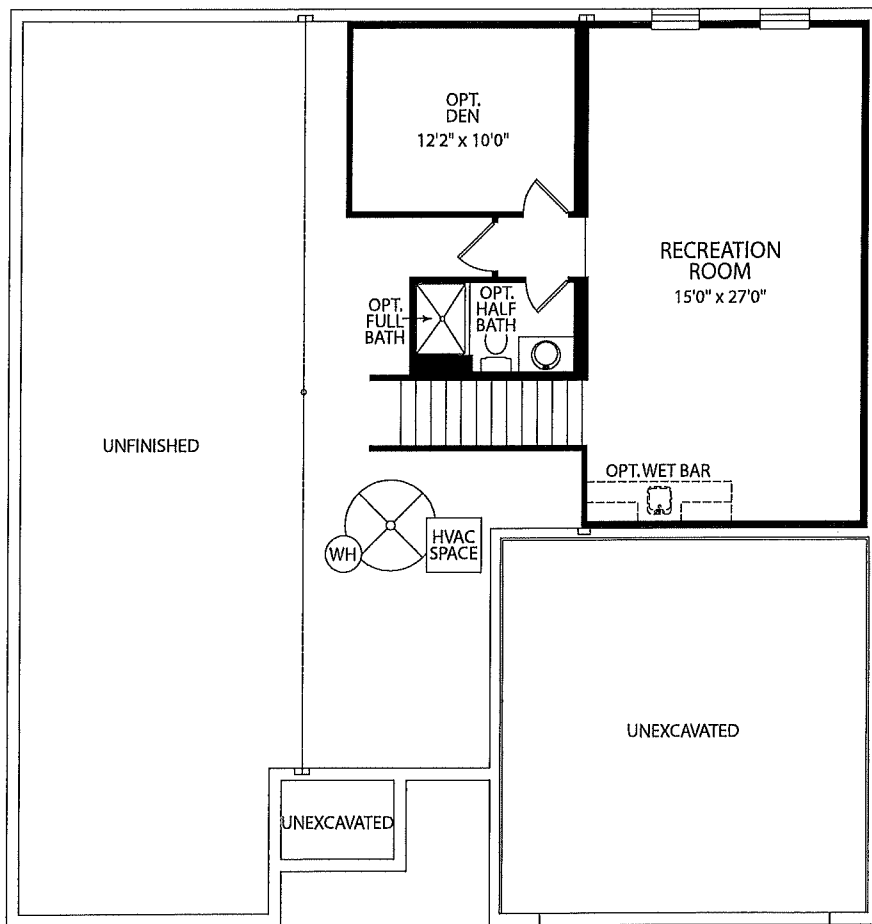
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Main Level with
Optional Slab Foundation



Optional Flex Room



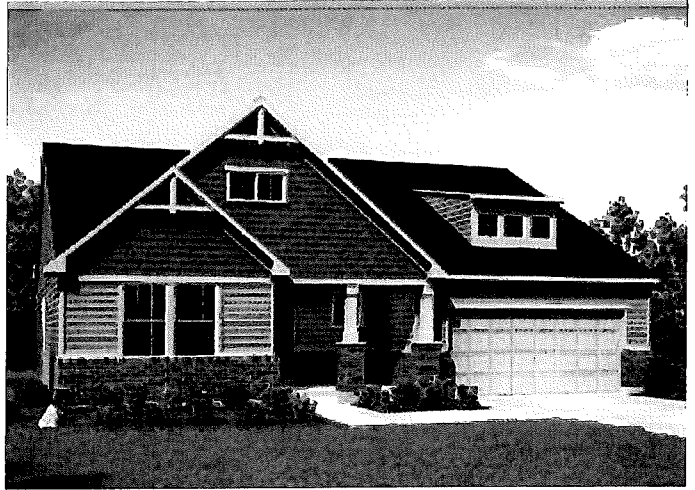
FRONT VARIES PER ELEVATION

Optional Finished Lower Level





Beachwood A



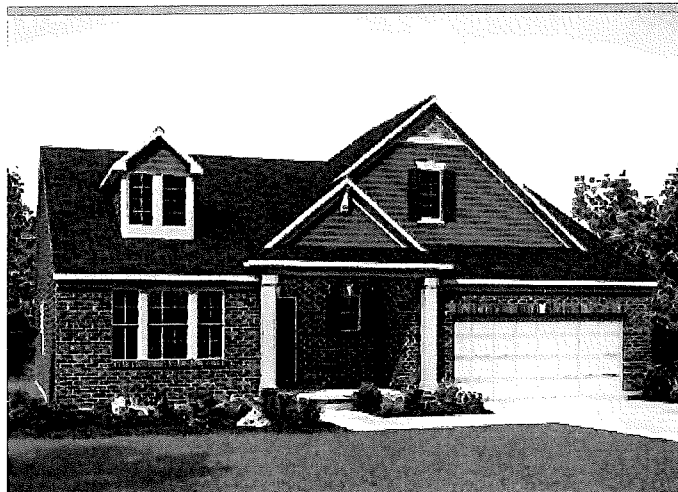
Beachwood C



Beachwood D



Beachwood E



Beachwood F



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Re-Order # B19052-OHCN 6/18

Casselberry

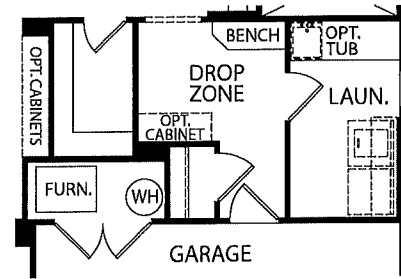
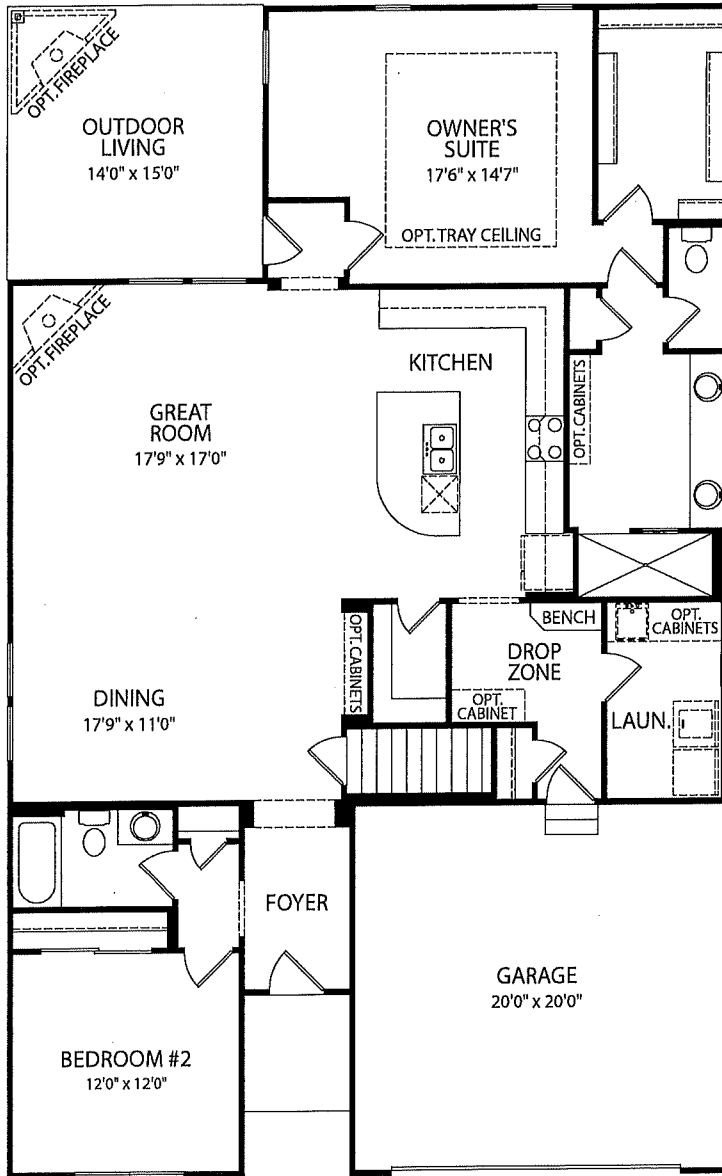
Single - Family



Casselberry A
(Options shown - Carriage Garage Door)

Casselberry

by Drees Homes

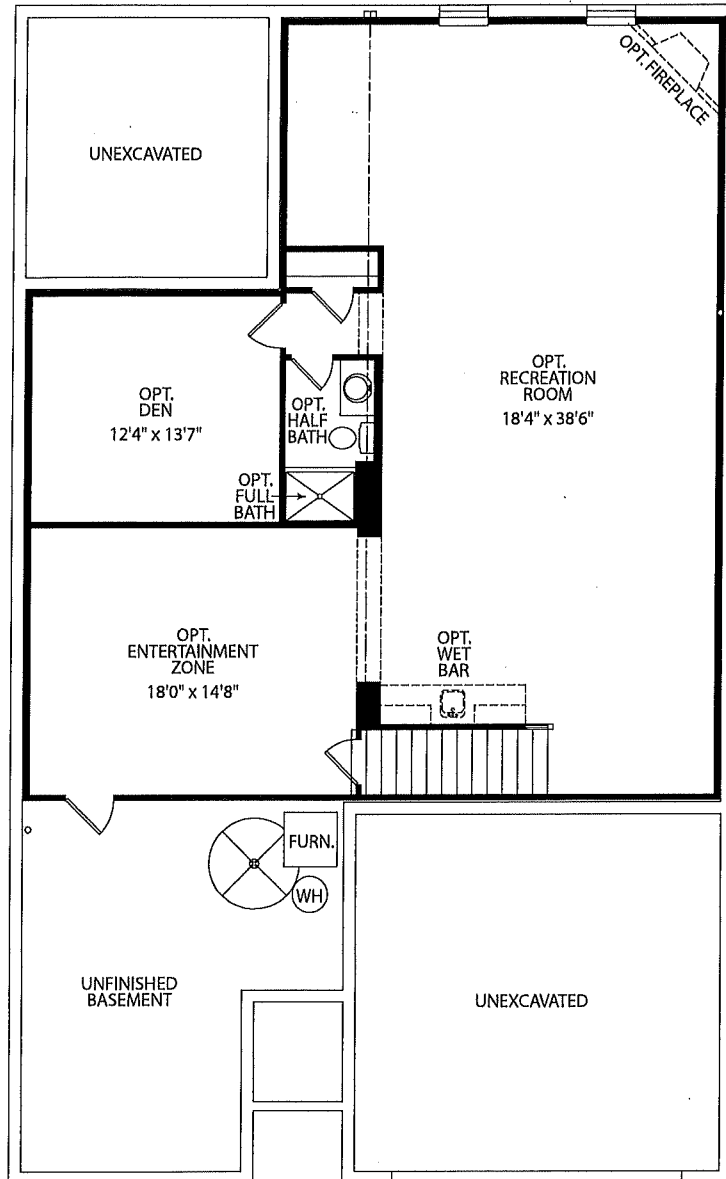


Optional Slab on Grade

FRONT VARIES PER ELEVATION

Main Level

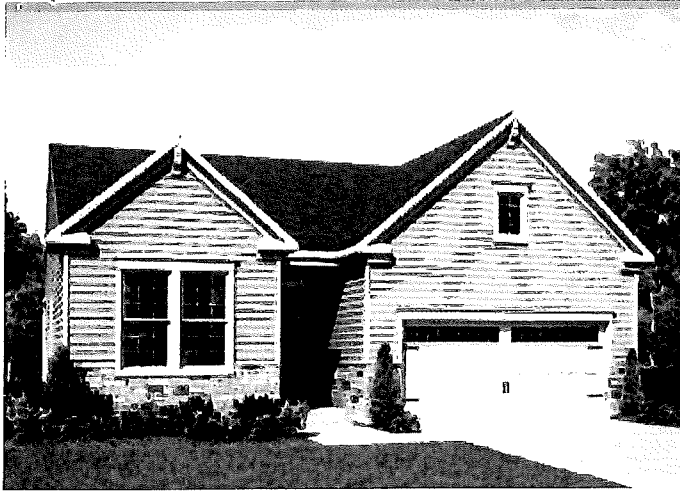
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FRONT VARIES PER ELEVATION

Optional Finished Lower Level





Casselberry B
(Options shown - Carriage Garage Door)



Casselberry C



Casselberry D



Casselberry E
(Options shown - Carriage Garage Door)



Casselberry F

Clearwater

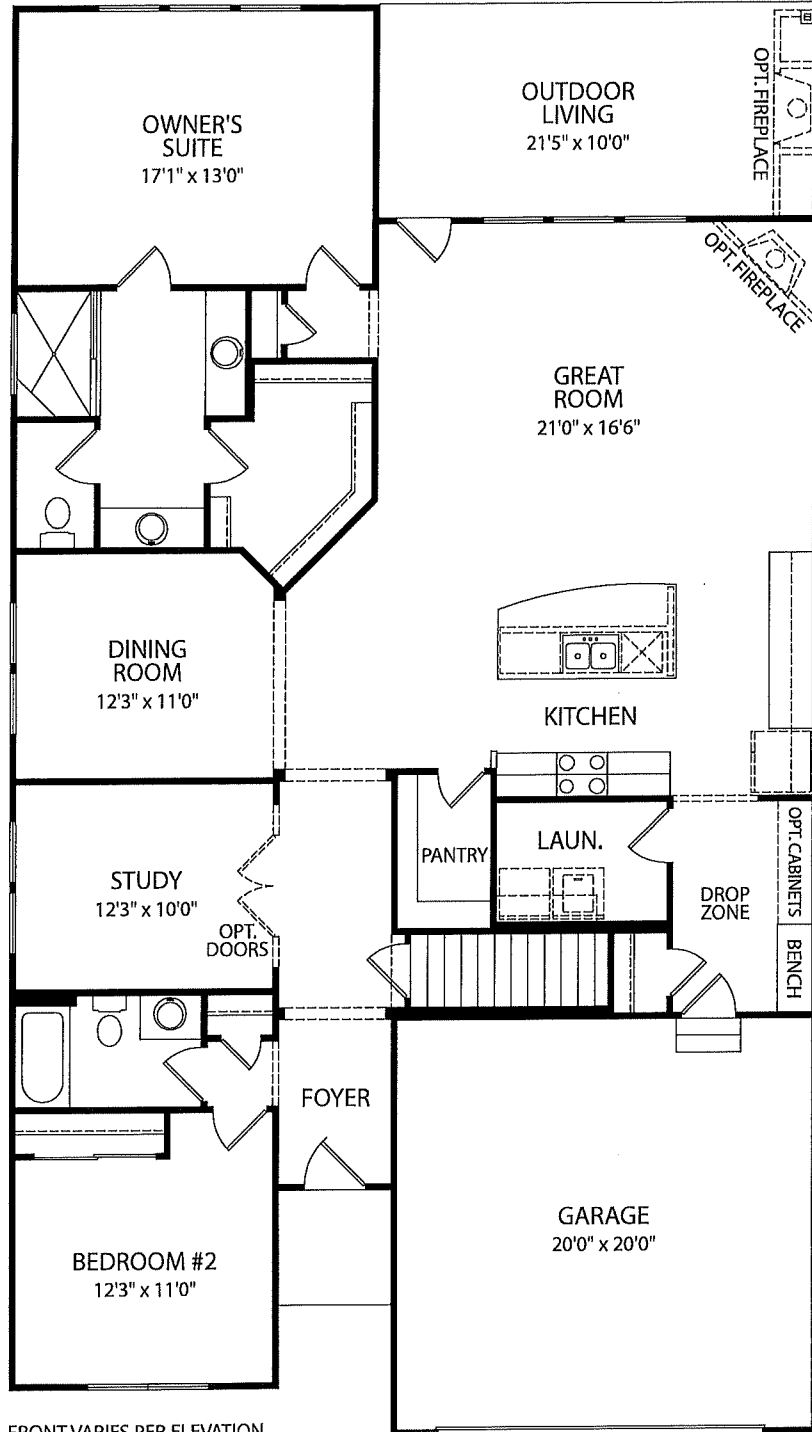
Single - Family



Clearwater F

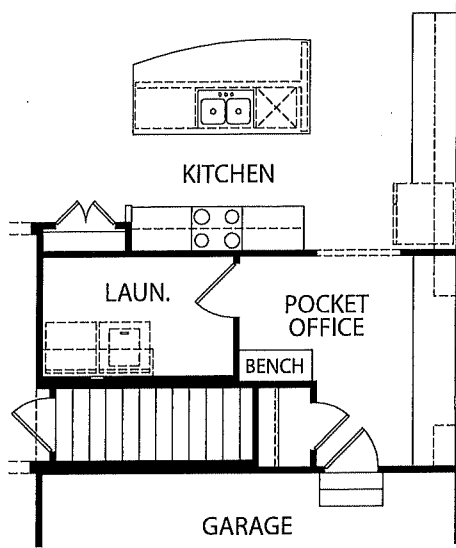
Clearwater

by Drees Homes

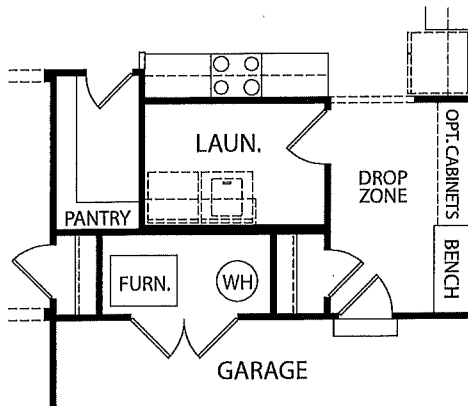


FRONT VARIES PER ELEVATION

Main Level



Optional Pocket Office

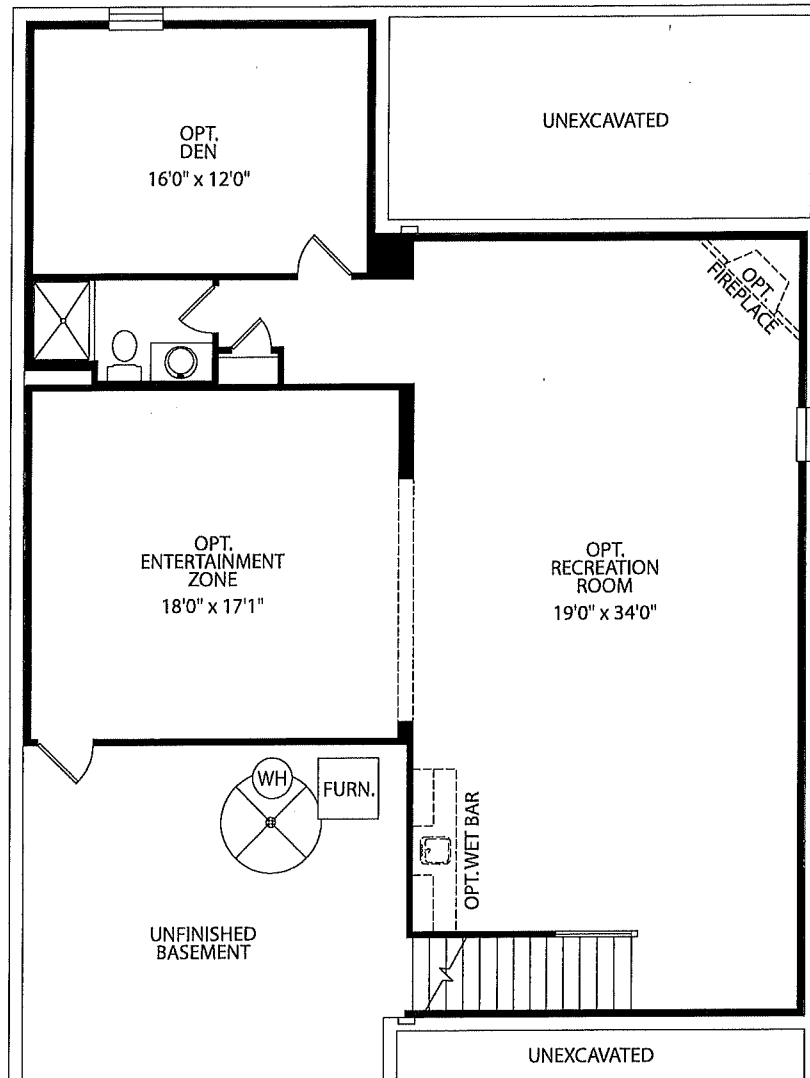


Optional Slab on Grade

Note: Not all plans and elevations are available in all communities. Room sizes may vary due to elevation and siding material selected. The elevations and floor plans in this brochure show optional items. Because we are constantly improving our product, we reserve the right to change product features, brand names, dimensions, architectural details and design. This brochure and exterior colors shown here are for illustrative purposes only. They are not meant to represent actual product selections and may not be representative of available colors in specific communities. This is not part of a legal contract.

Clearwater

by Drees Homes



FRONT VARIES PER ELEVATION

Optional Finished Lower Level

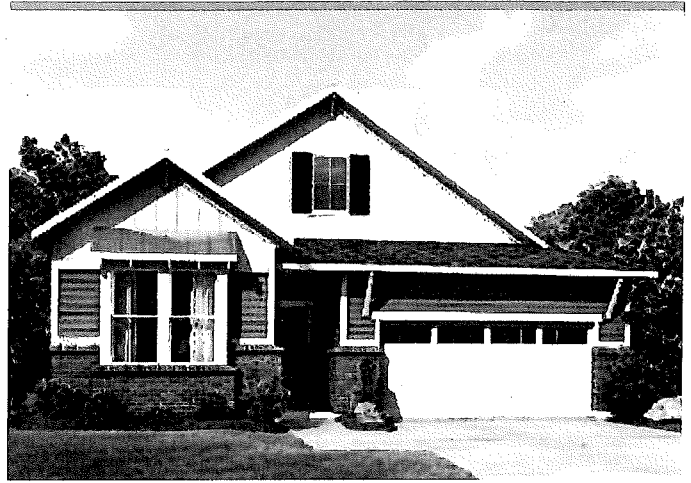


Clearwater

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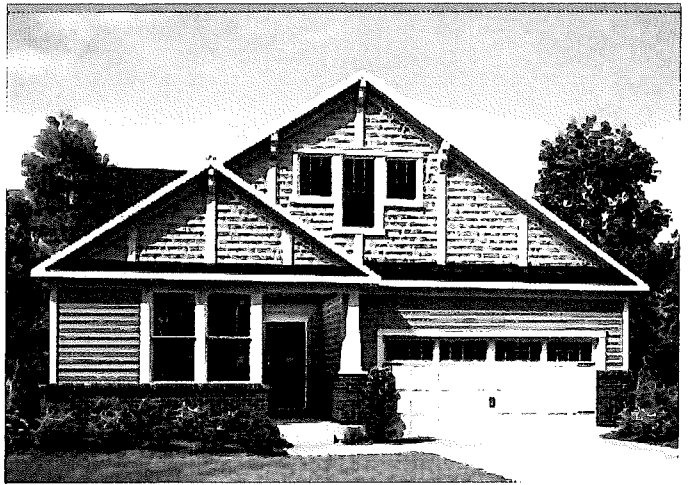
Clearwater E



Clearwater G



Clearwater H



Clearwater J



Clearwater A



Clearwater B



Clearwater C



Clearwater D



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Brandywine - *Townhouse*



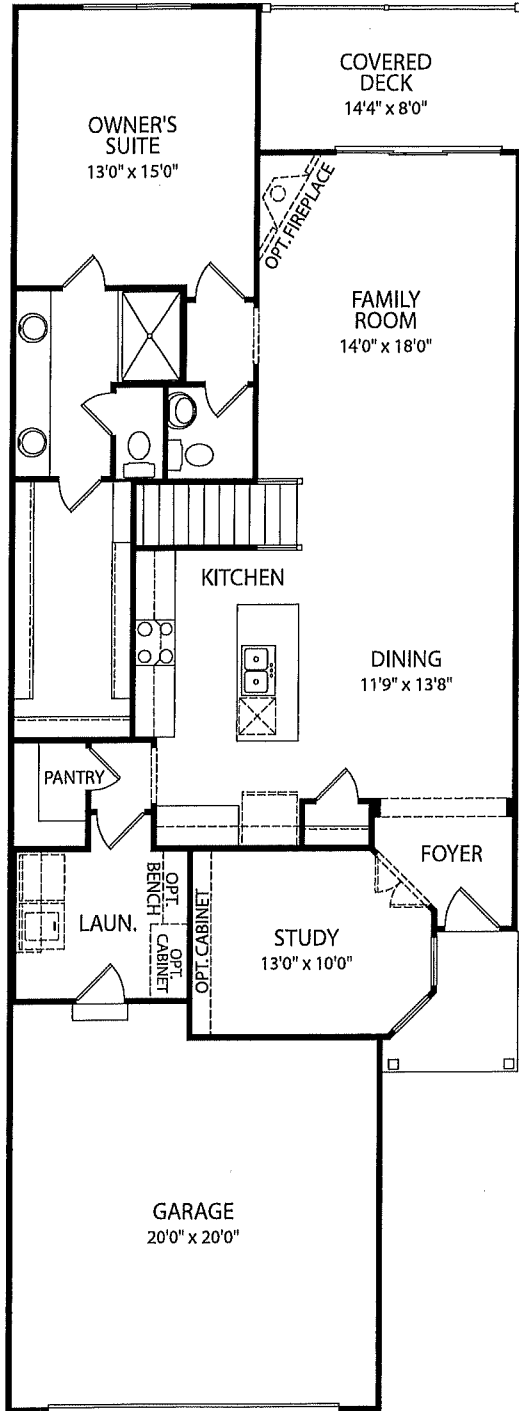
Brandywine A



Brandywine B

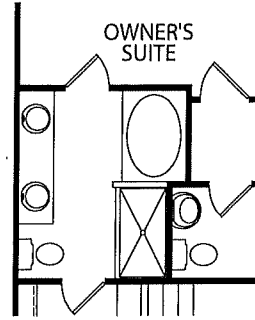
Brandywine

by Drees Homes

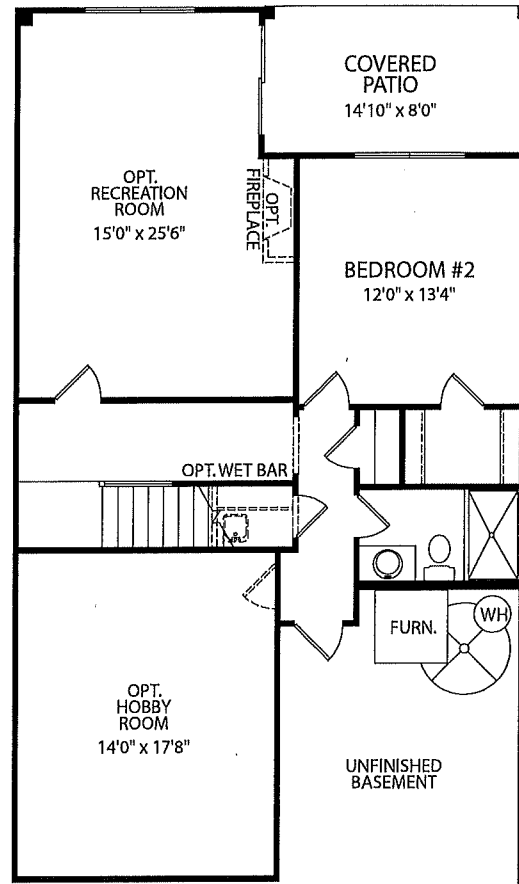


FRONT VARIES PER ELEVATION

Main Level



Optional Owner's Bath

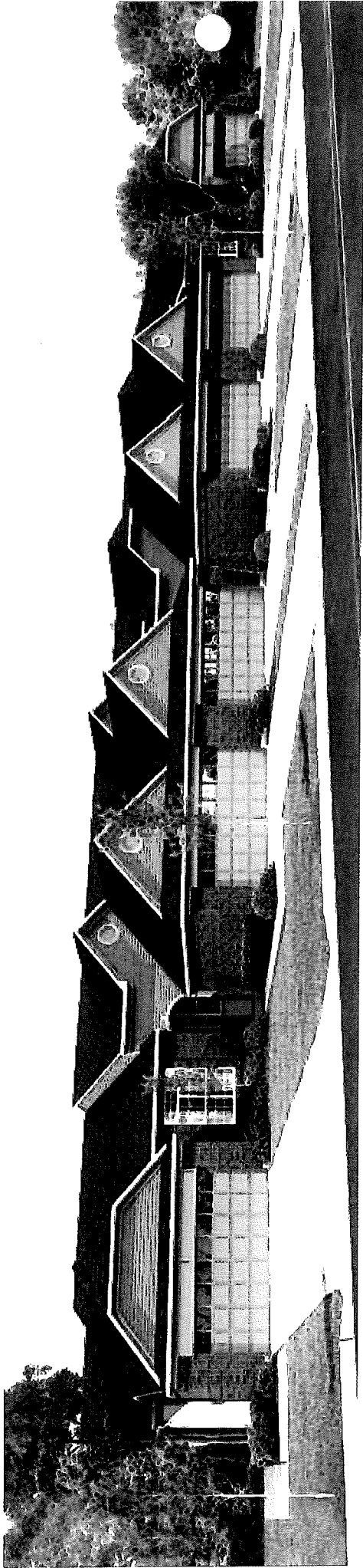


FRONT VARIES PER ELEVATION

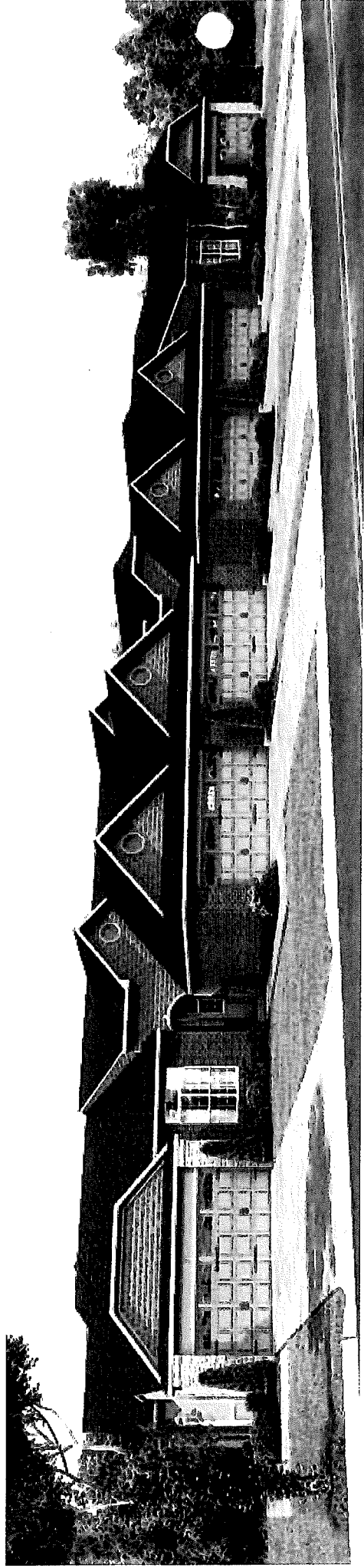
Optional Finished Lower Level



Waverly - Townhouse

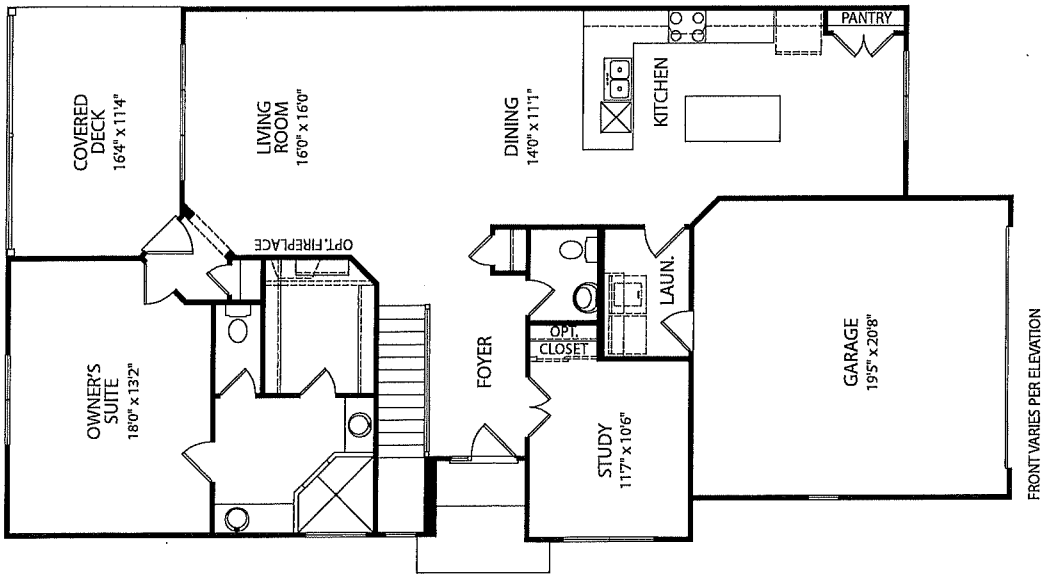


Waverly A

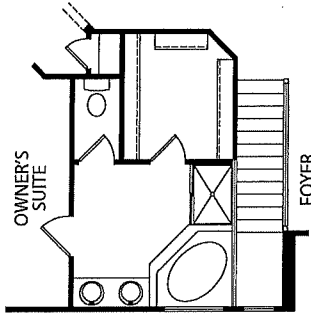


Waverly B

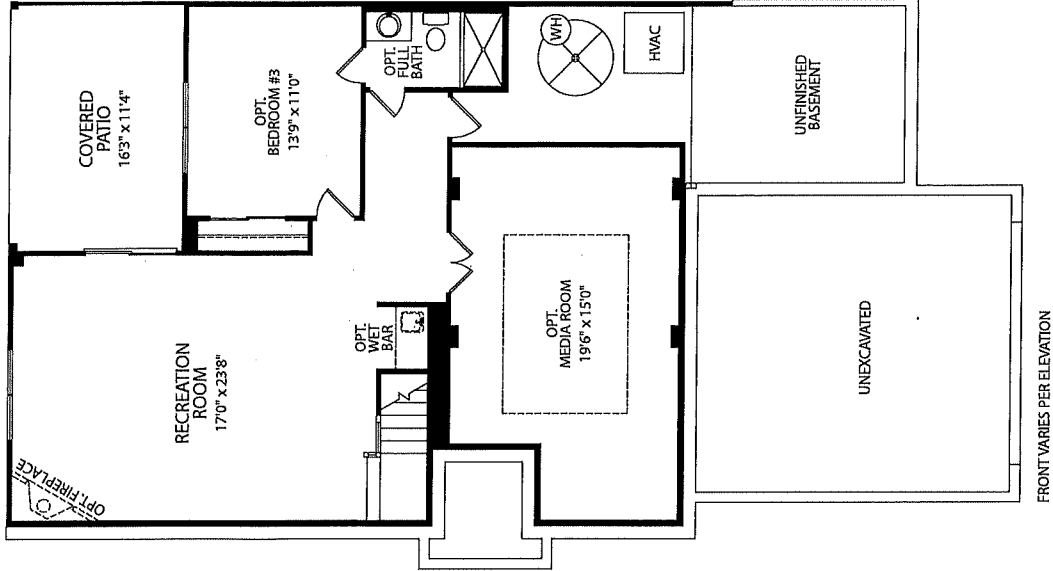
Drees HOMESSM **20** YEARS



Main Level



Optional Garden Bath



Optional Finished Lower Level

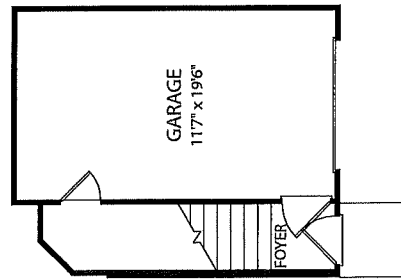


Gramercy - Condo



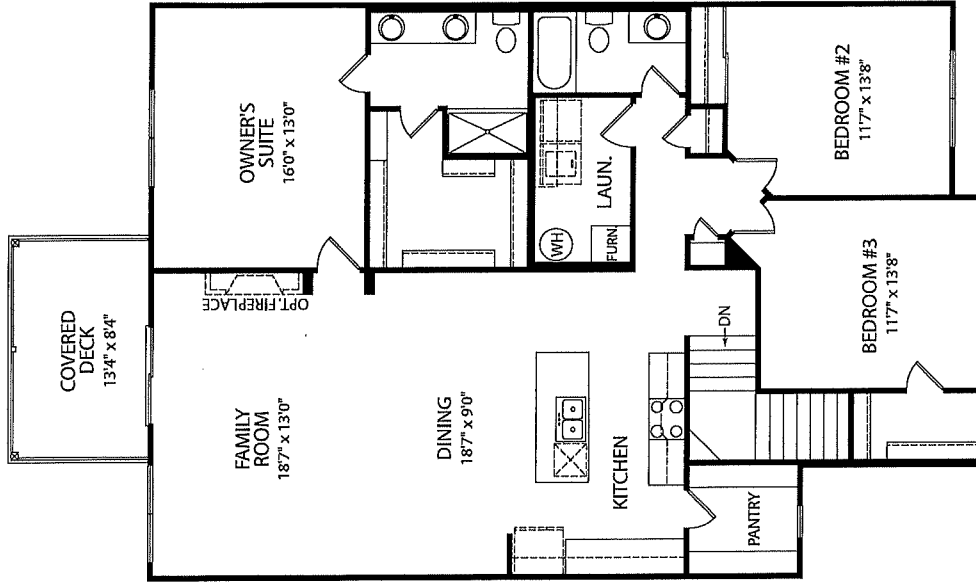
Gramercy A

Drees
HOMESSM
20 YEARS



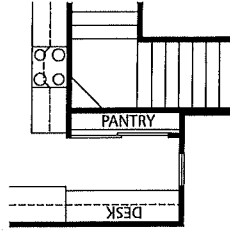
FRONT VARIES PER ELEVATION

Main Level



FRONT VARIES PER ELEVATION

Second Level



FRONT VARIES PER ELEVATION

Optional Kitchen Desk

Re-order number B18664-TH



Tribeca - Condo

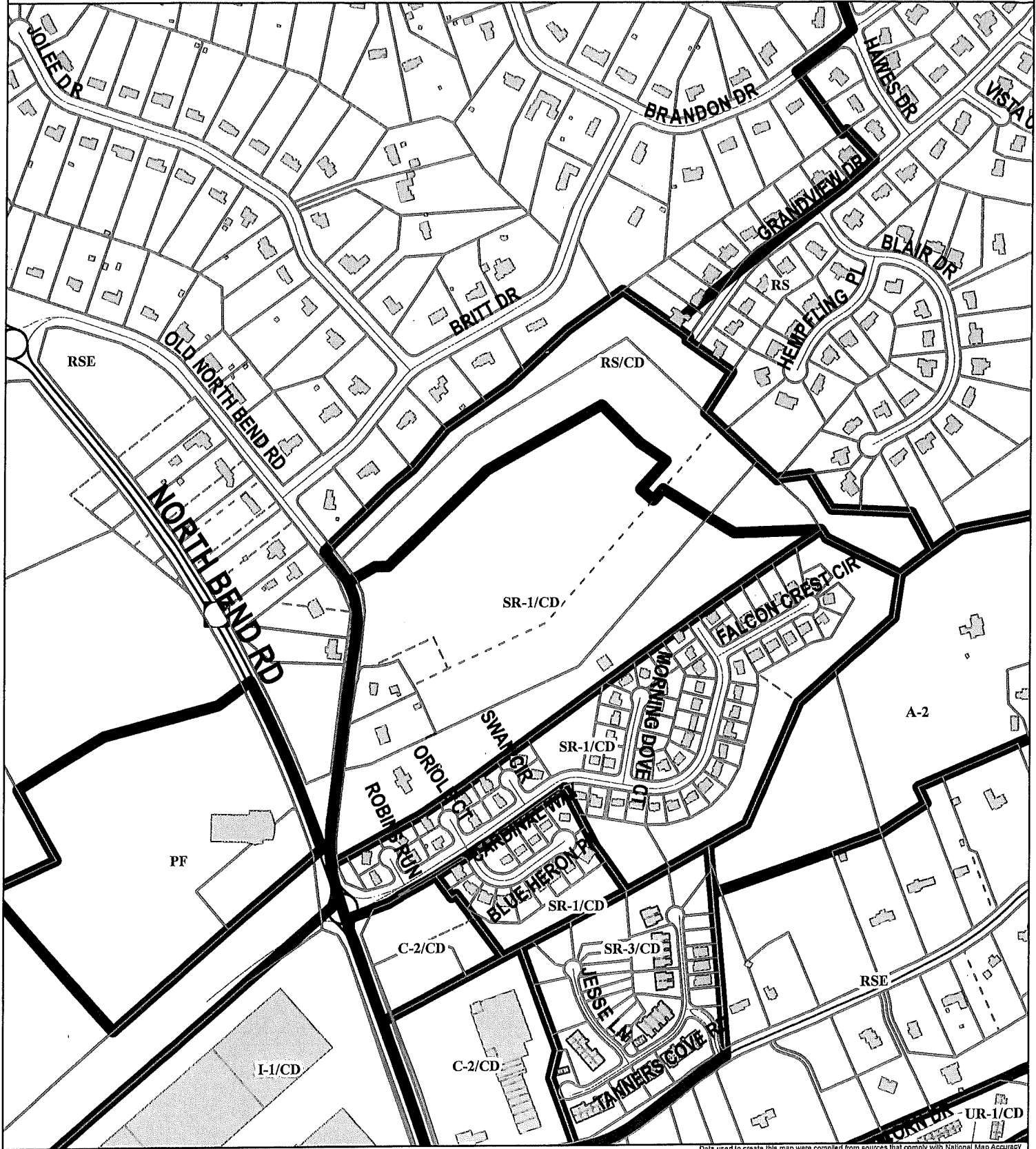


Tribeca A

Drees
HOMESSM
20 YEARS

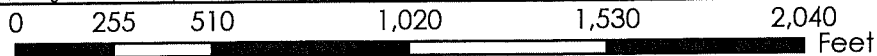
ZONING MAP

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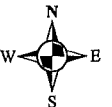


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1 Inch = 500 feet



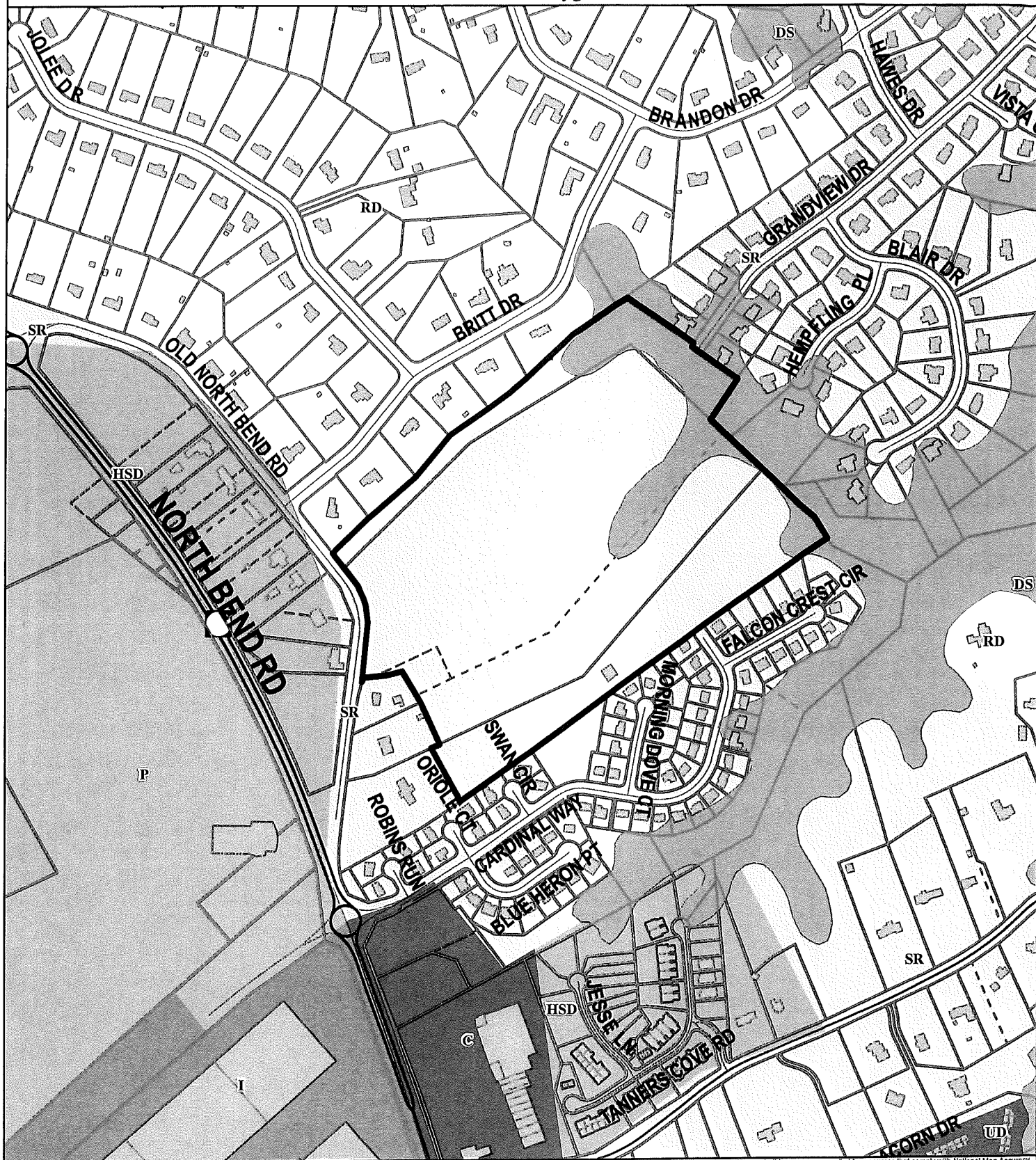
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 07/01/2013

Map Document: BooneMap (file).mxd

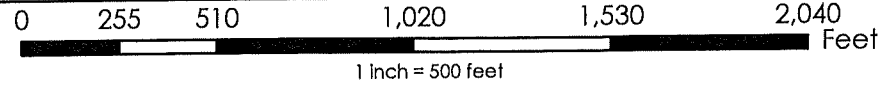
2035 FUTURE LAND USE MAP

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Map Created: 07/01/2013

ArcMap Document: BooneMap (file).mxd

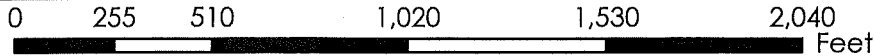
TOPOGRAPHICAL MAP

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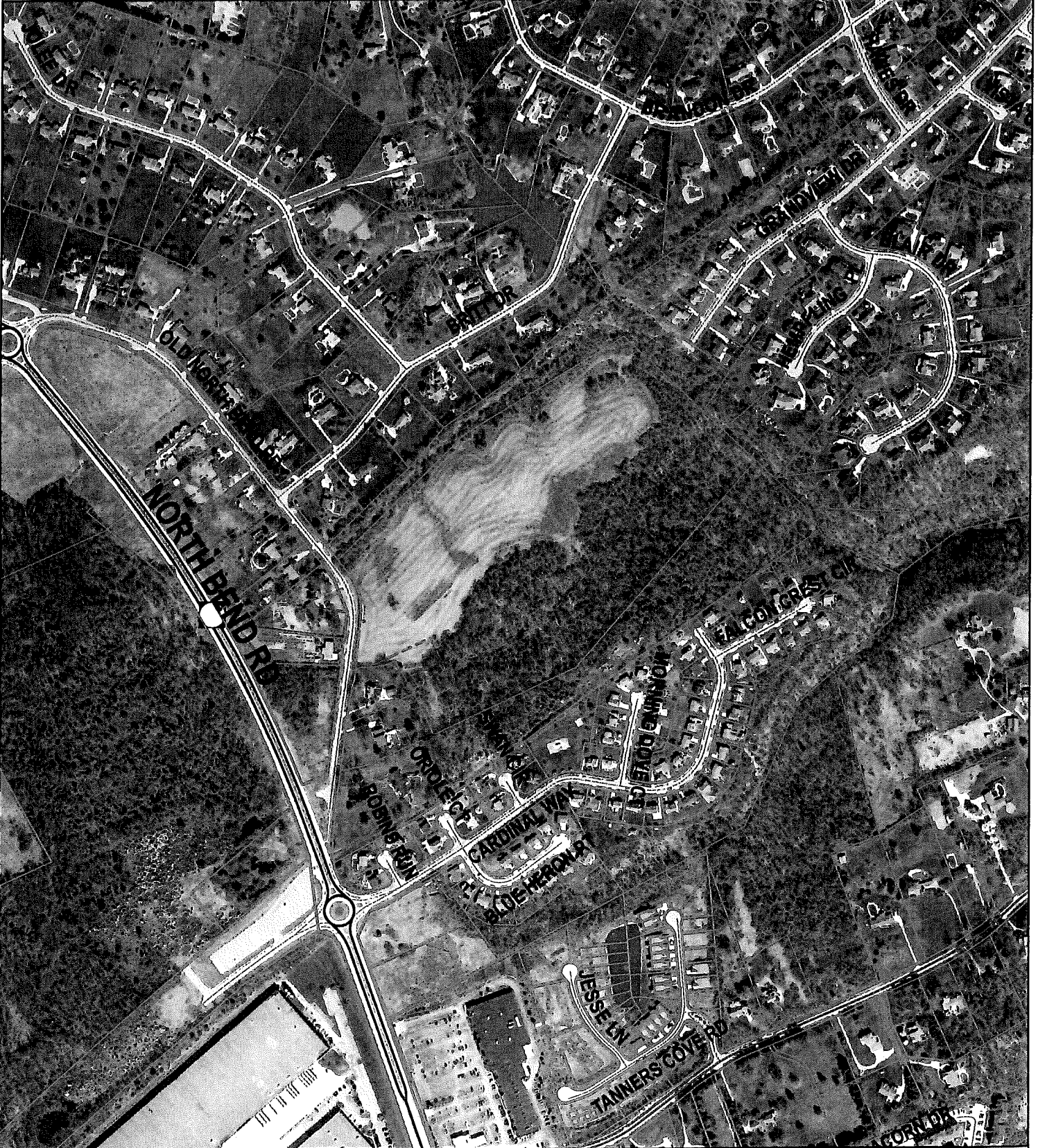
Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 07/01/2013

ArcMap Document: BooneMap (B).mxd

2016 AERIAL MAP

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0 255 510 1,020 1,530 2,040 Feet

1 inch = 500 feet



Boone County GIS - Putting Northern Kentucky on the Map

SECTION 1514

Planned Development Criteria

Concept Development Plan proposals in a Planned Development shall be primarily evaluated against the criteria listed below. The Concept Development Plan shall fulfill the following criteria unless a portion of the criteria do not apply or relate, in whole or part, to a specific proposal. The examples listed in this section are for illustrative purposes. Specific solutions used to fulfill these criteria are contingent upon the size, scale, site conditions, design, uses and impacts of a proposed development.

1. **Mixed Use Development and Pedestrian Orientation:** Planned Developments shall generally have a mixed use orientation (combination of differing types of residential, commercial, public or civic, and/or industrial uses) both within the development itself and relative to the relationship between the proposed planned development and adjacent sites. The additional intensity allowed in a Planned Development by Section 1500 shall only be permitted when a true mixed use and/or an amenity - oriented development with community and recreation facilities as described in this standard is provided.

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 dependance on the automobile. This may be accomplished through the use of comprehensive pedestrian circulation networks including multi-purpose paths and walks along main routes and open spaces such as stream corridors, between major destinations within the development and adjoining areas, secondary walk connections to the multi-purpose paths, the creation of a designed pedestrian environment including street trees in addition to other required landscaping, decorative street lights and other street furniture, and seating areas, and the use of integral curb walks where appropriate along streets. Disruptions in major paths due to street and drive intersections shall be minimal. Additionally in commercial areas, pedestrian orientation can be accomplished by placing buildings in close proximity to the street with parking areas to the side and rear of buildings, mixing uses within the same multi-story buildings, building entrances directly facing streets with reduced setbacks, architectural design which employs display windows, projecting signs, and awnings at street level, and designed outdoor seating and gathering spaces at the street level. Each development proposal must demonstrate in detail how the project will be made walkable throughout.

2. **Compatibility of Uses:** Measures shall be taken to assure compatibility of land uses within a planned development itself and adjacent sites. Such measures may include the provisions of buffer zones, common open space areas and landscape features, transitional land uses, or a mixed-use development in which no specific type of land use is dominate. When applicable, the design methods recommended in the "Development Layout, Lot Sizes, and Setbacks" section of the Comprehensive Plan's Land Use Element shall be employed. Compatibility measures/mitigation measures shall exceed the usual minimum standards of this order when needed to address impacts of the proposed development.
3. **Open Space:** Useable open space(s), in an amount over and above setback and buffer yard areas and open areas required by the underlying zone, shall be provided. These spaces may be provided in the form of parks, plazas, arcades, commons, trails, sports courts or other athletic and recreational areas, outdoor areas for the display of sculptural elements, etc. Land reservations for community facilities may be considered in lieu of useable open space. The use of single loaded streets to provide multi-purpose paths, park areas, or to protect stream corridors, may be proposed for this purpose. Open Space areas are encouraged to have street frontage and visibility. Any site proposed to be publically dedicated or donated for park or open space purposes shall comply with the appropriate legislative body's requirements for acceptance of such dedications or donations.
4. **Multi-Modal Transportation System:** Planned developments shall incorporate multi-modal transportation elements through the development, depending on the foreseeable needs of future residents and users of the site, and the relationship of the project site to the community at large. Such multi-modal elements may include provisions for mass transit stops or stations, car pooling lots, pedestrian and bicycle paths and lanes, bicycle parking areas, etc. Multi-modal facilities are encouraged to be combined with the pedestrian systems and open spaces described in Sections 1 and 3.
5. **Preservation of Existing Site Features:** Existing topography, significant tree cover, tree lines along property lines, cemeteries, and water courses and water bodies shall be largely preserved and incorporated into the project design, where appropriate and consistent with the remainder of this article. The retention of such features may also fulfill portions of the requirements in Section 3 "Open Space" and Section 6 "Landscaping."
6. **Landscaping:** Substantial landscaping shall be provided in a planned development with emphasis given to street scape areas, buffer zones, and the provision of significant landscaping (in terms of size of landscape areas, and quantity and quality of landscape materials) within the developed portions of the site. The use of landscape design guidelines is required for multi-phased projects. The retention of existing healthy, substantial

trees should occur wherever possible. Properly designed street tree plantings may be permitted to fulfill some landscaping requirements as part of an overall amenity package.

7. **Architecture:** Sites which are subject to architectural requirements through adopted overlay districts or land use studies shall follow said requirements. For all other sites, a consistent architectural theme shall be provided in planned developments. The theme shall largely use traditional, regionally influenced architectural forms and elements and shall allow variations within it. Traditional styles such as Georgian, Federal, I-House, Cape Cod, Craftsman, Tudor, Queen Anne, Italianate, early 20th century commercial structures, and local farm structures may be used as models. Contemporary or transitional styles of comparable quality may also be considered. The architectural theme shall also relate to existing structures on the project site and adjacent sites, especially if such existing structures are historic.

For attached or multi-family residential developments and commercial or office developments, the predominant building materials shall have a solid appearance, such as could be achieved with brick, stone, and architectural grade cast concrete products designed to replicate natural materials. Roof designs shall have a finished appearance through the use of three dimensional pitched roof forms with architectural grade roofing and/or the use of defined parapets with cornice lines. Long building facades and roof planes shall be interrupted through the use of three dimensional jogs in the building footprint and secondary roof forms such as hips, dormers, and gables. Such buildings shall include architectural detailing for cosmetic enhancement, largely use natural colors, and use a consistent design treatment on all facades. The use of architectural guidelines or building prototypes is required for all multi-phased projects.

Developments should be mixed-use in character with multi-level buildings where commercial services are proposed. Walkability must be planned for when locating commercial and residential uses in proximity to each other. Office and residential uses are strongly advocated above commercial uses in business districts to decrease dependence on the automobile.

8. **Historic and Prehistoric Features:** Historic and prehistoric features on the project site shall be retained, utilized, and incorporated into the overall project design if physically and economically feasible.
9. **Signage:** A consistent signage theme shall be provided within a planned development. Building mounted signs shall be the predominate signage on the project site. Freestanding signs shall be monument style and of a limited size and height. Signage shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors. The use of signage design guidelines is required for multi-phased projects.
10. **Transportation Connections and Entry Points:** The provision of transportation connections (street connections, pedestrian paths, multi-purpose trails, sidewalks, and bicycle facilities) shall be provided in all planned development unless physically unfeasible or unsafe. This shall include connections to adjoining properties and developments, and inter-connectivity within the development itself, and contain minimal use of cul-de-sacs or other dead-end types of streets only when necessary. Transportation connections shall account for the County's adopted Transportation Plan and any adopted bikeway and/or pedestrian plans. In addition, the various entry points (streets, paths, etc.) into a planned development shall be marked or otherwise defined through the use of landscaping, low-key signage on retaining walls, architectural or sculptural elements, archways, markers, etc. Any structures used to demarcate entry points shall visually correlate to the planned architectural theme by the use of consistent design details, materials, and colors.
11. **Conformance with Comprehensive Plan:** All planned developments shall conform to the provisions of the adopted Comprehensive Plan and take into account the limitations of existing or planned infrastructure.

Further, Concept Development Plan proposals within areas that are subject to a specific land use or corridor study shall be evaluated against the criteria or requirements of such study as well as the criteria in this section.

A Planned Development and its uses, buildings or structures shall be minimally subject to the supplemental performance and development standards of this order, unless superseded by any special requirements, conditions, variances or other particulars imposed by the Planning Commission during the concept or preliminary application and hearing phases described in this article. Such special conditions may include provisions governing, common open space, lands or facilities, disposition of open land, infrastructure provisions including any physical design and/or any other requirement found to be necessary, appropriate or desirable for the purposes of this district.

Such conditions shall be made a part of the terms under which the development is approved. Any violation of such conditions shall be deemed a violation of this order.



BOONE COUNTY PLANNING COMMISSION

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

Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org

TO: Andy Aman, Sanitation District No. 1
Carol Callan-Ramler, Kentucky Transportation Cabinet
Keith Feldhaus, Boone County Water District
Mike Ford, Boone County School District
Greg Haggard, Sanitation District No. 1
Andy Ifcic, Hebron Fire Protection District
Scott Pennington, Boone County Public Works
Matthew Webster, Assistant County Administrator

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

DATE: April 4, 2019

RE: Request of **Drees Company - Matt Mains (applicant)** for **Aylor Investments Limited Partnership, Raymond O. Godsey, Jr., and Akin & Miller Land Developers (owners)** for a Zoning Map Amendment from Rural Suburban (RS) and Suburban Residential One (SR-1) to Suburban Residential Two/Planned Development (SR-2/PD) for a 41.8424 acre site located on the east side of Old North Bend Road, approximately 220 feet south/southeast of the Britt Drive/Old North Bend Road intersection, to the north and east of the properties at 1820 and 1828 Old North Bend Road, at the terminus of Cardinal Way and Grandview Drive, and including approximately 8.1 acres in the northeast portion of the 10.987 acre tract at 1846 Old North Bend Road, Boone County, Kentucky. The request is for a zone change to allow detached single family residences, attached residential condominiums, and townhouses.

I attached a copy of the Concept Development Plan for the above referenced request. It shows:

- A. Thirty-one (31) single-family residential lots and one hundred and thirty (130) townhouse/condominium dwelling units in twenty-one (21) buildings. The single-family residential lots are located in the northwest and southwest portions of the site near Parlor Grove Subdivision and Old North Bend Road. The townhouse and condominiums are located in the central and southeastern portions of the site. The proposed building intensity of the project is 3.85 dwelling units per acre.
- B. The multi-family buildings contain thirty-six (36) walkout townhouse units (Buildings A-I) and 94 condominium/townhouse units (Buildings J-U). Notes on the plan indicate:
 - The 36 townhouses will be 2 bedrooms with an owner option for a third bedroom.
 - 47 condominium units will be 2 bedrooms with an owner option for a third bedroom.
 - 47 condominium units will be 3 bedroom units.

- C. Access is proposed from a private street network that connects to Old North Bend Road and Cardinal Way. The streets will be built to public condominium street specifications (24' of pavement) and sidewalks are shown on one side of streets A, B, and C. A note on the plan indicates the street that connects to Cardinal Way will be gated for emergency access only.
- D. 587 parking spaces. The applicant informed Staff that:
- The patio homes (31) and townhouses (36) have 2 garage spaces and 2 driveway spaces = 268 spaces
 - The condominiums (94) have 1 garage space and 1 driveway space = 188 spaces
 - Private street parking/overflow parking = 131spaces
- E. Grading will be kept to a minimum. Large areas in the northeast, northwest, and central parts of the site will be left undisturbed and 43% of the overall site is shown as green space.
- F. Minimum 30' wide buffer yards between the multi-family portions of the development and the adjoining property lines.
- G. Sidewalks along the Old North Bend Road frontage.
- H. A pocket park in front of building D and a trail that goes through the community green space. Trail heads are shown between buildings C and D and buildings P and Q.

I have also attached a copy of the Concept Development Plan that was denied by the Planning Commission in 2018 for comparison purposes. That application was to rezone a 44.7277 acre site from Rural Suburban (RS) and Suburban Residential One (SR-1) to Suburban Residential Three (SR-3). The plan showed 162 townhouse/condominium dwelling units (76 three bedrooms and 86 two bedrooms) in 30 buildings and one existing single family residence. The proposed building intensity was 3.64 dwelling units per acre. Access to the development was proposed from public streets (26' wide right-of-way and 24' of pavement) that would connect to Old North Bend Road and Cardinal Way. The plan showed that grading would be kept to a minimum. Large areas in the northeast, northwest, and central parts of the site were to be left undisturbed.

The public hearing for the request has been scheduled for May 1, 2019, at 7:30 P.M. Please review the request relative to your agency's policies and service abilities and provide any comments to me in writing by April 18, 2019. Please provide a written response, even if your agency has no comments on the proposal. Comments can be e-mailed to tmorgan@boonecountyky.org. Your feedback is greatly appreciated.

Todd Morgan

From: Andrew Ifcic <AIfcic@hebronfire.org>
Sent: Monday, April 08, 2019 8:47 PM
To: Todd Morgan
Subject: The Woodlands

Todd,

We have no comments on The Woodlands zone change. We are ok with the gated access on Cardinal, the cul-de-sacs and the private streets.

Thanks, Andy

Andy Ifcic, Captain

Hebron Fire Protection District
3120 Northbend Road Hebron, KY
P: 859-586-9009
F: 859-586-9059
aifcic@hebronfire.org
www.hebronfire.org

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Todd Morgan

From: Scott Pennington
Sent: Friday, April 12, 2019 5:51 PM
To: Todd Morgan
Cc: Daniel Rice; Daniel Menetrey
Subject: Drees Development - Old North Bend Rd - Zoning Map Amendment - Comments

Todd,

My comments for the Drees Development off of Old North Bend Road:

- I like the sidewalk across the frontage at Old North Bend Road. At south end of sidewalk run, keep sidewalk parallel to roadway, don't run it to street.
- Please provide updated traffic numbers.
- For street connection at Cardinal Way, please extend street to existing end of pavement. Please extend sidewalk from development to sidewalk(s) on Cardinal Way. I'm okay w/ gated emergency access.
- This doesn't necessarily have to be addressed at this point, but I did notice that the storm water system at the Cardinal Way connection appears to terminate at a curb box, not an outlet (based on the flow arrows). Assuming that will need to be fed to a detention basin.

Thank you.

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

Todd Morgan

From: Aman, Andy <aaman@sd1.org>
Sent: Monday, April 15, 2019 10:17 AM
To: Todd Morgan
Cc: Uhlyarik, Lydia; Haggard, Greg
Subject: Re: Agency Memo for Zoning Map Amendment on Old North Bend Road, Boone County, KY

Good Morning Todd.

SD1's comments as follows:

It appears based upon the information provided the current reserved sanitary capacity (reserved October of 2018, permit number 18-09-040) needs to be updated to reflect the additional sanitary flows as proposed on the development plan.

Sanitary sewer will need to be submitted SD1 for plan review if determined to be public ownership and to the Commonwealth of Kentucky, Division of Water for approval.

Storm water management for the entire site must meet the NKY Storm Water Rules and Regulations.

Please let me know if you have any questions or need any additional information.

Regards,

On Thu, Apr 4, 2019 at 3:34 PM Todd Morgan <TMorgan@boonecountyky.org> wrote:

All,

Please review the attached memo and plans and provide any comments to me in writing by 4/18/19.

Thank you.

Todd K. Morgan, AICP

Todd Morgan

From: Ford, Mike <mike.ford@boone.kyschools.us>
Sent: Monday, April 15, 2019 3:20 PM
To: Todd Morgan
Cc: Poe, Randy - Superintendent
Subject: RE: Agency Memo for Zoning Map Amendment on Old North Bend Road, Boone County, KY

Todd,

I have reviewed the application for the Zoning Map Amendment on Old North Bend Road, and I must state that, because of the schools that will be impacted by the plan if approved, this project must be phased in. Both the infrastructures of Conner HS and Conner MS cannot absorb a massive influx of students at this time. However, to phase in the development of this project will allow the schools to gradually be impacted by the potential student growth. Also, as I have stated in other commentaries, please remind the developer of all street regulations in accordance with the BC Comp Plan, especially those regulations/guidelines that focus on the ability of the school system to move school busses throughout the community (this is always a concern of mine when the development is a mix of both single-family and multi-family residences). Thank you for allowing the school system to provide commentary!

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

From: Todd Morgan <TMorgan@boonecountyky.org>
Sent: Thursday, April 4, 2019 3:34 PM
To: Aman, Andy (aaman@sd1.org) <aaman@sd1.org>; 'Carol.Callan-Ramler@ky.gov' <Carol.Callan-Ramler@ky.gov>; kfeldhaus@fuse.net; Ford, Mike <mike.ford@boone.kyschools.us>; 'Greg Haggard' <GHAGGARD@sd1.org>; Andrew Ifcic <aifcic@boonecountyky.org>; Scott Pennington <spennington@boonecountyky.org>; Matthew Webster <mwebster@boonecountyky.org>
Cc: Jeff Earlywine <jearywine@boonecountyky.org>
Subject: Agency Memo for Zoning Map Amendment on Old North Bend Road, Boone County, KY

EXTERNAL MESSAGE

All,

Please review the attached memo and plans and provide any comments to me in writing by 4/18/19.

Thank you.

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

APPLICATION FORM

NOTE: Applicant amended
Zone Change acreage on
4-1-19.

**ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION**

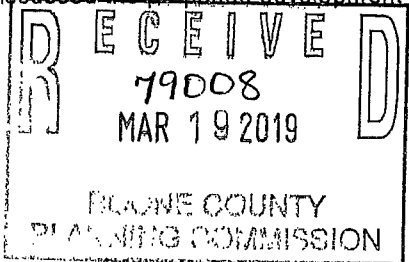
SEVEN (7) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project The Woodlands (formerly Aylor Property)
2. Location of Project East side of Old North Bend Road South of Britt Drive
3. Total Acreage of Site 44.7277 - 2.8853 (Residual Exact) = 41.8424
4. Current Zoning of Site SR-1/CD & RS/CD
5. Proposed Zoning (Classification being requested) SR-2-PD Zone
6. Proposed Uses (please specify each use) Multi-Family Condominium Building of 3 Units to 8 Units per building, 130 units. Single Family Lots-31 Total = 161 Units/Lots
7. Names of Applicant(s) Drees Company-Matt Mains
Phone No. 859-578-4324 Fax No. 859-426-2873 E-Mail mmains@dreeshomes.com
8. Address of Applicant(s) 211 Grandview Drive, Suite 100
Ft. Mitchell Kentucky 41017
City State Zip
9. Name of Property Owner(s) See Attached
Phone No. _____ Fax No. _____ E-Mail _____
10. Address of Property Owner(s) See Attached

City State 41.8424 Zip
11. Proposed Building Intensities (please specify) 161 Units on 44.7277 Acres
Gross Density = 3.60 Units/Acre - 3.85 Units/Acre
12. Are there any existing buildings on the site? Yes
How many? House & Out Building
13. Deed Book See Attached Page No. _____ Group No. _____
14. Are you also applying for:
_____ Conditional Use Permit
_____ Dimensional Variance
15. Have you submitted a Concept Development Plan? Yes
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

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



EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Kim Patton, Chairman

DATE: June 5, 2019

RE: Request of **Drees Company - Matt Mains (applicant)** for **Aylor Investments Limited Partnership, Raymond O. Godsey, Jr., and Akin & Miller Land Developers (owners)** for a Zoning Map Amendment from Rural Suburban (RS) and Suburban Residential One (SR-1) to Suburban Residential Two/Planned Development (SR-2/PD) for a 41.8424 acre site located on the east side of Old North Bend Road, approximately 220 feet south/southeast of the Britt Drive/Old North Bend Road intersection, to the north and east of the properties at 1820 and 1828 Old North Bend Road, at the terminus of Cardinal Way and Grandview Drive, and including approximately 8.1 acres in the northeast portion of the 10.987 acre tract at 1846 Old North Bend Road, Boone County, Kentucky. The request is for a zone change to allow detached single family residences, attached residential condominiums, and townhouses.

REMARKS:

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

FINDINGS OF FACT

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

- A. The 2035 Future Land Use Map forecasts the majority of the site for Suburban Residential (SR) uses and smaller areas for Rural Density Residential (RD), and Developmentally Sensitive (DS) uses.

The Committee determined that while the proposed development is not entirely single-family residential housing, it does meet the recommended density of the Suburban Residential (SR) future land use classification. The proposed building intensity is 3.85 dwelling units per acre and the Suburban Residential future land use classification allows up to 4 dwelling units per acre. The proposal also allows developmentally sensitive areas in the rear of the site to be left undisturbed.

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

The Committee analyzed that the 2035 Future Land Use Map shows the adjoining properties to the west and the area bound by the Graves Road roundabout to the north, Cardinal Way roundabout to the south, Old North Bend Road to the east, and KY 237 to the west for High Suburban Density Residential (HSD) uses. This future land use classification is defined as "single-family and/or attached housing of up to 8 dwelling units per acre. This classification is typified by townhouse, condominium, and zero-lot line development, and also pertains to existing mobile home parks."

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

- “With the provision of adequate infrastructure, some Suburban Density Residential development and small amounts of attached housing may extend onto the ridge top areas. Development would need to retain the bluff line vegetation in order to minimize the visual and environmental impacts of residential development. Planned Development or clustered housing should be used to insure proper development of this area, due to environmental and site characteristics. Much of the remaining land in this section contains Developmentally Sensitive and scenic hillsides, and should stay wooded in order to create open space between future developments. The Sand Run Creek and Elijah Creek valleys should constitute such open space” (North Hebron Area, pg. 180).
- “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” (North Hebron Area, pg. 180).

The Committee determined the proposed development with the agreed upon phasing conditions complies with these passages. Adequate public water and sanitary sewer services exist and three major road projects (adding lanes to KY 237/Worldwide Boulevard, adding lanes to KY 237 between Cardinal Way and Graves Road, and the Graves Road interchange project) are currently under construction or being planned in the North Hebron area. In addition, the layout of the development minimizes grading and preserves existing tree lines and developmentally sensitive areas.

D. 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 Hebron region. The population of this region is estimated to change to 15,086 in 2020 and to 17,886 in 2030 (OKI Traffic Zone Forecast, pp. 20-21).

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

- Demand for multi-family housing has historically been in, or around Florence. The emphasis on new construction, however, has shifted to the unincorporated county. The continuing in-migration of a young, professional population combined with the increased growth of single-parent families and the overall graying of the population, means the demand for various multi-family housing options will continue in the future for Boone County (Housing Demand, Economic Factors, pg. 75).
- 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 (Meeting Housing Needs, Housing Types, pg. 79).

- 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).

The Committee analyzed these passages and concluded the development is needed so there is a mix of housing in the North Hebron area and housing options are available for young professionals, empty nesters and the aging population. The development will have convenient access to KY 237, I-275, and commercial districts and will contain sidewalks, walking paths, and significant buffers (existing vegetation and new landscaping).

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

- 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).
- 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).
- 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, Goal A, Objective 7).
- Existing infrastructure and services such as water, stormwater, wastewater, gas, electric, communication lines, and emergency and municipal services shall be utilized efficiently. The phasing of proposed development may be one way of addressing significant impacts on existing infrastructure and services (Public Facilities, Goal A, Objective 1).
- 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).

2. The development is in compliance with the following Planned Development Standards found in Section 1514 of the Boone County Zoning Regulations:

- A. Mixed Use Development and Pedestrian Orientation - The proposed development is a mixed use development with single-family residential units, townhouses, and condominiums. Sidewalks will be provided along the Old North Bend Road frontage of the development and along one side of all private streets.
 - B. Open Space and Preservation of Existing Site Features - The proposed development plan shows that 43% of the site will be left undisturbed. The open spaces in the development will contain significant tree lines, two pocket parks, and a walking trail.
 - C. Architecture - Architectural conditions have been imposed on the development to ensure that high quality building materials will be used and that all buildings will be compatible with adjoining areas.
 - D. Landscaping - As mentioned in the Staff Report, the following landscaping will be required in the development:
 - Old North Bend Road Street frontage - Street frontage landscaping is required per Section 3620 of the Boone County Zoning Regulations.
 - Buffer Yard C is required when multi-family buildings and/or parking align with adjoining residentially zoned property. Buffer Yard C is a minimum of 30' in width and contains the following per 100 linear feet:
 - 10 evergreens from Plant List D
 - 8 large or medium trees from Plant List A or B
 - 15 shrubs from Plant List C
 - 6' tall berm, privacy fence, or masonry wall (fence/wall required in center of buffer)
 - Single-Family Residential Lots - One street tree is required per lot per Section 3619 of the Boone County Zoning Regulations.
 - Multi-Family Buildings - Street Frontage Landscaping per Section 3620 of the Boone County Zoning Regulations.
 - Trees shown in the undisturbed limits will need to be preserved.
 - E. Conformance with the Comprehensive Plan - See Finding #1.
3. The Committee analyzed that the subject properties were rezoned in 2005 and that the 112 approved single-family residential units were never developed. Due to the site conditions, the 2005 approved concept plan for an entirely single-family detached residential subdivision does not work economically because of the mass grading work that would need to be performed on the site.
 4. The Committee analyzed the Traffic Study that was submitted by the applicant at the public hearing and the supplemental traffic information that was brought to the May 15, 2019 Zone Change Committee Meeting. Highlights of this information:
 - A. The proposed development will generate less traffic than the approved 2005 development. Trip projections show the approved 2005 development, with 112 new single-family residential dwellings, would generate 143 trips (32 AM Peak and 111 PM Peak) and the proposed development would generate 186 trips (70 trips in the AM peak and 116 trips in the PM peak).

- B. The KY 237/Worldwide Boulevard improvements are scheduled to be finished this July.
- C. The Graves Road Interchange project is being released for bid in August and substantial completion is expected by 2022. Improvements with the project include a new interchange at I-275 and Graves Road, widening on Graves Road, and widening the KY 237/Graves Road roundabout to two lanes.

Since there are no planned road improvements Old North Bend Road, the Committee recommends that the Boone County Fiscal Court evaluate the current conditions of the road in terms of safety and capacity. The proposed development and the reconstruction of the KY 237/Graves Road roundabout will impact Old North Bend Road. Such an evaluation should include adequate road width, traffic control signage, pedestrian access (sidewalks) and recommendations for improvements.

- 5. The Committee has concluded that the attached conditions are necessary to achieve consistency with the 2010 Boone County Comprehensive Plan and adopted 2017 Goals and Objectives. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The applicant (owner by contract) has signed a letter demonstrating agreement with the conditions.

CONDITIONS

- 1. The approval is based on the submitted Concept Development Plan and grading limits that are shown. Minor changes to the Concept Development Plan can be approved by the Zoning Administrator.
- 2. The following phasing conditions shall apply to the development:
 - A. No more than 112 residential units shall be constructed until such time that the Graves Road Interchange project is open to the public between the new interchange and the KY 237/Graves Road/Old North Bend Road roundabout.
 - B. No more than 42 residential units shall be constructed in any given calendar year.
- 3. The following architectural conditions shall apply to the development:
 - A. The front facade of all buildings shall be generally built per the submitted building renderings. All the renderings show masonry materials on the front facades.
 - B. The outer ring of buildings in the development (Patio Homes 1-31 and Building U) shall have similar building materials and treatments on the front and rear facades.
 - C. The exposed side of patio homes 1, 24, 27, 28, and 31 shall be constructed with similar building materials and treatments as the front and rear facades.
 - D. The exposed side of buildings I, J, and U shall be constructed with similar building materials and treatments as the front facade.
 - E. No more than 15% vinyl siding shall be permitted on a facade that is referenced in this condition.
- 4. The Old North Bend Road street frontage buffer shall be upgraded and comply with Section 308 B. of the Boone County Subdivision Regulations.

5. The Street A/Street B intersection and Street B/Cardinal Way intersections shall be built with larger turning radii to allow school busses to turnaround.
6. The applicant shall contact Boone County Public Library District to determine if they would allow a sidewalk connection to KY 237 be constructed on the library property that fronts on the west side of Old North Bend Road and east side of KY 237. The applicant will pay for the improvement if the library allows the improvement.
7. The emergency access point to development from Cardinal Way shall:
 - A. Be gated with a knox box.
 - B. Contain a sidewalk on one side of the private driveway.
8. The pocket park located near the Street A/Street B intersection shall include a shelter with seating.

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 Patton, Chairman

DATE: May 15, 2019

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

2. Request of **Drees Company - Matt Mains (applicant) for Aylor Investments Limited Partnership, Raymond O. Godsey, Jr., and Akin & Miller Land Developers (owners)** for a Zoning Map Amendment from Rural Suburban (RS) and Suburban Residential One (SR-1) to Suburban Residential Two/Planned Development (SR-2/PD) for a 41.8424 acre site located on the east side of Old North Bend Road, approximately 220 feet south/southeast of the Britt Drive/Old North Bend Road intersection, to the north and east of the properties at 1820 and 1828 Old North Bend Road, at the terminus of Cardinal Way and Grandview Drive, and including approximately 8.1 acres in the northeast portion of the 10.987 acre tract at 1846 Old North Bend Road, Boone County, Kentucky. The request is for a zone change to allow detached single family residences, attached residential condominiums, and townhouses.

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.

Kim Bunger

Kim Bunger

For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

Mark Hicks (Alternate)

For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

Janet Kegley

Janet Kegley

For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

Lisa Heilman (Alternate)

For Project _____ Absent _____
Against Project _____

Rick Lunnemann

For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

Steve Turner (Alternate)

For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

Kim Patton

Kim Patton (Chairman)

For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

For Project _____ Absent _____
Against Project _____
Abstain _____ Deferred _____

Brad Shipe

Brad Shipe

For Project Absent _____
Against Project _____
Abstain _____ Deferred _____

TOTAL: _____ DEFERRED 4 FOR PROJECT _____ ABSENT
_____ AGAINST PROJECT _____ ABSTAIN

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARING
MAY 1, 2019
7:30 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Randy Bessler
Mr. Kim Bunger, Secretary/Treasurer
Ms. Corrin Gulick
Mr. Steve Harper
Mrs. Lori Heilman
Mr. Mark Hicks
Mr. Rick Lunnemann
Mr. Don McMillian
Mr. Ed Mentz
Mr. Kim Patton
Mr. Charlie Rolfsen, Chairman
Mr. Brad Shipe
Mr. Steve Turner, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mrs. Janet Kegley
Mr. Bob Schwenke

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Kevin P. Costello, AICP, Executive Director
Mr. Todd K. Morgan, AICP, Senior Planner

Chairman Rolfsen introduced the first item on the Agenda at 7:46 p.m.

ZONING MAP AMENDMENT - Todd Morgan, Staff

1. Request of **Drees Company - Matt Mains (applicant)** for **Aylor Investments Limited Partnership, Raymond O. Godsey, Jr., and Akin & Miller Land Developers (owners)** for a Zoning Map Amendment from Rural Suburban (RS) and Suburban Residential One (SR-1) to Suburban Residential Two/Planned Development (SR-2/PD) for a 41.8424 acre site located on the east side of Old North Bend Road, approximately 220 feet south/southeast of the Britt Drive/Old North Bend Road intersection, to the north and east of the properties at 1820 and 1828 Old North Bend Road, at the terminus of Cardinal Way and Grandview Drive, and including approximately 8.1 acres in the northeast portion of the 10.987 acre tract at 1846 Old North Bend Road, Boone County, Kentucky. The request is for a zone change to allow detached single family residences, attached residential condominiums, and townhouses.

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation. The site is 41.8424 acres in size. The request is to rezone the site from Rural Suburban (RS) and Suburban Residential One (SR-1) to Suburban Residential Two/Planned Development (SR-2/PD). He identified the adjoining residential subdivisions. He reviewed the submitted Concept Development Plan. Thirty-one single family residential lots and 130 townhouse/condominium dwelling units in 21 different buildings are proposed. The proposed building intensity is 3.85 dwelling units per acre. The 31 single family lots are located on the north and west sides of the site. The remaining townhouse/condominium dwelling units will be located in the middle of the development and next to Cardinal Cove Subdivision. The 31 homes will be two bedroom units with an owner option for a third bedroom. The 36 townhouses will be 2 bedrooms with an owner option for a third bedroom. 47 condominium units will be 2 bedrooms with an owner option for a third bedroom. Forty-seven condominium units will be 3 bedroom units. All the streets will be private but built to public specifications. Street pavement will be 26 feet wide. All streets will have sidewalks on one side. Sidewalks will also be installed on the Old North Bend frontage. There is a planned gated access to Cardinal Way. It will be used for emergency access only. The applicant is providing 587 parking stalls located on the driveways and streets. Mr. Morgan delineated the grading limits of the project. Approximately 43% of the site will be green space. Thirty foot buffers are also planned. A pocket park and a trail system have been incorporated into the Concept Development Plan. Mr. Morgan showed photographs of the proposed housing units and reviewed the site history. In 2005, a zone change to RS and SR-1 was approved to allow a total of 115 single family detached lots. It was about 2.45 dwelling units per acre and was conditioned on when the widening of North Bend Road was completed. In 2018, a zone change to SR-3 was denied. Other references to the site history are made in the Staff Report. Mr. Morgan reviewed the topography of the site which included a blue line stream. He showed photographs of the site and adjoining properties.

The Comprehensive Plan designates the proposed site as Suburban Density Residential (SR), which allows single family housing for up to 4 dwelling units per acre. Some of the site is designated as Developmentally Sensitive (DS) on the east side of the site. Other references to the Comprehensive Plan are noted on pages 4-11 of the Staff Report. He also referenced the findings necessary for a Zoning Map Amendment outlined on pages 11-12 of the Staff Report. The applicant is requesting a Planned Development (PD) designation, which usually allows for more flexibility of the zoning code based upon the standards (Section 1514 of the Zoning Regulations).

In terms of Staff Comments, Mr. Morgan provided a chart comparing the 2018 Plan with the 2019 Plan. The second comment refers to the SR-2 definition. Comments have been received by the Hebron Fire Department, the Boone County Public Works Department, Sanitation District No. 1 and the Boone County School District. The comments are attached to the Staff Report.

The following road projects are currently under construction or being planned in the North Hebron area: A) Adding lanes to Worldwide Boulevard and KY 237 - Construction has started and is expected to be complete by June 2019; B) Adding Lanes to KY 237 between Cardinal Way and Graves Road - The road design is expected to be complete in 2019; and C) I-275/Graves Road Interchange is underway and the open date is projected is for 2022. Further, Staff recommends the following Planned Development Standards should be analyzed in more detail:

- A. Mixed Use Development and Pedestrian Orientation
 - The proposed project is a mixed use residential development with single-family residential dwellings, condominiums, and townhouses. Staff recommends that sidewalks should be installed on one side of the street that connects to Cardinal Way.
- B. Compatibility of Uses
 - Will the proposed buffers make the development compatible with adjoining properties?
- C. Open Space
 - The submitted plan shows the development will have substantial open space and with a pocket park and trail.
- D. Preservation of Existing Site Features
 - The plan shows that 43% of the site will be left undisturbed and significant tree lines in "Developmentally Sensitive" areas will be preserved.
- E. Landscaping - The following landscaping will need to be retained or installed if the application is approved:

Old North Bend Road Street frontage - Street frontage landscaping is required per Section 3620 of the Boone County Zoning Regulations. If the project is approved, Staff recommends a condition which would require the street frontage landscaping buffer to be upgraded and comply with Section 308 B. of the Boone County Subdivision Regulations. This would require the street frontage buffer to include earthen berming, consistent decorative fencing, hedging, evergreen or deciduous plant materials or combination thereof which are high enough at maturity to screen the adjoining lot areas at a height of at least six (6) feet. Buffer Yard C is required when multi-family buildings and/or parking align with adjoining residentially zoned

property. Single-Family Residential Lots - One street tree is required per lot per Section 3619 of the Boone County Zoning Regulations. Multi-Family Buildings - Street Frontage Landscaping per Section 3620 of the Boone County Zoning Regulations. Finally, trees shown in the undisturbed limits will need to be preserved.

- F. Architecture - This standard states the predominant building materials for attached or multi-family residential developments shall have a solid appearance, such as could be achieved with brick, stone, and architectural grade cast concrete. Staff would like the applicant to address the following:

The submitted building renderings show there are different variations of each building type.

- Will each building have a minimum masonry percentage?
- Could entire facades be finished with vinyl or composite siding?

- G. Transportation Connections and Entry Points - The street connection that is shown to Cardinal Way is proposed to be gated for emergency access only. This standard calls out that full access street connections should be provided unless they are physically unfeasible or unsafe.

- H. Conformance with the Comprehensive Plan - See pages 4-11 of the Staff Report.

Staff would like the applicant to address the zone change criteria as well as the following: Is an updated Traffic Study or Memo going to be submitted? Mr. Morgan noted that a study was submitted after the Staff Report was finalized and is part of the record (see Exhibit 1). The plans indicate the houses, townhouses, and condos could all be three bedroom units and the plan shows less parking than the previous proposal. Can the number of three bedroom units be reduced or capped?; and what is the anticipated construction start time and proposed phasing of the project if the application is approved?

Finally, the Planning Commission and Boone County Fiscal Court need to analyze the three criteria outlined in KRS 100 before acting on the Zoning Map Amendment request.

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

Mr. Matt Mains, the Drees Company, submitted a PowerPoint presentation. The request is different than the previous application. They are requesting a Suburban Residential Two/Planned Development (SR-2/PD) zone and not a Suburban Residential Three (SR-3) zone like previously. The Planned Development will allow them flexibility to work with the land and have a more efficient design. The proposed development is the right fit for the community. It will provide a variety of homes needed for the area. It will focus on empty nesters who are not looking at traditional single family lots. They are looking for maintenance free lifestyles. For some people, any development on the site is unacceptable. However, they did listen to the previous comments in planning the community. They did make some changes to the Plan and conducted some additional research.

By the year 2040, over 3,000 jobs are expected in the Hebron area. In the area, condo/townhomes/patio type homes show a 3.4 month supply. A healthy market is usually a 6 month supply. Nearly 15% of Hebron's population is over the age of 55. A high percentage of people over 55 years along with those currently 35 - 54 years old are planning to purchase to downsize or transition into maintenance free lifestyle homes. In 2018, 47% of Drees home sales in the Northern Kentucky market were ranch or condo homes.

Mr. Mains stated that the existing zoning is inappropriate because the rolling topography would require extensive grading and clear cutting. It would leave minimal open space. There is no control over the type of development unlike the use of a PD Zone. The existing Plan goes against the Goals and Objectives of the Comprehensive Plan. The Planned Development zoning would allow flexibility and would allow protection of the site features. The proposed housing types can be concentrated on the ridges. It results in 25% less roadway and 43% of undisturbed open space to be provided. They are not making the site more dense than what it is zoned for based upon the submitted plan. It is a more efficient use of land compared with a typical or traditional single family residential subdivision. They are proposing 31 patio homes, 36 townhomes and 94 condominiums. The patio homes are detached single family homes on 50 foot wide lots with 1,800 - 2,200 square feet. Patio homes provide a better transition from the larger single family lots to the attached housing. The townhomes will be one story with a walk out basement (1,800 - 2,000 square feet). They will be 2 bedroom units with finished basements. The condominium homes will each have their own entrance and garage (1,700 - 1,900 square feet). The first floor home has 2 bedrooms and a finished basement. The second floor home is a 3 bedroom unit. All the mowing and landscaping is managed by the H.O.A. as well as the exteriors of the condominiums and townhomes. The sidewalk will be installed on the side where the unit faces the street. The sidewalk can also connect to North Bend Road if they can work with the library or someone across the street. There will be some pocket parks and trails. They will maintain the existing buffers on the northeastern side of the site as well as the center of the site. On the south and west side, the buffer will be enhanced. All will meet or exceed the buffer regulations. The project will generate \$480,000 in property taxes but will not be used towards the upkeep of the streets. The price range for the patio homes is \$350,000 - \$400,000; townhomes - \$300,000 and condominiums - \$215,000 - \$250,000. The development will be manicured which sometimes is not the case for single family residential subdivisions.

The largest concern with the project is traffic and safety. Because Boone County is pro-growth, traffic comes with it. As a result, the Drees Company hired an independent traffic consultant to evaluate the project. Mr. Mains explained the methodology used in preparing the Traffic Impact Study. The impact of the project is minimal when comparing it with the previously approved project. It would not adversely impact the level of service or safe travel on the public road system. KYTC officials also confirmed when they designed the KY 237 project, they factored in the approved Concept Development Plan. It could handle the development. The applicant noted they are proposing an emergency locked gate on the south side of the site next to Cardinal Cove Subdivision. The Drees Company has no issue on whether to leave the street open or partially closed. The police and fire departments would have keys to the lock and the H.O.A. would be responsible to make sure it is locked each day. It will be paved all the way through and have a sidewalk connection. Mr. Mains reviewed the road improvements to KY 237 which included widening Worldwide Boulevard, KY 237, modifying traffic signals, etc. A project currently underway is scheduled to be completed this summer. It will help improve the flow through the intersection

and roundabouts. Some people have expressed a concern about traffic safety. Mr. Mains stated there has only been 1 traffic incident on KY 237 at the first roundabout. The proposed I-275/Graves Road Interchange is coming. The project is scheduled to be released with substantial completion by 2022. The project includes widening the existing roundabout at KY 237 and Graves Road. Traffic will be diverted to the new interchange. The phasing of the residential project will be grading commencing in the Spring of 2020. The houses would be begin later in the Summer with completion of the houses later in the year. He presented a chart of estimated completion dates for each type of home. The construction of 161 units will not occur at once. It will occur between years 2020 - 2026. The maximum per year will be 42 units. The proposed project is needed and provides an efficient use of the land. It fits in well with the surrounding neighborhoods.

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

Mr. JJ Miller, owner, stated that he and his partner developed Parlor Grove Subdivision. Aesthetically, the proposed project or plan is much nicer than what is currently approved. There is so much opposition to the project because people think they are going to keep the 40 acre site as a pristine field. The approved Plan has 116 lots on 65 foot wide lots. Those houses will not be the same price point as Parlor Grove. The site will eventually be developed. He wondered why people in Cardinal Cove Subdivision do not prefer this Plan since the approved plan requires the street connection. Most of the traffic will be dumped through Cardinal Cove Subdivision. It will be an open access that will provide the quickest way to the interstate. At least this plan will allow another way in and out for emergency access. Again, 43% of the natural vegetation will be retained and undisturbed.

Ms. Barbara Jacobson, 2346 Grandin Court, stated that Mr. Miller thinks people are against the project because of aesthetics. She expressed a concern about traffic and safety. She witnessed someone who was counting traffic at the second roundabout but packed up at the beginning of the peak time. We are concerned about getting out of the rotary at peak times. It was difficult to pull out on North Bend Road tonight. People don't always yield at the rotary. People don't slow down or yield. It is not minimal traffic impact. Currently, they can't get out of Britt Drive onto Old North Bend Road. The additional cars will impact the ability to get out. The empty nestors have 2-3 cars. There has to be a stop sign on Old North Bend Road. She invited anyone to visit the area during peak time. It is difficult to pullout. How will this situation be mitigated? She stated that she read a report that the first rotary is more than likely 60% more dangerous than others of similar construction. Where will the kids play in the proposed development? In a pocket park? They need a bigger area to play. Fewer homes on the site might mitigate the safety aspect of the proposed project.

Mr. Mark Nichols, 1529 Jolee Drive, referred to a PowerPoint presentation. He distributed a copy of his presentation (see Exhibit 2). The request is not in agreement with the Comprehensive Plan. Single-family residential is recommended with 4 dwelling units per acre. It doesn't allow for townhomes or condominiums. The current zoning is appropriate as it is consistent with Cardinal Cove Subdivision as there is a single-family detached homes located in the area. The proposed zoning of SR-2/PD is not appropriate because the density increases to 6.37 dwelling units per acre for the developable area on the site. The basic character of the area is single-family detached

residential homes. It surrounds the site. The basic character of the area has not changed. There really isn't a reason to recommend a Zone Change for this site to Fiscal Court. None of the pathways for a Zoning Map Amendment has been met. The proposed project would allow multi-family units next to single-family homes. Mr. Nichols also requested that the Planning Commission recommend denial of the project and to prohibit reconsideration of rezoning of the property to anything more dense than single-family lots with a minimum of quarter acre lots. Further, sidewalks are needed on Old North Bend Road. Maybe the homes should be more expensive in order to cover the cost of the expensive site work?

Mr. Dave Thomas, 1911 Cardinal Way, asked how construction equipment will be handled? Will Cardinal Cove streets be used? They are narrower. There are a lot of kids that use the street to play that currently dead ends in the subject site. How will they close it? Why are sidewalks needed from the site to Cardinal Way especially when the road is only used for emergency access? Was traffic from the library factored in to the Study? There are currently some blind curves in Cardinal Cove Subdivision so additional traffic in the subdivision may be a problem.

Mr. Steve Herkner, 2295 Britt Drive, stated that his major concern is Old North Bend Road. It is a 2 lane road with no lighting and no stop signs except for one at Britt Drive. It is tough to get out of the subdivision with all of the school buses. He estimated that the project will generate 321 cars on a 2 lane road that only has one way in and one way out. With only one way in and one way out, it creates a major problem. Old North Bend Road will not be able to handle 321 cars. It is a 2 lane farm road.

Mr. Justin Steinhart, 2283 Britt Drive, expressed a concern about the vegetation buffer. The existing trees are deciduous. Perhaps pine or oak trees could be placed to be a better screen or buffer. From Britt Drive, one is looking up at everything. If the project is approved, require the rear of the buildings to match the front with brick or stone at an 85% level. Nobody cares about the sides since he doesn't have to look at them. In addition, he preferred to not allow residential dumpsters. Perhaps, the density of the project could be reduced by one half by making it more traditional single-family units. He is not aware of a Drees patio home selling for \$350,000-\$400,000. He doubts the price range for the proposed units. It might be closer to \$230,000-\$300,000. This is significantly less than the neighborhoods on the two sides. Finally, the proposed units should be 100% owner-occupied. Previously, it was negotiated up from 10 to 30%. Rentals bring in more families and transients. There are other rental properties near the industrial area.

Mr. Mike Jeffries, 2633 Lynda Court, stated that currently the property is zoned for 112 single family homes. It was done 10 years ago. Would the Planning Commission approve it again today? Would the developer wait to start the development until the new interchange is completed in the year 2022?

Ms. Jean VanHorne, 2312 Pinnacle Court, explained that she built her house in 1995. She drove her child to school at 6:00 a.m. It took her 5 minutes to get to the school and in the winter time, it took 15 minutes. North Bend Road had no sidewalks and open drainage ditches on both sides. The roundabouts now are poorly built. It took her 6 minutes to get on the roundabout tonight in the rain. There is so much traffic on North Bend Road. She recommended a double lane roundabout. That is what Campbell County is doing and why is it Boone County doesn't have the same type? Trucks have a hard time turning around on the roundabout because it is so narrow. Traffic from

the development will impact both roundabouts. It will not help them. We want to live happily. North Bend Road has water drainage and ice issues.

Mr. James Boggs, 1828 & 1820 Old North Bend Road, stated that one side of the proposed development facing him is wide open and has no buffer zone. Mr. Morgan responded that the developer is required to have a buffer. It is just not shown. He has almost been hit by residents from Parlor Grove Subdivision because there is no stop sign on Old North Bend Road. Slowing down on Old North Bend road would help. There will be more traffic flying down Old North Bend Road if the project is approved. There needs to be more stringent traffic control on Old North Bend Road to make traffic safer.

Mr. Charlie Jacobson, 2346 Grandview Court, stated that he would like to address the project on a macro level. Please look at what has previously been approved in the area. Take a step back and look at the ramifications. What has been approved and what is yet to come? The standard of living and lifestyle is in your hands. One must look at the larger picture. Drive along Aero Parkway and now one can see the terminal. Trees are being torn down. Amazon is not sparing any trees. What is being saved from the proposed project really doesn't matter. Don't approve for now, approve for the future.

Dr. Kathy Noyes, 1503 Jolee Drive, asked if emergency access is only accessed off North Bend Road? What about the impact of the development on the school system? The schools cannot absorb all of the children from the proposed development. Mr. Morgan explained that the current proposal indicates a locked gate adjacent to Cardinal Cove Subdivision. It would only be used by emergency vehicles. Emergency vehicles could use both access points into the development. Mr. Miller also noted that access would not occur by opening Old North Bend Road to the existing North Bend Road. Old North Bend Road would still be a dead end street.

Mr. Frank Dichiara said he was President of the Cardinal Cove H.O.A. and lives at 1960 Robins Run. Over three-fourths of the subdivision has young children. Residents are concerned about kids playing in and near the streets with all the traffic in the area. They definitely want the street connection closed at all times. He noted that he sees accidents at the circle every week.

Ms. Lynn Eldred, 1736 Teakwood Lane, stated that she lives north of the development. If she would have known what the traffic would be on North Bend Road, she would have thought twice about living in Hebron. It took her 35 minutes to get from Petersburg Road to Tree Tops Subdivision. It is a heavy volume of traffic on a 2 lane road. How can you add more traffic and make it livable? She has seen Sheriff's Deputies drive along the sidewalk when traffic is backed up. She recommended driving the area during rush hour in both directions. In Texas, builders cannot start to build until road improvements are completed.

Ms. Joanne Ellena, 1718 Grandview Drive, mentioned that there are 7 development projects coming - the Toeppen sites, the library site, the Thornwilde site, the former Remke site and the former dentist site.

Mr. Timothy O'Keefe, 1888 Falcon Crest Circle, stated that he is happy about the buffer but is against the project. The project changes his community. He thinks the roundabout is great. It takes a village. It affects his family. He isn't against change. Is the proposed development well

thought out? He doesn't believe that the gated access will stay gated. Address the concerns. Drees also gets their way. He bought his house with a green zone behind it. He was told it would remain that way. It is a steep area.

Mr. Rick Nullmeier, 2277 Britt Drive, is opposed to the rezoning and proposed development. The opposition is solely due to the volume in traffic that the development will create. He referred to the submitted traffic study. What objective research based evidence has been offered to support the conclusion that the proposed development will have a "modest impact" and not adversely impact the level of service for safe travel? First, there are 161 proposed units and parking for 587 cars. It is also assumed that 3 demographic groups will buy the units. No research has been provided. The trip rates will be lower than a traditional subdivision. That may be true but no evidence was provided. The applicant also notes that the 10th edition of the ITE Manual cannot be used because it cannot capture the specific characteristics of the potential buyers. The characteristics are not described in the report. Instead, the consultant wants to use 2 land use classifications from the 9th Edition of the ITE Manual. Further, Category 231 is not considered an identical match but a reasonable fit. No explanation is offered why it is not a match. It is presumed that there will be 70 cars in the morning and 116 cars in the evening from the 161 units and 587 parking spaces. Less than one-third of the cars parked will go in and out each day? That is difficult to believe based upon the objective based evidence. This also applies to the consultant's conclusion of very little impact.

Mr. Leo Dolan, 2304 Pinnacle Court, referred to a letter from Mike Ford with the Boone County School District. He notes that the infrastructure of Connor Middle School and Conner High School cannot handle the influx of students. His neighborhood is in transition. Younger families are moving into his subdivision. There are now 30 new youngsters on Grandview Drive. More students could result in more mobile classrooms.

Mr. Bill Sanders, 2252 Britt Drive, stated that he bought in Parlor Grove because of space. He is not going to move. He suggested to extend Parlor Grove Subdivision and create 40 - 50 new lots with the same type of homes. No one will complain about it. Why do we want to put people on top of each other? Drees does build executive large luxury homes like in Rivershore Farms. Amazon executives will need housing.

Ms. Mary Keller, 792 Stable Lane, noted that her subdivision has 180 residents and traffic is a concern. She inquired about the 5 foot side yard setback requirement? Mr. Morgan replied that different zoning districts have different setback requirements. She questioned emergency service access to the patio homes with a 5 foot setback. Also, what is the necessity of having the higher density homes?

Mr. Todd Marsh, 2344 Frontier Drive, stated that there is a tough line between progress and quality of life. Things may look good on paper but in reality may not be. Many times it is difficult to make a left turn out of Stahl Road. It is usually during peak hours. People use the middle lane to merge into traffic. This is dangerous. Living in the area is a package deal as the drive affects your living in the area. Getting to your destination can be frustrating and affect your life.

Mr. Tim O'Keefe, 1888 Falcon Crest Circle, asked if the request being considered is a "spot zone?" Mr. Morgan explained that the applicant is requesting a Planned Development (PD) zone and it can

be located on as little as 5 acres of land.

Mr. Mark Nichols, 1529 Jolee Drive, asked why both access points aren't full access? It makes sense to have the sidewalk connection through Cardinal Cove Subdivision since it already has sidewalks. Traffic from the proposed development can be split and not have an 80% increase in traffic using Old North Bend Road only.

At this time, Chairman Rolfsen asked if any Board members had any comments or questions? Mr. Bunger asked the applicant to be prepared to address the items brought up by the public and staff relative to the traffic study at the Committee Meeting. Also, we need to know the status and time frame of the road projects in the area that may affect the proposed development. What about sidewalks in the area? Will the roundabouts be widened to make things safer? Mr. Bunger mentioned that the proposed type of units co-exist in Triple Crown Subdivision and other communities.

Mr. McMillian stated that the reason why people died at the Beverly Hills fire was that the exits were locked. It makes no sense to lock an exit.

Mr. Patton asked if the I-275/Graves Road Interchange was fully funded? Ms. Gulick answered that it is a design/build project and all of the funding is in place. It will start this Summer or Fall. It is considered a fast track project in order to alleviate congestion in the area. Mr. Patton asked if the applicant would consider building the project based upon the existing density?

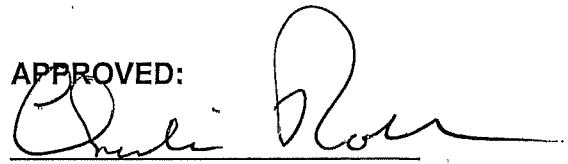
Mr. Matt Mains, the Drees Company, responded that they are not restricting the age limits for the housing. The market research suggests that there is a housing need for empty nesters and amenities will include walking paths and small pocket parks as opposed to swing sets. The Comprehensive Plan is both the text and the map. The text calls for a variety of housing and more sensitive land uses. There also has been a significant demographic change which calls for maintenance free housing. The proposed concept is more sensitive to the land. The gated access would be controlled by the H.O.A. It can be opened up if that is what the Commission wants. The Fire Department did review the Plan and had no issues. There are no dumpsters on the site. Trash will be kept in garages or behind gates. High impact visual areas will have upgraded finishes. In regard to price points, a good example is to look at Harmony Subdivision - patio homes are selling for \$280,000 - \$390,000. He is willing to put a 10% cap on rental units. Their proposed phasing plan addresses the time table for road improvements. The majority of the subdivision construction would be after the Graves Road Interchange improvements. The schools did ask to phase in the development and that is what they are doing. The proposed type of units will have less of an impact on schools than the previously approved plan. The density is the same as the underlying zone. Higher densities have been approved previously to the north of the subject site. He offered to contact the County Engineer to discuss safety improvements to Old North Bend Road and will obtain firm dates for improvements to Graves Road and North Bend Road.

Ms. Gulick asked the applicant to contact the KYTC to clarify the limits of North Bend Road improvements and the interchange? Also, how does the phasing plan relate to the schedule of road improvements? Mr. Mains replied that they would start at the main entrance off Old North Bend Road. Chairman Rolfsen asked if Drees would consider putting in 112 homes? Mr. Mains

said no as it doesn't make sense since they have other products in the area. What is being proposed is what is needed for the area. Mr. Patton asked if the developer looked at 112 units with the new concept? Mr. Mains said no. What about the sidewalk connection? Mr. Mentz asked how long will it take to make the second connection for emergency access? Mr. Mains replied that he would have to look into it. Mr. Lunnemann asked the applicant to bring more information about the pocket park and trails as well as the amount of brick on the buildings.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on May 15, 2019 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on June 5, 2019 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 9:55 P.M.

APPROVED:



Charlie Rolfsen
Chairman

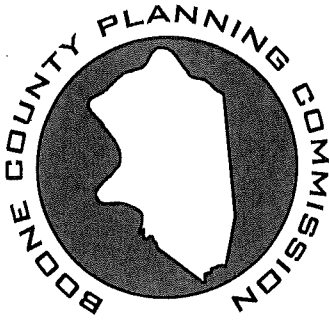
Attest:



Kevin P. Costello, AICP
Executive Director

Exhibit 1 - Traffic Memo
Exhibit 2 - PowerPoint presentation by Mark Nichols

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

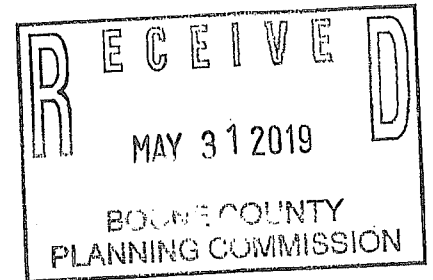
www.boonecountyky.org/pc
www.boonecountygis.com

Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org

May 20, 2019

The Drees Company
c/o - Mr. Matt Mains
211 Grandview Drive, Suite 100
Ft. Mitchell, KY 41017



RE: Request of **Drees Company - Matt Mains (applicant)** for **Aylor Investments Limited Partnership, Raymond O. Godsey, Jr., and Akin & Miller Land Developers (owners)** for a Zoning Map Amendment from Rural Suburban (RS) and Suburban Residential One (SR-1) to Suburban Residential Two/Planned Development (SR-2/PD) for a 41.8424 acre site located on the east side of Old North Bend Road, approximately 220 feet south/southeast of the Britt Drive/Old North Bend Road intersection, to the north and east of the properties at 1820 and 1828 Old North Bend Road, at the terminus of Cardinal Way and Grandview Drive, and including approximately 8.1 acres in the northeast portion of the 10.987 acre tract at 1846 Old North Bend Road, Boone County, Kentucky. The request is for a zone change to allow detached single family residences, attached residential condominiums, and townhouses.

Dear Mr. Mains:

The following represents the conditions of approval for the above referenced Zoning Map Amendment application as agreed to by you and the Boone County Planning Commission's Zone Change/Concept Development Plan Committee. Please sign the appropriate line on the last page of this letter if you agree to the conditions. Please return this letter to the Boone County Planning Commission office by June 3, 2019.

CONDITIONS

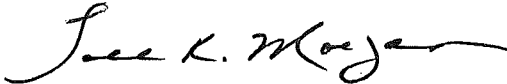
1. The approval is based on the submitted Concept Development Plan and grading limits that are shown. Minor changes to the Concept Development Plan can be approved by the Zoning Administrator.
2. The following phasing conditions shall apply to the development:

- A. No more than 112 residential units shall be constructed until such time that the Graves Road Interchange project is open to the public between the new interchange and the KY 237/Graves Road/Old North Bend Road roundabout.
 - B. No more than 42 residential units shall be constructed in any given calendar year.
3. The following architectural conditions shall apply to the development:
- A. The front facade of all buildings shall be generally built per the submitted building renderings. All the renderings show masonry materials on the front facades.
 - B. The outer ring of buildings in the development (Patio Homes 1-31 and Building U) shall have similar building materials and treatments on the front and rear facades.
 - C. The exposed side of patio homes 1, 24, 27, 28, and 31 shall be constructed with similar building materials and treatments as the front and rear facades.
 - D. The exposed side of buildings I, J, and U shall be constructed with similar building materials and treatments as the front facade.
 - E. No more than 15% vinyl siding shall be permitted on a facade that is referenced in this condition.
4. The Old North Bend Road street frontage buffer shall be upgraded and comply with Section 308 B. of the Boone County Subdivision Regulations.
5. The Street A/Street B intersection and Street B/Cardinal Way intersections shall be built with larger turning radii to allow school busses to turnaround.
6. The applicant shall contact Boone County Public Library District to determine if they would allow a sidewalk connection to KY 237 to be constructed on the library property that fronts on the west side of Old North Bend Road and east side of KY 237. The applicant will pay for the improvement if the library allows the improvement.
7. The emergency access point to development from Cardinal Way shall:
- A. Be gated with a Knox box.
 - B. Contain a sidewalk on one side of the private driveway.

Mr. Matt Mains
May 20, 2019
Page 3

8. The pocket park located near the Street A/Street B intersection shall include a shelter with seating.

Sincerely,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM\ss

AGREEMENT

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



5/28/19

Mr. Matt Mains
The Drees Company
Owner by Contract

Date

1/24/17

RETURN TO:	<u>John E. Akin</u>	<u>4786 West Union</u>
AFTER RECORDING, RETURN TO:		<u>West Union, Ohio</u>

45693

GENERAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That **AKIN AND MILLER LAND DEVELOPERS, a Kentucky general partnership,**

for and in consideration of -- \$1.00 -- and other good and valuable considerations to it paid by the Grantee herein, the receipt of which is hereby acknowledged, does bargain, sell and convey to:

AKIN AND MILLER LAND DEVELOPERS, a Kentucky general partnership, its successors and assigns forever,

the following described real estate, in the County of Boone and Commonwealth of Kentucky, to-wit:

Grantor's Address:	10847 Omaha Trace, Union, Kentucky 41091
Grantee's Address:	10847 Omaha Trace, Union, Kentucky 41091

Send Tax Bills for 2017 and Thereafter in Care of:	Name: Akin and Miller Land Developers Address: 10847 Omaha Trace, Union, Kentucky 41091
---	--

Group Number: 2002

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Being part of the same property conveyed to the Grantor herein by Deed recorded in Deed Book 567, Page 248 of the Boone County Clerk's records at Burlington, Kentucky. ✓

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging. TO HAVE AND TO HOLD the same to the said

AKIN AND MILLER LAND DEVELOPERS, a Kentucky general partnership, its successors and assigns forever,

the Grantor, its successors and assigns, HEREBY COVENANTING with the Grantee, its successors and assigns, that the TITLE so conveyed is CLEAR, FREE AND UNENCUMBERED and that it will WARRANT AND DEFEND the same against all legal claims whatsoever.

IN WITNESS WHEREOF, the said Grantor, **AKIN AND MILLER LAND DEVELOPERS**, a Kentucky general partnership, by and through **JOHN EDWIN AKIN** and **J.J. MILLER**, being all of its Partners, pursuant to authorizing Resolution, hereunto sets its hand, this 18th day of April, 2017.

AKIN AND MILLER LAND DEVELOPERS
A Kentucky General Partnership

By: 
JOHN EDWIN AKIN (its Partner)

By: 
J.J. MILLER (its Partner)

COMMONWEALTH OF KENTUCKY

COUNTY OF KENTON

The foregoing instrument was acknowledged before me this 18th day of April, 2017, by **AKIN AND MILLER LAND DEVELOPERS**, a Kentucky general partnership, by and through **JOHN EDWIN AKIN**, its Partner, on behalf of said Partnership.



Notary Public
Print Name: Diane Wendeln
Comm. Expires: 8/5/2018
I.D. Number: 515464

COMMONWEALTH OF KENTUCKY

COUNTY OF KENTON

The foregoing instrument was acknowledged before me this 18th day of April, 2017, by **AKIN AND MILLER LAND DEVELOPERS**, a Kentucky general partnership, by and through **J.J. MILLER**, its Partner, on behalf of said Partnership.



Notary Public
Print Name: Diane Wendeln
Comm. Expires: 8/5/2018
I.D. Number: 515464

DEDICATION CERTIFICATE

I hereby do dedicate the right-of-way of Old North Bend Road as shown hereon to public use, forever.

Date: 3/24/17
 Signature of Grantor: [Signature]

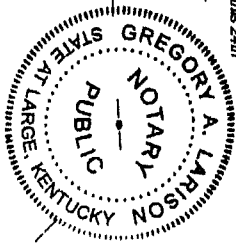
NOTARY ACKNOWLEDGEMENT

County of: Kenton
 State of: Kentucky

1, Gregory A. Larison, a notary public in and for said county and state, do hereby certify that the foregoing instrument was acknowledged before me the 24th Day of March, 2017, by: U. Miller, Partner of Akin & Miller Land Developers, a Kentucky partnership.

Signed: [Signature]
 My Commission Expires: 3/12/18

Also being subject to, but not limited to, sanitary sewer assessments recorded in E.B. 56, page 241, E.B. 67, page 262, E.B. 67, page 268 and assessments as shown in Plat Cabinet 3, Slide 523B and Plat Cabinet 3, Slide 558B.



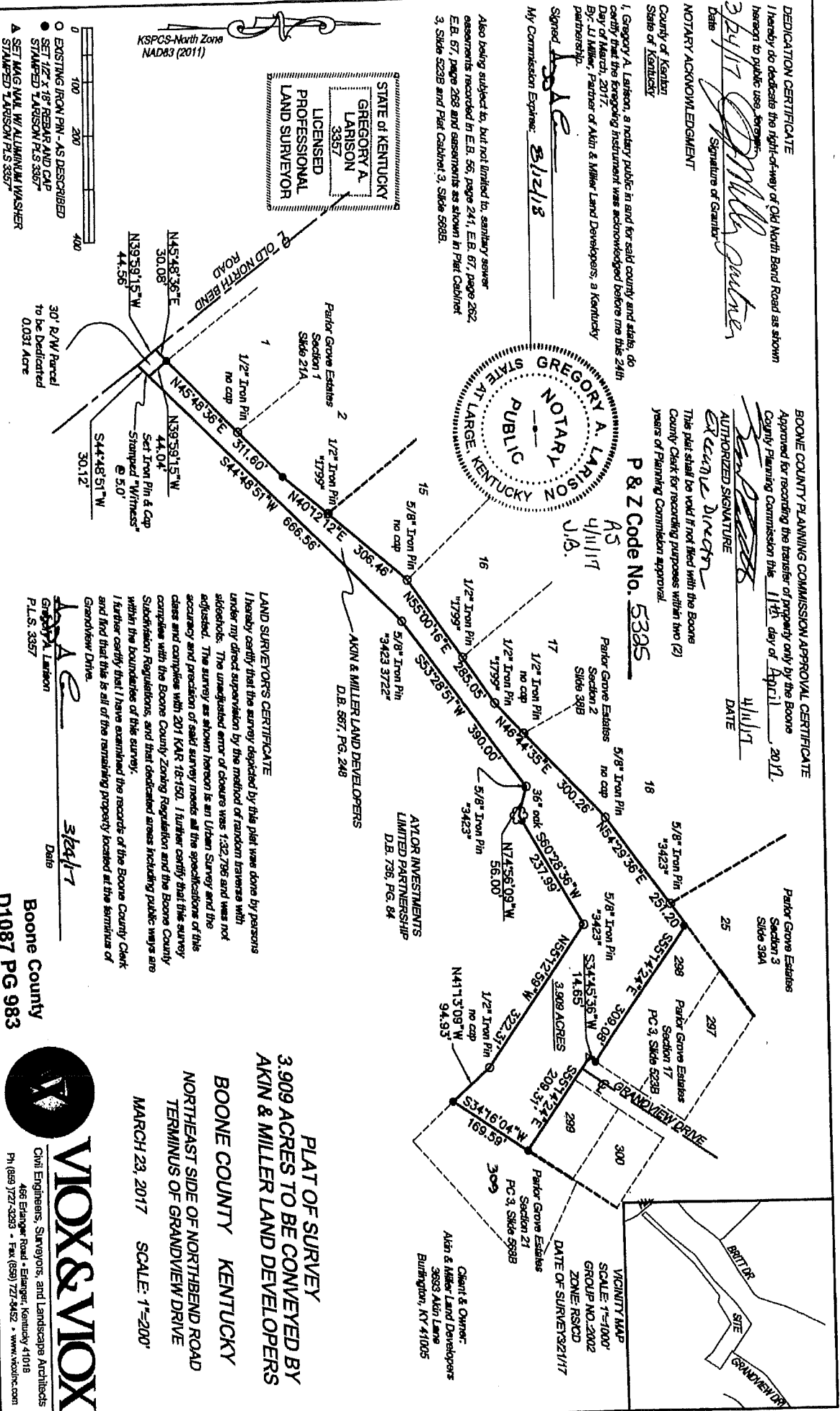
BOONE COUNTY PLANNING COMMISSION APPROVAL CERTIFICATE

Approved for recording the transfer of property only by the Boone County Planning Commission the 11th day of April, 2017.

AUTHORIZED SIGNATURE: [Signature]
 DATE: 4/11/17

This plat shall be void if not filed with the Boone County Clerk for recording purposes within two (2) years of Planning Commission approval.

P & Z Code No. 5305



LAND SURVEYOR'S CERTIFICATE

I hereby certify that the survey depicted by this plat was done by persons under my direct supervision by the method of random traverses with sideshots. The unadjusted error of closure was 1:32,786 and was not adjusted. The survey as shown hereon is an Urban Survey and the accuracy and precision of said survey meets all the specifications of this class and complies with 201 KAR 18-150. I further certify that this survey complies with the Boone County Zoning Regulation and the Boone County Subdivision Regulations, and that dedicated areas including public ways are within the boundaries of the survey.

I further certify that I have examined the records of the Boone County Clerk and find that this is all of the remaining property located at the termini of Grandview Drive.

[Signature]
 Date: 3/24/17

Gregory A. Larison
 P.L.S. 3357

Boone County
 D1087 PG 983



PLAT OF SURVEY
3,909 ACRES TO BE CONVEYED BY
AKIN & MILLER LAND DEVELOPERS

BOONE COUNTY KENTUCKY
NORTHEAST SIDE OF NORTHBEND ROAD
TERMINUS OF GRANDVIEW DRIVE

MARCH 23, 2017 SCALE: 1"=200'

Client & Owner:
 Akin & Miller Land Developers
 3895 Akin Lane
 Burlington, KY 41005

EXHIBIT "A"

Group Number: 2002

Located in Boone County, Kentucky, lying on the northeast side of Old North Bend Road and the terminus of Grandview Drive and being a part of the same property conveyed to Akin & Miller Land Developers by Deed recorded in Deed Book 567, Page 248 in the office of the Boone County Clerk in Burlington, Kentucky, and is more particularly described as follows:

Beginning at an iron pin (set) in the northeast right-of-way line of old North Bend Road, 30.00 feet as measured perpendicular to the centerline, at the common corner of Akin & Miller Land Developers (Deed Book 567, Page 248) and Lot 1 of Parlor Grove Estates, Section 1 (Plat Slide 21A);

Thence with the common line of Akin & Miller Land Developers, Lot 1 and Lot 2, N. 45° 48' 36" E., a distance of 311.60 feet to an iron pin (set);

Thence continuing with the common line of Akin & Miller Land Developers, Lot 2 and Lot 15 of Parlor Grove Estates, Section 2 (Plat Slide 38B), N. 40° 12' 12" E., a distance of 306.46 feet to an existing 5/8" iron pin at the common corner of Akin & Miller Land Developers and Lot 16;

Thence with common line of Akin & Miller Land Developers, Lot 16 and Lot 17, N. 55° 00' 16" E., a distance of 285.05 feet to an existing 1/2" iron pin and plastic cap stamped 1799;

Thence continuing with the common line of Akin & Miller Land Developers, Lot 17 and Lot 18, N. 46° 44' 35" E., a distance of 300.26 feet to an existing 5/8" iron pin;

Thence continuing with the common line of Akin & Miller Land Developers, Lot 18 and Lot 25 of Parlor Grove Estates, Section 3 (Plat Slide 39A), N. 54° 29' 36" E., a distance of 251.20 feet to an iron pin (set) at the common corner of Akin & Miller Land Developers and Lot 298 of Parlor Grove Estates, Section 17 (Plat Cabinet 3, Slide 523B);

Thence with the common line of Akin & Miller Land Developers and Lot 298, S. 55° 14' 24" E., a distance of 309.08 feet to an iron pin (set) in the right-of-way line of Grandview Drive;

Thence with said right-of-way line, S. 34° 45' 36" W., a distance of 14.65 feet to an iron pin (set);

Thence continuing with said right-of-way line and also with the common line of Akin & Miller Land Developers and Lot 299, S. 55° 14' 24" E., a distance of 209.31 feet to an iron pin (set) at the common corner of Akin & Miller Land Developers and Lot 309 of Parlor Grove Estates, Section 21 (Plat Cabinet 3, Slide 568B);

Thence with the common line of Akin & Miller Land Developers and Lot 309, S. 34° 16' 04" W., a distance of 169.59 feet to an iron pin (set) at the common corner of Akin & Miller Land Developers and Aylor Investments Limited Partnership (Deed Book 736, page 84);

Thence with the common line of Akin & Miller Land Developers and Aylor Investments Limited Partnership, N. 41° 13' 09" W., a distance of 94.93 feet to an existing 1/2" iron pin;

Thence N. 55° 12' 59" W., a distance of 322.31 feet to an existing 5/8" iron pin and plastic cap stamped 3423;

Thence S. 60° 28' 36" W., a distance of 237.99 feet to a 36" oak tree;

Thence N. 74° 56' 09" W., a distance of 56.00 feet to an existing 5/8" iron pin and plastic cap stamped 3423;

Thence S. 53° 28' 51" W., a distance of 390.00 feet to an existing 5/8" iron pin and plastic cap stamped 3423 and 3722;

Thence S. 44° 48' 51" W., a distance of 666.56 feet a point in the northeast right-of-way line of Old North Bend Road as witnessed by a 1/2" iron pin (set) and plastic cap stamped "Witness" bearing S. 44° 48' 51" W., a distance of 5.0 feet;

Thence with said right-of-way line, N. 39° 59' 15" W., a distance of 44.04 feet to the point of beginning containing 3.909 acres, more or less.

Unless otherwise stated, any monument referred to above as an iron pin (set) is a 1/2 inch diameter rebar eighteen inches in length with a plastic cap stamped "Larison PLS 3357." All bearings referred to herein are based upon the Kentucky State Plane Coordinate System, NAD83 (2011).

This description was prepared from a new survey made by Gregory A. Larison, PLS 3357, for Viox & Viox, Inc., March 21, 2017.

DOCUMENT NO: 724913
RECORDED ON: APRIL 16, 2017 02:13:57PM
TOTAL FEES: \$29.00
GROUP : 2002
COUNTY CLERK: KENNY BROWN
COUNTY: BOONE COUNTY CLERK
DEPUTY CLERK: MICHELLE E
BOOK D1087 PAGES 979 - 985

REAL ESTATE PURCHASE AGREEMENT

This Agreement is made as of the Effective Date (as defined below) by and between Aylor Investments Limited Partnership, whose address is 3224 Peel Rd, Burlington, Kentucky, 41005 (hereinafter referred to as "Seller") and The Drees Company, a Kentucky corporation, whose address is 211 Grandview Drive, Ft. Mitchell, Kentucky, 41017 (hereinafter referred to as "Purchaser").

WHEREAS, SELLER is the owner of approximately 28.0 acres of real estate located on Old North Bend Rd. in Hebron, in Boone County, as more particularly described on the attached Exhibit "A" as Parcel 1. SELLER has a purchase agreement to purchase approximately 12.4 acres of contiguous real estate attached hereto as **Exhibit 'A'**, consistent with the terms and conditions of this Agreement, as more particularly described on the attached **Exhibit "B"** as Parcel(s) 2 and 3. The three parcels are hereinafter collectively referred to as the "REAL ESTATE"; and

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

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

1. Real Estate. Subject to the terms hereof, SELLER agrees to sell and PURCHASER agrees to purchase the REAL ESTATE.

2. Price and Payment. The purchase price of the REAL ESTATE shall be [REDACTED], to be paid as follows:

- a. A [REDACTED] earnest money deposit (the "Deposit") held by Escrow Agent (defined below) pursuant to this Agreement.
- b. The Real Estate shall be purchased in phases (each, a "Phase") with the purchase price, less any adjustments and prorations set forth herein, paid by wire transfer of immediately available funds, according to the following schedule of closings:
 - i. At the closing of the first Phase (the "Initial Closing") Purchaser will pay [REDACTED] Dollars. The first Phase shall include approximately twenty (20) acres.
 - ii. Not later than two years after the Initial Closing, Purchaser will pay Seller [REDACTED] Dollars for the balance of the Real Estate.

- iii. At the Initial Closing, PURCHASER to deposit [REDACTED] with Escrow Agent to secure the remaining REAL ESTATE. The deposit shall be credited to the Phase 2 purchase.

Upon sixty (60) days written notice to Seller, Purchaser may accelerate the date of any closing, purchase an acreage amount within a Phase less than the full amount or purchase a Phase in multiple closings, provided Purchaser meets the minimum purchase schedule set forth above and the property being purchased includes the open space related to the developable area included in the purchase. In the event of a purchase of less than all of a Phase identified on the Phasing Plan, the purchase price will be determined based upon an acreage price of [REDACTED] per acre included in the purchase.

KWA
Jag
MA
06.15.18
PURCHASER

~~Seller~~ shall be responsible for the cost to prepare an approved legal description and cut up plat acceptable for recording for each Phase or portion being purchased.

In all events, the remaining unpurchased Real Estate must have, or be provided by easement, access to a dedicated street and to all utility services, as may be reasonably necessary for its development consistent with the approved Subdivision Plan.

Possession of the Real Estate being purchased shall be delivered to PURCHASER at closing, subject to the right of PURCHASER to enter onto the balance of the Real Estate for the purposes described below. At or after the Initial Closing, SELLER shall grant to PURCHASER an easement, and right of entry on, the remainder of the property in order to conduct grading activities, including but not limited to dirt balancing, and to install drainage and utility improvements necessary or appropriate for the development of the property consistent with the approved subdivision plan and with a mutually approved grading plan.

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

3. Conveyance and Survey. Title to the REAL ESTATE shall be conveyed at closing by general warranty deed. Said deed shall convey marketable title in fee simple absolute, with release of dower, subject only to real estate taxes not then delinquent and easements and restrictions of record that do not unreasonably interfere with PURCHASER'S proposed development. As of the date hereof, PURCHASER'S has not examined the title to the REAL ESTATE. If an examination of the title to the REAL ESTATE discloses any title defects or other matter which, in PURCHASER' judgment, interferes with PURCHASER'S intended use of the REAL ESTATE, or which renders the title unmarketable, then, prior to the closing, PURCHASER shall provide written notice thereof to SELLER. In such event, if SELLER, in good faith, is unable to remedy any such title defects or other such matter of title at SELLER'S sole cost and expense on or prior to the closing date, then PURCHASER at its election, may either acquire the REAL ESTATE subject to the effect of the same or terminate this Agreement without further liability to either party, and the earnest money deposit shall be returned by the SELLER to PURCHASER. Possession of the REAL ESTATE shall be delivered to PURCHASER at closing.

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

4. Real Estate Taxes and Assessments. Real estate taxes shall be prorated as of the date of the closing, based upon the amount of the most recent available real estate tax bills. SELLER shall be responsible for any real estate taxes that are recouped or recaptured as the result of PURCHASER'S proposed development of the REAL ESTATE. SELLER shall also be responsible for all assessments and charges against the REAL ESTATE (whether recorded or in the process of being certified) as of the date of the closing including any deferred sewer or water tap in fees. If the amount of the real estate taxes prorated at the closing differs from the amount of the actual real estate taxes for the tax period in question by more than ten percent (10%), the parties will reprorate based on the actual tax bill and credit the appropriate party within thirty (30) days after receipt of such tax bill.

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

- a. Evaluation Period and Feasibility Study. PURCHASER shall determine whether there is adequate access to the REAL ESTATE, whether utilities are existing or will be existing to serve the REAL ESTATE, whether soil and subsoil conditions, whether market and engineering feasibility studies,

as well as other economic factors, and other criteria that PURCHASER feels is necessary, will permit the efficient and economical construction of PURCHASER'S proposed improvements.

- b. Access and Easements. PURCHASER shall have obtained, at its expense, any necessary access, utility easements and other necessary easements from adjoining property owners or others on terms and conditions acceptable to PURCHASER. PURCHASER shall have obtained assurances satisfactory to it that all utilities and necessary easements will be available to service its proposed development.
- c. Development Plan Approval. PURCHASER shall have obtained, at its expense, all necessary approvals for its proposed development. Approval of all appropriate governmental authorities, including but not limited to, planning, zoning, Environmental Protection Agency (EPA), public utility connection approvals, including but not limited to, sewer, water, gas, electric and any other approvals for its proposed development. All approvals shall be acceptable to PURCHASER.
- d. Soil Conditions. PURCHASER shall have obtained at its expense, a report satisfactory to it indicating that the soil and subsoil conditions will permit normal, efficient and economical construction of its proposed development.

PURCHASER shall have three hundred sixty five (365) days from the Effective Date of this Agreement to satisfy or waive the conditions set forth in paragraph 5(a) through 5(d) above. PURCHASER in its sole discretion shall determine whether or not a contingency has been satisfied. In the event that any of the conditions set forth in paragraphs 5(a) through (d) are not satisfied at the end of such 365 day period, PURCHASER may extend the time period for satisfying such conditions for sixty (60) days by payment of an additional [REDACTED] refundable earnest money deposit prior to the expiration of the 365 day period. This additional earnest money deposit shall be held by the Escrow Agent and shall be credited against the purchase price. Upon the failure of any of the above contingencies to be satisfied within such time periods, PURCHASER may elect either to waive such contingencies or to terminate this Agreement. Upon notice of such termination, any earnest money deposit made by PURCHASER shall be returned in full and the parties shall have no further obligation hereunder. Upon satisfaction of the foregoing conditions, PURCHASER shall notify SELLER, and a closing shall be held at a mutually agreed upon time and location within fourteen (14) days from the date of such notice. Notwithstanding anything provided herein, if PURCHASER fails, within the applicable time period, to either notify SELLER of the exercise of its election to extend the time period for satisfying such conditions, or of its election to terminate this Agreement, then PURCHASER shall be deemed to have elected to terminate this Agreement. SELLER shall cooperate with PURCHASER in obtaining the approvals required pursuant to this paragraph 5.

6. Site Investigation and Condition of REAL ESTATE. SELLER hereby grants to PURCHASER a temporary license to enter onto the REAL ESTATE to conduct such engineering and soils testing as it deems appropriate. PURCHASER shall conduct such site investigation in such a manner so as to minimize any damage to the REAL ESTATE and, to the extent practicable, PURCHASER shall promptly restore any damaged areas of the REAL ESTATE to its condition prior to PURCHASER'S entry on the REAL ESTATE. PURCHASER agrees to indemnify SELLER from and against any loss or damage incurred or suffered by SELLER relating to any activities of PURCHASER, its employees or independent contractors, on or about the REAL ESTATE prior to the date of closing hereunder. Prior to the closing, SELLER shall not make any material alterations to any portion of the REAL ESTATE, or create any easements, encumbrances or have annexed or rezoned any portion of the REAL ESTATE without the prior written consent of PURCHASER.

Within ten (10) days after the date of this Agreement, SELLER shall deliver to PURCHASER copies of all engineering reports, environmental reports or environmental site assessments, topographical maps, soil tests, feasibility studies, easement agreements, subdivision approvals, title reports, title insurance policies and surveys in SELLER'S possession pertaining to the REAL ESTATE. In the event any of such documents are not in SELLER'S possession as of the date of this Agreement, SELLER shall deliver such documents to PURCHASER within ten (10) days after the receipt of such documents.

SELLER represents and warrants to PURCHASER that as of the closing, the REAL ESTATE shall be free from any and all city, county, state and federal orders affecting the REAL ESTATE. SELLER further represents and warrants to PURCHASER that, to the best of SELLER'S knowledge: (i) the REAL ESTATE is free from any and all hazardous substances and wastes, asbestos, lead, underground storage tanks, PCB's and wet lands; and (ii) the Real Estate, as well as any adjoining property, has never been used as a cemetery or shooting/skeet range. Within 60 days following the Effective Date of this Agreement, PURCHASER at its expense, shall perform an environmental audit and wet lands assessment on the REAL ESTATE. In the event such audit discloses the presence of hazardous substances, wastes, asbestos, underground storage tanks or PCB's, then, unless SELLER agrees, within ten (10) days after SELLER'S receipt of notice of the results of such audit, to remove and clean up any such hazardous substances, wastes, asbestos, lead or underground storage tanks and to pay the costs of such removal and clean up prior to the closing date, PURCHASER, at its election, may either acquire the REAL ESTATE without requiring the removal of such hazardous substances, wastes, asbestos, underground storage tanks or PCB's or may terminate this Agreement by written notice thereof to SELLER, in which case any earnest money deposit made by PURCHASER shall be returned in full and neither party shall be under any further obligation hereunder. Additionally, in the event such wet lands assessment discloses the presence of wet lands in excess of one-third (1/3) acre, PURCHASER shall have the right to terminate this Agreement by written notice to SELLER, and any earnest money deposit made by

PURCHASER shall be returned in full, and neither party shall be under any further obligation hereunder.

7. Eminent Domain. If, prior to the closing, any proceeding shall be threatened commenced or consummated for the taking of any part of the REAL ESTATE for public or quasi-public use pursuant to the power of eminent domain, then SELLER shall forthwith give notice thereof (the "Condemnation Notice") to PURCHASER. The Condemnation Notice shall, if possible, be accompanied by a sketch of the portion of the REAL ESTATE which will be affected by such taking, and a metes and bounds description delineating the area to be affected. If any such taking or contemplated taking shall occur or shall be threatened to be commenced, then PURCHASER shall have the option to terminate this Agreement upon written notice to SELLER given not later than ten (10) days after receipt of the Condemnation Notice or go forward and take an assignment of SELLER'S condemnation award. In the event PURCHASER elects to terminate this Agreement, any earnest money deposit made by PURCHASER shall be returned in full, and neither party shall be under any further obligation hereunder.

8. Default. In the event PURCHASER fails to close this transaction in accordance with the terms of this Agreement, SELLER'S sole remedy shall be to retain the earnest money deposit as full and complete liquidated damages and neither party shall be under any further obligation hereunder. SELLER and PURCHASER have negotiated and hereby acknowledge and agree that the actual damages which SELLER would suffer on account of the default of PURCHASER under this Agreement are difficult if not impossible to ascertain, and both parties agree that the receipt by SELLER of the earnest money deposit heretofore paid by PURCHASER constitutes a reasonable estimate of the actual damages SELLER may suffer in the event of a default under this Agreement by PURCHASER.

In the event SELLER fails to close this transaction in accordance with the terms of this Agreement, then PURCHASER, at PURCHASER'S option, may (i) elect to enforce the terms hereof by action for specific performance or exercise any other remedy available at law or in equity, or (ii) terminate this Agreement by written notice to SELLER. In the event PURCHASER elects to terminate this Agreement, any earnest money deposit made by PURCHASER shall be promptly returned in full and SELLER shall reimburse PURCHASER for all out-of-pocket expenses incurred by PURCHASER in satisfaction of the closing contingencies per paragraph 5 or otherwise consummating the Closing contemplated by this Agreement. In the event PURCHASER elects to pursue specific performance, SELLER hereby waives the defense that PURCHASER has an adequate remedy at law.

Neither party hereto shall exercise hereunder, at law or in equity, any remedy against the other, including any right to terminate this Agreement, for any default hereunder unless the defaulting party has failed to cure the default within thirty (30) days after receipt of written notice.

9. Assignment. This Agreement may not be assigned by PURCHASER without the written consent of SELLER, which consent shall not be unreasonably withheld. Notwithstanding the above, PURCHASER shall have the right, without the consent of SELLER, to assign this Agreement to a partnership or limited liability company in which PURCHASER is one of the general partners or members of such entity. In the event of an assignment of this Agreement by PURCHASER, PURCHASER shall not be released from any of its obligations under this Agreement.

10. Notices. All notices required to be given under the terms of this Agreement shall be in writing and shall be given by hand delivery, e-mail, fax, regular, certified or registered mail to the appropriate party at the address set forth above.

11. Invalid Provisions. In the event that any one or more of the provisions contained in this Agreement are held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had not been contained herein.

12. Broker. The parties do mutually represent to each other that no brokerage commission shall be due upon the execution of this Agreement or the transfer of all or any part of the REAL ESTATE. The parties agree to hold each other harmless and indemnify each other as a result of a claim for a real estate commission asserted by any broker as a result of any dealings with either party hereto.

13. Force Majeure. Neither party shall be liable for nonperformance or delay in performance due to any act of God; regulation or law of any government; riot; civil commotion; destruction of the subject REAL ESTATE by fire, earthquake or storm; strike; labor disturbances; or the failure of any public utilities or common carriers.

14. Miscellaneous Provisions. The foregoing Agreement contains the entire understanding between SELLER and PURCHASER relative to the subject matter hereof and no oral representations heretofore made by either party to the other shall be binding upon either of them. The representations made herein shall survive the closing and shall not be merged in the closing. This Agreement shall be binding upon and inure to the benefit of the parties, their respective heirs, successors and permitted assigns. The parties do not intend to confer any benefit hereunder on any broker or other person, firm, corporation or association other than the parties hereto. Time is of the essence in this Agreement. This Agreement shall be governed by and construed in accordance with the law and regulations of the state in which the REAL ESTATE is located.

15. Acceptance. This offer to purchase shall remain open for acceptance until 5:00 p.m. on May 9, 2018.

16. Effective Date. The "**Effective Date**" shall be the date this Agreement is last executed by SELLER and PURCHASER, provided, however, a fully executed copy of this agreement shall be provided to each SELLER and PURCHASER within 2 days of such effective date. Both SELLER and PURCHASER shall execute this Agreement

within 30 days for the execution to be valid. This Agreement shall be in full force and effect only after both parties have executed this Agreement and the Earnest Money has been deposited with the Title Company.

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

SELLER:

By: Jo Ann Gouge Date: May 7, 2018
Jo Ann Gouge (Partner)

By: Kenneth Wayne Aylor Date: May 7, 2018
Kenneth Wayne Aylor (Partner)

PURCHASER:

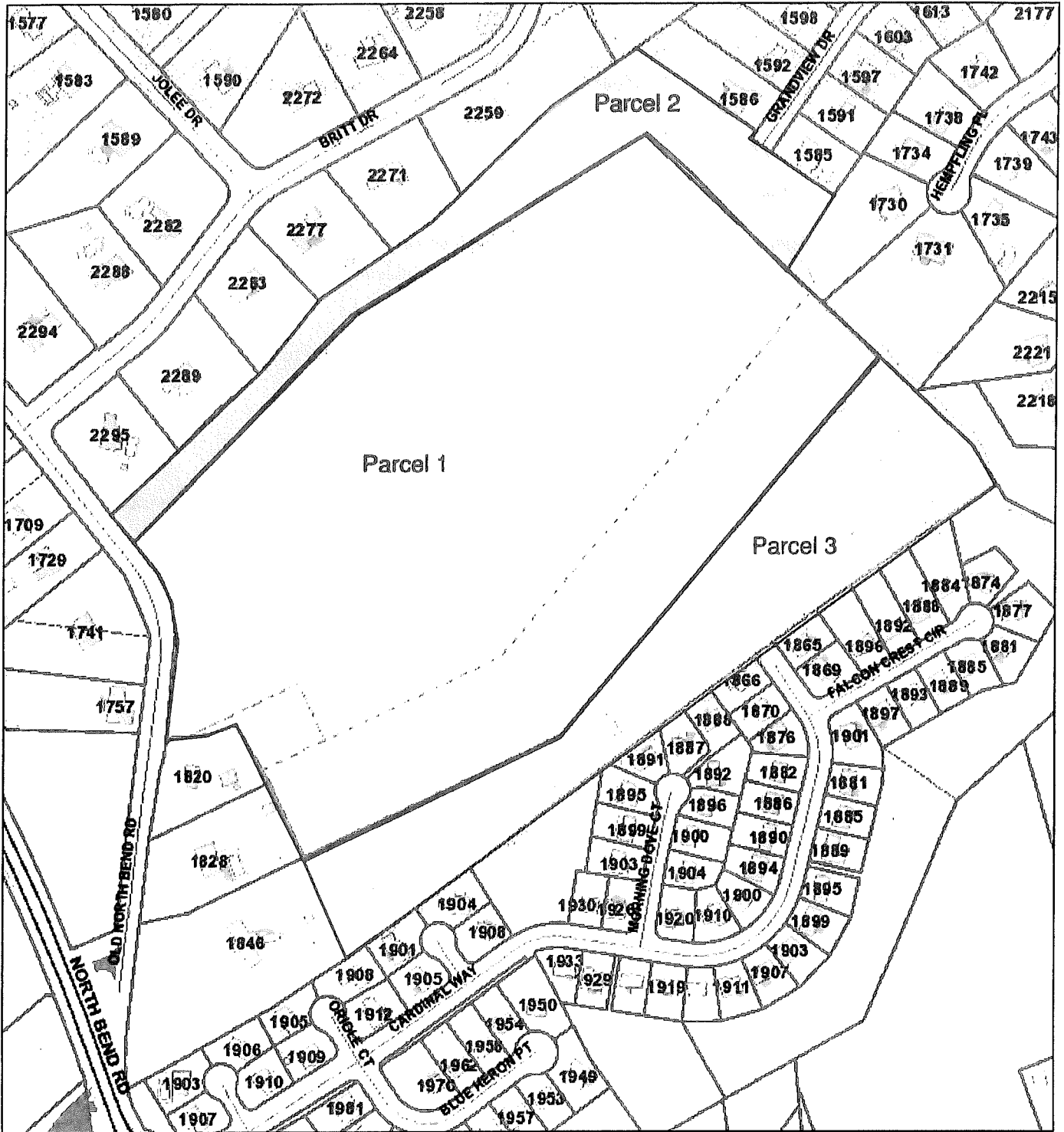
THE DREES COMPANY

By: David Drees Date: 06-15-18
David Drees, President

The undersigned acknowledges receipt of the [REDACTED] earnest money deposit and agrees to hold such funds in accordance with the terms of this Agreement.

TRI- State Land Title Agency INC
by Edmonde DeGregorio
Edmonde DeGregorio, President, Tri State Land Title Agency, Inc.

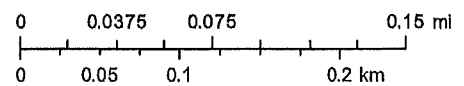
Boone County, Kentucky



April 5, 2018

1:4,514

== County Boundary



Major Streets

EXHIBIT 'B'

- Interstate
- Arterial
- Collector
- Access Ramp

GIS Services Division, Boone County Planning Commission

Real Estate Purchase Agreement

This agreement is made as of May 1, 2018 between buyer -Aylor Investments Limited Partnership whose address is 3224 Peel Road, Burlington KY and sellers - Raymond D. Godsey and Jeanine C. Godsey at 1838 Old North Bend Road in Hebron KY.

1846
Whereas, the seller is selling 9 acres of their property to buyer Aylor Investments Limited Partnership.

Now, therefore in consideration of the purchase price of the 9 acres shall be [REDACTED] to be paid at the closing of the sale between the Drees Company and Aylor Investments Limited Partnership.

A [REDACTED] earnest money deposited with seller to be applied to the purchase price.

Title to the 9 acres shall be conveyed at closing by general warranty deed.

Real estate taxes shall be paid by the seller at closing.

The Drees Company shall have fourteen (14) months to complete their evaluation period and feasibility study to determine:

- 1) If there is adequate access to the real estate and whether utilities will be existing to serve the real estate.
- 2) If the soil and subsoil conditions are adequate.
- 3) If market and engineering feasibility studies as well as other economic factors and criteria that the Drees Company believes is necessary, to allow the efficient and economical construction of proposed improvements.

Drees Company shall at its expense, obtain all surveys, access, easements, all appropriate governmental authorities including but not limited to planning, zoning, Environmental Protection Agency (EPA), public utility connection approvals, including but not limited to sewer, water, gas, electric and other approvals for its proposed development.

This offer to purchase shall remain open for acceptance until 5:00 PM on May 3, 2018.

Purchaser – Aylor Investments Limited Partnership

By: Jo Ann Gouge

Jo Ann Gouge

Date: 1 May 2018

Kenneth Wayne Aylor

Kenneth Wayne Aylor

Date: 1 MAY 2018

Seller

Raymond O. Godsey

Raymond O. Godsey

Date: May 1, 2018

Jeanine C. Godsey

Jeanine Godsey

Date: May 1, 2018

Real Estate Purchase Agreement

This agreement is made as of May 7, 2018 between buyer -Aylor Investments Limited Partnership and Akin and Miller Limited Partnership.

Whereas the sellers are selling approximately 4 acres and the sewer connection located east of Old North Bend Rd, south of Parlor Grove subdivision, and west of Grandview Drive.

Now, therefore in consideration of the purchase price of [REDACTED] to be paid at the closing of the sale between the Drees Company and Aylor Investments Limited Partnership.

A [REDACTED] earnest money deposited with seller to be applied to the purchase price.

Title to the 4 acres shall be conveyed at closing by general warranty deed.

Real estate taxes shall be paid by the seller at closing.

The Drees Company shall have fourteen (14) months to complete their evaluation period and feasibility study to determine:

- 1) If there is adequate access to the real estate and whether utilities will be existing to serve the real estate.
- 2) If the soil and subsoil conditions are adequate.
- 3) If market and engineering feasibility studies as well as other economic factors and criteria that the Drees Company believes is necessary, to allow the efficient and economical construction of proposed improvements.

Drees Company shall at its expense, obtain all surveys, access, easements, all appropriate governmental authorities including but not limited to planning, zoning, Environmental Protection Agency (EPA), public utility connection approvals, including but not limited to sewer, water, gas, electric and other approvals for its proposed development.

This offer to purchase shall remain open for acceptance until 5:00 PM on May 8, 2018.

Purchaser – Aylor Investments Limited Partnership

By: Jo Ann Gouge Jo Ann Gouge Date: May 7, 2018

Kenneth Wayne Aylor Kenneth Wayne Aylor Date: 7 May 2018

Seller – Akin & Miller Limited Partnership

Jimmy Joe Miller Jimmy Joe Miller Date: 5/7/2018

ORDINANCE NO. 2019 – 21

AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT, KENTUCKY, APPROVING, WITH CONDITIONS, A REQUEST OF DREES COMPANY - MATT MAINS (APPLICANT) FOR AYLOR INVESTMENTS LIMITED PARTNERSHIP, RAYMOND O. GODSEY, JR., AND AKIN & MILLER LAND DEVELOPERS (OWNERS) FOR A ZONING MAP AMENDMENT FROM RURAL SUBURBAN (RS) AND SUBURBAN RESIDENTIAL ONE (SR-1) TO SUBURBAN RESIDENTIAL TWO/PLANNED DEVELOPMENT (SR-2/PD) FOR A 41.8424 ACRE SITE LOCATED ON THE EAST SIDE OF OLD NORTH BEND ROAD, APPROXIMATELY 220 FEET SOUTH/SOUTHEAST OF THE BRITT DRIVE/OLD NORTH BEND ROAD INTERSECTION, TO THE NORTH AND EAST OF THE PROPERTIES AT 1820 AND 1828 OLD NORTH BEND ROAD, AT THE TERMINUS OF CARDINAL WAY AND GRANDVIEW DRIVE, AND INCLUDING APPROXIMATELY 8.1 ACRES IN THE NORTHEAST PORTION OF THE 10.987 ACRE TRACT AT 1846 OLD NORTH BEND ROAD, BOONE COUNTY, KENTUCKY. THE REQUEST IS FOR A ZONE CHANGE TO ALLOW DETACHED SINGLE FAMILY RESIDENCES, ATTACHED RESIDENTIAL CONDOMINIUMS, AND TOWNHOUSES.

WHEREAS,; the Boone County Planning Commission received a request for a Zoning Map Amendment to the Boone County Zoning Map from Rural Suburban (RS) and Suburban Residential One (SR-1) to Suburban Residential Two/Planned Development (SR-2/PD) for a 41.8424 acre site located on the east side of Old North Bend Road, approximately 220 feet south/southeast of the Britt Drive/Old North Bend Road intersection, to the north and east of the properties at 1820 and 1828 Old North Bend Road, at the terminus of Cardinal Way and Grandview Drive, and including approximately 8.1 acres in the northeast portion of the 10.987 acre tract at 1846 Old North Bend Road, Boone County, Kentucky which is more particularly described below and

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with conditions, for the 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 (RS) and Suburban Residential One (SR-1) to Suburban Residential Two/Planned Development (SR-2/PD) for a 41.8424 acre site located on the east side of Old North Bend Road, approximately 220 feet south/southeast of the Britt Drive/Old North Bend Road intersection, to the north and east of the properties at 1820 and 1828 Old North Bend Road, at the terminus of Cardinal Way and Grandview Drive, and including approximately 8.1 acres in the northeast portion of the 10.987 acre tract at 1846 Old North Bend Road, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in an Rural Suburban (RS) and Suburban Residential One (SR-1) zone is more particularly described in DEED BOOKS/ PAGE NOS. 736/86, 943/841 and 1087/979 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION TWO

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

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

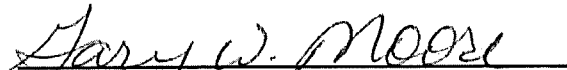
SECTION THREE

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

First Reading the 23rd day of July, 2019.

Second Reading the 27th day of August, 2019.

ADOPTED THIS 27th DAY OF August, 2019. Yes 3 No 1


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

ATTEST:


Sharon Burcham
Fiscal Court Clerk

