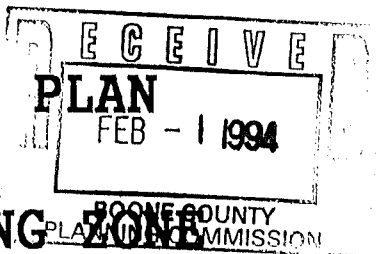


APPLICATION FORM
CHANGE IN CONCEPT DEVELOPMENT PLAN
OR



THE UTILIZATION OF AN UNDERLYING ZONE
IN PLANNED DEVELOPMENT

(Concept Development Plan)
BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check One:
 Change in Concept Development Plan
 Utilization of an Underlying Zone
Planned Development (Concept Dev. Plan)
2. Name of Project THORNWILDE SUBDIVISION
3. Location of Project KY 237
4. Total Acreage of Site 2.17 AC
5. Current Zoning RPD
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) NA
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) NO
8. Proposed Uses (please specify each use) CARRIAGE HOMES, SINGLE FAMILY, RETAIL, AND COMMUNITY FACILITIES
9. Proposed Building Intensities (please specify) _____
10. Have you submitted a Concept Development Plan? YES
11. Are you also applying for:
 Conditional Use Permit
 Dimensional Variance
12. Name of Applicant(s) THE DREES COMPANY Attn: MIKE SCHOETTELKOTTE
Phone Number 578 4261 Fax No. 341 5854
13. Address of Applicant(s) 211 GRANDVIEW DR.
FT MITCHELL KY 41017
City State Zip
- * 14. Name of Property Owner(s) _____
Phone Number _____ Fax No. _____
15. Address of Property Owner(s) _____
City State Zip
16. Are there any existing buildings on the site? YES
How many? 2
- * 17. Deed Book _____ Page No. _____ Group No. _____
18. Have you had a pre-application meeting with BCPC Staff? YES

(over)

* EARL SOUTHER, DB 136 pg 82
DREES DB 456 pg 190, 466 pg 27, 466 pg 30
USE ABOVE ADDRESSES

EXHIBIT "A"

STAFF REPORT

Request of The Drees Company (applicant) for Earl Souther and The Drees Company (owners) for Approval of a Concept Development Plan on a 217 acre parcel located on the west side of North Bend Road, Boone County, Kentucky. The request is to allow Thornwilde Subdivision with carriage homes, single family homes, retail and community facilities in the Residential Planned Development Zone (RPD)

February 23, 1994

This request is for a Utilization of an Underlying Zone to develop a 217 acre tract which is zone Residential Planned Development (RPD). This zone requires the applicant to come before the Planning Commission with a Conceptual Plan which indicates how they will develop the site. This Concept Plan must then be adopted by the Boone County Fiscal Court. This site was rezoned from Agriculture Two (A-2) to RPD as part of the 1990 Zoning Update. The site is located on the west side of North Bend Road approximately one half of a mile north of Graves Road (See Sheet #1).

Surrounding Zoning and Land Uses (See Sheet #2)

North: Single family residents along North Bend Road zoned Rural Suburban Estates (RSE), Woodlands and farm land zoned Agriculture One and Two (A-1) and (A-2).

South: Single family residence along North Bend Road zoned Rural Suburban Estates, Tree Tops Subdivision and woodlands and farm land zoned Suburban Residential One (SR-1)

East: Single family residents zoned Rural Suburban Estates (RSE)

West: Single family residences, woodlands and farm lands zoned Agriculture One (A-1)

In addition to the adjoining land uses there have been several residential developments either planned or approved which front on North Bend Road in the vicinity or the subject property:

Project	Size	Status
Parlor Grove Subdivision	174 lots, 164 acres	Under Construction
River Shore Farms	42 lots, 90 acres	Under Construction
River Shore Farms	Additional 1150 Units 300 acres	Approved
Tree Tops Subdivision	423 lots, 202.4 acres	Under Construction
SouthPark	200 Units, 26 acres	Approved
Cardinal Cove	66 lots, 24 acres	Under Construction

In addition to the above residential projects, the SouthPark project proposes approximately 8 acres of commercial and 165 acres of industrial development. The Hiemann property has been rezoned to allow approximately 350 acres of industrial development south of the site in the Williams Road area and the 18 hole Tradition Golf Course was opened in 1990. All of these existing or future developments will have a substantial impact on the character of the area.

Site Characteristics

The site is located approximately two miles from the I-275/KY 237 interchange on the west side of North Bend Road. Currently, the site is used for farming and grazing pastures for cattle. The topography of the site ranges from gently rolling to very steep hillsides with stream filled valleys. The ridge tops are primarily fields which are used for farming and have been cleared of vegetation which is where most of the homes will be constructed. The valleys and hillsides make up approximately 60 percent of the site and are covered with mature trees.

There are several small streams which form the beginnings of two creeks which run through the site. Sand Run Creek which flows North into the Ohio River runs through the applicants site in the eastern portion of the site near North Bend Road (see sheet #3). Garrison Creek which starts near the center of the applicants site runs west along the southern property line and eventually crosses Williams Road and runs into the Ohio River.

The site has approximately 800 feet of frontage along North Bend Road and an existing gravel drive which provides access to the site from North Bend Road. This stretch of North Bend Road is level and does not contain any curves which would affect visibility from the site. However, North Bend Road is a narrow two lane state road with many areas of poor visibility and several winding curves which can make traveling this road hazardous, especially as traffic levels increase with new development. The site currently contains sanitary sewer along Sand Run Creek and public water along North Bend Road. The sanitation district recently constructed a lift station at the base of Sand Run Creek and the applicant has constructed a bridge which crosses the creek. There are several barns which still exist on the site and a small lake near the center of the site.

Relationship to the Comprehensive Plan

The request must be reviewed on the basis of its relationship to the 1990 Boone County Comprehensive Plan. The Plan's "Future Land Use Map (see sheet #4) indicates the future land use for the applicants site to be Suburban Density and Rural Density residential. Suburban Density allows for up to 4 dwelling units per acre while Rural Density allows for only one dwelling unit per acre.

The text of the Comprehensive Plan refers to the vicinity of the subject property in a number of ways. The Goals and Objectives of the Comprehensive Plan's Environment, Housing, Public Services, Transportation, Recreation, and Land Use Elements outline specific objectives relevant to the applicant's request.

Housing Element:

North River Area

This is presently a very rural area of rough topography. Interstate 275 has and will continue to have a great effect on its development. On one hand, it acts as a barrier to northern growth created in the Hebron area because of the small amount of underpasses and overpasses. In contrast, I-275 has opened up this area for new residential growth by providing easy access to Indiana, Ohio, the Cincinnati airport, and the urbanized region from Florence to Covington. In addition, the Anderson Ferry at Constance, Kentucky provides direct access to the west side of Cincinnati, and would lend the area to a bedroom-community for Cincinnati and Northern Kentucky. These characteristics support the already evolving low density housing development, as well as some clustered multi-family housing, in the KY 237 corridor. Many of the area's hillsides are designated as Developmentally Sensitive in the Land Use Element and should be carefully considered as to any residential or recreation development impact on slope stability, scenic views and the natural environment.

Recreation Element:

The recreation Element of the Comprehensive Plan describes the role of public, semi-public, and private recreational facilities within the county. The Element represents a summary of the Boone County Open Space Master Plan, approved in 1989. As the county grows, additional facilities and land will be necessary. The Recreation Element also stresses the need to preserve significant natural features and open space. In addition, this element states that the area of the proposed development is recommended for a district park. Several of the recommendations of the Recreation Element concern the designation of recreation land within residential subdivision. One recommendation states that residential developments of more than 300 units should provide public recreation area in addition to resident-only facilities.

Public Facilities

Public Sewer Systems, though necessary for proper county growth, are expensive to install, operate, and maintain. Even more than water supply lines, sewer systems greatly influence where development occurs. Sewers should be considered for their environmental impacts, not merely for treatment plant discharges but also for their influence on future development. Sewers should be extended only to areas that can support substantial development so that the most efficient use of the services is made. For Boone County to develop properly in the future, Land Use Planning and Infrastructure Planning must be closely intertwined. Construction of future sewers facilities should reflect Planning Commission involvement because of the inherent relationship between infrastructure and Land Use.

Transportation Goal:

The level of service of the transportation system is maintained and improved, thus enhancing safety, addressing and resolving identified inefficiencies, and promoting and responding to regional growth.

Objectives:

Proper access to adjoining property should be provided and/or retained when a property develops or redevelops. New roadways shall be developed where needed and feasible and roadways shall be widened and improved where appropriate.

Environmental Goal:

New development or redevelopment of areas in Boone County are designed and implemented in such a way that the quality of the existing physical and social environment of Boone County is protected and enhanced.

Objectives:

New development or redevelopment should be designed to utilize existing topography and reserve existing stands of vegetation. New development shall be designed in harmony with the physical environment in such a way that each site's assets are used beneficially. Existing stands of mature and healthy trees in the highly developed and developing portions of Boone County should be preserved.

Land Use Element:

As the Land Use text refers to the area around Francisville, Suburban Density development should be concentrated on land nearest to KY 237, as indicated on the Future Land Use Map (see sheet #). Suburban Density Residential development should not occur unless accompanied by widening and straightening of impacted portions of KY 237. The remaining acreage in this section is suitable only for Rural Density residential growth because of the existing residential character of the area, Developmentally Sensitive stream valleys, and the existing condition of KY 237. In the planning of this growth, and in the development of all other areas within this section of the county, care must be taken to avoid potential negative impacts to the Developmentally Sensitive hillsides.

Residential Planned Development Criteria

The Residential Planned Development districts allow flexibility in comparison to the current Boone County Zoning Regulations by offering innovative approaches and design to implementing the goals and objectives and other elements of the Boone County Comprehensive Plan and so consistent with the Boone County Comprehensive Plan. Those requirements relate to height, density, use, building configuration, building setbacks, open space, access, internal circulation, parking, lighting, signage, landscaping and utility construction. The objectives of this article consist of the following:

Objectives:

1. To provide a variety of housing types, employment opportunities and recreational and commercial services to achieve a balanced community;
2. To provide for an orderly and creative arrangement of land uses in relation to each other and to the entire community;
3. To allow for a mixture of land uses based upon the existing and planned road networks in order to assure safe and efficient transportation patterns;
4. To allow for a more efficient use of land by clustering development resulting in a smaller network of utilities and streets;
5. To provide some flexibility in building density and intensity of developable land;
6. To demonstrate that the proposed design and building layout would be more appropriate than what would be possible through the strict application of the zoning regulations;
7. To provide for functional, aesthetic and beneficial use of open space;
8. To preserve or protect the natural features of the site and public views;
9. To stage development of this type in a manner which can be accommodated by the timely provision of public utilities, public facilities, public services and public road improvements.

Standards

No application or Concept Development Plan shall be approved for a Residential Planned Development district under the provisions of this article unless each district and application meet the following standards:

1. The planned development shall generally conform to the adopted Comprehensive Plan with respect to type, character and intensity of use and impact on public facilities, services and road network. The intensity of planned residential developments, in particular, should be generally consistent with the Future Land Use Map designations for the area. Residential densities, however, shall be concentrated on portions of the site to leave open space on other portions. Deviation from the Comprehensive Plan is dependent upon whether the site is part of an urban service area for public infrastructure and upon the provision of public facilities, services and roads by the applicant to mitigate the impact of the proposed development on these infrastructure systems;

2. The planned development shall efficiently utilize the site, and shall protect and preserve the scenic assets and natural features by incorporating existing trees, streams, and topographic features into the site design. The development shall include the provision that designated natural areas developmentally sensitive areas as identified on the Future Land Use maps in the 1990 Boone County Comprehensive Plan will constitute permanent open space or be dedicated to public or semi-public organizations for recreational use;
3. Where appropriate, the planned development shall include developable land that is unbuilt and be available for purchase or donation to public agencies for public recreation or public facility building sites. This provision of land can constitute one reason for increased development densities on portions of the site or even an increased overall development intensity in relation to the Boone County Comprehensive Plan, provided other public facilities and services are adequately provided;
4. The planned development shall not hinder nor deter development of surrounding undeveloped properties in accordance with the adopted Comprehensive Plan;
5. The planned development shall be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sanitary sewerage are provided, or will be available and adequate for the uses proposed. The applicant shall make provision for such facilities or utilities which are not presently available or shall construct such facilities for the eventual connection into a public system.

This flexible approach to planned development is intended to provide an opportunity and incentive to the developer to achieve excellence in physical, social and economic planning. The property owner must demonstrate the achievement of the above objectives and standards to be granted approval. In addition, a property owner or developer's request for a planned development would be assessed in terms of its impact on the existing conditions of the surrounding land uses, utility systems, road network and public facilities and services. This demonstration must be given either orally or in written form at the subsequent Public Hearing.

Concept Development Plan

The proposed Thornwilde Subdivision will contain 287 single family detached homes of varying lots sizes from 65 to 100 feet of frontage. Also, 240 attached carriage homes will be constructed in the northwest portion of the site on a narrow ridge line. This ridge line will only have one means of access to serve the 240 units which will be an approximately 3000 feet long (see sheet # 3). The total density of this development is approximately 2.4 units per acre.

Approximately 26,000 square feet of commercial space is shown along North Bend Road just north of the entrance to the subdivision. The commercial area will be located on an approximately 4 acre tract and contain uses that are permitted in a Commercial One (C-1) zone.

Access to the subdivision will be from North Bend Road which will provide the only means of access for the first phase of development. This road will be designed as a collector road with no individual lot access permitted. A future road connection is proposed to the south which will connect with a future phase of Tree Tops Subdivision that connects to Graves Road. The proposed collector road will require significant grading as it moves through the site and will require the alteration or piping of a stream which runs to Sand Run Creek. This road as well as the other road network will require the removal of large amounts of trees because of the grade changes that have to be negotiated to accommodate the roads.

The submitted conceptual plan shows the area from the ridge line to the Sand Run Creek on each side as open space and the area south of the collector street as park area (see sheet # 3). The applicant has indicated it would be interested in negotiating the dedication of this property to the County or other interested parties. In addition, Garrison Creek which separates the proposed Carriage homes and single family residences on the western portion of the site will also be retained as open space (see sheet # 3). This open space will be part of a homeowners association which will also contain a community building with tennis courts and swimming pool.

Staff Concerns

1. The Institute of Transportation Engineers Trip Generation Manual 5th Edition provides traffic volume levels for varying land uses. The manual indicates that the trips generated by the proposed 527 unit development will produce the following amount of traffic.

Weekday Trips

	<u>Average</u>	<u>Range</u>
# of Trips	4147	1676 - 9101

AM & PM Trip Peak

	<u>Average</u>	<u>Range</u>
# of AM Trips	318	131 - 957
# of PM Trips	422	164 - 1153

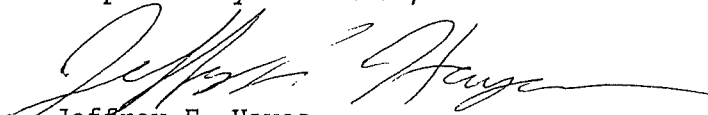
2. The Comprehensive Plan indicates that Suburban Density Residential development should not occur unless accompanied by widening and straightening of impacted portions of KY 237. The proposed development will have a significant impact on North Bend Road from the entrance to the subdivision, to the interchange with I-275. The Kentucky Department of Transportation has no current plans for any improvements to this section of North Bend Road therefore, staff is uncertain how the applicant will address this problem.
3. To be consist with the Comprehensive Plan and the Residential Planned Development criteria, staff believes that every effort should be made to retain as many of the existing trees as possible during the development of the site. Staff would recommend that if Fiscal Court approves the Conceptual Plan that grading limits be established during the Preliminary and Improvement Plan stage of development. These grading limits would be used to determine the possibility of repositioning or reconfiguring the roadways and the removal or relocation of some lots if it can be shown to safe large stands of vegetation.
4. The proposed Carriage homes provide a concern to staff because of the single means of access for 240 units. The overall road length is approximately 3000 feet which is 2400 feet longer than the Boone County Subdivision Regulations allow. Staff believes that it may be more appropriate for this part of the site to remain undeveloped until the Stamper property to the North develops. This would allow for additional road connections for the Carriage homes or more probably the redesign of the entire ridge line.
5. Staff believes that the connector road concept should be encouraged all the way through the applicants site to allow for a connection to the Stamper property to the North which should continue to Williams Road. The applicant has indicated that if the Stamper property to the north was acquired the Carriage homes would likely be replaced with single family lots.
6. Because of the current overcrowding conditions within the Boone County school system a phasing plan for the development of the subdivision should be established which distributes the potential 500 to 1000 school children this development could create over a period of many years.
7. A detailed erosion control plan should be submitted at the Improvement Plan stage which addresses the erosion control measures for each phase of the development. These plans should include a detailed time schedule for grading work and re-establishment of ground cover to control soil erosion as well as measures to protect the streams and creeks within the site.
8. Staff believes the potential for a deceleration lane for the North bound lane of North Bend Road should be explored. If the Department of Transportation approves the concept the applicant should provide the deceleration lane at their expense after a predetermined number of lots have been built.

9. The applicant should approach the County about dedication of the proposed open area for a possible passive park. The Sand Run Creek valley affords the opportunity to have several linear trail which lead to a possible future public park along the Ohio River.
10. Because of the amount of undeveloped property to the North future sanitary sewer easements will be essential. Therefore, the possibility of establishing a sanitary sewer easement along Sand Run Creek should be explored.
11. The proposed commercial development will provide a significant visial impact along North Bend Road and to the adjoining residences. Therefore, proper landscaping and berming should be explored to soften the impact of the commercial area from the public right of way and to the adjoining residences. Staff would recommend that the design of the building be studied in order to have some control over the appearance and design of the building.

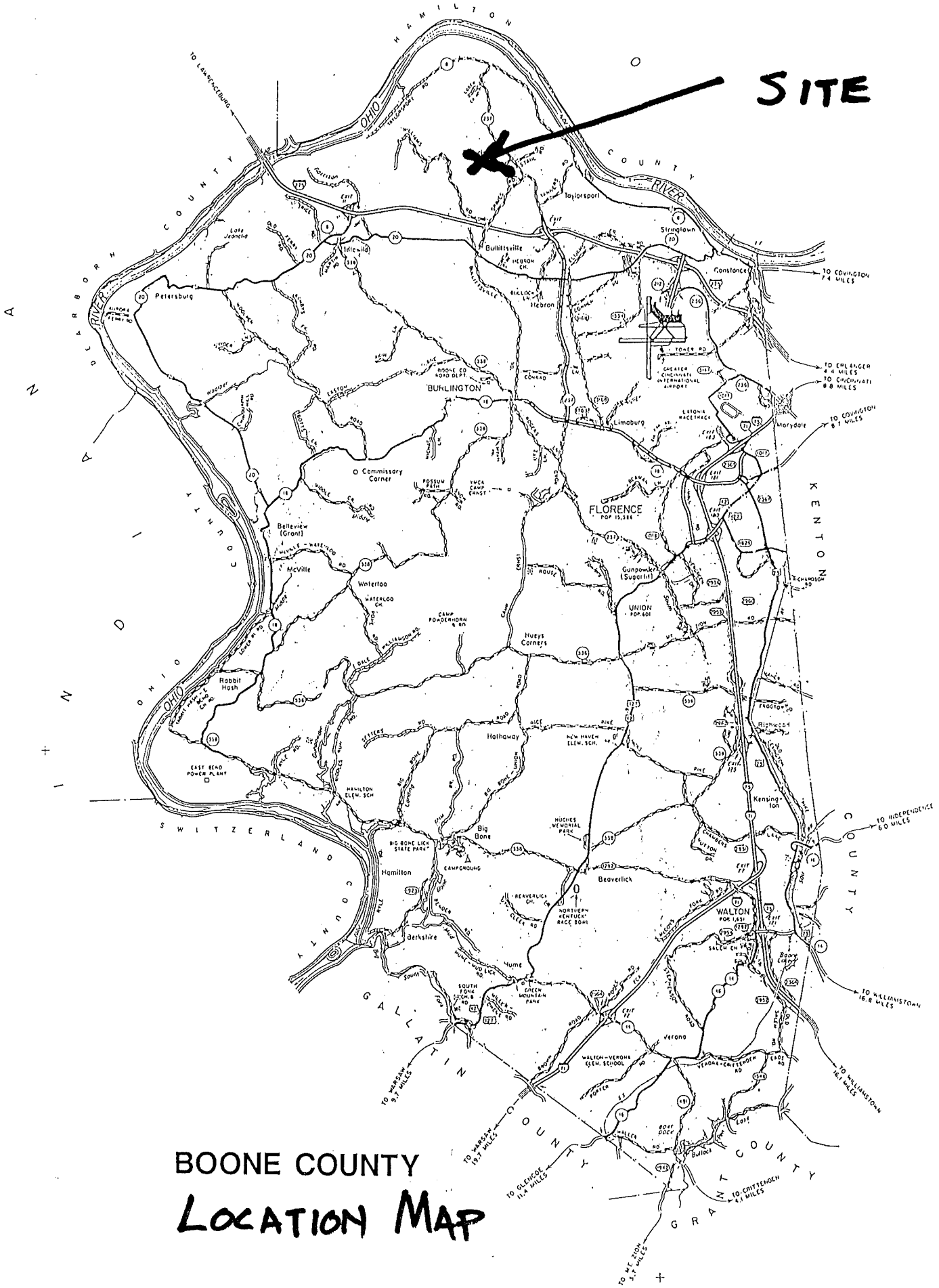
Conclusion

The Boone County Planning Commission and Boone County Fiscal Court must review this request on the basis of its relationship to the Comprehensive Plan and the objectives and standards established within the Residential Planned Development article of the Boone County Zoning Regulations. The Commission should closely evaluate the impacts of this development on the natural environment, road networks, public facilities and the character of the area.

Respectfully Submitted,


Jeffrey F. Hayes
Planner I

JFH\par



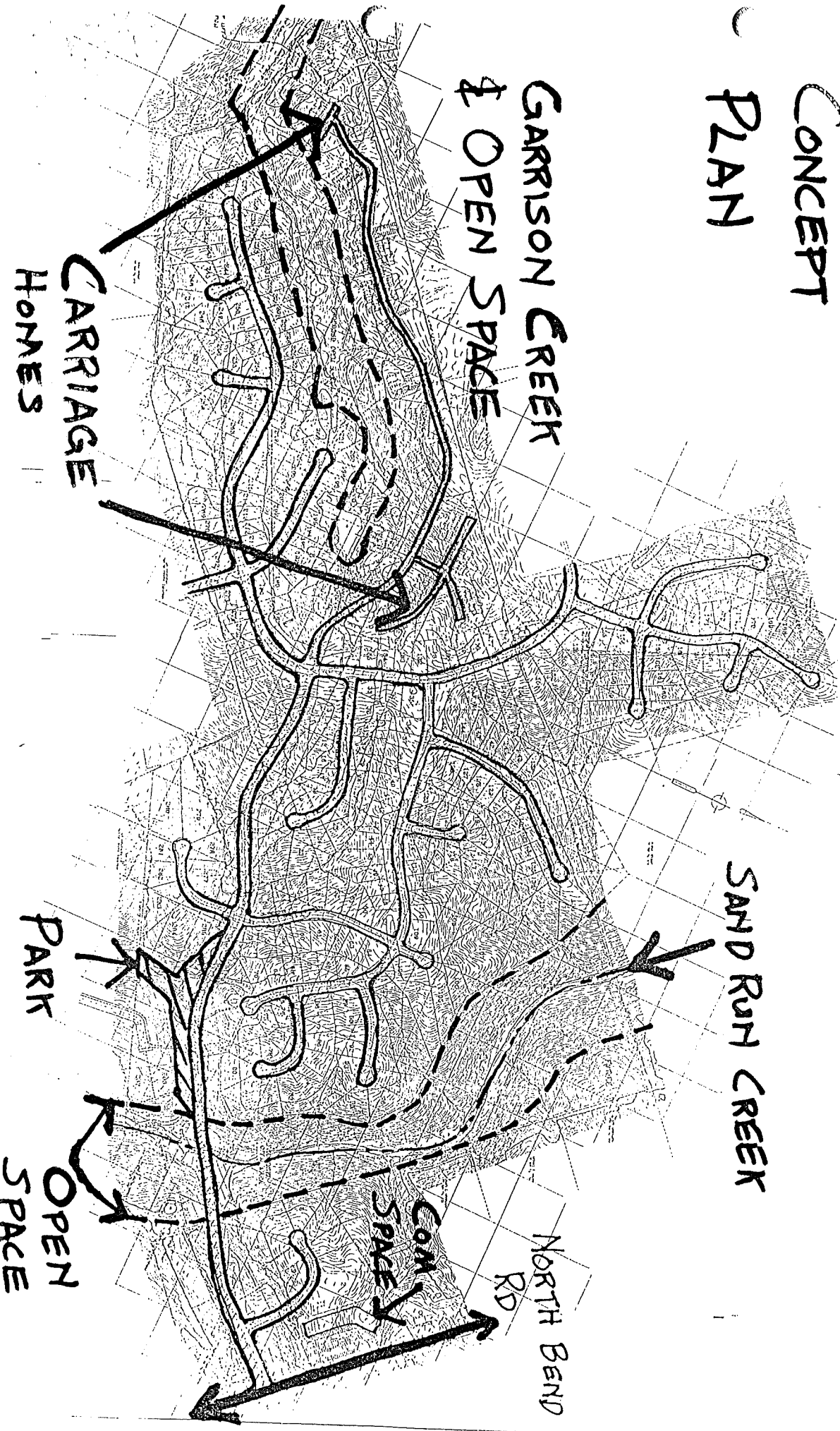
**BOONE COUNTY
LOCATION MAP**

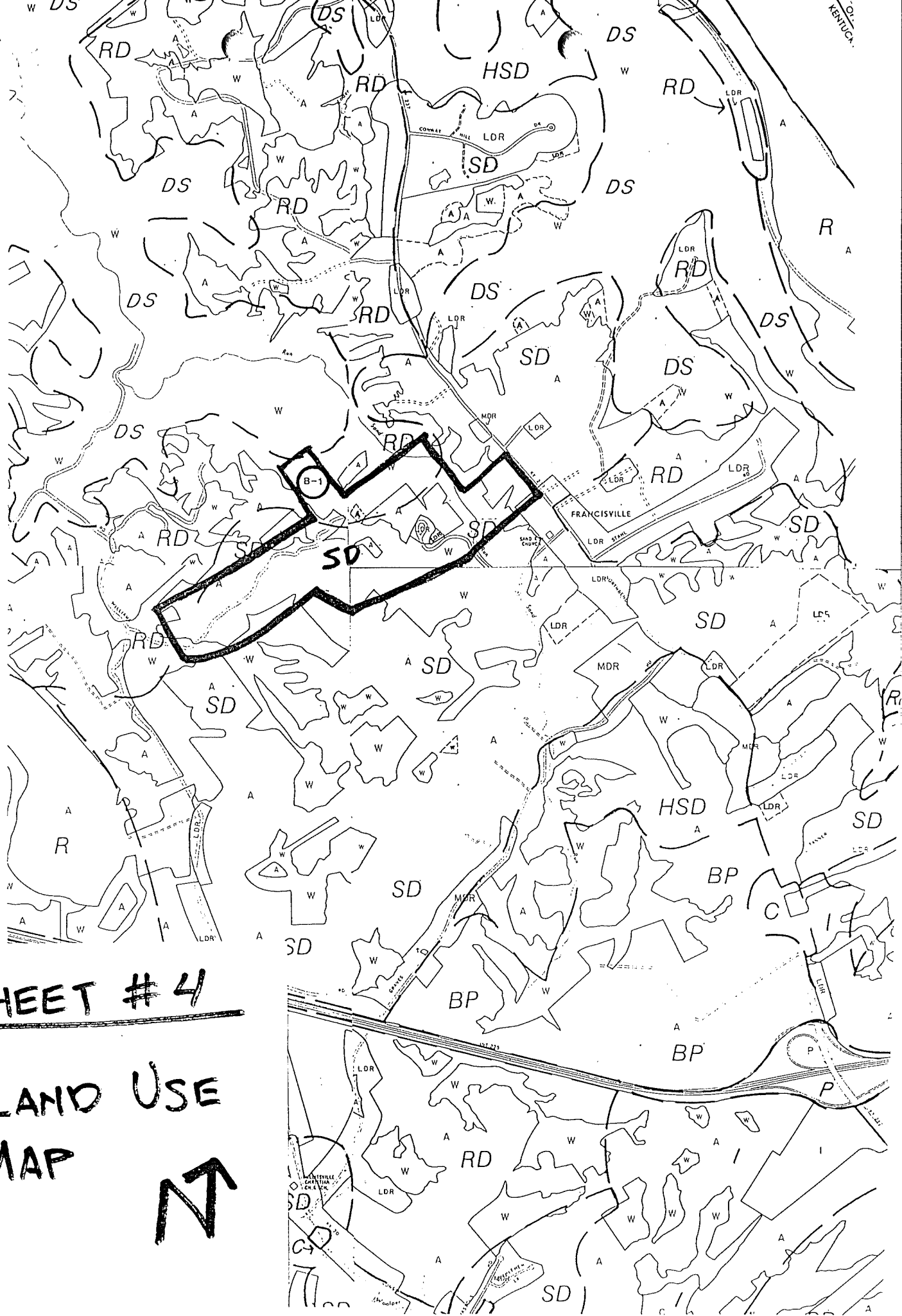
SHEET #3



CONCEPT

PLAN





SHEET # 4

LAND USE
MAP



Mr. Burch introduced the second item on the Agenda:

2. Applicant: The Drees Company for
Earl Souther and The Drees Company (owners)
Request: Approval of a Concept Development Plan

The request of The Drees Company (applicant) for Earl Souther and The Drees Company (owners) for Approval of a Concept Development Plan on a 217-acre parcel located on the wet side of North Bend Road, Boone County, Kentucky. The request is to allow Thornwilde Subdivision with carriage homes, single-family homes, retail, and community facilities in the Residential Planned Development Zone (RPD).

Staff Member Jeff Hayes presented the Staff Report which included a slide presentation (see Staff Report).

Mr. Burch asked for comments from the applicant.

Mr. Mike Schoettelkotte with The Drees Company stated that The Drees Company began to assemble these parcels in the late 1980's after the Planning Commission moved to update the Comprehensive Plan. They met with the Staff and a committee of the Planning Commission to discuss the future use of this property with the idea of doing something similar to Oakbrook. They began to work with Boone County Water and Sewer and the Sanitation District toward getting sewers out in the Sand Run Area. In late 1991, The Drees Company had discussions with the School Board and reviewed various sites with them. The Drees Company made an offer to the School Board to provide a school site at the entrance to the proposed development at North Bend Road, but the School Board declined the offer. In 1992, the sewer plans were approved. In 1993, in cooperation with Boone County Water and Sewer and the Sanitation District, The Drees Company donated land for the lift station and constructed access to the lift station.

Mr. Schoettelkotte stated that the property is currently zoned RPD. Their proposal conforms to the Comprehensive Plan in regard to density. The Comprehensive Plan recommends a density not to exceed four dwelling units per acre and they are at 2.4 dwelling units per acre. There is open space and recreation. They have been active in working with the public agencies to get proper sanitary sewers in the area. They are considerate of providing access through the site and to adjacent properties. They are concerned for the preservation of the natural resources and have tried to maintain and preserve the natural areas. Their proposal conforms to the objectives and standards of the Residential Planned Development Zone. He stated that a project of this size and scope will happen over many years. They project a 10 to 12 year build out. Oakbrook started in the late 1970's and they are still developing it. They anticipate this project being similar in evolution to Oakbrook. He distributed additional information to the Commission.

Mr. Jim Viox stated that the Staff Report is aggressive. Using a slide presentation, he stated that when The Drees Company bought this tract of

land it was land locked with the only reasonable access being through the Tree Tops development. Sand Run Creek is a deep ravine. They had to acquire a piece of land because there was not reasonable access to it. The Sanitation District asked The Drees Company if they could place a sanitation facility on the property. The Drees Company cooperated and granted the right-of-way for a divided entrance. Considerably more grading was done than just a gravel road. He noted an area of 100 feet difference in elevation. He stated that they preserved a piece of land because of interest by the School Board. He stated that concern about a collector level limited access road through the site should have been considered when Tree Tops was developed because it has the topography to access the land. Just because The Drees Company said they were willing to build a collector road and a bridge across the tract, it is now being suggested that they should extend that road for others to use -- which is out of hand. The Drees Company cooperated in getting sewer to the area. In regard to sewer easements and access to other lands, he stated that if it is going to become public land, it is a corridor for a sewer system so there is not a concern about whether The Drees Company is going to provide access to the pump station in the future. In regard to the 3,000 feet of road and 240 units on it, he stated that these are condominiums for sale, there are no rental units. In Oakbrook, there are a couple of sites almost equivalent in size with single access off Oakbrook Drive. Oakbrook Drive was built by The Drees Company. There are about four times the number of units in Oakbrook and only two entrances. He stated that the proposed access is more than reasonable on the part of The Drees Company. If the site was to be developed throughout with single-family attached housing, they could have built it straight through the subdivision and there would not be any access back there at all. Using the Concept Plan, he indicated the green areas, which are open space, parks, or common areas in the Homeowners Association area of the condominiums. He indicated a limited access road through the green belt with a pedestrian way, which reaches the center of the site and serves the majority of the detached housing or 247 units. He indicated the area of single-family housing which is served past the community facilities by the same collector road and is provided access through Tree Tops. He stated that the topography through Tree Tops and out to Williams Road is the natural route. He indicated a creek which separates the condominiums from the single-family houses. The open space and intersection lead the ingress and egress to the condominiums without passing through any of the housing area. The Drees Company is willing to provide all of the green area up to the point indicated to be added to the Boone County Park System. There will be a pedestrian way along the road connecting to the intersections and community facilities. There could eventually be pedestrian ways down to the creek, down to the river, and connecting to a park system.

Mr. Jim Viox stated that the bridge is actually two culverts approximately 30 feet above the creek. The pump station currently serves Tree Tops and will serve by gravity the portion of Thornwilde development shown. At build out, they will have to build another pump station. The density of 2.47 units to the acre if figured in square footage would be in excess of 17,000 square feet per unit, which is more than the norm in Boone County. The Drees Company has made a large effort to preserve the natural vegetation. Some of the vegetation is sparse because it has been pasture and the soil conditions are poor. There is a nice stand of trees along

Sand Run Creek which will be preserved. What is show in green on the Concept Plan will be preserved, except in the area they have to enclose to cross the creek. He questioned if in the past a developer was required in the Preliminary Stage to articulate the amount of vegetation being removed, which typically occurs in the Improvement Plan.

Mr. Burch asked if there was anyone else present who wished to speak in favor of the request. There being no response, he asked if there was anyone present who wished to speak in opposition or to ask questions.

Mrs. Shirley Millar, a resident of North Bend Road, questioned the width of North Bend Road. Mr. Hayes stated that he believes it would be 20 to 24 feet wide. Mrs. Millar stated that in looking at the school situation, she called the Board of Education about the schools that would provide service to this area and was told that Goodrich Elementary has 565 students with a capacity of 600, Conner Middle School has 895 students with a capacity of 1,000, and Conner has 997 students with a desired capacity of 950. She stated that it was indicated by people this evening that they wanted to build an elementary school in Union, but they do not have the funds. She questioned where another 500 children in the next five years would go to school. She stated that the developer is allowing passive recreation, but she looked at active recreational areas. Using 500 children, even though there may be a maximum of 1,000 children, if 500 participated in sports there would be a need for 30 baseball teams and 6 practice fields, 30 soccer teams would conservatively need 3 fields to practice and two playfields. The county is sometimes limited on funds and has recently developed a park off Camp Ernst Road, but it will only handle the children participating in those sports at this time. She stated that the plans say that if someone is developing more than 300 homes, some consideration should be made for recreation, but she does not see anything in this plan for that type of consideration. The Comprehensive Plan says that the proposed development will have a significant impact on North Bend Road, and it says that no development should occur unless accompanied by widening and straightening of North Bend Road. Putting 4,147 cars on North Bend Road will impact the entire road at all times. She lives north of the proposed development and there are four curves of major concern on the road before you get to this development. She noted Mr. Jim Viox' comments about the road in Oakbrook and questioned if one wrong makes it acceptable in another situation -- or are the Subdivision Regulations there for a reason and should be upheld. Mrs. Millar referred to Staff Concern #8 regarding a deceleration lane. She stated that in using 422 people coming home between 4 PM and 6 PM, there would be 3.5 cars per minute turning left into the development. She questioned the needed length of a deceleration lane.

Mrs. Millar stated that she has called Mr. Hayes a number of times and appreciated the cooperation she received from him.

Mr. Burch asked if there were any further comments. There being no response, he asked if there were any questions from the Commission.

Mr. Damstrom questioned the community facilities. Mr. Schoettelkotte indicated the location of the community facilities. He stated that they may end up developing some additional community facilities with the

carriage homes. He noted that community facilities are indicated in the handout. If they start development in 1994, the community facilities would come on line in the 1995 season.

Mr. Neltner referred to the attachments to the Staff Report and questioned how the space behind the commercial and to the north would be accessed. He noted that the drawing displayed appears different than the one attached to the Staff Report. Mr. Jim Viox reviewed the drawing with Mr. Neltner and explained that the gray shaded area is beyond the property line. Mr. Jim Viox stated that in the Improvement Plan Stage they will be required to provide topographical surveys. The gray area is a large ravine on the next property -- it is not their land. Because they were concerned about some of the topography that cannot be accessed from any place else, they showed how it could be accessed from the streets. The Drees company is going to construct so that when there is development it would have access. They put in some roads, but would not develop them unless they can acquire the property. In response to further questions from Mr. Neltner, Mr. Jim Viox indicated the area being reserved because they have been in discussions with Mr. Stewart, who owns the land across the creek in the front. They could not get to the land, so they are holding it for development potential and may in the future be trading property with Mr. Stewart.

Mr. McMillian stated that because some mistakes were made in Oakbrook is no reason to continue with them and we should learn from them. Mr. Jim Viox stated that there has not been a problem in Oakbrook and there is the equivalent of 200 condominium units served off Oakbrook Drive. Mr. McMillian commented that there has not been a fire there, but there could be. Mr. Jim Viox stated that the subject site is on a deadend ridge and the only way it could be accessed is through the next property.

Mrs. Arnett commented on the number of lots and asked if there are any plans to improve North Bend Road. Mr. Hayes stated that he is not aware of any. Mr. Costello stated that there is a cap on the number of lots in Rivershore Farms, so the number shown there is incorrect. The cap is 800 lots.

Mr. Neltner questioned the difference between carriage homes and condominiums. Mr. Schoettelkotte stated that a carriage home is a condominium. It is typically a two-story condominium with single-floor living. Garages are attached to the units and the second floor units are over the garages. They are building carriage homes at the Summit in Oakbrook and in Lakeside Park on Buttermilk Pike.

Mr. Bailey stated that when Oakbrook went in, the plan was to widen KY 18. He stated that there will be problems when this development occurs due to the traffic.

Mrs. Schaffer questioned the water pipe being capable of handling the development. Mr. Schoettelkotte advised that there is a 12-inch line along North Bend Road. As the development continues, it would allow for the looping of the system internally.

Mr. Hayes stated that the Residential Planned Development Zone requires submission of how they are addressing the objectives and standards of the zone, which he believes is contained in the handout distributed by Mr. Schoettelkotte.

Mr. Burch asked if there were any further comments.

Charlene Conray, 1251 North Bend Road, stated that their property adjoins this property. She stated that the slides were misleading. This is a congested area. Their house sits 68.5 feet from the center of the road that was put in beside their property and they are a few feet off North Bend Road. She is concerned about the traffic. She stated that the picture shown puts the road almost meeting their driveway and she questioned how they will get in and out. She stated that Oakbrook came out onto a four-lane highway, which makes a lot of difference. They are not happy with the distance of the road from their property line and want it moved over. She is concerned about what the commercial development will be.

Mr. Schoettelkotte stated that it will be neighborhood type commercial serving this development and the developments currently on-going and planned in the North Bend Road area. It would be to provide localized services. They have been approached by day care for that location. It would be neighborhood scale retail and neighborhood type services.

Mrs. Millar stated that she talked to Joe Kerns at the Department of Transportation about plans for this portion of KY 237 and he said that there are no plans to straighten or widen the road.

Mr. Kirby questioned the size of the center at Oakbrook. Mr. Schoettelkotte stated that the retail area is approximately the same size.

Mr. Jeff Arrowsmith, 1037 North Bend Road, an adjoining property owner, stated that he is concerned about the traffic. He questioned there being a SuperAmerica there.

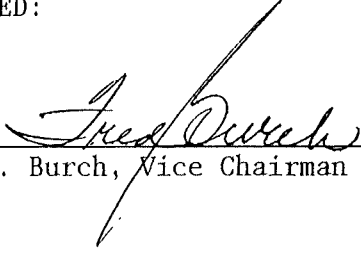
Mr. Bob Conrad, 1251 North Bend Road, stated that there are 7 houses between Tree Tops and the gravel road, but the slide presentation made it look barren. He does not like things being built right on top of them.

Vicky Myer, 1277 North Bend Road, stated that they live on the straight stretch of the road. They have lived there 10 years. She used to be able to walk the road, but they cannot do that now with the Rivershore development. She questioned the traffic figures in the Staff Report. Mr. Hayes reviewed and explained the traffic figures for her. Mrs. Myer stated that adding Rivershore, Tree Tops, Parlor Grove and this development would exceed 40,000 cars. She is opposed to a commercial area in the residential area. Mr. Hayes explained that the traffic number of 40,000 is not an actual count of additional cars -- there could be 200 cars making several trips a day.

There being no further comments, Mr. Burch stated that the Committee Meeting for this item will be on March 7, 1994 at 7 P.M.. This item will be on the Agenda for the Business Meeting on March 16, 1994 at 8 P.M..

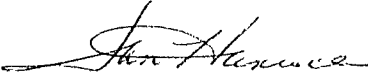
Mr. Burch closed this Public Hearing.

APPROVED:



Fred R. Burch, Vice Chairman

Attest:



Jan Hancock, Recording Secretary

EXHIBIT "B"

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Barry Neltner, Chairman

DATE: March 16, 1994

RE: Request of The Drees Company (applicant) for Earl Souther and The Drees Company (owner) a Approval of a Concept Development Plan on a 217 acre parcel located on the west side of North Bend Road, Boone County Kentucky. The request is to allow Thornwilde Subdivision with carriage homes, single family homes, retail and community facilities in the Residential Planned Development Zone (RPD).

REMARKS:

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

Findings of Fact

1. The request generally conforms to the adopted 1990 Boone County Comprehensive Plan, and specifically with the Future Land Use Map which indicates Suburban Density Residential for the applicant's site. The proposed densities are compatible with the Comprehensive Plan and are located on the site to preserve existing tree stands. The planned development generally conforms to the Comprehensive Plan with respect to type, character and intensity of use and impact on public facilities, and services. However, the Committee believes there will need to be a cooperative effort to improve the existing condition of North Bend Road.
2. The proposed development efficiently utilizes the site and protects the scenic assets and natural features by incorporating existing trees, streams and topographic features into the site design.
3. The planned development does not hinder nor deter development of surrounding undeveloped properties in accordance with the Comprehensive Plan.

Conditions

The applicant is being asked to agree to and include these items as part of the Concept Development Plan:

1. The applicant shall be required to install a northbound left turn lane on North Bend Road at the Thornwilde Drive intersection after 150 lots have been approved by the Boone County Planning Commission through the Improvement Plan Review process. This improvement shall meet the requirements of the Kentucky Transportation Cabinet and require their ultimate approval. The applicant shall also request that the Kentucky Department of Transportation Cabinet assess the present condition of North

Bend Road to determine the realignment of the road at a later date, as well as the possible reduction of the speed limit. Understanding that there may not be sufficient right-of-way south of the project, the applicant will not be required to install the turn lane until the Boone County Fiscal Court or the Kentucky Department of Transportation Cabinet acquires the right-of-way or easement needed for the improvement.


2. The public dedicated section of Thornwilde Road shall be designed as indicated on the submitted Conceptual Plan with limited access.
3. Detailed erosion control plans shall be submitted with the subdivision Improvement or Grading Plans for each phase of the development. These plans shall include detailed time schedules for grading work and re-establishment of ground cover on all graded areas. Additional erosion control measures may be required if deemed necessary during the review process to protect the creeks on the site.
4. Every effort shall be made to retain as many existing trees as possible on the site. Therefore, grading limits shall be established during the Improvement or Grading Plan stage for each phase of the development. These grading limits will be used to identify tree cover that will be retained and enable measures to be taken to protect these trees during construction.
5. The commercial development shall be evaluated during the Site Plan Review procedure to determine the potential visual impacts. This evaluation shall examine items such as berming, landscaping, lighting, types of materials used, building design and the configuration of the building as ways of mitigating potential visual impacts. This evaluation may require additional measures to be taken to mitigate potential visual impacts to the adjoining residential uses. However, the following will represent the minimum conditions that shall be applied to the commercial development:
 - a. Berming shall be provided at a height of six (6) feet along the south and north property lines of the subdivision which screen the commercial building from the adjoining residential homes. These berms shall also be planted to provide year round visual screening.
 - b. All lighting shall be installed so that it shines away from the existing residential properties, and the site shall not be illuminated at night other than security lighting.
 - c. Access to the commercial development shall be as indicated on the Conceptual Plan.

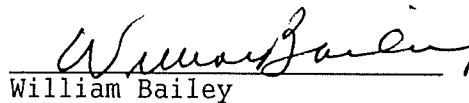
- d. A ten (10) feet landscaping strip shall be required along the North Bend Road frontage between the parking and the property line for the proposed commercial building. This landscaping strip shall be planted to reduce the view of the pavement and parking areas of this commercial development.
 - e. The proposed commercial development shall be limited to Commercial One (C-1) uses.
6. The section of Thornwilde Drive that provides access to the proposed Carriage Homes shall not be constructed beyond the first intersection as indicated on the conceptual plan until an emergency access or second means of access is constructed.
 7. The areas which were indicated as open space on the conceptual plan shall remain undeveloped. The applicant shall also pursue negotiations with the County or other agencies/organizations regarding the donation of this property for passive recreation uses.

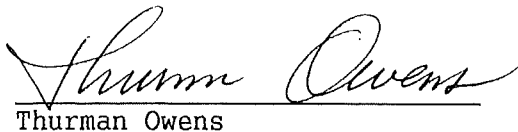
A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

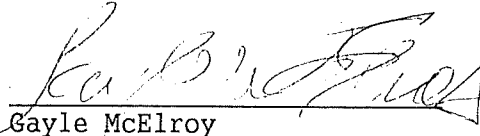

Barry Neltner, Chairman

Fred Burch


Phil Damstrom


William Bailey


Thurman Owens


Gayle McElroy

BOONE COUNTY PLANNING COMMISSION
BUSINESS MEETING

March 16, 1994 - 8:00 P.M.

Mr. Barry Neltner, Temporary Presiding Officer, called the meeting to order at 8:10 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett
Mr. William Bailey
Mr. Phil Damstrom
Mr. Gayle McElroy
Mr. Don McMillian
Mr. Barry Neltner
Mr. Thurman Owens
Mr. Ralph Rush
Mrs. Linda Schaffer
Mrs. Carol Smith, Secretary/Treasurer

COMMISSION MEMBERS NOT PRESENT:

Mr. Fred Burch, Vice Chairman
Mr. Robert Kirby, Jr.
Mr. Robert Ries
Mr. William Viox, Chairman
Mr. Earl White

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Director
Mr. Dave Geohegan, AICP
Mr. Jeff Hayes
Ms. Jan Hancock, Secretary
Mr. Bob Jonas
Mr. Dean Niemeyer

8. Site Plan Review - The request of E. J. Foltz (applicant) for Sugarcamp Properties - Ted Richardson (owner) to construct infill retail shops between Florence Dental Center and Flo's Hot Dogs and also a storm water retention basin. The 3.030-acre site is zoned Commercial Two (C-2) and is located on U.S. 42 across from LaCresta Drive, Florence, Kentucky.
9. Site Plan Review - The request of George Higdon (applicant/owner) to construct a mobile home park. The 6.4-acre site is zoned Mobile Home Park (MHP) and is located at U.S. 25 and Villa Drive, Boone County, Kentucky.
10. Site Plan Review - The request of First Church of Christ for a revised Site plan to construct a church. The 22-acre site is zoned Suburban Residential One (SR-1) and is located on Camp Ernst Road, Boone County, Kentucky.

Mr. Owens moved that Agenda Items Nos. 6, 7, 8, 9, and 10 be deferred to the April 6, 1994 Business Meeting. Mr. McMillian seconded the motion and it carried unanimously.

2. Approval of a Concept Development Plan

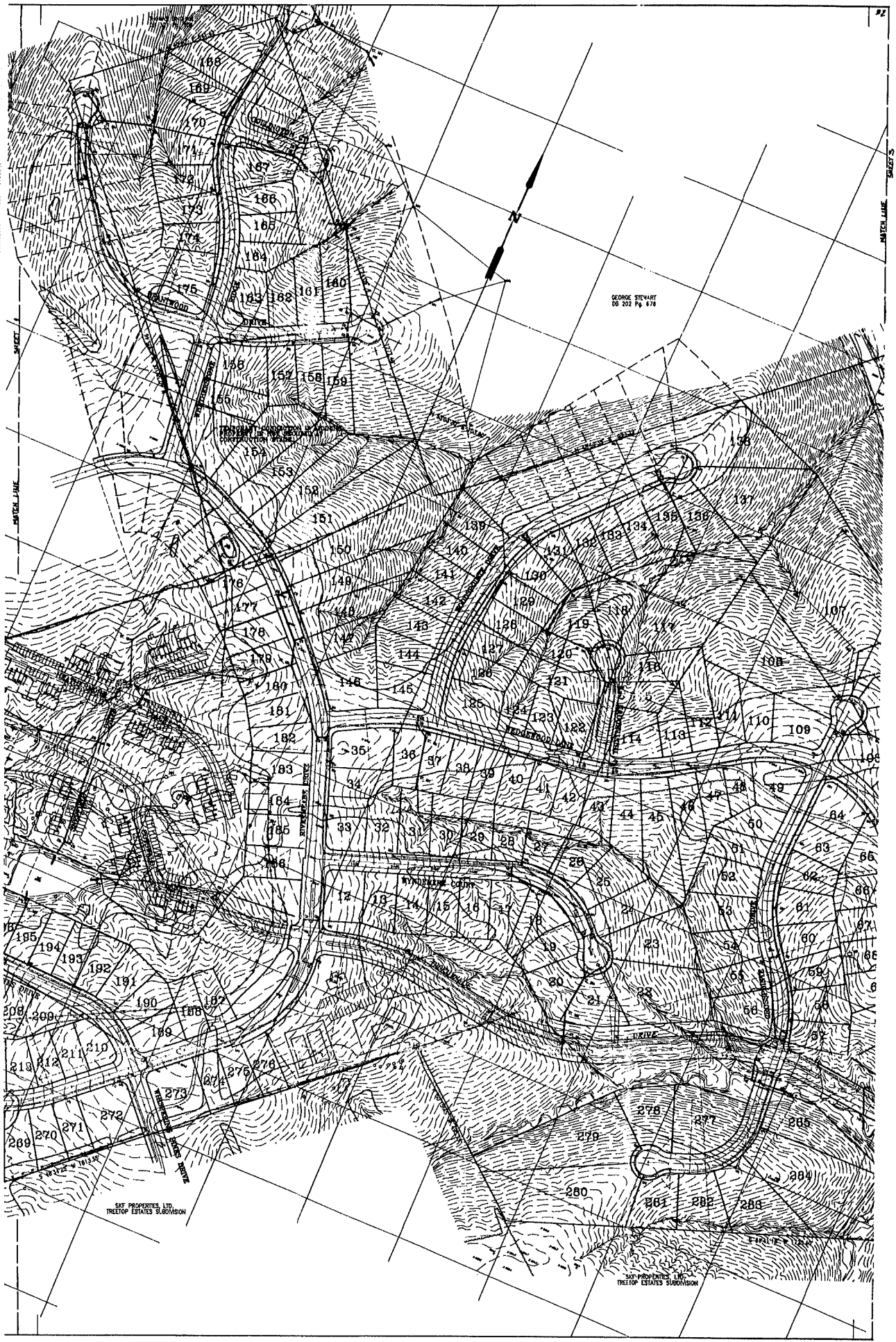
The request of The Drees Company (applicant) for Earl Souther and The Dress Company (owners) for Approval of a Concept Development Plan on a 217-acre parcel located on the west side of North Bend Road, Boone County, Kentucky. The request is to allow Thornwilde Subdivision with carriage homes, single-family homes, retail, and community facilities in the Residential Planned Development Zone (RPD).

Staff Member Jeff Hayes presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). The applicant has signed the letter agreeing to the conditions.

Mr. McElroy moved by resolution to the Fiscal Court that the request be approved based on the Staff and Committee Reports. Mr. Owens seconded the motion.

Mr. McMillian asked if there was discussion at the Committee Meeting about the deadend street and all the condominiums on it with no place to get out. Mr. Hayes advised that this is addressed in Condition #6. The road will be stubbed off at 800 to 900 feet until a secondary/emergency access is constructed. Mr. McMillian stated that there was a similar situation on Dilcrest and everything seemed fine until something developed -- and the same thing could happen here.

There being no further comments, Mr. Neltner asked for a vote on the motion made by Mr. McElroy and it carried unanimously.

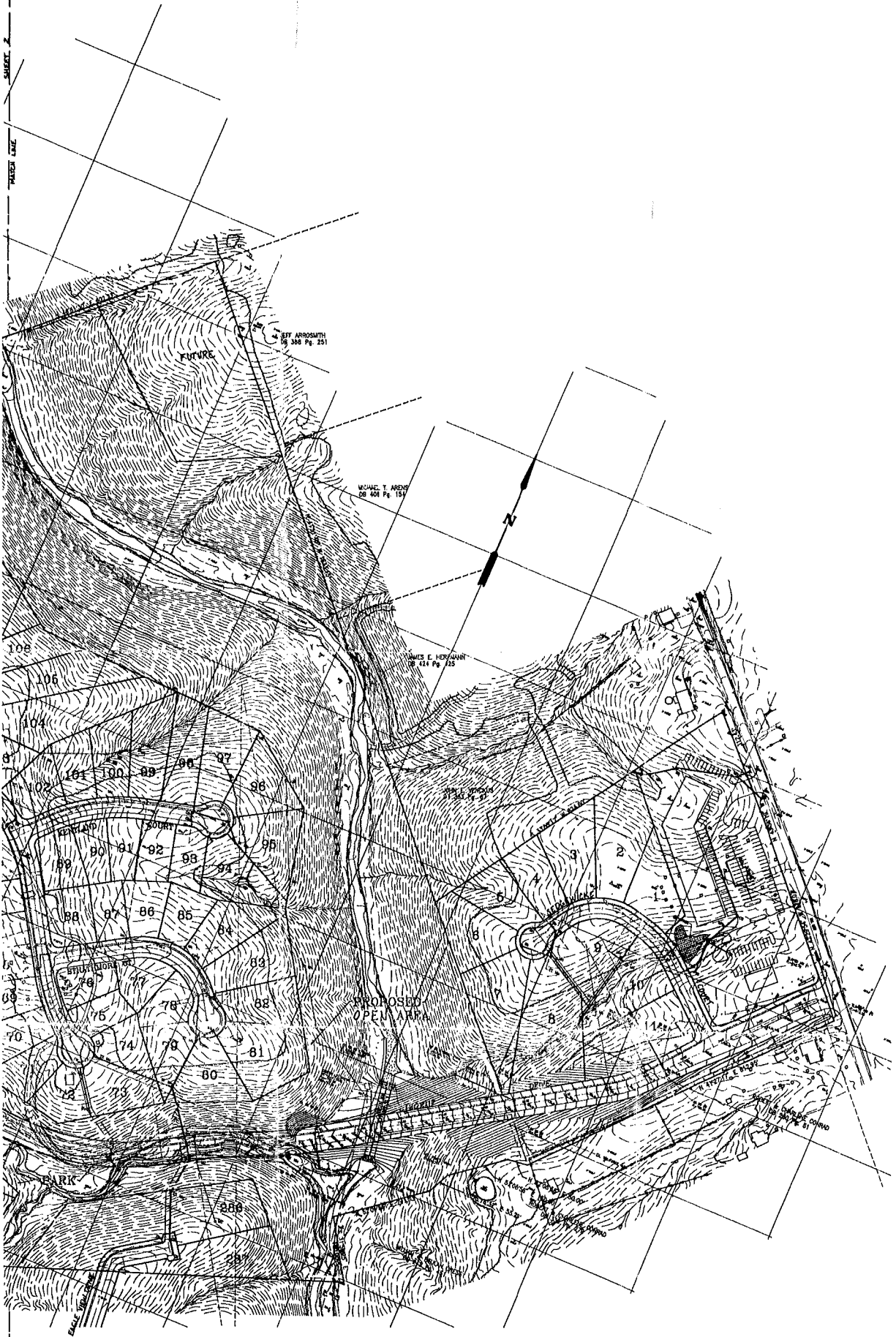


GEORGE STEWART
CO 202 Pg 676

SMT PROPERTIES LTD
TREETOP ESTATES SUBDIVISION

SMT PROPERTIES LTD
TREETOP ESTATES SUBDIVISION

SHEET 2
THREE SIX



Boone County Recorder

May 25, 1994

**LEGAL SUMMARY
ORDINANCE NO. 920.271**

The Boone County Fiscal Court at its meeting held Tuesday, May 17, 1994, at 6:30 P.M., Second Floor Courtroom, Administration Building, Burlington, Kentucky, gave Second Reading and adopted the following ordinance.

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT RECOMMENDING APPROVAL FOR A REQUEST OF THE DREES COMPANY (APPLICANT) FOR EARL SOUTHER AND THE DREES COMPANY (OWNERS) FOR A CONCEPT DEVELOPMENT PLAN IN A RESIDENTIAL PLANNED DEVELOPMENT (RPD) ZONE ON A 217 ACRE SITE GENERALLY LOCATED ON THE WEST SIDE OF NORTH BEND ROAD, BOONE COUNTY, KENTUCKY, AS RECOMMENDED UNANIMOUSLY BY THE BOONE COUNTY PLANNING COMMISSION VIA RESOLUTION R-94-004-A.

I hereby certify that the above summary of said Ordinance has been written in such a manner as to inform the public of the context of same. A copy of said Ordinance is on file in the office of the Fiscal Court Clerk and may be reviewed between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday, at the Administration Building, second floor, Burlington, Kentucky.

ATTEST:

**CAROLYN A. RUDICILL
FISCAL COURT CLERK**