

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
PUBLIC HEARING
JULY 7, 2010
7:30 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Greg Breetz
Mr. Kim Bunger, Secretary/Treasurer
Mrs. Linda Herald
Mr. Jim Longano
Mr. Don McMillian
Mrs. Susan Poston, Temporary Presiding Officer
Ms. Lisa Reeves
Mr. Bob Schwenke
Mr. Steve Turner

COMMISSION MEMBERS NOT PRESENT:

Mr. Ben Brandstetter
Mr. Mike Ford, Vice Chairman
Mrs. Janet Kegley
Mr. Mark Hicks
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Chairman

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin P. Costello, AICP, Executive Director
Mr. Kevin T. Wall, AICP, Director, Zoning Services

Mr. Kim Bunger, Secretary/Treasurer, called the meeting to order at 7:45 P.M. and introduced the first item on the Agenda:

ZONING MAP AMENDMENT

1. **Request of Jay Bayer, Bayer Becker (applicant) for Toebben, Ltd. and William Toebben (owners) for a Zoning Map Amendment from Agriculture (A-1), Agricultural Estate (A-2), and Rural Suburban Estates (RSE) to Suburban Residential Three/Commercial One/Office One/Planned Development (SR-3/C-1/O-1/PD) for an approximate 334 acre site located on the east side of North Bend Road approximately 750 feet north of the North Bend Road/Stahl Road intersection, to the east of Deer Creek and Rivershore Farms subdivisions, at the terminus of Stahl Road, and including the properties at 1280 North Bend Road, 1302 North Bend Road, and 1958 Stahl Road, Boone County, Kentucky. The request is for a zone change to allow a mixed residential, retail, and office development.**

Secretary/Treasurer, Kim Bunger, opened the Public Hearing by explaining the Zone Change process and the order of the meeting.

Staff Member, Kevin Wall presented the Staff Report, which included a Powerpoint presentation (see Staff Report). The 334 acre site has frontage on North Bend Road and Stahl Road. The existing zoning of the site is Agriculture (A-1), Agricultural Estate (A-2) and Rural Suburban Estates (RSE). The Comprehensive Plan and Future Land Use Map indicates Suburban Density Residential, Developmentally Sensitive, High Suburban Density and Rural Density. The site has some hilly topography. Mr. Wall identified the submitted Concept Development Plan and Regulating Plan. The Regulating Plan describes how the project will develop. It has 20 phases (0-XIX) and the applicant outlines a variety of building products in each phase. Each phase has several options - large single family lots, single family lots, small single-family lots, town homes, multi-family buildings and village center buildings. For each one of the residential options, there are descriptions and proposed design standards, which are outlined in the submitted 67 page booklet. There is also a description of land uses - commercial uses for the village center, additional uses in the residential areas and two wind turbines. The Plan includes its own street, sidewalk and landscaping standards. In addition, there are planned open space and community amenities. Mr. Wall then proceeded to show photographs of the site and the surrounding area. He stated that there are several references to the Comprehensive Plan and Section 1514 (Planned Development) of the Zoning Regulations in the Staff Report. Mr. Wall offered to answer any questions related to the Staff Report at the end of the applicant's presentation.

Mr. Jay Bayer, Bayer Becker Engineers, representing Toebben Ltd., explained that his firm has been working on this project with the Toebben family for the past 8 years. This project is extremely different from most projects that have been presented to the Planning Commission. This project has involved assembling land for the past 18 years. The owner has met with the Planning Commission staff, the Hebron Fire Department and the Water

and Sanitation Districts in order to gather input. They also conducted a national search for a planning and landscape architectural firm. They have also spoken to realtors. They have had the luxury of taking the time to study the site looking at the overall picture and the fine details to bring a fantastic plan to Boone County. The Toeppen name is one of the most respected names in the business community.

John Toeppen, Toeppen Ltd., noted that it is their next legacy project in Boone County. Rivers Pointe Estates will have a broad mix of housing and neighborhood villages. For over 55 years, Toeppen Ltd. has produced exceptional living communities throughout the tri-state area. The largest community, Country Squire Estates, started in 1967 in Villa Hills is a wonderful example of their abilities. Toeppen Ltd. is still building in this neighborhood today. He stated that the Toeppen family actually live in the houses in the community they build. This will be true with Rivers Pointe Estates. Mr. Toeppen stated that he has traveled throughout the United States all his life to study new housing projects and to see what works and why people choose to call them their homes. The opportunities with this site are exceptional. His company has been very patient. The submitted Concept Development Plan complements all of the special areas of the site. He noted that during the past 12-14 years, he discussed the site with planners across the United States. He noted as part of the process, his company held a 3 day charette and invited builders, engineers, realtors, landscape architects, architects and representatives from Boone County Planning Staff and the Boone County Engineer. All the individuals provided input. Mr. Toeppen also explained that his company hired a nationally known marketing research firm from Chicago, Tracy Cross and Associates, to develop a detailed marketing plan. This plan was incorporated into the master plan. Our team has designed a destination community that will make people want to be outdoors - to walk, to bike and to engage with what this site has to offer. We have developed a plan that respects our neighbors and our local heritage. There is a risk involved with any new housing project even with the present day recession which is the worst since the Great Depression. It will change the housing we will see from now on and in the future. We are not doing the same old subdivision. We are creating a landmark for Boone County. We are taking the best of what works and incorporating it into a timeless design. This project will take decades to build out. The plan adapts to what people may want now and in the future. We need your cooperation to make Rivers Pointe Estates a reality. We hope you can embrace the creativity and appreciate the time invested in the Plan. In conclusion, Rivers Pointe Estates is about promoting family. It is about spending time with your neighbors and coming home to a place where you think you are on vacation every day.

Hunter Gee of Smith Gee Studio, Nashville, Tennessee introduced himself. He stated that he has been working on the project for about a year. Mr. Gee introduced a power point presentation. It is a great opportunity for collaboration-department officials and planners, engineers, landscape architects both local and nationally. Smith Gee Studio has worked on mixed use projects across the country for over 20 years. Among the projects include Celebration, Florida. They have been the town architects for the project for 14 years and Baldwin Park, the same developer of Celebration. Our projects tend to be place making,

creating a place out of development, a place between buildings. These communities are generally mixed use, mixed housing, mixed levels of price points and community facilities. The developers held a 3 day charette, walked the entire site and met with many consultants. The 334 acre site has a stream on the west side of the property, which forms a barrier between the site and two existing subdivisions. The east side is defined by a ridge overlooking the Ohio River. There are a few flat areas on the site, which speaks to the high density housing in the Comprehensive Plan. The site is heavily wooded near the stream. One of the most important transportation projects in the area has been completed, which is the widening of North Bend Road. The Tobbens worked closely with the State to identify the primary entry to the site. The developer also looked at off-site examples such as old neighborhoods like Park Hills. There was a mixture of architectural styles, different topography, soft intersections for special places in streetscapes and homes, pedestrian friendly streets (stone walls and steps, driveways, street lights). This historic element has been incorporated into the design of the development. The developers also took a look at newer communities in the immediate area to evaluate the current market. The developer also met with local officials, planning department, county engineer, fire department and the school board. Comments were made to start with the site's assets and work around it, build traffic calming into the design of the development, be flexible in design of emergency response and provide housing options for more than just families because of school crowding, retired folks, young couples and single persons. In presenting the project, the developer must meet at least one of the 3 criteria for granting a zone change and the Planned Development and Concept Plan criteria. Mr. Gee stated that the Planning Commission will see evidence of all 3 criteria. Mr. Gee referred to the slide presentation showing compliance with the Comprehensive Plan. First, the development is consistent with the overall objectives of the Comprehensive Plan. Second, the existing zoning is inappropriate. The current zoning allows for one residential unit per 1-5 acres. The Comprehensive Plan recommends 4-8 units per acre as well as the Developmentally Sensitive. They are not in alignment with each other. The current Agricultural zoning is no longer appropriate given the area's recent growth and the KY 237 improvements did factor in 1,000 dwelling units on the site. Third, there has been changes economically, physically and socially. The downturn in economy has caused a need to provide a variety of housing types (fewer larger lots), diversity and affordability. About 10 years ago, the national suburban housing market has shifted from a majority of the market being a typical family, husband, wife and children to less than 50% of the market. The social trend is to "Age in Place" - grow up in a community and often you can't come back to the same community because of cost or housing type.

Mr. Gee began to describe the Rivers Pointe Estates Concept Development Plan or Master Plan. First, one of the assets of the site is the view from the bluff to the Ohio River. Another asset was the stream and wooded areas along with the road frontage along North Bend Road to help with traffic. The Village Center is the most urban place in the project. Because of the history of the area, the Village Center is modeled after its rural heritage or agricultural history, thus a small midwestern hamlet. There is an unrefined charm with the Village Center. There will be a boulevard street with a 23,500 square foot commercial

center with small chops, a café, perhaps a chapel, a general store like Kremers, etc. The commercial buildings will be surrounded by a village green. There will also be several different housing types in the Village Center - townhouses on both sides of the street and small single family homes with rear alley access.

The Village Center will be more dense and it will be where the action is and where people meet. The Village green will be open space for festivals and picnics. It will be a quiet area at times as well as a busy area. It is also a place where you might live above an office or retail space. Examples of the townhomes were shown along with the single family homes. At the end of the boulevard, there will be a community center, a local gathering space for the entire development. As you leave the Village Center, it becomes more natural like visiting a national park. Some of the landscape features will reflect more of a natural feel. There will be no mass grading for the street. When you travel on the boulevard, up on the hill on the left side, houses will sit back from the road. The first neighborhood park is Laverne Circle, a space where you can throw a football. Houses will front facing the neighborhood park. There will be some sculptures in the public space. From KY 237 to the riverfront overlook along the main road will be a public 8 foot multi-use path for bikes and pedestrians. This will connect to the existing path on KY 237. Throughout the development, there will be little green windows - pinch points where you see natural areas full of streams and woods. Continuing up the hill there is an area of higher density suburban residential uses in the corner. It could be small single family lots, townhomes or multi-family buildings clustered in the southeast corner of the site consistent with the Comprehensive Plan. Along the edge of the bluff is a second element - two possible types of multi-family units. One type could attract retired couples overlooking the river with no yard. Once you come to the public overlook, there would be a gathering spot perhaps a walking stand for trail walking or a community facility for weddings. Seven lots are proposed via a private road in the flat area below the bluff edge. These are 300 feet wide estate lots. A continuous green band will be established to preserve the edge of the bluff and views. There will be opportunities for a possible trail, vineyard or orchards. Just like the history of the area, the agricultural products could be sold at the proposed General Store. Finally, there are traditional estate lots proposed along the riverfront. Infinity Park is proposed like a Savannah Square with lush gardens, sculptures, etc., not like the active Laverne Park. As part of this, there would be stately single-family homes with reduced setbacks.

Next to Infinity Park, there will be some additional townhomes around a green. In the central area, the topography changes quite a bit where garages will be sunk below and be located on the side. There will also be a private lane area with cabin homes. It is like a chalet in the mountains nestled in the hillside and overlooking the creek or stream. The street is carefully designed through the topography in an effort to create a more bike/pedestrian friendly place and to create a climate unique to Boone County. As you make it down to the creek, there will be playgrounds and shelters. Driveways may include tire strips in steep areas. At the tip of the ridge, there will be a combination of cabin homes and townhomes, two and three story homes tilted toward the side or back toward the river.

Mr. Gee then proceeded to explain how the request fits in with the Planned Development (PD) requirements. First the PD zone should promote choice and variety excellence environmental, more useful open space and not just left over SLOIDS, more efficient use of land, consistency with the Comprehensive Plan and quality signage. First, mixed-use and pedestrian orientation is encouraged-walking community and mixed housing where people know their neighbors. Second, compatibility of uses is represented with building quality and architectural styles that make each mixed use fit in with one another and each building type can fit in the same development. Third, a Regulating Plan has been submitted to determine the product types and locations. It is intended to be flexible and respond to the changing housing market. There is an overall cap on the total number of housing units (864 units).

Fourth, there will be consistency and quality in classic architectural styles. The large single family lots will range in size from 80-300 feet wide. Garages will be attached and detached. The small single family lots will have a minimum 60 foot lot frontage. It will be a front loaded product with garages in front, on the side and in the rear. The proposed rear access single family homes will primarily be located in the Village Center. The cabin homes may have detached garages across the street or be attached to the unit. The proposed front access townhomes will have driveways on the side along with the garages.

The rear access townhomes will be a similar concept. The two types of multi-family units will be 3 stories with parking in the rear and overlooking the river. The Village Center buildings will be storefronts and have pedestrian friendly streetscapes. The proposed signage will be quality design and craftsmanship. There will be very detailed signage guidelines, which will be submitted at Site Plan approval. They are proposing an electronic message board in the Village Center and not along KY 237. It will serve the residents within the community. In addition, sandwich boards are being proposed. There will be passive and active open space areas, perhaps a dog park. Four parks are being proposed, Laverne Circle, Infinity Park, Lorup Court and North Overlook.

The multi-modal transportation network could include a bus stop near the Village Center. They have discussed a future possible connection between the existing Park and Ride and the Village Center. Other multi-modal components are the 8 foot wide multi-use path and the proposed streets. People can use the pathways either walking or biking to the Village Center. The street design will include a maintenance agreement to handle landscaping maintenance, street lights and materials for cross walks. The street sections were designed around the project to achieve a balance between automobiles and pedestrians, bicycles and emergency vehicles. The street network is laid out by the type of housing and it will be flexible in order to meet the market needs.

Fifth, the main entrance of the project was designed with the assistance of the Kentucky Transportation Cabinet to accommodate a development of 1,000 residential units. The goal of the project is to encourage most of the traffic to use the main entrance off KY 237. The staff and emergency response officials encouraged a secondary entrance off Stahl Road. In order to make the Village Center vibrant, we need most of the traffic to use the main

road. Sixth, in terms of preserving the existing site features, the owner did not want the site to be mass graded. The site will be surgically graded to accommodate the roads and buildings and to preserve as much open space. Seventh, the landscaping features will include buffering, walls and fences, berms and public art. An effort was made to protect the existing vegetation along the perimeter of the site. The goal is to be a good neighbor. Eighth, in terms of utilities and infrastructure, the owner has met with SD#1. There is a small area on a private street with a limited number of lots. This area makes it difficult for public sewer. This area may be on a septic system while the rest of the development would be on a public gravity system. Water already exists along KY 237 and Stahl Road. Duke Energy and Owen Electric will be providing electric and gas services. A number of green infrastructure measures will be included in the development (rain barrels, porous pavement and rain gardens). The developer would also like to include wind turbines on the site for clean energy purposes.

Ninth, Mr. Gee outlined the project's conformance with the Boone County Comprehensive Plan. This includes the Population, Environment, Economy, Business Activity, Housing, Agricultural, Transportation and Land Use (see PowerPoint slides). It is stated in the submitted application materials and in the Staff Report. The type of community proposed and mixed uses and housing types is consistent with Elements of the Comprehensive Plan. There is an opportunity to promote local agriculture with this project and multi-modal transportation. There is one element of the land use that is not consistent. There is a Commercial area in the Comprehensive Plan planned north of the site. However, we feel the small Village Center within the context of this development and the area, and within walking distance of everyone within the area really supports the Goals and Objectives of the Comprehensive Plan.

Tenth, the phasing of the project will be a 20-30 year buildout. It averages about 35 housing units per year. He stated that the School Board has indicated that they are comfortable with that number or generally about 12 students per year. Finally, the developer is asking the Board to keep flexibility and creativity in mind with this project. This is a unique opportunity to create something special and new to Boone County and to the Cincinnati region.

At this time, Secretary/Treasurer Bunger asked if there was anyone in the audience who wanted to speak in favor of the request or as a proponent and later against the project?

Mr. Eugene Avergon, 2412 Frontier Drive, stated that he just moved from North Carolina where he served as a county Parks and Recreation Commissioner and Greenways Commissioner. His concern relates to the access roads along Stahl Road. A community already exists on Stahl Road, where children play, animals are free to roam and joggers can safely walk. With this development, there will be 2 large developments at the 2 extreme ends of the road. Both are high density developments. Stahl Road is not designed to handle the additional traffic. It would lose all of its living quality. It would be

a conduit for rapid access to KY 237. It won't be a safe conduit. He would not like to lose his community in favor of gaining the new community. We need both. He suggests a relocation of one of the massive high density areas to help alleviate the size and scale of the impact to assure safety. He stated that he is not asking the county to spend more money on Stahl Road but is asking the developer to make adjustments so they are not bombarded with unsafe conditions.

Jose Castrejon, Vice-President of Landscaping Architecture, with McGill, Smith and Punshon, 3700 Park 42 Drive, explained that he was a participant in the developer's charette because he was a local design professional. The proposal is not a typical subdivision but has a true sense of a community. Examples of this is Mariemont, Ohio. This type of development will serve as a guide to create communities and not just a subdivision after the recession is over.

Charlie Wind, 1292 North Bend Road, spoke in favor of the request as the Toebbens have reassured him that they would buffer as many people as possible. He expressed that he would be unhappy if he lived off Stahl Road. In terms of the number of homes, he feels that the quality of subdivisions that Toebben has built in the past, it is in their best interest as neighbors to do the best they can. With the scope of the project being 20-30 years, it won't occur tomorrow. With the amount of green space, it is comforting to know that the site won't be mass graded and completely dense like nearby subdivisions. He stated he is in favor of development because of the amount of homes nestled into the site and the quality of the homes.

Mr. Keith Noel, attorney representing Bob and Susan Flick, 1717 Stahl Road, explained that his client lives adjacent to areas 7, 8 and 9 as noted in the Regulating Plan (pg. 43). His client owns 50 acres at the end of Stahl Road. Mr. and Mrs. Flick currently live in a rural, tranquil and peaceful country setting. They brought the first 10 acres in the early 1980's. They built their home in 1987 and added 40 acres later on. You cannot see their home from Stahl Road. If this application is granted, the tranquil setting they purchased 25 years ago will be gone. Areas 7, 8 and 9 on the Regulating Plan, especially area 9 is the single family area sitting on the ridge. The applicant is asking for large and small single family residences. During the presentation, the applicant said that they are only building 7 estate lots in area 9 that are three hundred (300) foot wide. It is not what the Regulating Plan stipulates - it could be small single family 60 foot lots. The applicant uses the words "might, may, possibly, could, perhaps, flexible" in their application. It is the nature of Planned Development as the devil is in the details. In area 8, they are proposing all multi-family (townhomes and multi-family buildings), which is next to the Flick front yard. In area 7, they are proposing single-family, townhomes and multi-family, which is next to the Flick driveway. What are the details of the multi-family housing? The multi-family housing will be 6 unit buildings and 8 unit buildings up to 3 stories tall. Type A multi-family can include apartments and outdoor parking lots. Type B multi-family can include outdoor parking and buildings may be 5 stories high. The applicant is not locking in the proposed uses. There are 28 multi-family buildings proposed in areas 7 and 8 next to Mr. and Mrs. Flick. Under

the Planned Development Overlay, they are allowed to put more than 28 multi-family buildings in these areas so as long as they can squeeze them in and they don't exceed the 864 figure across the 334 acres. The first question regarding the multi-family that the Planning Commission must decide whether any multi-family should be allowed on this site at all. From Cardinal Cove to Rivershore Farms Subdivisions there are only 2 out of 11 subdivisions approved for multi-family - Thornwilde and North Pointe. Nothing has been built yet. Should the Planning Commission allow multi-family on the subject site, it clearly should not be in areas 7 and 8 near Mr. and Mrs. Flick's house. It is not consistent with the Zoning Regulations and Comprehensive Plan. Also, the applicant should follow the landscaping buffer and setback requirements. The applicant should not be allowed to lessen the buffer requirements especially with the planned multi-family. The proposed wind turbines at 60 feet in height generate noise. There is a developing medical ailment called wind turbine syndrome. One of the 2 wind turbines is proposed in area 8 adjacent to Mr. and Mrs. Flick's property. How could you buffer a 60 foot tall turbine that makes a noise. The Flick property is about 20 feet below the elevation of areas 7 and 8. A 60 foot wind turbine will look like the Carew Tower. The applicant's presentation made the project seem really nice, but his client is not happy. Why didn't Mr. and Mrs. Flick be invited to the design charette? Do you think Mr. Flick would have something to say about a cluster of multi-family units and a 60 foot high wind turbine outside his window? The Zoning Regulations are intended to protect private property owner rights. Mr. Noel submitted his written remarks (See Exhibit 1).

Mr. Bob Flick, 1717 Stahl Road, has lived in the Francisville area for 37 years. He stated that he never thought a huge development would be built next to him. He feels that a good buffer zone should be built between the proposed multi-family and existing single-family. Wouldn't it make sense to move the multi-family to the inside of the development and place the single-family next to him. Why doesn't the developer take care of the "old timers?" He is concerned about people feeding his horses.

Jo Anne Ellena, 1718 Grandview Drive, stated she is in support of Mr. Noel's comments except she is unsure about the wind turbine. She expressed a concern about the displacement of animals when the site is developed other than the packet areas. What is the stability of the ground when you build on ridges and steep slopes? It seems like it will impact the environment. There are a lot of considerations to be made.

Secretary-Treasurer Bunger briefly explained the zone change process as the Planning Commission offers a recommendation to the Boone County Fiscal Court. The Fiscal Court will make the final decision on the application.

Trip Arbaugh, 1303 North Bend Road, explained that he and his wife live directly across the Village Center. He asked why is the C-1 and O-1 zoning districts more applicable than the current residential zone? The intent of Article 10 of the Zoning Regulations is also to prevent excessive commercialization from wasting or blighting public and private facilities and land. At the present time, there are 22 out of 35 commercial units within a 1.4 mile that

are vacant and 2 other undeveloped lots within the same area. The SR-3 zone is defined as a compact high subdivision density and that it is an appropriate transition between other districts. This clearly is not the case for this development as there are not any more dense zoning districts surrounding this property. Why is this more appropriate than the current RSE zone, which allows 1 residence per acre? Our concerns are noise as we live directly across from the proposed village Center. Also, lighting, how will you buffer the lights with multi-story buildings? What landscape buffering is proposed to control these issues or concerns? Not only does it include commercial and or office, it also includes 2 additional stories of residential. How can this not have a negative impact on the neighbors? Under the utilities and infrastructure portion of their proposal, it states that there will be ponding of water for extended periods of time or instances when the post development peak runoff exceeds the pre-development peak. This is of great concern and with a large amount of the existing green space directly across from our property being removed, Section 31.25 of the Zoning Regulations state that post development runoff must be equal to pre-development water runoff. It also states that water runoff shall not adversely impact natural drainage from an uphill drainage basin or a downhill drainage basin or adjacent properties. Why is there going to be three access points on KY 237? The Future Land Use Guidelines of the Comprehensive Plan states that "proposed residential developments that have smaller lot sized than surrounding land uses are recommended to utilize the following design mechanisms to address the impacts on existing developments. The proposed development should consider a band of larger lots and setbacks along the affected perimeter of the site adjacent to the existing development to provide adequate transition." Mr. Arbaugh submitted his written remarks (See Exhibit 2).

Mr. Ed Massey, 1789 Stahl Road, resident of the area and school board member, expressed a major concern about education piece of this project. The developer has not addressed the school board but an employee of the school board. The school district is still experiencing explosive growth impacting the schools. Other developers who have come into the area have often provided sites for building schools. North Pointe Elementary was built with the idea that the improvement of KY 237 would occur. For the first time KY 237 is a safe road and can accommodate bus traffic. Congestion will increase if this development occurs as planned. The main entrance to the development does not align with Tree Tops Lane causing left turn problems for bus traffic from both subdivisions. It seems logical that the main entrance should be moved to align with Tree Tops Lane creating a future traffic signal or a third roundabout. He stated the school district is averaging building a school a year. We are the fastest growing school district in the state. We have the largest elementary school in Kentucky - 1,300 students. Twelve students a year is not realistic. The School Board has not been offered land for an elementary, middle or high school. The School District was not invited to the charette. In terms of traffic, Stahl Road cannot support the additional traffic from the multi-family units. No sign can be used to discourage people from using Stahl Road. Stahl Road is already overcrowded because of Settler's Pointe Subdivision. He stated that he owns the corner lot near Stahl Road and KY 237 and the only access to it is from Stahl Road. He is going to acquire part of a lot that is landlocked and is located adjacent to the development. There

is no planned access to this area from the Village Center. Eight years ago, he requested a zone change from residential to office. He was told there is no commercial development beyond Remkes for North Hebron except for an existing spot for a small area across from Thornwilde Subdivision. The idea was to keep Northern Boone County green according to the Comprehensive Plan. How could the proposed Village Center fit in now versus what was proposed before - a small law office. It was denied because it did not conform to the Comprehensive Plan as it was commercial development. According to the Comprehensive Plan, the existing commercial center will probably not expand significantly because of the new highway. Mr. Massey noted that he would like more time for input. He was not invited to the charette. The community needs more input and the project needs more time. This project needs to be rehashed for another 18 years and be resubmitted. Mr. Massey submitted his written remarks. (See Exhibit 3).

Connie Kiskaden, 1841 Stahl Road, stated she has 10 grandchildren that come to her house and play in the road because there are no sidewalks. The front entrance will be a bottleneck and because of this they will travel down Stahl Road. She expressed a concern about alleys and safety of children and crime. Perhaps, they should move the multi-family buildings.

Dan VanMeter, 7511 River Road, wanted to know about storm water impact. He has experienced cracks in the drywall and outside walls of his house. He hired an engineer and spent \$20,000 in 2 years to address this problem.

William Sanders, 2252 Britt Drive, noted that he first learned about this project after reading the sign. First, he recommended changing the size of the sign posted on the property and use plain English so that residents can actually see what is proposed, for example 864 houses proposed. Second, the area north of the roundabouts should all be single family residences and not multi-family buildings. It should include churches, schools, a library and a playground. Third, a bike path has been constructed along KY 237. Children can now get to the neighborhoods on their own for class projects and traffic from multi-family buildings and commercial uses will affect this activity. Fourth, the Diocese of Covington is thinking about building a new school or church in Hebron. Mr. Toebben could donate the land and the Boone County School District wouldn't have to worry about another school. Commercial doesn't need to be there since there is 50% vacancy in Hebron. A school and church at the entrance would be a great thing to do. Mr. Sanders submitted his written comments (See Exhibit 4).

John Smith, 1805 Stahl Road, thought that the people living in the proposed multi-family area would not use the main road but zip out Stahl Road. Stahl Road is not ready for this and would like the Planning Commission to vote this project down.

Beth Kamradt, 1590 Jolee Drive, stated that during rush hour in the morning the traffic is already backed up to the second roundabout. The planning that went into the design of the roundabout didn't take into account two lanes going out past Remkes. In addition, the park

and ride is drawing traffic from the south. All the traffic coming from north has to wait for the traffic coming to the park and ride. In addition, there will be 864 units on a one lane road up to the Remkes' traffic signal. In the mornings, school buses are backing up beyond the second roundabout. It is difficult leaving Parlor Grove Subdivision. The road should be expanded to two lanes in each direction. Conner Middle School is at capacity. Is it 12 students per year per type of school-elementary, middle and high school? Does it make sense that only 360 students will come from an 864 unit development? She stated 75% of the households will have children or 2 children per household or about 1,396 children, the number of students will be somewhere between 360 and 1,396. She doesn't know where the money or land will come from and doesn't want more children at schools at capacity and with portable classrooms. She isn't concerned because she is a teacher but is concerned about her son. She stated she is not against development but we have to make sure it is not alone on the backs of our children.

Mr. Costello explained that the School District has purchased land for a new elementary school in Thornwilde. There is no funding in place to build it. It doesn't address overcrowding at Conner Middle and Conner High Schools. He stated that the School District (Staff) has communicated with the developer and has written a letter to the developer. The Planning Commission does not have a copy of the letter. There were concerns about capacity.

Mr. Richard Graves, 2432 Frontier Drive, expressed his concern about changes in the plans due to the economy and housing market as stated by Mr. Toebben - the worst market since the Great Depression. We will get Celebration if everything goes according to the applicant's plan including the economy. We will get the down side no matter what. If building Celebration (development) proves to be economically unsound, Toebbens will build whatever they can within the rules that will turn a profit. We will suffer the burdens. Stahl Road will end up clogged or be converted into a pocket highway. No one will be able to discourage the traffic from swamping Stahl Road. The benefits of this project no matter how attractive is speculative, but the burdens are as close to certain as to anything gets in this uncertain world.

George Hummeldorf, 2485 Frontier Drive, is concerned about the high density residential near both ends of Stahl Road. There will be more traffic on Stahl Road. In Settler's Point, there was a change in developers due to the down economy and smaller homes were built. This affected his property value. This might happen with this development and Toebben will sell off the land. It is also too flexible. He felt that the number of students was low considering the high density housing.

Norma Perkins, 1943 Stahl Road, emphasized her concerns about the impact of the current pastoral setting and the proposed multi-family setting along with noise buffer and traffic. She inquired whether the parks, trails and streams would only be available to the new residents or to everyone in the community?

Jim Minnick, 1174 Waterford Court, expressed his concern about the proposed multi-family buildings and their height next to Deer Creek Subdivision. It has the smallest buffer zone proposed in the project.

Bob Herzog, 1727 Stahl Road, restated that the developer said they would discourage residents from using Stahl Road. Even if they put a 10 foot wall to keep traffic off Stahl Road, they would cross onto Mr. Flick's property to get to KY 237. There would probably be 400 cars.

Shirley Millar, 669 North Bend Road, stated that her primary concern is related to the fact that her daughter, son-in-law and grandson live directly across from the Village Center and that the Planned Development overlay will be supercede the existing zoning a subdivision regulation with waivers. These regulations were in place to guide growth and development in a consistent and planned manner. The applicant's summary on page 3 of their booklet discusses 1,000 units. Is it 1,000 or 864 units? Which is correct? The next concern is sidewalks as the applicant only wants to put them on one side where as the Subdivision Regulations requires them on both sides of the street. Is this really pedestrian friendly? Children shouldn't walk on a street without sidewalks. Another concern is seasonal temporary banners. Article 34 (34.9 and 34.20) states that they are not permitted in the zone and Temporary Advertising Displays require a permit. Are they proposing these ideas thinking that no one will catch them or regulate them? The Village Center will allow retail, restaurants, office and personal services. This would also allow liquor stores, numerous uses that would generate a considerable amount of traffic and would put people outside in the evening - more noise and lighting. Areas 0 and 19 are not identified and what type of buffering are they proposing along North Bend Road? It is also mentioned that horse related uses are a Conditional Use in the proposed zoning district. Is this a way to get the use approved without having to go before the Board of Adjustment and have conditions put on the use? How will the applicant share parking from the retail area with the multi-family area? How can the applicant not include loading areas in the retail area? How can the applicant not be required to screen garbage cans? The applicant states that community amenities may include pools, tennis courts, etc. The application does not require them to do it. It is misleading. Mrs. Millar expressed a concern about allowing A-frame and sandwich board signs since they are only allowed on Main Street in Florence. There are no details about the entrance sign. The applicant wants to make exceptions to the normal landscaping requirements in Article 36. Also, landscaping is not normally permitted in public rights-of-way. I am opposed to this project and urge the Planning Commission to look at the regulations, where high density residential should be located at Ky 237/KY 20 and in the middle of the subdivision and not around the perimeter where it affects an existing neighborhood.

Bee Wend, 1292 North Bend Road, noted that she lived in the area for 40 years. You could count more farm equipment going down North Bend Road than cars. We have Parlor Grove, Tree Tops, Thornwilde, and Deer Creek. Did I want them? No, for all of the newcomers to not want this is not fair. For people concerned about the animals, they should have been here when Parlor Grove Subdivision was built. Change is constant and we have to deal with it. The Planning Commission has done a good job - compromising to make it right. Toeppen is a custom builder and not a track builder. They will do the best they can. We have to live with change.

Diane Vines, 1864 Stahl Road, stated that we have to have change but it has to have common sense. This proposal doesn't make sense. The Remke development under Toeppen has 3 empty buildings. It doesn't have the history like older businesses in Hebron.

What he wants to develop out there is Cincinnati. There is not enough room for that out in the area. Toebben doesn't have anything to offer but empty buildings and eyesores.

Richard Soper, representing Boone County Conservation District, stated that he is not in favor or against the development. He wanted to just submit a letter from the organization as part of the process (See Exhibit 5)

Bob Flick, 1717 Stahl Road, mentioned that he was made aware from someone else that there may be four Union soldiers buried on the subject property. He thought the staff should look into this issue. He noted that he has an Indian Burial Mound on his property and that some soldiers were found closer to the Airport.

Secretary-Treasurer Bunger asked if Staff wanted to add anything. Mr. Wall responded that a lot of the points were mentioned previously and there are 15 pages of concerns identified in the Staff Report. Mr. Bunger asked if the Planning Commission members have any questions?

Mrs. Poston inquired whether the primary road would be a boulevard without parking and stop signs? Mr. Gee answered that the primary road is a divided boulevard with on-street parallel parking. She asked how many stop signs would be installed? If there are a lot of stop signs, there will be a lot of people on Stahl Road. Mr. Gee explained that they have not laid out a stop sign plan but they will take a look at it before the Committee Meeting. They have not anticipated a lot of stop signs. The County Engineer requested that the streets be designed for traffic calming purposes. The streets are narrower and cross walks will be made of pavers. Mr. Gee emphasized that they want the traffic to go through the Village Center for commercial activity purposes.

Mr. Costello reported that the applicant did provide a traffic study. Is the main boulevard a limited access road? Mrs. Poston responded that her concern is the number of stops like Oakbrook Road, which would make people flow on Stahl Road. Mr. Costello indicated that the staff has always had a concern about the connections to Stahl Road due to the width and conditions of the road. There needs to be more than one way in and out of this large development for emergency response.

Mr. Longano asked whether the connection to Stahl Road could be gated and only emergency vehicles be allowed to use it? Mr. Wall stated that it could but we should obtain input from the Hebron Fire Department, the Boone County School District and the Boone County Engineer. Has this been done before? Mr. Wall stated that he was not aware of an example with similar circumstances.

Mr. Schwenke asked whether there is information available about the number of houses already developed and empty lots from subdivisions in the area? Mr. Wall responded that it can be provided and this information is available based on the type of housing unit, single family versus multi-family. It is updated on a routine basis.

Mr. Breetz inquired about phasing. How far back will the primary road be built? Will it be spotty during different time periods? An example of this is the patio homes project near KY 237 and Tanner Road. Some of this project has been built but some of it is not well maintained. It is an eyesore. This information would be helpful at the Committee meeting. There should be more details on the pedestrian access. Will there be any recreational facilities within the development? What are the green "legs" leading down to River Road? Will there be trails leading to the park?

Mr. Bayer stated that the Roman numerals in the one exhibit are not phases but pods of the development. The first phase would be to construct the main drive to provide a view of the river. The first phase will also be dependent on the provision of sanitary sewer by SD#1 and the need to provide a diverse mixture of housing units so that the public can have options. We don't believe it will be any faster than 30-35 units per year based on the market studies. The commercial will not be in the first phase as housing units are needed to support it. The residential in the Village Center will come later when the commercial is built.

Mr. McMillian asked whether the utilities will be installed underground? Mr. Bayer answered "yes". Utilities may be overhead as they approach the site but they will be underground on the site.

Mrs. Poston inquired why is the multi-family housing being proposed on the perimeter? Mr. Bayer answered that they used the Comprehensive Plan as the guiding light because the location of high density residential at the end of Stahl Road. The design of the Village Center drove the need for high density residential in the front portion of the project. Mrs. Poston noted that the multi-family could go anywhere since the developer is applying for a Planned Development Zone Change for the entire property. Mr. Bayer said essentially it could, but this plan is what they have designed because of the views. This should be examined closely at the Committee meeting as stated by Mr. Bunger.

Mr. Breetz asked about the lighting along the roadways? What will be the downcast of light because of the sky views? Mr. Costello noted that the County doesn't require street lights but the 3 cities require developers to install them. It is the option of the developer.

In response to Mr. Bunger, Mr. Gee stated that the application is for 864 total units. He will provide a copy of the letter sent to them by the School District and the estimates on the number of students. Mr. Gee noted there are a lot more details about the project in the application booklet.

Mr. Noel stated that the applicant continues to say that the project is consistent with the Comprehensive Plan. They don't want you to read the details. They are referring to the Future Land Use, one component of the Comprehensive Plan. The Future Land Use map is a crystal ball projection 25 years into the future. It attempts to look at the year 2030. It

says that high density residential might be appropriate on the ridge top not now but in 2030. It further states when 2030 comes along, small amounts of attached housing may extend onto the ridge lines. According to their traffic study, 50 % of the housing units will be multi-family. Is this a small amount of multi-family? No. If it is the year 2030, what is the type of multi-family allowed? No where in the Plan does it refer to apartments. It talks about condominiums and townhomes. If you look at the details of the Comprehensive Plan, there should be no high density residential next to Mr. & Mrs. Flick. If you do allow it, where should it go? The multi-family should be held to the interior of the property. The high density residential traffic will use Stahl Road if it located near Mr. Flick.

Bonnie Griffin, 1692 Grandview Drive, wanted to know if Toebben owns land that connects to KY 8, where traffic can be routed to relieve the traffic on KY 237? She expressed a concern about the view of the wind turbine. Mr. Bunger stated he will announce the date and time of the Committee meeting. It is a public meeting. The date and time of the Committee meeting is posted on the Planning Commission's web page.

Mr. Massey noted that the School Board has a representative on the Planning Commission, but is not present at the Public Hearing. With a development of this size, it is important that the School Board be involved. The school is the central part of the community. It would have been great if Mr. Toebben could have done a presentation about this project before the School Board. He feels that the main project entrance should be analyzed for school bus traffic turning movements. On page 140 of the Future Land Use Development Guidelines of the Comprehensive Plan, it states that "the proposed development should consider in its design a band of larger lots and set backs along the affected perimeter of the site adjacent to the existing development to provide an adequate transition." Multi-family dwelling units are not adequate transition. The buffer between the proposed muliti-million dollar homes and the homes along Stahl Road is the multi-family units. This is not right.

Mr. Wilson noted that Mr. Ford was not at the Public Hearing and will not be participating in the request. Mr. Costello explained the procedure for notifying agencies. A letter about the project went to the Superintendent. It is up to the Superintendent to decide what action to take and who to inform.

There being no further comments, Secretary/Treasurer, Kim Bunger stated that the Committee Meeting for this item will be on July 21, 2010 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on August 4, 2010 at 7:00 P.M. Secretary/Treasurer Bunger closed this Public Hearing at 10:55 P.M.

APPROVED:

Kim Bunger
Secretary/Treasurer

Attest:

Kevin P. Costello, AICP
Executive Director

EXHIBITS:

- Exhibit #1 Specific Requests made by Bob & Susan Flick submitted by Mr. Noel**
- Exhibit #2 Concerns submitted by Trip & Susan Arbaugh**
- Exhibit #3 Written remarks submitted by Ed Massey**
- Exhibit #4 Written comments submitted by William Sanders**
- Exhibit #5 Letter submitted by Richard Soper for the Boone County Conservation District**
- Exhibit #6 Letter submitted by Kimberly D. Patton**