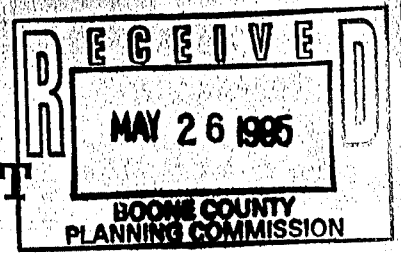


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APPLICATION FORM
ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

- 1. Name of Project
2. Location of Project Richwood Road - 3/4 mi south I-75
3. Total Acreage of Site 66.24 Ac
4. Current Zoning of Site A.2
5. Proposed Zoning (Classification being requested) SR-1
6. Proposed Uses (please specify each use) Single-family detached
7. Names of Applicant(s) Raymond Erpenbeck Consulting Engineers
8. Address of Applicant(s) 4205 Dixie Highway, Elsmere KY 41018
9. Name of Property Owner(s) Terry & Mary Theresa Averbeck
10. Address of Property Owner(s) 3040 Vincent Court, Edgewood KY 41017
11. Proposed Building Intensities (please specify) 2.1 DUA
12. Are there any existing buildings on the site? Yes
13. Deed Book 195 Page No. 683 Group No. 2071
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? No
17. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months: Boone County Water and Sewer District, Florence Water and Sewer Commission, Union Light Heat and Power, Cincinnati Bell, Owen County Rural Electric, Boone County Public Works Department

(over)

**EXHIBIT "A"**

## STAFF REPORT

Request of Raymond Erpenbeck Consulting Engineers (applicant) for Terry and Mary Theresa Averbeck (owners) for a Zoning Map Amendment for an approximately 66 acre tract that is located on the south side of Richwood Road, approximately three quarters of a mile southwest of the I-75 interchange, Boone County, Kentucky. The request is for a change from Agriculture Estate (A-2) to Suburban Residential One (SR-1) to allow a 133 lot, single family residential subdivision.

June 28, 1995

The 66.24 acre site is located on Richwood Road (KY 338) three-fourths (3/4) of a mile south of the I-75 exit across from Hicks Pike just south of Triple Crown. (See Map #1)

The Concept Development Plan submitted with this request shows 133 lots on 66.24 acres having an average density of 2 units per acre. The lots range in size from 12,000 square feet to greater than an acre. A main entrance drive is proposed from KY 338 through the middle of the site. The plan shows two streets branching off the entrance drive, four (4) cul-de-sacs, and two future connectors. One connector terminates to the north at the Miracle property and one to the south at the Jacobs property. (See Map #2)

### Surrounding Land Uses and Zoning

- North: North of the site is the Miracle property, a private residence which is zoned A-2.
- South: South of the site is Richwood Country Estates which is zoned A-2. The Collins property (Horse Farm) and the Jacobs property are also located to the south, and are also zoned A-2.
- East: East of the site is the EM-A-NON Acres Limited Partnership property that is zoned Employment Planned Development (EPD), currently undeveloped.
- West: West of the site across KY 338 is property owned by Triple Crown development and Saint Elizabeth Medical Center. This section of Triple Crown is zoned Suburban Residential (SR-1) and is currently undeveloped. Saint Elizabeth Medical Center is zoned Public Facilities (PF) and is also currently undeveloped. (See Map #3)

### Physical Features of the Site

The site generally consists of rolling grassy fields that are no longer being cultivated, although two fields do exist that are currently being farmed. The topography ranges in elevation from 789 to 891 feet. Moderately steep slopes occur along the eastern side of the creek. The site contains approximately 1500 feet of frontage along KY 338. A sewer line follows KY 338 opposite the site. Water service to the site is currently not available.

The site contains a blue line stream which is part of the upper northern Mud Lick Creek and its drainage basin. The stream flows northeast to southwest across the property. A large high voltage power line with a 150' easement runs east and west through the middle of the site.

Native hardwood trees are scattered throughout the site, mostly along the sites property boundaries. Trees also exist along the blue line stream and along both sides of the 150' utility easement.

A house and several out buildings built during the 1940's or 1950's are located northwest on the property near KY 338. A barn is also located on the site, in close proximity to the house. (See Map #4)

### Relationship to the 1995 Boone County Comprehensive Plan

#### Land Use

The 1995 Boone County Comprehensive Plan Future Land Use Map designates this site and the adjoining properties to the north, south and west as Suburban Density Residential. The Comprehensive Plan describes this designation as "Residential uses that do not exceed four dwelling units per acre." The adjoining property to the east has been designated as a Future Employment Planned Development Center.

The Comprehensive Plan addresses this planned development and its relationship to surrounding future residential uses on page 82 of the Business Activity Section. The Comprehensive Plan states:

"...As the Residential area of Richwood grows, especially with development of the Triple Crown Country Club, neighborhood and convenience commercial uses should develop. These new uses should be oriented toward the residents rather than the highway travellers."

The 1995 Boone County Comprehensive Plan Goals & Objectives of the Environment Element states that:

"New development... shall attempt to design sites utilizing existing topography and encourage preservation of the existing character of the land. New development shall be designed in harmony with the physical environment in such a way that each sites existing physical assets are used beneficially where possible." (Physical objective No. 2, Pg. 5)

#### Future Land Use Development Guidelines

"There are a number of general development guidelines which are applicable to all future growth in Boone County, regardless of type or scale. These guidelines are intended to mitigate the impacts of growth on the existing land uses, adjoining properties, public infrastructure, and the quality of life and safety in the County. These applicable guidelines are detailed below." (page 210)

#### Utilization of Existing Vegetation and Topography

"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 levelling 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." (page 210)

#### Buffering

"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 greenbelts and open space within developments and between developments. Developments proposed adjacent to planned or established greenbelts should provide pedestrian access where appropriate." (page 210)

#### Staff Concerns

1. Staff is concerned about the Conceptual Design and its relationship to the existing physical properties on the site. As stated before, new development should try to preserve unique land features:
  - a. The stream area should be altered as little as possible in order to maintain its existing characteristics.

- b. The construction of roads and houses should be located in such a way as to take advantage of the existing topography without severely leveling the site.
2. The proposed entrance should have an acceleration and deceleration lane because of the 45 mph speed limit, limited site distance, and elevation changes, in the road. This reduces visibility on KY 338 when traveling south.
3. Staff believes a buffer should exist between the existing properties (Miracle, Collins, and Jacobs) and the proposed development to lessen the visual impact of the increased density. Existing trees should be maintained along the property line with proper landscaping to achieve this buffering effect.
4. Staff recommends the preservation of native hardwood trees along the border of the power utility easement. These trees do not occur within any proposed building limits of the plan and will help serve as a buffer between the proposed lots and the existing utility poles.
6. The entrance drive should be extended across lot 99 to allow for a future connection between the site and future development to the east.
7. There is concern about lot 25 with the utility easement and the stream running through it. Access to this lot becomes very limited. Staff would like to see lot 25 maintained as open space in connection with the entrance and the stream. The lot design could be modified to maintain the same number of lots.
8. Phasing should be identified so as to lessen the immediate impact this type development has on existing infrastructure.
9. The existing 12" water line at Triple Crown would have to be extended to Hicks Pike in order to service the entire proposed site.

#### Conclusion

This request needs to be evaluated by the Boone County Planning Commission based on the criteria outlined in Article 3, Section 308 of the Boone County Zoning Regulations. If the Planning Commission recommends and the Boone County Fiscal Court approves this request for a zone change, the Future Land use Map will not need to be amended.

Respectfully submitted,



Ed Coleman  
Planner

AEC\par

Attachments

BOONE CO. +

2154-003

84 913

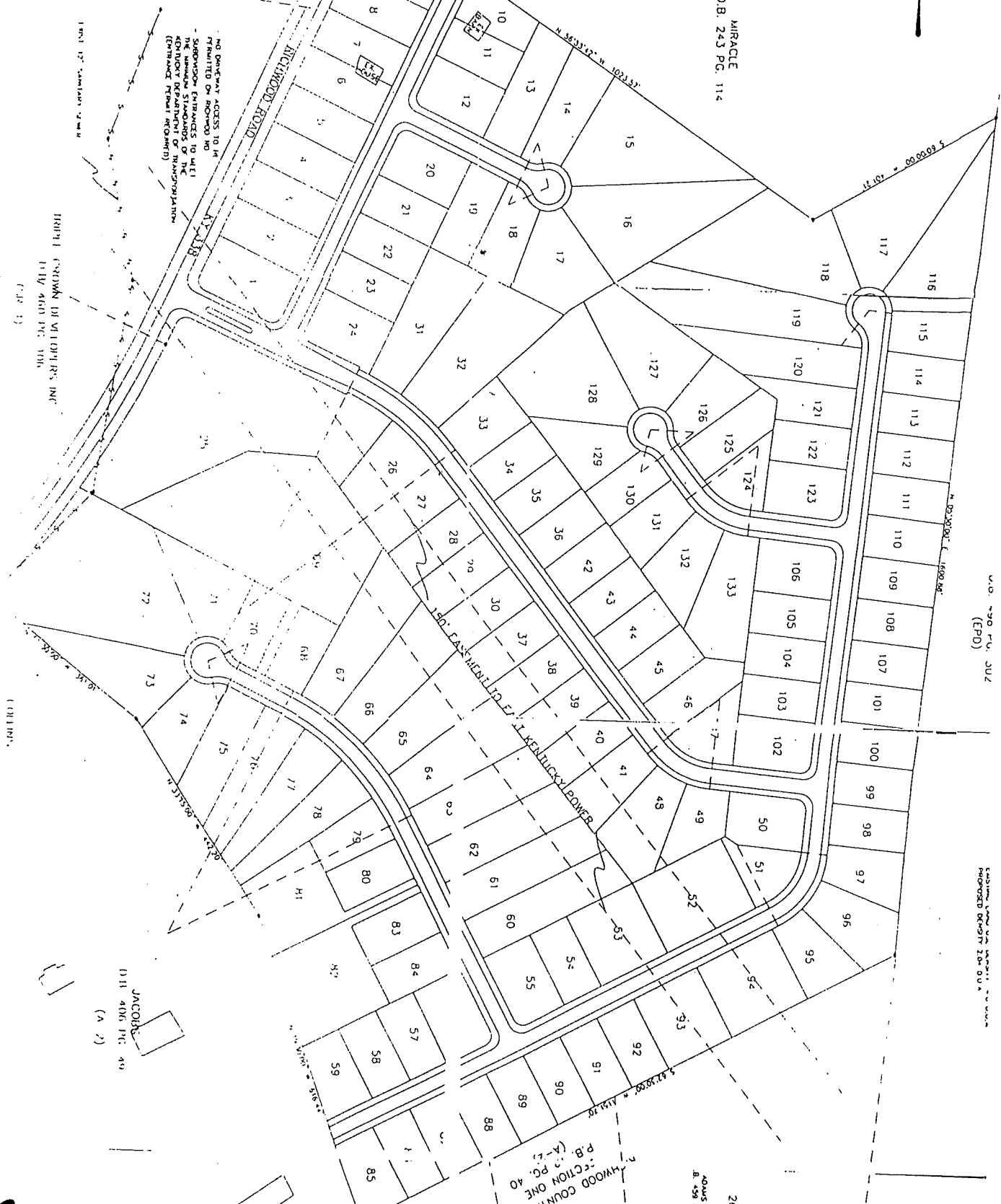




REKIN

SAINT ELIZABETH  
MEDICAL CENTER INC.  
D.H. 419 P.C. 00  
(P.F.)

MIRACLE  
D.B. 243 P.C. 114



NO PROPERTY ACCESS TO BE  
PERMITTED OR ACCESS TO BE  
SUBSEQUENT FURNISHED TO THE  
THE UNUSUAL STRAIGHTS TO THE  
KENTUCKY DEPARTMENT OF TRANSPORTATION  
(EMBRACE TRAVEL RECORDS)

HOPPE (FORMER) OF VICTOR'S INC.  
D.H. 460 P.C. 108  
(P.F. 1)

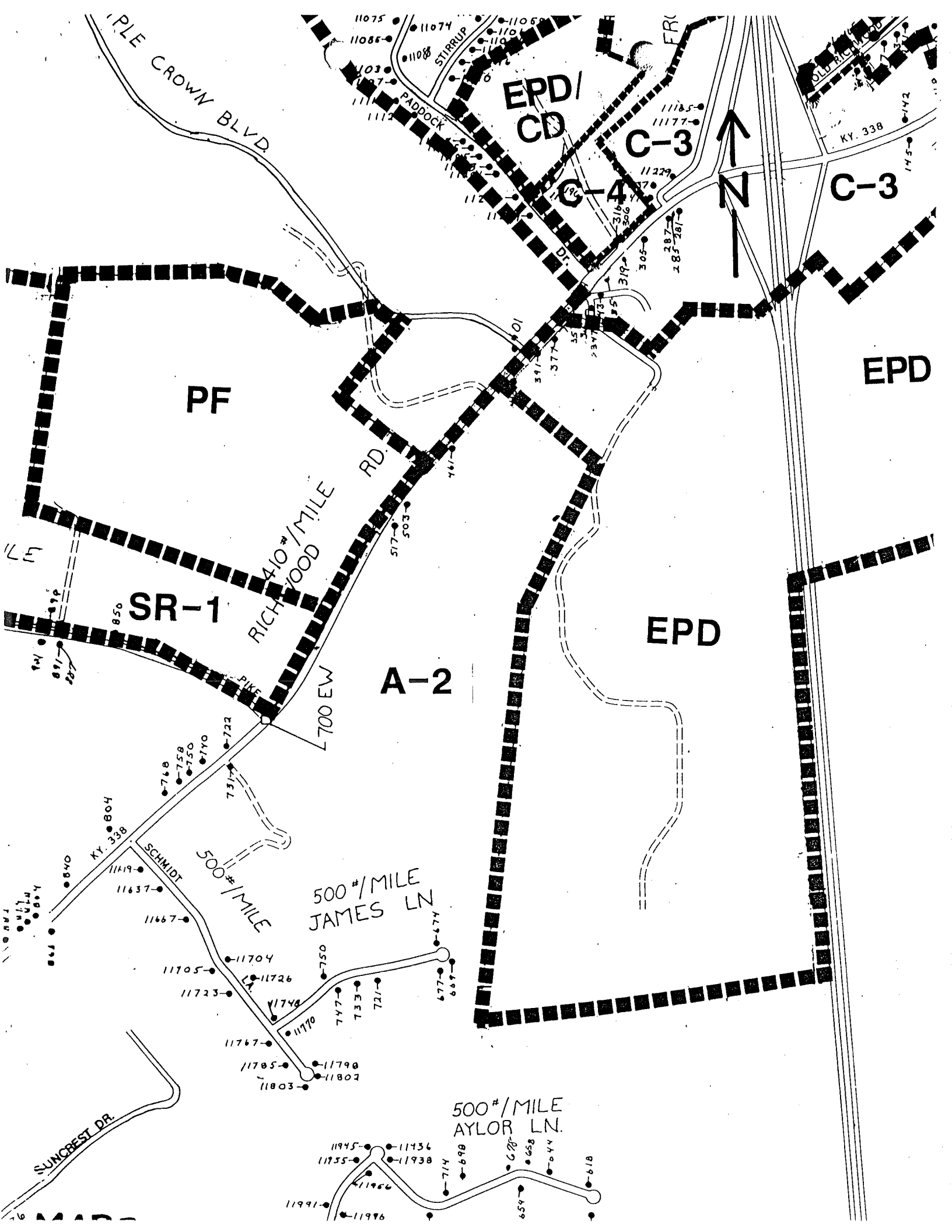
D.B. 390 P.C. 302  
(E.P.D.)

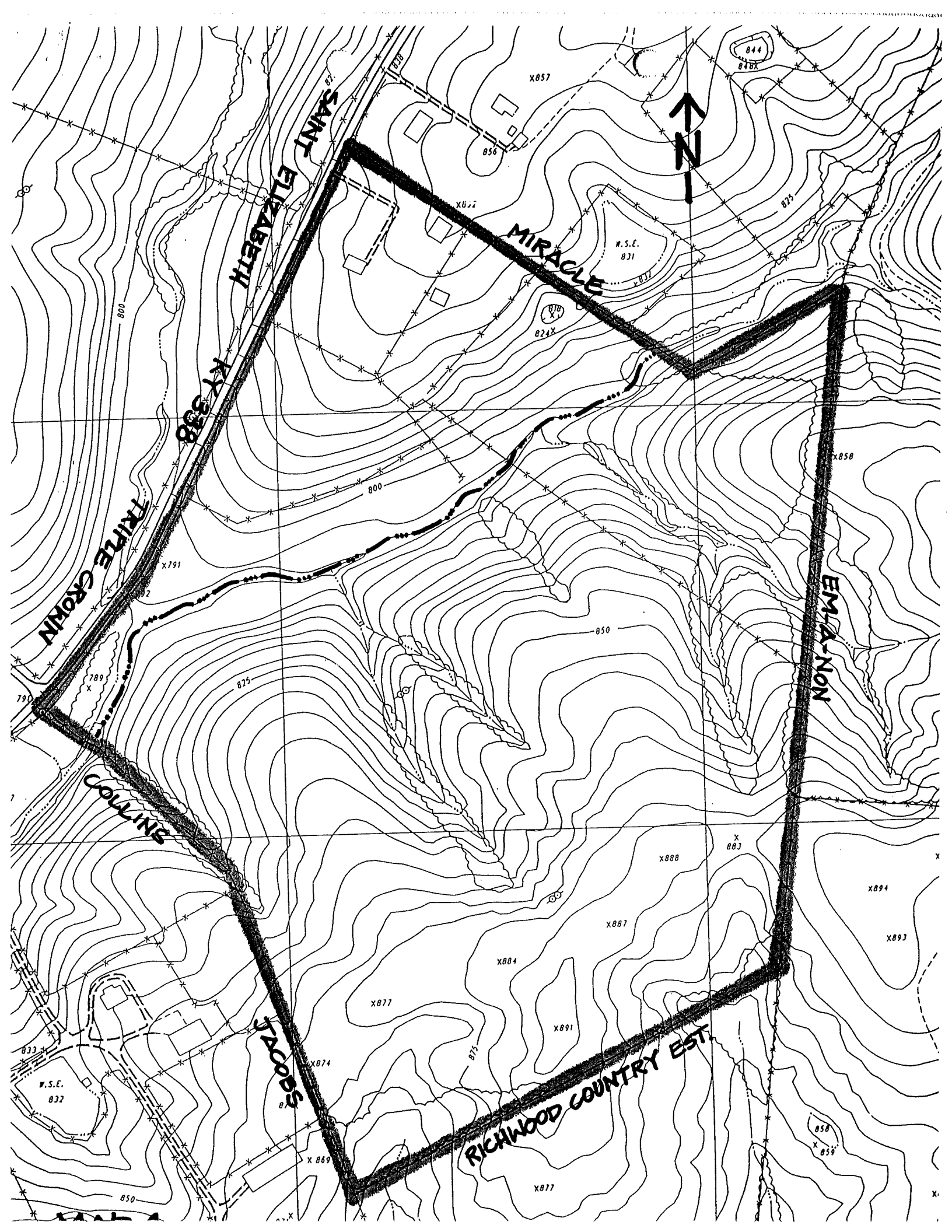
EXISTING ROAD AND DRIVEWAY  
PHOTODUPLICATION 2008 004

JACOBS  
D.H. 406 P.C. 40  
(A. 2)

ALCHWOOD COUN.  
SECTION ONE  
(A-2)  
P.B. 3 P.C. 40

26  
A-591





**SAINT ELIZABETH**

**MIRACLE**

**KY 538**

**TRIZE CROWN**

**EMMA-NON**

**COLLINS**

**SPOON**

**RICHWOOD COUNTRY EST.**

X857

856

X852

W.S.E. 831

X824

800

X791

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X858

X 883

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875

X874

W.S.E. 832

X 869

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858

X 859

850

PUBLIC HEARING ITEM NO. 3:

Commission members present: Mrs. Arnett, Mr. Bailey, Mr. Damstrom, Mr. Kirby, Jr., Mr. McKinney, Mr. McMillian, Mr. Millay, Mr. Neltner, Mr. Ries, Mrs. Schaffer, and Mr. Viox - Chairman.

Chairman Viox introduced the third item on the Agenda:

3. Applicant: Raymond Erpenbeck Consulting Engineers for  
Terry and Mary Theresa Averbek (owners)

Request: Zoning Map Amendment

The request of Raymond Erpenbeck Consulting Engineers (applicant) for Terry and Mary Theresa Averbek (owners) for a Zoning Map Amendment for an approximate 66-acre tract located on the south side of Richwood Road, approximately three quarters of a mile southwest of the I-75 interchange, Boone County, Kentucky. The request is for a change from Agriculture Estate (A-2) to Suburban Residential One (SR-1) to allow a 133-lot single-family residential subdivision.

Staff Member Ed Coleman presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

On an exhibit, Mr. Ray Erpenbeck indicated the subject tract shown in yellow. The tract fronts on KY 338. He stated that the request conforms to the Comprehensive Plan. They are requesting a density of 2.04 units per acre, which is half of what is permitted under SR-1. They will be 80- to 100-foot lots. Mr. Erpenbeck reviewed the exhibit. The different colors shown around the tract indicate the different zones that abut the property -- including the Employment Planned Development Zone, which is an industrial type zone. Areas shown in blue to the north and south of the site are zoned A-2 the same as the current zoning of this tract. The purple area to the east is part of Triple Crown. St. Elizabeth Medical Center is zoned Public Facilities.

Mr. Erpenbeck stated that access to the site will be off KY 338 near the center of the development. There is adequate sight distance in both directions and they anticipate that turn lanes will be part of the development. There will be no driveway access to KY 338 and the only access onto KY 338 will be the main entrance. All of the lots will have driveways onto the internal streets. In regard to utilities, he indicated a 150-foot power line easement at the rear of the lots. He stated that Boone County Water District has a 12" water main at Triple Crown (about 1,500 feet to the north) that will be extended across the front of this property and will provide more than sufficient water supply. There is an existing 12" sanitary sewer on the southeast corner of the property opposite Hicks Pike which has more than sufficient capacity for this development and the entire drainage area.

Mr. Erpenbeck indicated the Employment Planned Development (EPD) District to the north and stated that one of the Staff Concerns was in regard to extending the street. He questioned a connection directly with a residential neighborhood. He stated that all of the lots abut up against the stream and they only have to cross it in one location. They have minimized any impact on the stream. The development is laid out to follow the terrain as much as possible. They have timed the traffic and they are within the KDOT requirements. They have worked with KDOT and the Staff to be sure that whatever entrance is put in meets all the requirements. They intend to leave the vegetation on the property and do all they can to maintain as many trees as possible.

Chairman Viox 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 in opposition to the request or having questions.

Mr. Daryl Westfield indicated the location of his home on the exhibit. He stated that there is an area of restaurants and gas stations and people getting on and off the highways. He stated that with the increased population density, there will be a lot more traffic in the area and it is bad now. There are some dangerous curves in the road that need to be addressed and the developer needs to look where he is putting the turning lane. He questioned a buffer to the properties to the east. He is concerned about the property values in the area and depreciation of the homes in the area.

Mr. Don Davis stated that the issue of Lot 99 is an important issue to their property at Richwood. Their property is zoned EPD and is a business-oriented use, but in the years the property has been for sale they have only had one honest developer interested in any business use of the property. He believes their property will end up being a residential development with a lot of commercial on the front portion. It would be important for long-term planning to make provisions at this time for access because of the number of acres there and because it will be important to have another way to alleviate the area back there. When the sewer systems are considered, it would be important to have provisions made so that the property could eventually be tied in -- otherwise it will require pump stations in the future. He stated that the proposed intensity is high. He thought the parcel was 53 acres and when you subtract 150 feet for the power line easement, it is more intense than 2.04 units per acre.

Mr. John Miracle, the property owner to the north for about 25 years, stated that he has spent a lot of time, energy, and money in developing his property into a residence and a small farm. He feels that the proposed density is too high. He does not see any provision for green areas and only sees row houses. He stated that this is a beautiful piece of land and he would like the applicant to reconsider what they are doing to the community. He is concerned about the traffic. He would not want to be heading south and turning into this project without proper turning lanes when everyone is going home in the evening. He is concerned about

how the natural creek will be handled. He questioned the type of house and the effect it will have on the neighborhood. He questioned the square footage and the price of the homes. He stated that he does not object to the project, but objects to the density and wants more information about how it will unfold.

Mr. Dennis Davis referred to the Staff Concerns. He stated that Staff Concern #3 refers to the buffering between the existing properties, but does not refer to the Em-A-Non property. Until that property is developed, the buffering should be included. Since the development to the east is not yet known, emergency access may be required at a later date. He stated that since the stream runs through the Em-A-Non property to the east, they have firsthand knowledge that it frequently becomes a raging creek and if any lot restricts the flow of the stream, it must be changed. He asked that Boone County Water District conduct its own study to determine if the 12" water line is sufficient to service existing developments and the additional 133 homes. He asked that the Staff Concerns and his suggestions be included as requirements.

Mr. Robert Adams stated that the homeowners in the area realize the future development of the farmland is inevitable, but they cannot understand the 133-lot subdivision on 66 acres. He stated that this development belongs in the city and not where some of the finest homes in Northern Kentucky are located. He asked that the houses surrounding the 66 acres be considered.

Mr. Ries referred to the power line easement and questioned the average size of the lot where they can actually build a home. Mr. Erpenbeck stated that the typical lot is 100' x 150' or 90' x 150'. The power line easement is being utilized as part of the rear yards of the lots. He stated that they are averaging one-half acre lots and some of the lots are 250 feet deep to work with the terrain. Mr. Ries asked if any of the lots would be smaller than one-quarter acre. Mr. Erpenbeck replied "no" and stated that the one-quarter acre lots would be the minimum.

Mrs. Arnett questioned the average price of the homes. Mr. Erpenbeck stated that the homes will be \$150,000 and up, which is very compatible with what is in that area. In response to a question from Mrs. Arnett, Mr. Erpenbeck advised that Tom Schreiber and Jim Hollman are the builders.

Mr. Damstrom raised questions concerning the creek. Mr. Erpenbeck stated that they have made the lots very deep and do not anticipate having to do anything in the area of the creek -- other than possibly a sewer line. In regard to crossing the creek, he stated that there could be a box culvert. He stated that whatever the drainage area is, they will design a structure to accommodate that flow. He does not believe the creek is big enough to require a bridge.

Mrs. Schaffer questioned if the entrance would like up with Triple Crown. Mr. Erpenbeck replied "no" and advised that Triple Crown's entrance is about 1,500 feet to the north and there is nothing across the street from this development. Mr. Costello advised that Triple Crown has picked up additional land over time that was not part of the original development. They own the St. E. property.

Mrs. Schaffer asked if the water line is sufficient. Mr. Erpenbeck stated that the Water District sized the line when Triple Crown was developed and has brought a 16" line down U.S. 25 to Richwood. His understanding is that the 12" line could go on down to Chambers and be big enough to feed the whole area.

Mr. Bailey stated that there will be several hundred children in a development this big and questioned if they had considered setting aside an area for a playground. Mr. Erpenbeck stated that they can look at this, but the question would be the maintenance of it. They may have to set up an HOA to maintain it. He does not believe the county would be willing to accept it. They will look at this and work with the Staff in this regard.

Mr. Damstrom questioned entrance signage. Mr. Erpenbeck stated that there will be an island in the entrance and decorative walls, but they have not gotten into detail at this point.

Mr. Jacobs stated that he owns the property on the south side. He stated that what is proposed is one step above a trailer park, but a trailer park does not have this kind of density. He stated that the houses in Triple Crown are across the street and they anticipate that area to grow into estate type homes. He stated that this is spot zoning. He is shocked at the density. He is surprised that the people in Triple Crown are not here and opposing this.

The Chairman advised that the Land Use Plan calls for the whole area to be SR-1.

Mr. Jacobs stated that the area around there has 1 1/2 to 2 acre lots. He stated that when Triple Crown was built, it was planned to be like Indian Hill in Cincinnati. He stated that what is proposed is not in accord with the property around it.

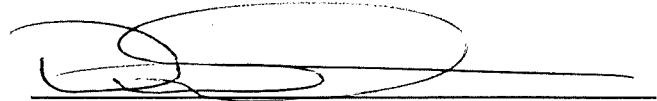
Mr. Mike Howard, who lives next door to Mr. Adams, agreed with Mr. Miracle and Mr. Jacobs. He stated that the average lot size in this development will be about the size of their front yards. He will be looking out his back door, where there is now deer and wildlife, at this development. He has 3.5 acres and this development will have a drastic effect on his property. He is concerned about a possible increase in crime with the population increase. The development is not compatible with the surrounding community.

Mr. Erpenbeck stated that Mr. Howard's house is approximately 500 feet from this development. Mr. Erpenbeck stated that this development is very compatible with the majority of the homes in Triple Crown because the majority of the homes in Triple Crown are in this price range. People notice the half-million dollar houses when they drive in, but the majority of the houses are in this price range.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on July 10, 1995 at 4 P.M. in the second floor conference room of the Administration Building. This item will be on the Agenda for the Business Meeting on July 19, 1995 at 8 P.M., provided that the Committee is ready for action.

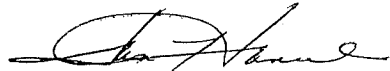
The Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
BUSINESS MEETING  
July 19, 1995  
8:00 P.M.

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Mr. Fred Burch, Vice Chairman, called the meeting to order at 8:35 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett  
Mr. William Bailey  
Mr. Fred Burch, Vice Chairman  
Mr. Robert Kirby, Jr.  
Mr. Mike McKinney  
Mr. Don McMillian  
Mr. Bob Millay  
Mr. Barry Neltner  
Mr. Robert Ries  
Mr. Ralph Rush  
Mrs. Linda Schaffer  
Mr. Earl White

COMMISSION MEMBERS NOT PRESENT:

Mr. Phil Damstrom  
Mrs. Carol Smith, Secretary/Treasurer  
Mr. William Viox, Chairman

LEGAL COUNSEL PRESENT:

Mr. Larry Dillon

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director  
Ms. Susan Cabot, Historic Preservation Planner  
Mr. Ed Coleman  
Ms. Jan Hancock, Secretary  
Mr. Dan Richards, GIS  
Mr. Kevin Wall, AICP

3. Zoning Map Amendment

The request of Raymond Erpenbeck Consulting Engineers (applicant) for Terry and Mary Theresa Averbeck (owners) for a Zoning Map Amendment for an approximate 66-acre tract on the south side of Richwood Road, approximately three quarters of a mile southwest of the I-75 interchange, Boone County, Kentucky. The request is for a change from Agriculture Estate (A-2) to Suburban Residential One (SR-1) to allow a 133-lot single-family residential subdivision.

Staff Member Ed Coleman 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. Kirby moved by resolution to the Boone County Fiscal Court to approve the request based on the Staff and Committee Reports. Mr. Ries seconded the motion.

Mrs. Schaffer referred to Condition #4 and questioned what will happen to Lot #99 at the end of the five year period. She noted that the Staff Report indicated that not developing Lot #99 was to allow for a future connection between the site and development to the east. Mr. Burch stated that the applicant agreed that the reason for holding Lot #99 was for a connection in the event that there is a compatible use. Mr. Ray Erpenbeck agreed that this was their understanding. Mrs. Schaffer questioned a "compatible use". Mr. Burch noted that the Condition says "residential or other compatible use" and noted that they have agreed on the record.

Mrs. Schaffer questioned the phasing of the site. Mr. Coleman advised that the phasing has not been determined. Mr. Burch asked if the applicant has a general idea in regard to the phasing.

Mr. Ray Erpenbeck advised that they have not worked out the specifics, but he anticipates they will be doing it in 5 or 6 sections as a minimum with an overall time of 10 years. Mrs. Schaffer asked if this is a commitment. Mr. Burch stated that it is not a commitment, it is an intent at this time.

Mr. Costello stated that there is not a specific condition that limits the development to that phasing and he is assuming the Committee did not think it was that critical. He stated that if certain market conditions are right, it may be a ten-year project and it may be divided into 5 or 6 phases -- it may be longer or shorter, and Mr. Erpenbeck is volunteering the information generally based on his experience.

There being no further discussion, Mr. Burch asked for a vote on the motion made by Mr. Kirby and it carried unanimously.

EXHIBIT "B"

## COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Fred Burch, Chairman

DATE: July 19, 1995

RE: Request of Raymond Erpenbeck Consulting Engineers (applicant) for Terry and Mary Theresa Averbeck (owners) for a Zoning Map Amendment for an approximately 66 acre tract that is located on the south side of Richwood Road, approximately three quarters of a mile southwest of the I-75 interchange, Boone County, Kentucky. The request is for a change from Agriculture Estate (A-2) to Suburban Residential One (SR-1) to allow a 133 lot, single family residential subdivision.

### REMARKS:

We, the Committee, recommend approval of the above referenced request based upon the following findings of fact:

### FINDINGS OF FACT

1. The request for a zone change is in agreement with the 1995 Comprehensive Plan's Future Land Use Map which designates this area to develop as Suburban Density Residential.
2. The Committee has concluded that the following conditions are necessary for the purpose of satisfying the Goals and Objectives stated in the 1995 Comprehensive Plan.

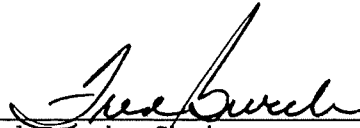
### CONDITIONS

1. Turn lanes will be provided as part of the entrance along Hwy. 338.
2. The applicant has agreed to fully utilize the existing topography and restrict grading to a minimum.
3. The applicant will retain all existing vegetation between the Averbeck property and all adjoining properties to a depth of 15 feet.
4. The applicant agrees not to develop lot 99 for a period of 5 years in the event that a residential or other compatible use develops to the east side of the site.


5. The applicant agrees to maintain all the existing characteristics of the blueline stream and has indicated that only the main entrance drive will cross over the stream.
6. The applicant agrees to preserve as many hardwood trees within the site as possible.
7. Phasing of the site will be identified in order to lessen the immediate impact this type of development has on existing infrastructure.
8. The existing 12" waterline at Triple Crown will be extended to Hicks Pike in order to service the entire site.
9. The applicant has indicated the use of stone or brick walls along with horse fencing as part of the entrance to the site in keeping with the character of adjoining properties.
10. The applicant agrees to provide a sidewalk/bike path six (6) feet wide on one side of the street in place of a four foot wide sidewalk on each side of the street.

The applicant has signed a letter of agreement with the above conditions.

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

  
\_\_\_\_\_  
Fred Burch, Chairman

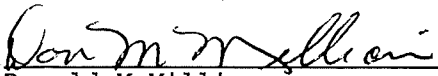
\_\_\_\_\_  
Phil Damstrom

  
\_\_\_\_\_  
Barry Neitner

  
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William Bailey

  
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Bob Milray

  
\_\_\_\_\_  
Michael McKinney

  
\_\_\_\_\_  
Donald McMillian

PUBLIC HEARING ITEM NO. 3:

Commission members present: Mrs. Arnett, Mr. Bailey, Mr. Damstrom, Mr. Kirby, Jr., Mr. McKinney, Mr. McMillian, Mr. Millay, Mr. Neltner, Mr. Ries, Mrs. Schaffer, and Mr. Viox - Chairman.

Chairman Viox introduced the third item on the Agenda:

3. Applicant: Raymond Erpenbeck Consulting Engineers for Terry and Mary Theresa Averbeck (owners)

Request: Zoning Map Amendment

The request of Raymond Erpenbeck Consulting Engineers (applicant) for Terry and Mary Theresa Averbeck (owners) for a Zoning Map Amendment for an approximate 66-acre tract located on the south side of Richwood Road, approximately three quarters of a mile southwest of the I-75 interchange, Boone County, Kentucky. The request is for a change from Agriculture Estate (A-2) to Suburban Residential One (SR-1) to allow a 133-lot single-family residential subdivision.

Staff Member Ed Coleman presented the Staff Report which included a slide presentation (see Staff Report).

The Chairman asked for the applicant's presentation.

On an exhibit, Mr. Ray Erpenbeck indicated the subject tract shown in yellow. The tract fronts on KY 338. He stated that the request conforms to the Comprehensive Plan. They are requesting a density of 2.04 units per acre, which is half of what is permitted under SR-1. They will be 80- to 100-foot lots. Mr. Erpenbeck reviewed the exhibit. The different colors shown around the tract indicate the different zones that abut the property -- including the Employment Planned Development Zone, which is an industrial type zone. Areas shown in blue to the north and south of the site are zoned A-2 the same as the current zoning of this tract. The purple area to the east is part of Triple Crown. St. Elizabeth Medical Center is zoned Public Facilities.

Mr. Erpenbeck stated that access to the site will be off KY 338 near the center of the development. There is adequate sight distance in both directions and they anticipate that turn lanes will be part of the development. There will be no driveway access to KY 338 and the only access onto KY 338 will be the main entrance. All of the lots will have driveways onto the internal streets. In regard to utilities, he indicated a 150-foot power line easement at the rear of the lots. He stated that Boone County Water District has a 12" water main at Triple Crown (about 1,500 feet to the north) that will be extended across the front of this property and will provide more than sufficient water supply. There is an existing 12" sanitary sewer on the southeast corner of the property opposite Hicks Pike which has more than sufficient capacity for this development and the entire drainage area.

Mr. Erpenbeck indicated the Employment Planned Development (EPD) District to the north and stated that one of the Staff Concerns was in regard to extending the street. He questioned a connection directly with a residential neighborhood. He stated that all of the lots abut up against the stream and they only have to cross it in one location. They have minimized any impact on the stream. The development is laid out to follow the terrain as much as possible. They have timed the traffic and they are within the KDOT requirements. They have worked with KDOT and the Staff to be sure that whatever entrance is put in meets all the requirements. They intend to leave the vegetation on the property and do all they can to maintain as many trees as possible.

Chairman Viox 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 in opposition to the request or having questions.

Mr. Daryl Westfield indicated the location of his home on the exhibit. He stated that there is an area of restaurants and gas stations and people getting on and off the highways. He stated that with the increased population density, there will be a lot more traffic in the area and it is bad now. There are some dangerous curves in the road that need to be addressed and the developer needs to look where he is putting the turning lane. He questioned a buffer to the properties to the east. He is concerned about the property values in the area and depreciation of the homes in the area.

Mr. Don Davis stated that the issue of Lot 99 is an important issue to their property at Richwood. Their property is zoned EPD and is a business-oriented use, but in the years the property has been for sale they have only had one honest developer interested in any business use of the property. He believes their property will end up being a residential development with a lot of commercial on the front portion. It would be important for long-term planning to make provisions at this time for access because of the number of acres there and because it will be important to have another way to alleviate the area back there. When the sewer systems are considered, it would be important to have provisions made so that the property could eventually be tied in -- otherwise it will require pump stations in the future. He stated that the proposed intensity is high. He thought the parcel was 53 acres and when you subtract 150 feet for the power line easement, it is more intense than 2.04 units per acre.

Mr. John Miracle, the property owner to the north for about 25 years, stated that he has spent a lot of time, energy, and money in developing his property into a residence and a small farm. He feels that the proposed density is too high. He does not see any provision for green areas and only sees row houses. He stated that this is a beautiful piece of land and he would like the applicant to reconsider what they are doing to the community. He is concerned about the traffic. He would not want to be heading south and turning into this project without proper turning lanes when everyone is going home in the evening. He is concerned about

how the natural creek will be handled. He questioned the type of house and the effect it will have on the neighborhood. He questioned the square footage and the price of the homes. He stated that he does not object to the project, but objects to the density and wants more information about how it will unfold.

Mr. Dennis Davis referred to the Staff Concerns. He stated that Staff Concern #3 refers to the buffering between the existing properties, but does not refer to the Em-A-Non property. Until that property is developed, the buffering should be included. Since the development to the east is not yet known, emergency access may be required at a later date. He stated that since the stream runs through the Em-A-Non property to the east, they have firsthand knowledge that it frequently becomes a raging creek and if any lot restricts the flow of the stream, it must be changed. He asked that Boone County Water District conduct its own study to determine if the 12" water line is sufficient to service existing developments and the additional 133 homes. He asked that the Staff Concerns and his suggestions be included as requirements.

Mr. Robert Adams stated that the homeowners in the area realize the future development of the farmland is inevitable, but they cannot understand the 133-lot subdivision on 66 acres. He stated that this development belongs in the city and not where some of the finest homes in Northern Kentucky are located. He asked that the houses surrounding the 66 acres be considered.

Mr. Ries referred to the power line easement and questioned the average size of the lot where they can actually build a home. Mr. Erpenbeck stated that the typical lot is 100' x 150' or 90' x 150'. The power line easement is being utilized as part of the rear yards of the lots. He stated that they are averaging one-half acre lots and some of the lots are 250 feet deep to work with the terrain. Mr. Ries asked if any of the lots would be smaller than one-quarter acre. Mr. Erpenbeck replied "no" and stated that the one-quarter acre lots would be the minimum.

Mrs. Arnett questioned the average price of the homes. Mr. Erpenbeck stated that the homes will be \$150,000 and up, which is very compatible with what is in that area. In response to a question from Mrs. Arnett, Mr. Erpenbeck advised that Tom Schreiber and Jim Hollman are the builders.

Mr. Damstrom raised questions concerning the creek. Mr. Erpenbeck stated that they have made the lots very deep and do not anticipate having to do anything in the area of the creek -- other than possibly a sewer line. In regard to crossing the creek, he stated that there could be a box culvert. He stated that whatever the drainage area is, they will design a structure to accommodate that flow. He does not believe the creek is big enough to require a bridge.

Mrs. Schaffer questioned if the entrance would like up with Triple Crown. Mr. Erpenbeck replied "no" and advised that Triple Crown's entrance is about 1,500 feet to the north and there is nothing across the street from this development. Mr. Costello advised that Triple Crown has picked up additional land over time that was not part of the original development. They own the St. E. property.

Mrs. Schaffer asked if the water line is sufficient. Mr. Erpenbeck stated that the Water District sized the line when Triple Crown was developed and has brought a 16" line down U.S. 25 to Richwood. His understanding is that the 12" line could go on down to Chambers and be big enough to feed the whole area.

Mr. Bailey stated that there will be several hundred children in a development this big and questioned if they had considered setting aside an area for a playground. Mr. Erpenbeck stated that they can look at this, but the question would be the maintenance of it. They may have to set up an HOA to maintain it. He does not believe the county would be willing to accept it. They will look at this and work with the Staff in this regard.

Mr. Damstrom questioned entrance signage. Mr. Erpenbeck stated that there will be an island in the entrance and decorative walls, but they have not gotten into detail at this point.

Mr. Jacobs stated that he owns the property on the south side. He stated that what is proposed is one step above a trailer park, but a trailer park does not have this kind of density. He stated that the houses in Triple Crown are across the street and they anticipate that area to grow into estate type homes. He stated that this is spot zoning. He is shocked at the density. He is surprised that the people in Triple Crown are not here and opposing this.

The Chairman advised that the Land Use Plan calls for the whole area to be SR-1.

Mr. Jacobs stated that the area around there has 1 1/2 to 2 acre lots. He stated that when Triple Crown was built, it was planned to be like Indian Hill in Cincinnati. He stated that what is proposed is not in accord with the property around it.

Mr. Mike Howard, who lives next door to Mr. Adams, agreed with Mr. Miracle and Mr. Jacobs. He stated that the average lot size in this development will be about the size of their front yards. He will be looking out his back door, where there is now deer and wildlife, at this development. He has 3.5 acres and this development will have a drastic effect on his property. He is concerned about a possible increase in crime with the population increase. The development is not compatible with the surrounding community.

Mr. Erpenbeck stated that Mr. Howard's house is approximately 500 feet from this development. Mr. Erpenbeck stated that this development is very compatible with the majority of the homes in Triple Crown because the majority of the homes in Triple Crown are in this price range. People notice the half-million dollar houses when they drive in, but the majority of the houses are in this price range.

There being no further comments, Chairman Viox stated that the Committee Meeting for this item will be on July 10, 1995 at 4 P.M. in the second floor conference room of the Administration Building. This item will be on the Agenda for the Business Meeting on July 19, 1995 at 8 P.M., provided that the Committee is ready for action.

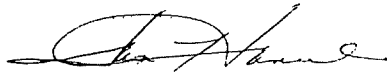
The Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

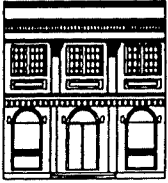
Attest:



Jan Hancock, Recording Secretary

## SUPPORTING INFORMATION

# BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005  
606-334-2196 FAX 606-334-2264

July 14, 1995

Mr. Raymond Erpenbeck  
Raymond Erpenbeck Consulting Engineer  
4205 Dixie Highway  
Elsmere, KY 41018

RE: Recommended Conditions of Approval for a Zone Change from A-2 to SR-1 for the 66.24 acre site located on KY 338, 3/4 of a mile south of I-75

Dear Mr. Erpenbeck:

The following represents the conditions of approval as agreed to by the Boone County Planning Commission's Zone Change Committee. If you, as the applicant agree to the following conditions, please indicate so by signing at the space provided at the end of this letter and returning it to the Planning Commission office by 4:00 P.M., Monday, July 17, 1995.

## Conditions of Approval

1. Turn lanes will be provided as part of the entrance along Hwy. 338.
2. The applicant has agreed to fully utilize the existing topography and restrict grading to a minimum.
3. The applicant will retain all existing vegetation between the Averbeck property and all adjoining properties to a depth of 15 feet.
4. The applicant agrees not to develop lot 99 for a period of 5 years in the event that a residential or other compatible use develops to the east side of the site.
5. The applicant agrees to maintain all existing characteristics of the blue-line stream and has indicated that only the main entrance drive will cross over the stream.
6. The applicant agrees to preserve as many hardwood trees within the site as possible.

Mr. Raymond Erpenbeck  
July 14, 1995  
Page 2

7. Phasing of the site will be identified in order to lessen the immediate impact this type of development has on existing infrastructure.
8. The existing 12" waterline at Triple Crown will be extended to Hicks Pike in order to service the entire site.
9. The applicant has indicated the use of stone or brick walls along with horse fencing as part of the entrance to the site in keeping with the character of adjoining properties.
10. The applicant agrees to provide a sidewalk/bike path six (6) feet wide on one side of the street in place of a four foot wide sidewalk on each side of the street.

Sincerely,



A. Edward Coleman  
Planner

AEC\par

cc: Fred Burch, Zone Change Committee

#### Agreement

I, the applicant, agree to the above listed conditions of approval for the requested Zoning Map Amendment from A-2 to SR-1 - 66.,24 acre site on KY 338, 3/4 mile south of I-75.



Raymond Erpenbeck, Applicant  
Raymond Erpenbeck Consulting Engineers

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**August 29, 1995**  
**5:30 P.M.**

Commissioner Patrick moved, seconded by Commissioner Meihaus, to approve on Second Reading Ordinance No. 620.11, an ordinance relating to the regulations and issuance of right-of-way encroachment permits and repealing Ordinance Numbers 620.3 and 620.3A. Exhibit "F"

**ORDINANCE NO. 620.12 STEEL TRACKED VEHICLES**

Judge Lucas read a summary of Ordinance No. 620.12 and declared a Public Hearing open at 5:57 p.m. Hearing no objection, Judge Lucas declared the Public Hearing closed at 5:58 p.m.

Commissioner Meihaus moved, seconded by Commissioner Patrick, to approve on Second Reading Ordinance No. 620.12, an ordinance prohibiting the use of steel tracked vehicles upon county roads and repealing Ordinance No. 620.08. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "G"

**ORDINANCE NO. 920.317 - CORPOREX**

Judge Lucas read a summary of Ordinance No. 920.317 and declared a Public Hearing open at 5:59 p.m. Hearing no objection, Judge Lucas declared the Public Hearing closed at 6:00 p.m.

Commissioner Meihaus moved, seconded by Commissioner Campbell, to approve on Second Reading Ordinance No. 920.317, an ordinance of the Boone County Fiscal Court approving the request of Corporex Parks Of Kentucky, Inc. (Owner) for a change in an approved Concept Development Plan, with one condition, in an Industrial One/Planned Development (I-1/PD) zone for Lot 9, Circle Port I, Boone County, Kentucky, recommended unanimously by the Boone County Planning Commission via Resolution No. R-95-029-A. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "H"

**ORDINANCE NO. 920.318 - ERPENBECK CONSULTING ENGINEERS/AVERBECK**

Judge Lucas read a summary of Ordinance No. 920.318 and declared a Public Hearing open at 6:01 p.m. Subsequent to a very brief discussion, Judge Lucas declared the Public Hearing closed at 6:04 p.m.

Commissioner Meihaus moved, seconded by Commissioner Patrick, to approve on Second Reading (with the condition that the lots are limited to two per acre) Ordinance No. 920.318, an ordinance of the Boone County Fiscal Court approving the request of Raymond Erpenbeck Consulting Engineers (Applicant) for Terry and Mary Theresa Averbeck (Owners) for a Zoning Map Amendment, such Zoning Map Amendment being a zone change from Agricultural Estate (A-2) to Suburban Residential One (SR-1) FOR an approximate 66 acre site generally located on the south side of Richwood Road, approximately three quarters of a mile southwest of the I-75 Interchange, Boone County, Kentucky, recommended unanimously by the Boone County Planning Commission

**MINUTES**  
**BOONE COUNTY FISCAL COURT**  
**August 29, 1995**  
**5:30 P.M.**

via Resolution R-95-030-A. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "I"

**ORDINANCE NO. 1010.14 - DISCARDED ITEMS**

Judge Lucas read a summary of Ordinance No. 1010.14 and declared a Public Hearing open at 6:05 p.m. Hearing no objection, Judge Lucas declared the Public Hearing closed at 6:06 p.m.

Commissioner Meihaus moved, seconded by Commissioner Patrick, to approve on Second Reading Ordinance No. 1010.14, an ordinance relating to discarded items and repealing Ordinance No. 1010.13. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "J"

**RESOLUTION NO. R-8-29-95-01 - KROTH LANE/SCHEBEN COMPANY**

Commissioner Campbell moved, seconded by Commissioner Patrick, to approve Resolution No. R-8-29-95-01, a resolution authorizing the Boone County Judge/Executive, Kenneth R. Lucas, to execute a Quit-Claim Deed to the Scheben Company on behalf of the Boone County Fiscal Court. Judge Lucas called for a vote of the motion, ALL PRESENT VOTING AYE. Exhibit "K"

**RESOLUTION - THE NIELSEN COMPANY**

Judge Lucas advised this matter will be deferred.

**RESOLUTION NO. R-08-29-95-01-NR - PSCC SIMULCAST SYSTEM**

Commissioner Campbell moved, seconded by Commissioner Meihaus, to approve Resolution No. R-08-29-95-01-NR, a resolution of the Boone County Fiscal Court approving a lease-purchase agreement for the financing of certain equipment (as identified in Individual Payment Schedule 1) and authorizing the execution of various documents related to such master lease-purchase agreement. Judge Lucas called for a vote of the motion and ABSTAINED DUE TO A CONFLICT, ALL OTHERS PRESENT VOTING AYE. Exhibit "L"

**RESOLUTION NO. R-08-29-95-02-NR - JAIL SECURITY SYSTEM**

Commissioner Patrick moved, seconded by Commissioner Meihaus, to approve Resolution No. R-08-29-95-02-NR, a resolution of the Boone County Fiscal Court approving a lease-purchase agreement for the financing of certain equipment (as identified in Individual Payment Schedule 2) and authorizing the execution of various documents related to such master lease-purchase agreement. Judge Lucas called for a vote of the motion and ABSTAINED DUE TO A CONFLICT, ALL OTHERS PRESENT VOTING AYE. Exhibit "M"