

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
September 20, 2006
7:30 P.M.**

PUBLIC HEARINGS

Commission Members Present: Mrs. Arnett, Mr. Breetz, Mr. Bunger, Mr. Caddell – Chairman, Mr. Carmichael, Mrs. Kegley, Mr. McMillian, Mr. Poe, Mr. Reynolds, Mr. Rolfsen, and Mrs. Wilson – Secretary/Treasurer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Mitch Light, Assistant Zoning Administrator/ZEO; and Mr. Todd Morgan, AICP, Senior Planner.

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7:32 PM and introduced the first item on the Agenda:

Applicant: **One Eleven Engineering & Surveying, PLLC for Roslyn Wachs, Trustee (owner)**

Request: **Zoning Map Amendment**

The request of One Eleven Engineering & Surveying, PLLC (applicant) for Roslyn Wachs, Trustee (owner) for a Zoning Map Amendment from Agricultural Estate (A-2) to Rural Suburban (RS), and a Variance for side yard setbacks, for a 50.78 acre tract located on the north side of Burlington Pike, between the properties at 3300 and 3446 Burlington Pike and across from the Burlington Pike/Saddle Ridge Drive intersection, Boone County, Kentucky. The request is for a zone change to allow an open space style subdivision for single-family residences, and a Variance to allow the side yard setbacks to be reduced to 5 feet minimum and 10 feet minimum total for both side yards combined.

Staff Member Mitch Light presented the Staff Report which included a Power Point presentation (see Staff Report). He noted two corrections to Page 1 of the Staff Report. In paragraph 2, the proposed density of the subdivision is 2.95

dwelling units per acre (not 3.3) and in Paragraph 4 the cul-de-sac (Hammer Court) has NOT been developed.

Following an explanation of the Public Hearing process, the Chairman asked for the applicant's presentation.

Mr. David Wallace, attorney for the applicant, introduced Mr. Darren Eyre and Mr. Jim Bertram with One Eleven Engineering. He submitted the Traffic Study done in December 2005 (see Exhibit 1). They believe the traffic information is the same today. The Traffic Study is based on more lots in the subdivision than are proposed at this time. The proposed project is 50.78 acres and a total of 150 lots, which is a density of 2.95 acres. There is open space around the edge of the property and within the property that is approximately 15.03 acres, or 29.6% of the total project. There is a potential playground area in the open space. There are walking trails throughout the open space. He noted the main boulevard coming into the project. He indicated the three lots that could potentially have houses with their backs to KY 18 and stated that because of the topography, they do not believe the houses would be visible from KY 18. He stated that the open space will be owned and controlled by the Homeowners' Association and there will be assessments to take care of it. He reviewed the requirements of KRS 100 to approve a map amendment. He stated that it is clear that the proposal is in accord with the Comprehensive Plan. The Future Land Use Map designates this area as Suburban Residential, which is up to four units per acre and this proposal is for 2.95 units per acre. He stated that to the north and west of the site are approved subdivisions and, closer to Burlington, Morgan's Crossing and Noll Creek Subdivision have been approved. The proposed open space design will help to maintain the rural character of the property and the area. He stated that there is only one entrance into the subdivision. There will not be an elaborate entrance sign, in conformance with the Future Land Use Development Guidelines. They will make every attempt to maintain the existing vegetation and trees within the open space areas, which are located throughout the subdivision. In accordance with the Comprehensive Plan, they will maintain as much of the natural trees and vegetation in the highly visible spaces on KY 18 as possible. The plan has adequate buffering along the adjoining property boundaries. He indicated the detention pond. He stated that the Staff Report references the Comprehensive Plan providing a 25-year outlook for land use and that the infrastructure needs to be developed before any development can happen. He stated that zoning map is a five-year outlook. He indicated the adjacent properties zoned SR-1 and areas zoned SR-1 areas closer to Burlington. He stated that the proposed zoning is in more accordance with the current zoning map. He stated that, considering the Future Land Use Map and the current zoning map, which includes properties that adjoin to the north and to the south, and other developments further to the west (Hunter's Ridge), it is apparent that along KY the Planning Commission and Fiscal Court have recognized that there is adequate infrastructure for this type of development. He stated that the Comprehensive Plan speaks to staging and the stepping down of densities in the area west of

Burlington, which is what is happening. He stated that densities should be higher closer to Burlington and step down going west. He noted that Morgan's Crossing is at a density of 2.8, the next subdivision is at 2.9, then Hidden Creek and then further out to lower densities. He stated that the provisions of the Comprehensive Plan in the Staff Report apply more towards areas further west of Burlington where the roads are worse and there are Developmentally Sensitive areas. He stated that their plan has taken into account that the Transportation Plan, which is a 12-year plan, anticipates the widening of KY 18. They left enough room in the open space area to accommodate the proposed expansion of KY 18. The Transportation Plan indicates KY 18 to be a four- or five-lane road. They have taken into consideration that the majority of the road would be on this side of KY 18. If the expansion happens, the road could be straightened and more of the road would then be on the side close to Saddle Ridge, and the creek may be relocated.

Mr. Wallace responded to the Staff Concerns. **Staff Concern 1** He stated that the developers have no problem with making connections to the adjacent properties. No connection was shown on the Concept Development Plan to the Archambault property because the Archambaults are strongly opposed to it. The developer has no problem with the connection into Hidden Creek but, when it was approved by Fiscal Court, no connection was required and it will have to be negotiated before it can happen. He stated that they have no problem with the connection to the adjacent property. **Staff Concern 3** They intend to preserve as many trees and natural vegetation, which is part of the open space plan and one of the benefits of this type of development. **Staff Concern 4** He stated that if there is an issue with the retention ponds, if they can be moved or some of them eliminated and still provide adequate detention for the property, they can address that. **Staff Concern 6** He stated that moving the fire hydrants to every 350 feet is not a problem. **Staff Concern 7** He stated that it is the intention of the applicant to limit the number of approved zoning permits to thirty per year for a minimum of five years and, depending on the market, possibly longer. **Staff Concern 8** The right-turn lane is not shown on the plan, but they agree with it, their Traffic Study recommends it, and they have no problem putting the turn lane in. **Staff Concern 9** He stated that they intend to have stop signs throughout the subdivision and a roundabout in the center that will slow down the traffic somewhat. He stated that he has addressed **Staff Concerns 10 and 11**. He and the developers are available to answer any questions. This concluded the applicant's presentation.

The Chairman 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.

Mr. Charles Bray, 3300 Burlington Pike (just east of the proposed development), stated that he was amazed to be here again after going through this in March. That request was denied due to the density and lack of infrastructure and now, instead of SR-1, they are trying to change to RS. He stated that nothing has

changed from the facts of the denial in March. The infrastructure is not in place. The road improvements and schools are not appropriated. He stated that they have added some green space, shrunk the houses and put them on top of each other. They have only reduced the development by three houses from 153 to 150. He hopes the Commissioners will review the minutes from the previous meeting and from Fiscal Court. He stated that in 25 years, or maybe ten years, the Comprehensive Plan may support this development, but it does not now. In regard to the surrounding densities, he stated that he has a little over five acres and the people across the street have two-, four- or five-acre lots. He would not be happy with a development at the proposed density.

Mr. Bruce Belknapp, who lives across the street on the corner of Saddle Ridge and KY 18, stated that there are deer, fox, turkey, woodland creatures and wildlife. He did not hear a proposal about what they would do with those creatures. He questioned how they would straighten out the blue line stream. Where they would put it? Through his bedroom? He stated that there have been no comments about the rain and runoff. A lot of water comes through Allen's Fork Creek. There is a lot of water runoff and the water crests just over the Saddle Ridge bridge if it is not maintained properly. There are torrential rapids when there is a lot of rain. He stated that there should be an EPA report that shows that the wildlife will have a place to go. He would like the environment looked at extremely hard.

Ms. Heather Martz, 4050 Shady Hollow Lane, stated that she spoke to Matt Arlinghaus, the engineer for KY 18, and he said that no one has called him and no one has petitioned the state in regard to how this development will affect the road and what changes can be made. She stated that driving through there at certain times of the day is not only frustrating, it is a safety issue. There is one way in and one way out and there will be 1,500 more cars coming through there everyday. She has seen the correspondence that there would be thirteen acres in Hunter's Ridge for the new school, but she was just told by Dave Geohegan that Arlinghaus has decided that he does not want to allocated thirteen acres on that property and wants to put the school on the Hogan property on five acres, which is not enough for a school. She questioned who has control over where the school will be located. There needs to be more concrete information before anything else is approved.

Chairman Caddell stated that the Planning Commission has on file an e-mail from Ed Thompson, District 6 Permit Supervisor, in regard to the Tanglewood Subdivision. He quoted that "We received a request dated August 21 regarding the requested Zone Change for Tanglewood Subdivision on KY 18 in Boone County. I wrote a letter regarding a similar review of the same site that was sent on November 14, 2005 and there seems to be no change from the similar plan, so our response would be the same". The letter is available to the public at the Planning Commission office.

Ms. Carol Woods stated that her concerns are in regard to the retention ponds and green areas. She stated that a pond has to go down into a cavity in the ground, or there has to be a wall. She heard that there is a minimum height of twenty feet for the dams. She stated that taking all that space to make a hole in the ground, the green area will be defunct. She does not know that she would like a concrete wall aesthetically. She does not see a change in the conditions that prompted the Planning Commission and Fiscal Court to recommend the previous denial. Ms. Woods read and submitted her additional comments (see Exhibit 2).

Mr. Costello explained that the terms “green space” and “open space” are often used interchangeably. Open space is defined in the Zoning Code as a land area designated for recreation, resource protection and buffering. Open space is not defined as existing or future road rights-of-way, streets, driveways, parking areas, or buildings.

Mr. Chuck Reed, 6261 Saddle Ridge, stated that they were here in December 2005 to discuss the proposed zone change for the same property and that request was denied for many reasons. He stated that there still have been no improvements at the intersection of KY 18 and East Bend Road. Development west of Burlington has progressed and the area has become even more dangerous than it was last year. Traffic has increased and will continue to increase as more units that are already approved are completed. He stated that the Planning Commission’s and Fiscal Court’s recommendation stated that “no new development in this area should occur until that intersection is approved”. He stated that during that zone change request, there were concerns with the egress to and from Saddle Ridge Drive. He stated that the speed limit is posted at 35 MPH, but it is seldom adhered to and people cannot exit Saddle Ridge Drive and gain enough speed going up the hill to be safe. He sees many close calls each week. They practically have to dive into their street and drive like the Indianapolis 500 to get out of their street during the day. He stated that 12 school children on their street ride the school bus. The bus cannot achieve 35 MPH going up the hill or for a quarter of a mile from Saddle Ridge Drive. His children ride the bus and he fears for their lives everyday when they leave Saddle Ridge Drive. They have seen many accidents occur there. He stated that KY 338/KY 18 have not been improved and are not funded. KY 18 west of Burlington is not improved or funded as recommended in the Comprehensive Plan. He stated that the Traffic Study done by the applicant in 2005 was flawed. One of the sensors failed for 24 hours of its 48-hour period. He stated that the Traffic Study should be done for a seven-day period. He questioned how there could be an accurate reading on Tuesday for what will happen on Saturday. He stated that all of the properties the applicant compared this development to are less dense and were approved prior to the 2005 Comprehensive Plan. He stated that the original proposal was for 153 houses, and they have reduced that by a total of three houses. He stated that we should adhere to the 2005 Comprehensive Plan. He asked that the request be denied until proper improvements are in place.

Mr. Mike Cassedy, 5769 Vice Lane, stated that in Ed Thompson's letter to Mitch Light, Mr. Thompson is not addressing the problems on KY 18, he is just stating that they acknowledge that an entrance can be put in a 35 MPH zoned area. He is not saying that KY 18 is appropriate in its present condition for this development. Mr. Cassedy stated that what is being presented now is basically the same except that there is only one ingress/egress into the development in this proposal. He stated that KY 18 is a landlocked highway. If there are problems on KY 18, anyone beyond this development has two options (1) go down through Woolper Road over to Allen's Fork Road to the interstate, and (2) go down through Belleview bottoms and back up East Bend Road. There is no other means of access to Burlington from western Boone County on KY 18. He has a civil engineering background and has conferred with Professional Engineer Don Renker. He stated that KY 18 is not engineered properly for the traffic that exists on it today. There is inverted banking -- when turning left, the road should bank to the left, but it banks to the right. He stated that there is a gravel industry in Belleview bottoms. He noted the lots per subdivision on Page 9 of the Staff Report. He stated that without this proposed subdivision, 1,150 new units are being built in western Boone County and based on the national average, that is an additional two thousand cars per day that will be using KY 18. There would be 300 additional cars from this development. He stated that with 1.3 students per household, there will be over two thousand additional students in the area and another 150 homes will add another two hundred students. Over two thousand new students would require more than one additional school. There is a rumor that the school facility specified for Hunter's Ridge has been changed. He stated that per the Comprehensive Plan there is supposed to be a school site near the Hogan's farm, but he was under the impression that it was in lieu of the one at Hunter's Ridge. He stated that over 700 homes are going in at Hunter's Ridge, which is 1,200 to 1,400 additional students. He stated that Bryan Blavatt has seen the light and the letter he submitted regarding this development is almost a rubber stamp letter. He stated that at the time Hunter's Ridge was proposed and approved, Bryan Blavatt's initial submittal said that he could not condone that development. He then submitted a second letter to the Planning Commission saying that he could condone it because the Arlinghaus development had promised him that they would provide a future school site.

Mr. Costello stated that the Preliminary Plat approved for Hunter's Ridge shows a school. Unless another application comes in or there is a different proposal from the school district and Mr. Arlinghaus, the staff will follow up on the condition that says a site has to be designated for a school.

Mr. Cassedy stated that there have been a lot of applications for high development on KY 237 and the finding of the Planning Commission and the Fiscal Court is that until there are improvements to KY 237, there cannot be any further development on KY 237 -- and that condition would also be appropriate for KY 18. The state has not appropriated any funds and there is nothing that says there will be major improvements to KY 18. The schools are near or over capacity. He

stated that developers allotting land for a school does not build the school. We have to come up with the money to build the schools. We are already behind and will continue to be behind as long as we have high-density development. He stated that if the proposed development was one or two houses per acre, it would be similar to Saddle Ridge. Putting in high-density development does not do us any good. He stated that just because the Comprehensive Plan says we could do it and the zoning seems appropriate, that does not mean that we have to do it. He stated that the Arlinghaus development has taxed the roads, schools and sewer system. The water has to go somewhere and they may end up with water going into the street. Water and sewage come out of the sewer lid across from the pump station on KY 18. He stated that lower density development would allow the schools, roads and sewers to catch up.

Mr. Beau Archambault was present on behalf of his parents, Sue and Arch Archambault who live at 3218 Burlington Pike. He read and submitted a letter from his parents and a separate letter from his father Arch Archambault (see Exhibit 3).

Mr. Light read and submitted a letter received from Robert and Susan Meyer, 6242 Saddle Ridge Drive (see Exhibit 4).

The Chairman asked if there was anyone else present who wished to speak in regard to this request. There being no response, the Chairman asked if there were any comments or questions from the Commissioners.

Mr. Carmichael noted the comments made that there were 153 homes in the previous application, but the previous plat was for 170 lots. Mr. Costello responded that the previous application was for 170 lots, but the number of lots was reduced to 153 through the Committee process.

Mrs. Kegley stated that for the previous application, the connection through the cul-de-sac (Hammer Court) was important and she wants to emphasize it again. She noted the comments that people cannot get out of KY 18 and, therefore, the connection becomes all the more important. She stated that it would take some negotiations, but it is time to see if something can be done.

Mr. Poe stated that comments have been made this evening about the density, the road connections and KY 18. He would like the Committee to consider that those items have not been addressed since the denial of the first request.

Mr. Rolfsen asked if the two detention ponds can be eliminated if KY 18 is widened. Mr. Jim Bertram responded that they will provide information to the Committee showing that they have provided for a four-lane divided highway through there and can push the ponds back so that the dam will not be affected by the road widening. He stated that they also addressed the issue of preserving trees and open space throughout the development. They took what happened last time

and made changes. They feel that they have addressed a lot of the concerns and are willing to work with the Planning Commission. He stated that they had no objection to the connection last time or this time.

Mr. Reynolds stated that there was concern about the elevation and typography in relation to the ponds. Mr. Bertram responded that the ponds will be placed in the natural ravine. Mr. Reynolds asked if there will be any excavation. Mr. Bertram responded that there will only be excavation to build the dam. Mr. Reynolds questioned the height of the dam. Mr. Bertram will provide that information to the Committee.

Mr. Wallace stated that the applicant had no further comments.

There being no further discussion, the Chairman stated that the Committee Meeting for this item will be on October 4, 2006 at 5:00 PM in this room. This item will be on the Agenda for the Business Meeting on October 18, 2006 at 7:00 PM. The Chairman closed this Public Hearing at 8:47 PM and called for a short recess.

APPROVED:

Arnold Caddell, Chairman

Attest:

Jan Hancock, Recording Secretary

Exhibits –

- 1. Traffic Impact Study, Tanglewood Subdivision, December 2005 submitted by David Wallace**
- 2. Comments submitted by Carol Woods**
- 3. Letters from Sue and Arch Archambault and from Arch Archambault**
- 4. Letter from Robert and Susan Meyer**
- 5. Pictures of the site, the adjacent properties, and KY 18**