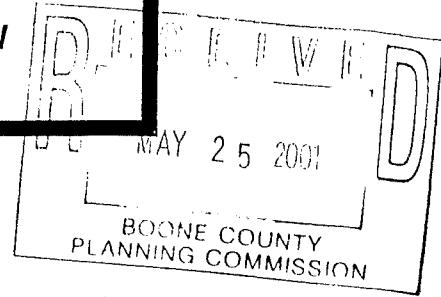


APPLICATION FORM

ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)
SECTION A (To be completed by applicant)

1. Name of Project No name has been selected yet - Proposed Garden Apartments
 2. Location of Project East of Grand National Blvd., South of Richwood Rd.
 3. Total Acreage of Site 45 acres
 4. Current Zoning of Site EPD
 5. Proposed Zoning (Classification being requested) UR-1
 6. Proposed Uses (please specify each use) Multi-family development of one and two bedroom units
-
7. Names of Applicant(s) Edward Rose Properties, Inc.
Phone Number (616) 323-9484 Fax No. (616) 321-7884
 8. Address of Applicant(s) 6101 Newport Rd., P.O. Box 3015
Kalamazoo MI 49003
City State Zip
 9. Name of Property Owner(s) Em-A-Non Acres Limited Partnership
Phone Number (859) 485-7789 Fax No. (513) 874-4523
 10. Address of Property Owner(s) 357 Richwood Rd.
Richwood KY 41094
City State Zip
 11. Proposed Building Intensities (please specify) 540 units @ 12 units per acre
 12. Are there any existing buildings on the site? No
How many? _____
 13. Deed Book 498 Page No. 302 Group No. --
 14. Are you also applying for:
No Conditional Use Permit
No Dimensional Variance
 15. Have you submitted a Concept Development Plan? Yes
 16. Have you had a pre-application meeting with BCPC Staff? Yes
 17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- 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
- Kentucky Transportation Cabinet
- City of Florence Public Services Department
- Boone County Building Department

(over)

EXHIBIT

“A”

STAFF REPORT

Request of **Edward Rose Properties, Inc. (applicant)** for **Em-A-Non Acres Limited Partnership (owner)** to consider an application for a Zoning Map Amendment from Employment Planned Development (EPD) to Urban Residential One (UR-1) for a 45 acre site located on the east side of Grand National Boulevard and the west side of I-75/71, approximately 1,000 feet southeast of the Richwood Road/Grand National Boulevard intersection, Boone County, Kentucky. The request is for a zone change to allow multi-family dwelling units.

July 5, 2001

REQUEST

This application is for a zone change from Employment Planned Development (EPD) to Urban Residential One (UR-1) to allow five hundred and forty (540) apartment units on a forty five (45) acre site, with a density of twelve (12) units per acre. The site is located between Grand National Boulevard and I-75/71, to the immediate north of the developing Reserve at Steeplechase condominium/multi-family project and to the northeast of the Steeplechase Clubhouse. An approximate thirty (30) acre remainder tract located between the subject site and Richwood Road, and across Grand National Boulevard to the west, will retain the EPD zoning.

The Concept Development Plan shows a total of twenty apartment structures on the site. All buildings are three story. Ten of the buildings contain twenty four (24) units and the other ten contain thirty (30) units. Depending on the topography of the specific building site, building entries would be at either the first or second floor. The proposed buildings are multi-gabled structures that have balconies and that have brick and siding exteriors (elevations are included in the application materials).

The site is organized into five basic groupings of buildings which correspond to the proposed phasing plan. Two of the groupings are located along Grand National Boulevard and the other three are along I-75/71. Each of these groupings is organized around a driveway "loop" which also contains parking. In addition to surface parking, garages are scattered throughout the parking field. All vehicular areas within the development are proposed to be private.

Two access points are proposed on Grand National Boulevard. The first is proposed to be a minor access point in the northwest corner of the site. The second is a major access point in the southern part of the site (at the southwest building grouping) which has a divided driveway that leads to a traffic rotary which contains a water feature. A community building with a pool is proposed to the east of the traffic rotary. A cable TV building with associated satellite dishes and an antenna tower are proposed at the west end of the northern-most property line.

A series of detention basins is proposed along an existing water course that runs across the site in an east-west manner. Existing vegetation is proposed to be retained along portions of the freeway frontage and in the southeast corner of the site. A landscape concept which shows perimeter, vehicular area, and building plantings has been provided. Approximately sixty nine percent (69%) of the site is proposed to be open space. Public water service is available from the Boone County Water District and public sanitary sewer service is available from Sanitation District #1.

SITE HISTORY

The EPD zone which applies to the property was enacted through the 1991 Comprehensive Zoning Update. In addition, the EPD zone text was created through the same update. The adjoining Steeplechase development was approved in 1997. This development includes 189 acres and was approved for 311 single family lots and 372 multi-family dwelling units. The overall approved density for that project is 3.6 units per acre, and the approved density for the multi-family phase is approximately 11.3 units per acre (Committee Report and Concept Development Plan are attached).

SITE CHARACTERISTICS

As noted previously, the site contains 45 acres. It has approximately 1,000 feet of frontage on Grand National Boulevard and approximately 1,750 feet of frontage on I-75/71. The topography of the site is relatively steep and is comprised of two hillsides which run from south to north and north to south to a central valley. An intermittent blue line stream runs in this valley in an east-west manner, and another intermittent blue line stream runs into this valley from the north. The site is largely open pasture with a few intermittent trees. There are treed areas in the creek valley, along the freeway, and along old fence lines. The Glacken family cemetery is partially on the subject property along the northern-most property line. Public water is available along Grand National Boulevard and public sanitary sewer is available at the Richwood pump station to the west. There are no structures on the site. Soil types on the site include Faywood silty clay (FdD3), Nicholson silt loam (NIB and NiC) and Rossmoyne silt loam (RsB and RsC).

ADJACENT LAND USES AND ZONING

The existing land uses and zoning adjacent to the subject site include the following:

- A. The previously mentioned EPD zoned remainder tract is located to the north between the subject site and Richwood Road. A number of interchange oriented businesses are located further to the north in the I-75/KY 338 interchange area along both sides of Richwood Road (such as fast food establishments, convenience store with gas sales, a bank, a truck stop, mini-warehouses, and a telecommunications tower; C-3 and C-4). Several residences are located to the north/northeast along the south side of KY 338 between the interchange businesses and Grand National Boulevard (C-3 and EPD). Triple Crown Country Club Subdivision is located further to the north across KY 338 (SR-2/R/PD).
- B. An open space area is located to the west across Grand National Boulevard (EPD), and single family residences on large frontage lots are located further to the west along the south/east side of KY 338, west of Grand National Boulevard (A-2).
- C. The previously described Steeplechase development is located to the south and southwest (SR-1/PD). Sutherland Subdivision is located further to the southwest, between Steeplechase and Richwood Road (SR-1).
- D. I-75 runs along the east boundary of the site.

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2000 Boone County Comprehensive Plan's Future Land Use Map designates the majority of the site as "Urban Density Residential." This designation is described as "attached housing, generally condominiums or apartments, of over 8 dwelling units per acre." The northern-most, approximate one fifth of the site is designated as "Business Park." This designation is described as "a mix of office warehouse, research, office, and light industrial uses in a park like setting with large building setbacks, low floor area ratio, integrated pedestrian and recreation facilities, constant architectural and signage theme, extensive landscaped areas, and attractive entrance treatment. This land use is recommended for high visibility areas and transition areas between industrial and residential land uses." The Urban Density Residential designation on this site resulted from the property owner's request at the Public Hearing for the 2000 Boone County Comprehensive Plan.

The Land Use Element makes the following statements that relate to the area ("Richwood West," pp. 166 and 167).

- A. Development to the southwest of the Richwood Interchange must continue the Grand National Boulevard connection to Chambers Road. Triple Crown Subdivision provides an important road connection between Richwood Road and Frogtown Road. Other connections between Richwood Road and Frogtown Road need to occur. The southwest quadrant of I-75 and Frogtown Road, adjacent to the new Frogtown-Richwood Connector Road, should develop as High Suburban Density residential to provide a logical transition of density and a buffer between the major roadways and single family development to the west. However, this area should not include a continuation of the existing mobile home park. Any attached housing in this area must be designed to complement adjacent single-family residential.

The Land Use Element provides the following general comments that relate to the proposal.

- A. Developments in Boone County should begin with an assessment of the existing site features to determine positive and useful attributes, as well as features which should or can be preserved. Development design should incorporate the use of these attributes for the benefit of the development and the County as a whole, rather than leveling an entire site to meet a pre-conceived project design. Development plans should identify such areas, and delineate disturb limits to protect those areas that have been defined ("Utilization of Existing Vegetation and Topography," pg. 158).
- B. 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 ("Buffering," pg. 159).
- C. Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways . . .

Developments along major roadways in Boone County must include landscaping and/or the use of berms between the development and the right-of-way in order to promote the aesthetic appearance from the roads and to facilitate the compatibility of differing uses ("Landscaping," pg. 159).

- D. Developments in Boone County must recognize the potential impacts of stormwater run off. Developments must design and incorporate adequate provisions for the channelization and control of the rate of stormwater flow on and from the site. Further, control and mitigation practices for erosion associated with developments must be provided ("Stormwater Management and Erosion Control," pg. 159).
- E. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, and provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system ("Access Management," pg. 159).
- F. Developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention . . .

Neo-traditional residential and commercial development should be encouraged to provide quality development that blends with the natural or historic character of parts of Boone County . . .

The proper application of these guidelines help, in part, to achieve an overall objective of this Comprehensive Plan. This goal states that proper future growth management for Boone County is implemented. As a minimum, proper design and development must include the consideration and application of the above guidelines ("Designs, Signs, and Historic Preservation," pg. 160).

The Business Activity Element provides the following comments that relate to the general area in question.

- A. Highway related commercial activity is appropriate at the I-75/Richwood Road interchange. However, such growth on the west side of the interchange should be adequately buffered from existing and planned residential uses. As the residential area of Richwood grows, especially with the 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 travelers. Most of the highway commercial growth should take place east of the interchange, although this growth should not occur to the point of blocking industrial traffic from future planned industrial development along US Highway 25. Commercial development in this area should be designed to serve nearby residential growth. Over time, the truck oriented uses should be replaced with other commercial development as the interchange transforms from a travel services area to a residential area ("Areas of Future Commercial Activity," pg. 71).
- B. The Richwood and Walton interchanges will serve an increasing amount of industrial traffic along the US 25 and I-75 corridors. Most of the industrial activity should locate near the interchanges to minimize travel on non-interstate roads. The southwest quadrant of the Richwood I-75 Interchange has the potential to develop into a business park development with office uses . . . ("Areas of Future Industrial and Office Activity," pg. 73).

The Population Element outlines population projections based on the Ohio-Kentucky-Indiana Regional Council of Government's (OKI) transportation analysis zones. The population for the zone in question (887) is expected to increase from 5,973 in the year 2000 to 8,402 in 2010, and to 9,459 in 2020 (pp. 27-30).

The 2000 Boone County Comprehensive Plan Goals and Objectives include the following pertinent statements.

- A. Development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments ("Overall," Objective 2).
- B. Proper design principles shall be applied in development ("Overall," Objective 3).
- C. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed ("Overall," Objective 4).

- D. Boone County shall strive to achieve a diversity and balance in land use. Land use and zoning decisions shall strive to balance the rights of landowners with the rights of the general public ("Overall," Objective 6).
- E. The needs of Boone County's population base are measured and fulfilled through the provision of orderly growth ("Population," Goal).
- F. New development or redevelopment within Boone County is designed, constructed and operated in such a way that the quality of the existing physical environment and social environment are maintained and enhanced. Development within Boone County preserves and promotes a better quality of life ("Environment," Goal).
- G. New development or redevelopment shall attempt to design sites utilizing existing topography and vegetation, 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 site's existing physical assets are used. Residential development design in particular shall minimize grading work as opposed to clearing the entire site. Existing trees and pasture land shall be evaluated during the design and construction process as a visual and economic benefit to the community ("Environment," Physical Objective 2).
- H. Existing vegetation shall be considered as both an important site characteristic and a community resource ("Environment," Social Objective 4).
- I. A broad range of housing opportunities shall be provided which meet the needs and desires for all household types ("Housing," Objective 1).
- J. Housing supply in Boone County shall be balanced against present and planned commercial, industrial and primary and secondary education bases ("Housing," Objective 4).
- K. In order to offer the citizens of Boone County maximum choice in living environment, residential development shall be judged primarily on density, impact on infrastructure, and development design with only secondary consideration given to the type of dwelling unit ("Housing," Objective 5).
- L. New or redeveloped residential areas shall be designed to establish clearly defined neighborhoods with a mix of retail, public, and recreational uses. Established neighborhoods shall be protected and enhanced and deteriorated neighborhoods shall be regenerated ("Housing," Objective 9).

- M. Mixed use, higher density neighborhoods shall be encouraged to locate at proposed mass transit stations near commercial districts and public facilities (i.e. parks) and also have convenient access to major streets and highways ("Housing," Objective 10).
- N. Residential developments shall be encouraged to plan and build in a manner which is compatible not only with the general housing density and design planned for the area but also with the existing conditions of the site, including the suitability of adjoining lands for appropriate access, and significant site features ("Housing," Objective 13).
- O. Where existing infrastructure, services and the public school system are not adequate, developers shall phase construction to facilitate the provision of these items to support their developments ("Housing," Objective 14).
- P. New infrastructure systems shall be built to definite planned and balanced capacities and for definite urban and rural forms ("Public Services and Facilities," Objective 2).
- Q. New connector streets shall be developed where needed and feasible thus lessening the total dependence on arterial streets. Existing connector streets shall be improved where needed ("Transportation," 2nd Goal, Objective 2).
- R. Proper access to adjoining property shall be provided and/or retained when a property develops or redevelops ("Transportation," 2nd Goal, Objective 3).

STAFF COMMENTS

1. The Planning Commission and Fiscal Court will need to determine whether the request is in agreement with the adopted Comprehensive Plan. The Future Land Use Map designates the vast majority of the site for Urban Density Residential uses (keeping in mind that this map is a land use concept) and the Population Element forecasts a substantial increase in population for the traffic zone in question, although the population forecast is for the zone at large and should not, in and of itself, be construed to endorse a particular land use or density on a specific parcel. The Comprehensive Plan text does discuss the southwest quadrant of the Richwood Road/I-75 interchange to some extent, but this discussion is basically limited to future commercial and business park development. The governing bodies will also need to consider whether the current zoning is inappropriate and the proposed zoning is appropriate, and whether there have been changes of an economic, physical, or social nature not anticipated in the comprehensive plan that substantially alter the area's character.

2. Staff has the following comments regarding the design of the project.

A. A landscape concept was submitted with this application (not attached to this report due to sheet size). This concept proposes landscaping around the entire perimeter of the site, throughout the vehicular areas, and along the buildings. Additionally, the plan proposes to retain the existing tree cover in the southeast corner of the site and in the areas where it exists along the freeway (new plantings are shown in the "gaps" along the freeway). While staff finds the overall landscape concept to be appropriate for the specific project and site in question, and recommends that it be tied to any approval of this application, Staff also recommends that Buffer Yard C be required along the freeway frontage where existing tree cover does not exist to help diffuse the visual impacts of such a large-scaled development with three story buildings (8 evergreen trees and 4 deciduous trees per 100 linear feet). Irrespective of the submitted landscape concept and any potential condition regarding dense landscaping along I-75, the project will need to meet the minimum requirements of Article 37 of the Zoning Regulations regardless. For informational purposes, depending on the final parking layout and planting plan, some additional landscape islands may need to be provided in the parking areas.

B. While the cosmetics of the proposed architectural design is fairly comparable to that approved for the neighboring Reserve at Steeplechase, Staff has concluded that the size and scale of the proposed buildings are fairly dominating (three story structures that are between approximately 165 and 210 feet along with continuous main ridges), and that efforts should be made to reduce the scale and mass of the buildings. The most effective way to achieve this goal would be to break the structures, particularly the larger ones, into multiple smaller structures. This would create shadow lines and tangible breaks, particularly in the long, continuous roof lines and facades. "Stair stepping" the roofs of the proposed structures so that they did not have one long, continuous ridge line would be a simpler, yet somewhat less effective solution in this regard which may not yield a better overall design.

Additionally, to reduce the overall monotony of such a large project and to improve the visual relationship between this development and the adjoining areas, Staff suggests that at least two basic architectural themes be used for the overall development. The different themes should use some common elements so that the end project will still become a cohesive whole (the basic underlying structures will not need to be changed in this regard, just the cosmetics), but they should use material and color palettes which vary, and other cosmetics could be altered as well (such as roof types, style of bays or other projections, window types, etc.). This could be done on a phase by phase basis so that each building grouping would read as a "sub-neighborhood" within the overall development.

- C. The Comprehensive Plan, and the Zoning Regulations to some degree, call for pedestrian systems that connect various parts of a development together, as well as to public streets and adjoining areas. Although the beginnings of such a system are shown on the Concept Development Plan, the various walks should be connected together. Sidewalk connections between the buildings, parking, and public street are required by the Zoning Regulations and in this instance at least one crosswalk will be necessary to provide a link to the asphalt path on the opposite side of Grand National Boulevard.
 - D. A cable television building with several satellite dishes and an antenna tower are proposed. These structures need to be more fully explained (especially the height of the antenna tower) - it is Staff's understanding that the antenna tower is a tall monopole structure, much like a telecommunications tower. Related to this subject, Section 3160 of the Zoning Regulations require that a minimum 30 foot setback be maintained from all areas that are not part of the development; a satellite dish is shown encroaching in this setback.
 - E. Mr. Ken Hund of the Boone County Parks and Recreation Department has briefly reviewed the Concept Development Plan. Based on the size of the project, he has suggested that additional recreational facilities be provided, such as tennis and/or volleyball courts.
2. A memo and additional information from Mr. Matt Becher, Rural/Open Space Planner, is attached regarding the Glacken family cemetery that is partially on the subject property. In short, Mr. Becher notes that the procedures and requirements of Section 3166 of the Zoning Regulations regarding cemeteries will need to be followed (i.e., boundaries need to be determined by an archaeologist, provide appropriate easements and fencing, etc.). Depending on the actual boundaries of the cemetery, the plan for the northern part of the project may need to be revised to meet the pertinent requirements.
 3. A letter from Mr. Edmond Thompson, District Permits Supervisor with the Kentucky Transportation Cabinet, District 6, is attached regarding the Grand National Boulevard/Richwood Road intersection. Mr. Thompson's letter states that condition #3 of the Steeplechase zone change approval should be enforced (refer to attached Committee Report). This condition requires the applicant to upgrade KY 338 to a three lane road (two way road with a center turn lane) from a point near Heritage Trails Subdivision where similar improvements were made, through the Triple Crown/Grand National/KY 338 intersection including related intersection improvements, by the time that 217 new dwelling units have been constructed in the Steeplechase development (the 217 figure is based on data in the Traffic Study that was conducted at the time).

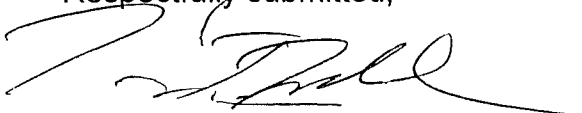
Also related to the Triple Crown/Grand National/KY 338 intersection, condition #7 of the Steeplechase zone change approval (refer to Committee Report) requires the applicant to financially participate in the signalization of the intersection when its level of services drops below LOS "C." The dollar figure mentioned in the condition is based on the estimated cost of signalization and the projected, proportionate impact of the Steeplechase development on the intersection. The applicant for the current proposal is expected to provide a detailed analysis of the impact of the Rose project on the intersection, however, such an analysis has not been provided as of this writing. Staff strongly recommends that the governing bodies require proportionate participation in the signalization project (when warranted) from this developer as well. The level of participation will need to be based on a certified analysis of the impacts created by this development.

4. Mr. Paul Hacke of the Boone County Water District has commented that water service is available to the site, although a master meter pit and fire hydrants that meet the District's spacing requirements will need to be provided. On a related note, Mr. Gary Aman of Sanitation District #1 has commented that the Richwood pump station has sufficient remaining capacity to serve the project, however, the developer may need to up-size lines en route to the pump station.
5. Ms. Gretchen Bartley of the Kentucky Division of Water has reviewed the proposal and noted that the project will need a Water Quality Certification, and that an acceptable mitigation plan will need to be approved. She also commented that a 404 permit will need to be obtained from the US Army Corps of Engineers. The attached e-mail dated 6/26/01 provides further details.

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Boone County Fiscal Court in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3, "Amendment" of the Boone County Zoning Regulations and the potential impacts on the existing and planned uses in the area. The Future Land Use Map will not need to be amended if this request is approved.

Respectfully submitted,

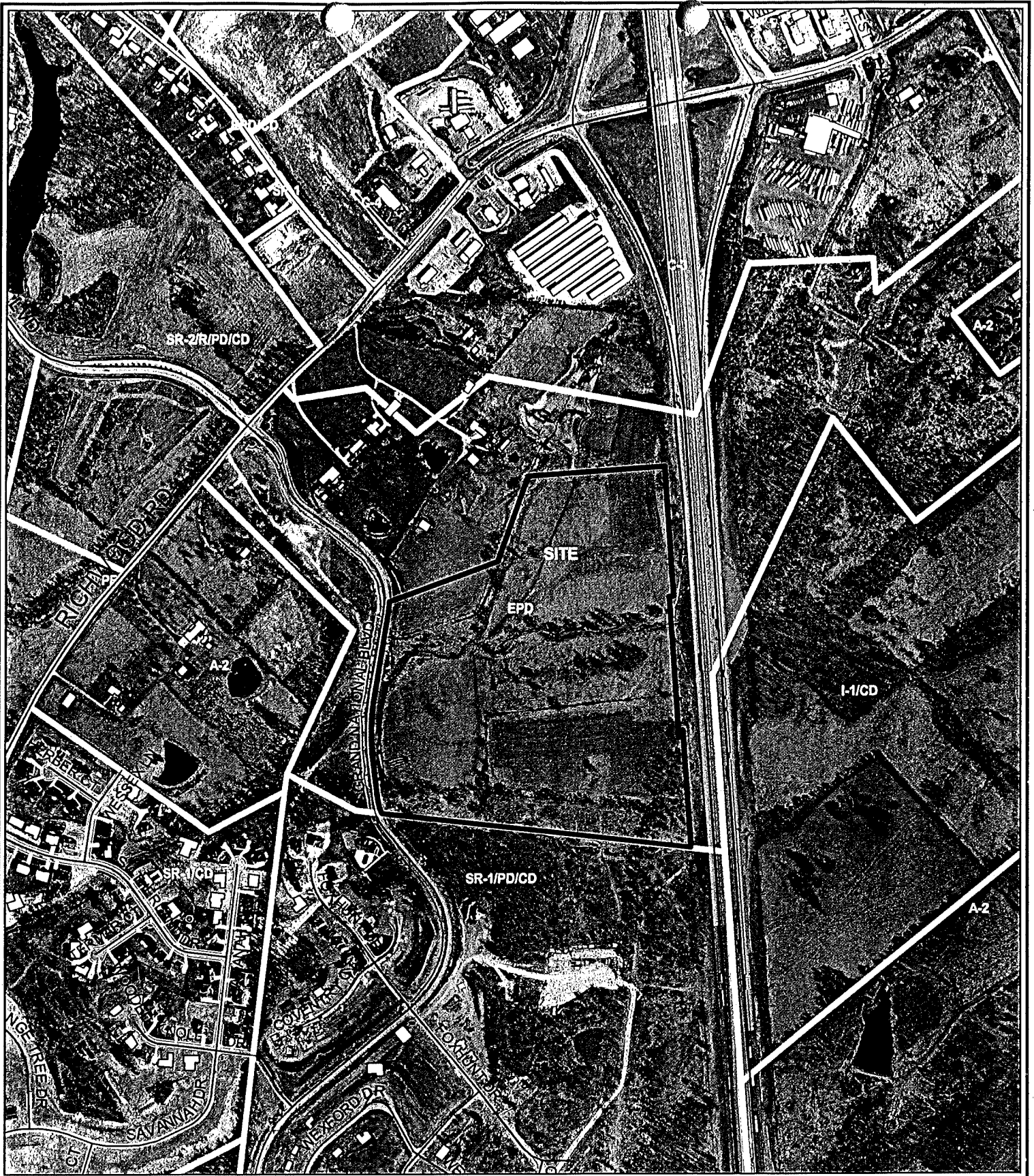


Kevin T. Wall, AICP CDT
Director, Zoning Services

KTW/pr

Attachments:

- location map
- aerial photo w/ zoning
- Future Land Use Map excerpt
- topographic map
- 3/19/97 Committee Report and Concept Development Plan for Steeplechase zone change
- 6/14/01 memo and supporting information from Matt Becher, Rural/Open Space Planner, regarding Glacken family cemetery
- 6/15/01 letter from Edmund C. Thompson, District Permits Supervisor, Kentucky Transportation Cabinet, District 6
- 6/26/01 e-mail from Gretchen Bartley, Kentucky Division of Water
- application materials including Concept Development Plan and narrative booklet

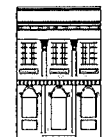


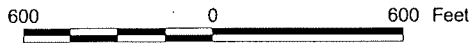
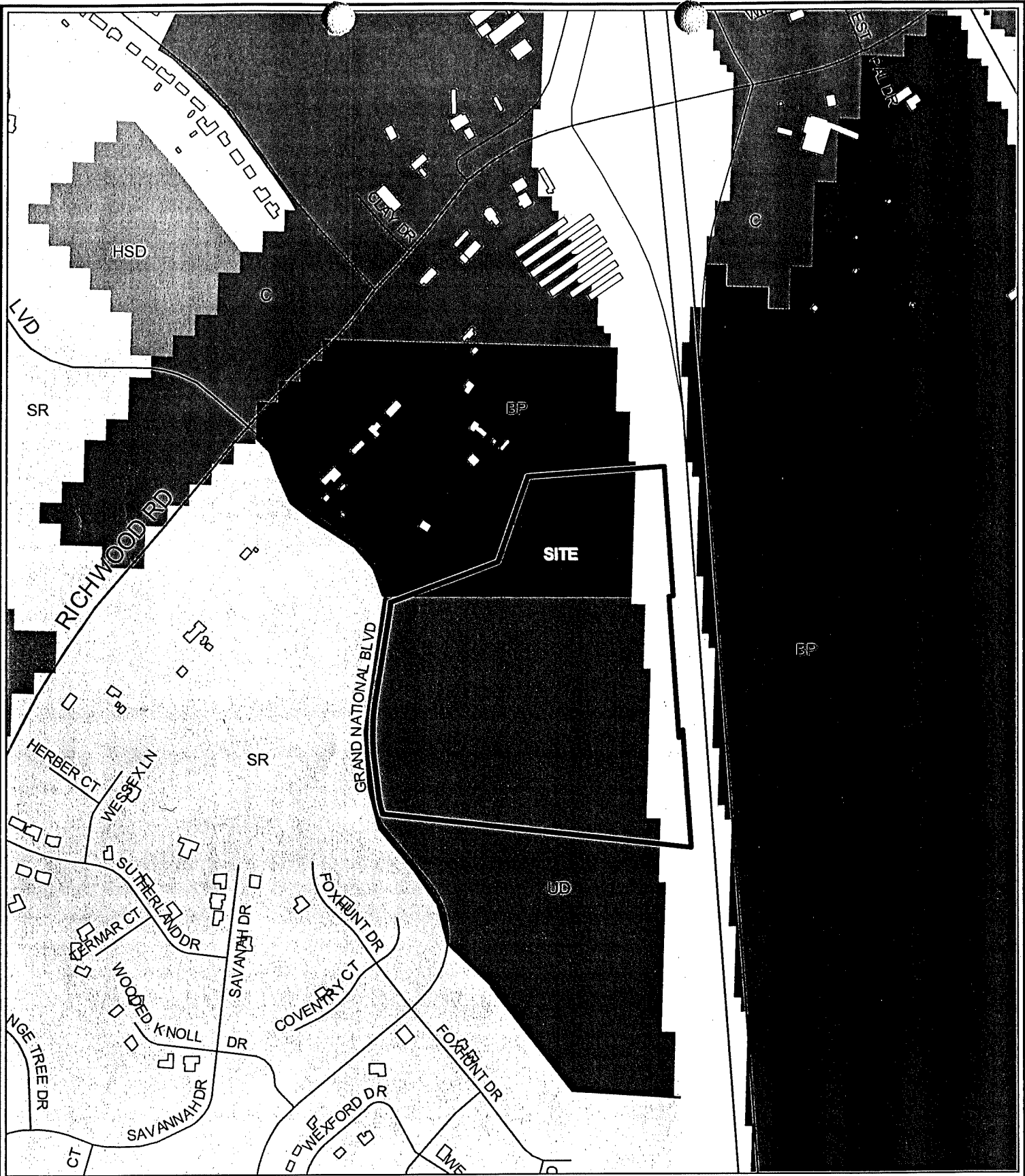
Zoning

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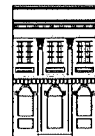
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 Boone County Planning Commission
 GIS Services Division
 June 15, 2001

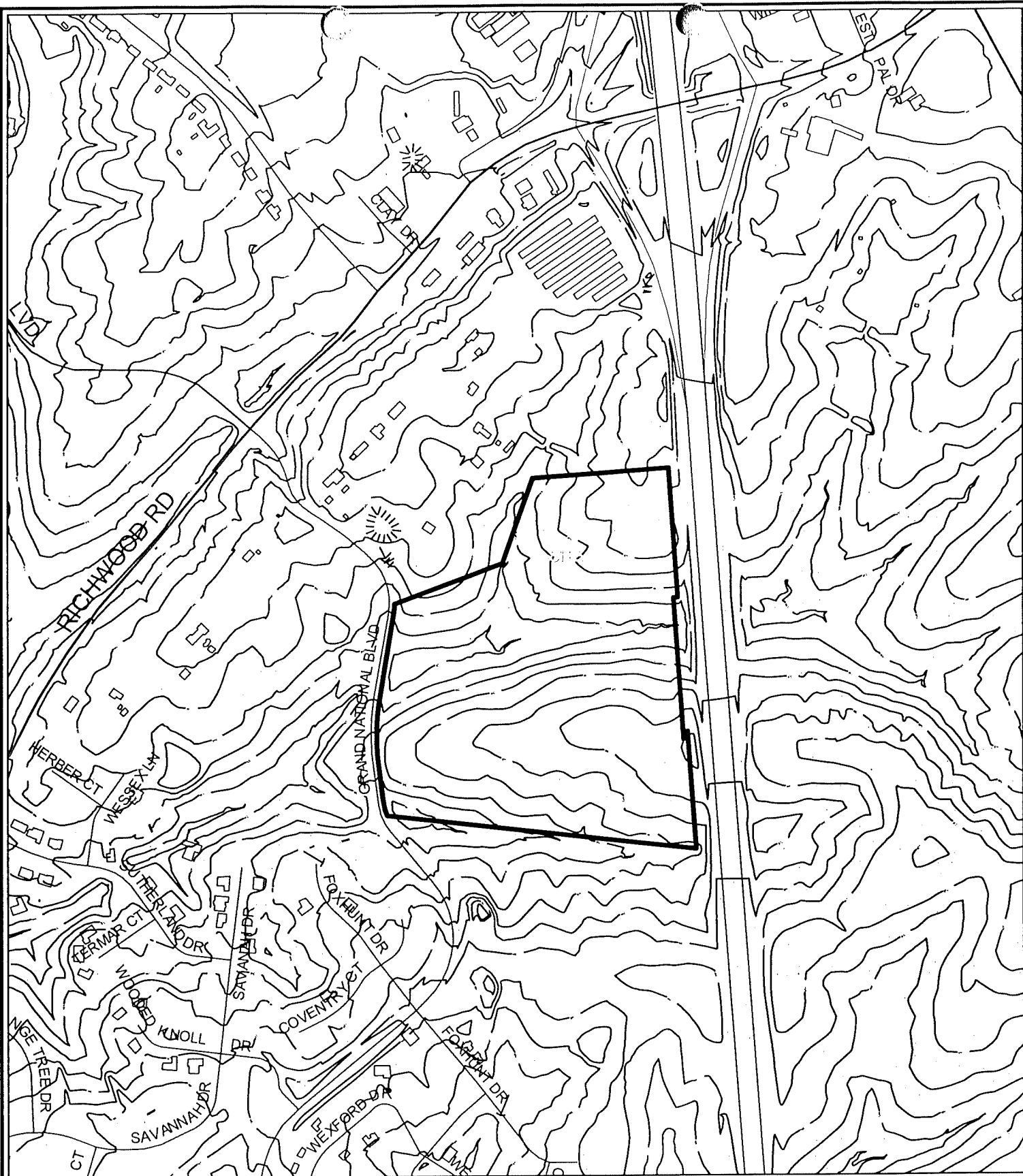




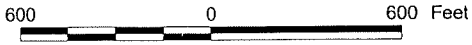
Future Land Use

1 inch equals 600 feet
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 GIS Services Division
 June 15, 2001

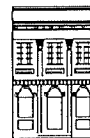




Topography



1 inch equals 600 feet
Produced by the
Boone County Planning Commission
GIS Services Division
June 15, 2001



COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Arnold Caddell, Chairman

DATE: March 19, 1997

RE: Request of **The Erpenbeck Company (applicant)** for **EM-A-NON Acres Limited Partnership (owners)** for a Zoning Map Amendment from Agriculture Estate (A-2) and Employment Planned Development (EPD) to Suburban Residential One/Planned Development (SR-1/PD) for a 189 acre site located at the southwest quadrant of the KY 338/I-75 interchange, Boone County, Kentucky. The request is for a zone change to allow a residential subdivision with single-family and multi-family dwelling units, "**Steeplechase.**"

REMARKS:

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

Findings of Fact

1. The Committee has concluded that the proposed Zoning Map Amendment and Concept Development Plan are in agreement with the 1995 Boone County Comprehensive Plan due to the following reasons:
 - A. The proposal leaves a seventy five (75) acre remainder tract which is currently zoned Employment Planned Development (EPD) in the southwest quadrant of the KY 338/I-75 interchange, between the subject site and KY 338, that is designated for "Business Park" uses by the both the Future Land Use Map and the Land Use Element.
 - B. The Future Land Use Map designates the area south of the "Business Park" area mentioned above for Suburban Density Residential uses (single family housing of up to four units per acre). The majority of the site area is proposed for detached single family residences with an overall density of 3.6 units per acre.

- C. The text of the Land Use Element calls for High Suburban Density development to act as a transition between the aforementioned Business Park uses and Suburban Density Residential uses. The proposal in question provides a cluster of multi-family structures between the remaining EPD zone and the proposed single family residences in accordance with this provision.
- D. The Concept Development Plan, which was revised through the Zone Change Committee review process in accordance with the issues raised by the public and the Planning Commission in the January 29, 1997 public hearing, generally addresses the qualitative issues stated in the 1995 Boone County Comprehensive Plan regarding overall project design, preservation of natural features, provision of open space areas, buffering between adjoining properties, and street connections.
2. The Committee has concluded that due to the suburban density and low density residential developments that are immediately adjacent to the subject site to the west and southwest, and due to the natural site features which are better preserved and enhanced through moderate density residential development versus office, industrial, and/or commercial development permitted under the current Employment Planned Development (EPD) zone, the existing zoning classification is inappropriate and the proposed zoning classification is appropriate.
3. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives and policies of the 1995 Boone County Comprehensive Plan, as well as the intent, objectives, and requirements of Article 15 "Planned Development District (PD)" of the Boone County Zoning Regulations. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The applicant has signed a letter demonstrating agreement with these conditions.

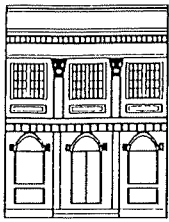
Conditions

1. The development shall follow the attached Concept Development Plan which was revised through the Zone Change Committee review in accordance with the issues raised at the January 29, 1997 public hearing. This Concept Development Plan, and its related attachments, are identified as "Exhibit A."
2. The applicant will construct and dedicate the street connection (labeled as "future street connection by others") shown on the Concept Development Plan between "Street H" and the property to the south (referred to as the "Deters Property") by the time that fifty percent (50%) of the lots on "Street H" are sold.

3. The applicant shall upgrade KY 338 to a three lane road (two way road with a center turn lane), from the point where similar improvements that were recently constructed near Heritage Trails Subdivision (Paddock Drive) terminate through the proposed four way KY 338/Triple Crown Boulevard/Steeplechase Boulevard intersection, including the related intersection improvements identified in the applicant's traffic report. These improvements shall be constructed by the time Building Permits for 217 new dwelling units have been approved within the zone change area, and will consist of the same street section and right-of-way improvements as the recent three lane upgrade to KY 338 between Heritage Trails Subdivision and I-75.
4. The entry features (masonry walls and landscaping) at the proposed KY 338/Steeplechase Boulevard intersection shall be constructed in accordance with the detail included in Exhibit A. In addition, "horse farm" style fencing with intermittent shrubs shall be provided along both sides of Steeplechase Boulevard. Examples of this fencing is included in Exhibit A.
5. The entry treatment at the KY 338/Steeplechase Boulevard intersection, the pool proposed along Steeplechase Boulevard, and the recreation amenities shown on the Concept Development Plan, shall be constructed with the first phase of the subdivision.
6. The design of the multi-family structures shall follow the concept included in Exhibit A; the types of masonry used on these structures may be altered at the applicant's option.
7. The applicant shall be responsible for a proportionate share of the costs involved in signaling the future four way KY 338/Triple Crown Boulevard/Steeplechase Boulevard intersection when signal warrants are met and when the overall intersection level of service drops below a level of service "C" based on the Highway Capacity Analysis for Unsignalized Intersections. This condition acknowledges that one or more other private developers will participate in these costs if the signal is not installed at the exclusive expense of the Kentucky Transportation Cabinet. The applicant's contribution towards signaling the intersection shall not exceed \$13,600.00.

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

BOONE COUNTY HISTORIC PRESERVATION REVIEW
BOARD



2995 Washington Street, Burlington, KY 41005

859-334-2111

FAX 859-334-2264

E-Mail:

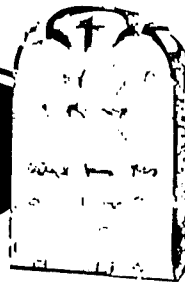
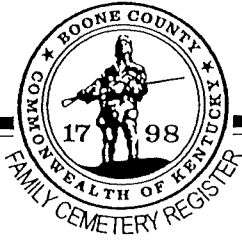
mbecher@boonecountyky.org

MEMORANDUM

TO: Kevin Wall, AICP, Director, Zoning Services
FROM: Matt Becher, Rural/Open Space Planner
DATE: June 14, 2001
RE: Glacken Cemetery and Edward Rose Properties Garden Apartments plan

In reviewing the Boone County Cemetery files, it appears that the cemetery identified on the applicant's Boring Location Plan is the Glacken family cemetery. A 1996 memo from former staff to Bayer and Becker Engineers states that: "Although exterior signs of the cemetery have been allowed to be almost completely obliterated, my records indicate that 25-35 people were buried at this site between 1820 and 1905." Further, the memo indicates that "there are descendants of this family still living in the area, and they are quite concerned about the proper treatment of this cemetery." I have attached a copy of the Family Cemetery Register form for the Glacken Cemetery, which lists the names of suspected burials, as well as interested descendants. Also attached is a copy of a 1951 deed describing the cemetery and a 16-foot access to it.

A portion of the Glacken cemetery falls on the property proposed for development. Due to the ambiguity between the surface extent of the cemetery and the written record of interments, the cemetery is probably significantly larger than is depicted on the Boring Location Plan. The procedures pertaining to Cemeteries outlined in Section 3166 of the Boone County Zoning Regulations should be followed if the site is developed. A list of Kentucky registered archaeologists will be provided if the applicant elects to proceed with developing the property. The Historic Preservation Review Board should be kept informed of the cemetery's disposition during the site plan review and cemetery investigation processes.



Date: July 6, 1988

Name: **GLACKEN** (Please note another way of Spelling Name as found on Stones and in Records)

Location: Southwest quadrant of I-75 and Richwood Road. Facing the Interstate, cemetery is to the right of the pond. This is the same family cemetery catalogued by James R. Glacking (see below) but revisited later by those indicated.

Property Owner: Lewis G. Davis, 371 Richwood Rd. Walton, KY.

Recorder: Jack Rouse of Walton, KY in 1967

Source: Old Cemetery Inscriptions of Boone & Kenton Counties. Rebecca Bryan Counties. Rebecca Bryan Chapter, DAR Ft. Thomas, KY 1970 pp. 15 & 32

All parties noted on Pages 4 & 5 are descendants and are actively concerned about the preservation of this cemetery.

Inscriptions:

GLACKEN

Andrew Glacken / Born Dec. 27, 1799 / (no death date/see note)
Mary / wife of A. Glacken / Born / Oct. 24, 1802 / Died Dec 7, 1836.
Dianah / wife of A. Glacken / Born April 5, 1806 / Died April 8, 1879.

HOARD

Matilda / wife of John Hoard / Died Feb. 11, 1893 / aged 86 yrs., 3 mos., 24 ds.
John Hoard / Died 1847 / At Rest /

CONNELLY

Rachel / wife of W. L. Connelly / Died May 7, 1855(?) / aged 26 yrs., 11 mos & ?(stone broken).

WATERS

Mary E. Daughter of Abner & Mary C. Waters / Died July 1, 1853 / 1 yr., 9 mos., 10 ds.
Margaret Jane / Daughter of Abner and Mary C. Waters / Died July 1, 1853 / 1 yr., 11 ds.

Footstones: O.C. (G)? / L. J. W. / M. J. W. / M. C. (G)? / J. W. / M. H. / M. G. W.

NOTE:

"An older inventory of the Glackin Cemetery contains this data
William Glackin / 1765-1821.
Elizabeth/wife of William Glackin/ 1767-1828.

This data correlates with the known data concerning the couple.

Page 32

John H. Glacken/ 1833 - 1907 /
William Glacken / 1765 - 1821/
Elizabeth / wife of / William Glacken / 1767 - 1828 /
William A. Glacken / Born June 14, 1826 / Died Nov, 22, 1866 /

(Martha Revecca Cooley - according to the Boone County Recorder of June 23, 1909, she was the wife of Wm. A. Glacken who remarried after his death; she was Born May 31, 1830; Died June 16, 1909)

**According to family records Andrew Glacken Died January 24, 1883

Mary E. / Daughter of W.A. & M. R. Glacken / Born August 10. 1851
/ Died December 20, 1860/
Louisa J. / Daughter of / Abner & Mary C. Waters / Died April 9, 1860
aged 2 months.

Comments:

The Glackin family cemetery is a parcel of land set aside as a place of burial for the family of William and Elizabeth Glackin, who had come to Boone County from Madison County after the close of the War of 1812. They brought with them their four younger children: William M., who had served in the war and was laying claim to 160 acres of bounty land; Andrew, Rachel, who in 1820 married James M. Lancaster; and Matilda, who in 1827 married John Hoard.

The senior William Glackin operated a tavern in his home. Following his death in 1821, his youngest son, Andrew, purchased the farm; and over the years, added several sections to the original acreage. Across the hollow in the rear of the Andrew Glackin farm home and on the opposite hillside was the family graveyard. Saplings were carefully planted and nursed until, together with the trees that were already there, a splendid grove shaded the burial plot. A stone fence surrounded the area; and handsome monuments were erected to mark the burial sites.

The earliest burial took place in 1820, and the last in the summer of 1909. The plot was specifically set aside and reserved as a cemetery in the will of Andrew Glackin, dated 17 Jan. 1882, and admitted to probate, 5 March, 1883. (Boone County Will Book XIII, pp 177-8) The cemetery became difficult to reach as no roadway was ever provided, only "one wood of land in good shape". The balance of Andrew Glackin's farm was sold to Frank F. Robinson, who held it until his death in 1925. Both of his wives, Laura Glackin Robinson and Georgia Carpenter Robinson, were grand-daughters of Andrew Glackin.

The cemetery is now on the farm of Lewis G. Davis, 371 Richwood Road, Walton,

Kentucky has been neglected for years, and many of the monuments, are in such poor condition that they are no longer legible.

Inscriptions from James Glacking's Book

Glackin - Connelly - Cooley

- Rachel, wife of William L. Connelly, Died May 7, 1855, age 26 years
-----months, -----days. (She was a daughter of John & Matilda
Glackin Hoard).
- Martha R. Cooley, Died June 16, 1909, age 79 years, 16 days.(She was the
remarried widow of William A. Glackin).
- Ambrose C. C. Glackin, Born ----, 1824; Died ----, 1853. (He was a son of
Wm. M. and Nancy M. Glackin).
- Andrew F. Glackin, Born Dec. 27, 1799; Died Jan. 23, 1883.
- Andrew Glackin Jr., Born March 26, 1842; Died ----, 1846.
- Charles, infant son of Andrew and Dianah Glackin, 1846
(This inscription was added to the reverse side of the obelisk marking
the grave of Andrew Glackin and his wives).
- Dianah, wife of Andrew Glackin, Born April 5, 1806; Died April 8, 1879.
- Dianah R. infant daughter of William M. and Mahala R. Glackin, Born Aug.
15, 1854; Died _____
- Elizabeth, wife of William Glackin. (No stone was ever found.)
- Elizabeth, wife of John H. Glackin, Died Sept. 19, 1872, age 40 yrs.
____mo., ____ days.
- Frank Leslie, son of John H. and Mary E. Glackin, Died Sept. 18, 1900
age 16 years.
- Georgiana, infant daughter of William M. and Mahala R. Glackin. (No dates
are legible. 1850 census records her as 1 year old).
- John H. Glackin, Born Nov. 1821, 1833; Died Jan. 30, 1907. (This grave
is also marked with a foot stone containing the initials JHG).
- Mahala C., daughter of William M. and Mahala R. Glackin. (No dates legible.
1860 census lists her as 3 years old).
- Mahala R., wife of William M. Glackin, 1812-1905.
- Mary, wife of William M. Glackin. (No stone found).
- Mary, wife of Andrew Glackin, Born Oct. 24, 1802; Died Dec. 7, 1836.
- Mary E., daughter of William A. and Martha R. Glackin, Died Dec. 20, 1860,
age 9 yrs., 4 mo., 10 days.
- Nancy M. wife of William M. Glackin, Born _____, 1792; Died _____ 1834.
- Napoleon B., infant son of William M. and Mahala R. Glackin.
(No dates legible, He was a twin of Dianah R. above)
- William Glackin, Died 1821. (Remainder of inscription illegible).
- William A. Glackin, Born June 14, 1826; Died Nov. 22, 1866.

HOARD - LANCASTER - MARSHALL - WATERS

- William M. Glackin, Died Dec. 29, 1856; age 60 yrs. ____mo.
- Harry (This field stone with no other data on it marks the grave of the devoted
Negro servant who cared for Andrew Glackin during his fatal illness
with small pox. The Negro contracted the disease and died within one
week according to the BOONE COUNTY RECORDER OF 7 Feb. 1883).
- John Hoard, Died 1847. (This stone was erected much later that 1847).

Matilda, wife of John Hoard, Died Feb. 11, 1893, age 86 yr.
Sophronia, daughter of James M. and Rachel Lancaster, Died Aug. 27,
1820. age 2 months.
Demine Marshall, 1813-1864.
Sarah A., wife of Demine Marshall, 1820-1898. (She was the eldest
daughter of Andrew and Mary Glackin).
(Mary and Sarah Marshall, daughters of Demine and Sarah Marshall,
died in childhood and are said to be buried here. No stones are extant.)
Infant daughters of Abner and Mary C. Waters.
Louisa Jane Waters, Died April 9, 1860, age 2 months.
Margaret Jane Waters, Died July 1, 1853, age 1 yr., 11 days.
Mary Ellen Waters, Died Aug. 27, 1849, age 1 yr., 9 mo, 10 days.
(Mary Caroline Waters was the eldest daughter of John and Matilda
Glackin Hoard.)

COMMENTS

Cattle had roamed through the plot, upset the monuments, trampled the smaller ones under foot, and dragged portions of the larger ones down the hillside. No fence now exists to keep the animals out, and the abandoned graveyard is attractive to farm animals because of the shade provided by the numerous large and beautiful trees that surround the area.

The following inventory was made in 1957 by James R. Glacking, 1130 Dawes Street, Libertyville, Illinois, 60048, a descendant of the family. It is based on inscriptions that were still legible at the time, contemporary news accounts found in the files of the Boone County Recorder, and family remembrances.

The above was written by James R. Glacking, and appeared in the 1978 Kentucky Ancestors V 13-3 pages 148-150

Glackin Family Cemetery

Family Contact information:

June 1999

Jennifer Anderson

44206 Tahoe Way

Lancaster, California 93534

661-943-6546

anderson@qnet.com

4th G-Granddaughter of Matilda Glackin Hoard and John Hoard

Robert Blackburn (Father to above)

110 St. Jude Circle

Florence, 41042

371-5776

Stuart Blackburn (brother to above)

6319 Birchwood Court

Burlington, KY 41005
586-8477

Cousin
June (Mrs. Bruce) Pettit
Grant County

Older Contact Information:

Donald & Wyona Whaley
Daughter - Janice
Kenton County
356-7170

All parties noted are descendants and are concerned about the preservation of this cemetery.

112-11

Know All Men by these presents:

DEED

That John A. Boutet and Ida Mae Boutet, his wife, and Richard A. Schlenker and Llewellyn Schlenker, his wife,

for and in consideration of One (\$1.00) Dollar and other good and valuable considerations

to them paid by Lewis G. Davis and Lillian Davis, his wife,

the receipt whereof is hereby acknowledged, do hereby BARGAIN, SELL AND CONVEY to the said Lewis G. Davis and Lillian Davis, his wife, for their joint lives, with remainder in fee simple to the survivor, his or her heirs and assigns forever, the following described Real Estate, in the County of Boone

Boone
Boone County of Kentucky

and Commonwealth of Kentucky, to-wit: All the right, title and interest of the Grantors

in and to the following described property:
Beginning at Station #1, a post a corner to Charles A. Wolfe and Thomas H. McGoffery; thence with land of Charles A. Wolfe N. 38° 10' W. 33 poles to a stone; thence N. 85° 30' W. 109.10 poles to a point in the center of the Richwood Road; thence with same S. 30° 25' W. 10.50 poles; thence S. 45° 55' W. 20.66 poles; thence S. 43° W. 22 poles to a point in said road, a post bears S. 46° 50' E. 20 feet; thence with the lands of the Link heirs S. 46° 50' E. 54.24 poles to a stone; thence S. 24° 10' W. 65.20 poles to a post; thence S. 14° 25' W. 4.64 poles to a post; thence with John Rice land S. 6° 5' W. 209.24 poles to a post; thence with Ira Aylor's farm S. 69° 35' E. 89.76 poles to a post; thence with Dale Hudsons land N. 18° 35' E. 28 poles to a stone; thence S. 85° 50' E. 27.64 poles to a stone; N. 19° 40' E. 15.72 poles to a post; thence with George Nickelson's land N. 41° 20' W. 21.20 poles to a post;

209.24 poles to a post; thence with Dale Hudson's farm S. 69° 35' E. 89.76 poles to a post; thence with George Nickelson's land N. 41° 20' W. 21.20 poles to a post; thence N. 2° 25' E. 9.76 poles to a post; thence N. 6° 30' E. 168.72 poles to a stone; thence N. 24° 50' E. 122.20 poles to the place of beginning, containing 260 acres.

There is excepted out of the foregoing description a graveyard and a passway thereto, which is described as follows: Beginning at a stone, thence N. 20 $\frac{1}{2}$ ° E. 4 poles; thence S. 66 $\frac{1}{4}$ ° E. 10 poles to a stone; thence S. 20 $\frac{1}{4}$ ° W. 4 poles to a stone; thence N. 66 $\frac{1}{4}$ ° W. 10 poles to the beginning, and for the purpose of getting to said graveyard a passway 16 feet wide has been laid off with the center line of which is as follows: Beginning at a stone in the line of the graveyard; thence N. 59° W. 11.58 chains to a beech tree; thence with the old passway N. 18° E. 1.89 chains; thence N. 39 $\frac{1}{2}$ ° W. 1.94 chains; thence S. 87 $\frac{1}{2}$ ° . chains to the center of the Richwood and Beaver Lick Pike, and the land herein conveyed is sold subject to the above described passway to the graveyard. This cemetery is located near the northern line of this property and northwest of the buildings.

Being the same property conveyed to the Grantors and Grantees by Edward Deters and Marie Deters, his wife, by deed dated October 11, 1951, and recorded in Deed Book 101, Page 51, of the Boone County records at Burlington.

The lien retained in this deed is released,

the debt and all interest having been fully paid.

THIS day of Sept 1956.

Attest: Richard A. Schlemmer

[Signature] Clerk
D.C. Dewey Schlemmer

Deed Book - 101 - Page 51

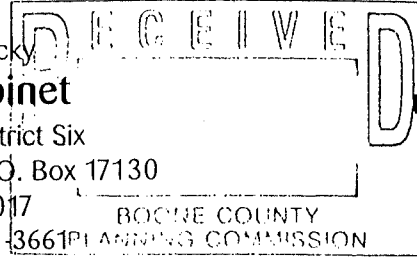


James C. Codell, III
Secretary of Transportation

Clifford C. Linkes, P.E.
Deputy Secretary

Commonwealth of Kentucky
Transportation Cabinet

Department of Highways, District Six
421-423 Buttermilk Pike & I-75, P. O. Box 17130
Covington, Kentucky 41017
859/341-2700, (Fax) 859/341-3661
Charles L. Meyers
Chief District Engineer



Paul E. Patton
Governor

June 15, 2001

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

ATTENTION: Kevin T. Wall
Director, Zoning Services

RE: Edward Rose Properties
Grand National Blvd &
Richwood Road
BOONE COUNTY

Dear Sir,

The Department has reviewed the Development Plan for the above referenced property. The provisions of the Conditions of Approval letter sent by the Boone County Planning Commission and dated March 18th 1997 should be enforced. Specifically, the items under condition (3) three.

A new Encroachment Permit with a plan for the left turn lane and road widening should be provided to this office for review. This will require the applicant to upgrade and revise the plan to the current standards for widths and tapers.

Should you have questions or need additional information, please contact this office.

Sincerely yours,

C. L. Meyers, P. E.
CHIEF DISTRICT ENGINEER


Edmond C. Thompson
DISTRICT PERMITS SUPERVISOR

ECT/dlt
Cc: C. L. Meyers



Kevin Wall

From: Pat Russ
Sent: Tuesday, June 26, 2001 8:07 AM
To: Kevin Wall
Subject: FW: Edward Rose Properties

-----Original Message-----

From: Gretchen.Bartley@mail.state.ky.us
[mailto:Gretchen.Bartley@mail.state.ky.us]
Sent: Monday, June 25, 2001 5:06 PM
To: plancom@boonecountky.org
Cc: Todd.Giles@mail.state.ky.us
Subject: Edward Rose Properties

Thank you for the reminder phone call on 6/25/2001.

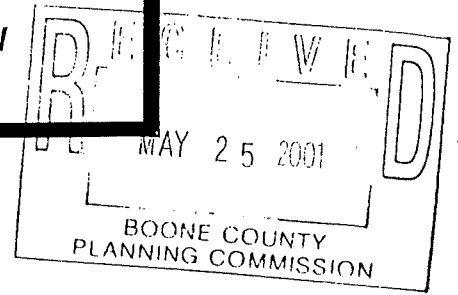
I have reviewed the design drawings and compared the proposed locations for the stormwater retention basins and agree with you. The three ponds in the northern portion of the property are definitely in an intermittent blue line stream. In addition to the degree of stream alteration being greater than 200 linear feet, they will also be altering the habitat from riparian to lacustrine. In order for the developers to accomplish this they will have to apply for and obtain both a 401 Water Quality Certification from the State of Kentucky Division of Water and a 404 US Army Corps of Engineers Permit to construct the lakes and alter the habitat. We went through a similar process several years ago when Erpenbeck was developing Steeplechase. The same would apply in this case.

Additionally, since the surface disturbance will involve more than 5 acres, they will also be required to submit a Notice of Intent and obtain a KPDES General Stormwater Permit for Construction Activities. If you wish please pass along our names and phone numbers to the developer or their engineers so that if they need additional information they can call us directly.

Thank you for seeking our input and keeping us informed of projects that are likely to require the involvement of our agency.

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 No name has been selected yet - Proposed Garden Apartments
- 2. Location of Project East of Grand National Blvd., South of Richwood Rd.
- 3. Total Acreage of Site 45 acres
- 4. Current Zoning of Site EPD
- 5. Proposed Zoning (Classification being requested) UR-1
- 6. Proposed Uses (please specify each use) Multi-family development of one and two bedroom units

- 7. Names of Applicant(s) Edward Rose Properties, Inc.
Phone Number (616) 323-9484 Fax No. (616) 321-7884
- 8. Address of Applicant(s) 6101 Newport Rd., P.O. Box 3015
Kalamazoo MI 49003
City State Zip

- 9. Name of Property Owner(s) Em-A-Non Acres Limited Partnership
Phone Number (859) 485-7789 Fax No. (513) 874-4523
- 10. Address of Property Owner(s) 357 Richwood Rd.
Richwood KY 41094
City State Zip

- 11. Proposed Building Intensities (please specify) 540 units @ 12 units per acre

- 12. Are there any existing buildings on the site? No
How many? _____

- 13. Deed Book 498 Page No. 302 Group No. --

- 14. Are you also applying for:
No Conditional Use Permit
No Dimensional Variance

- 15. Have you submitted a Concept Development Plan? Yes

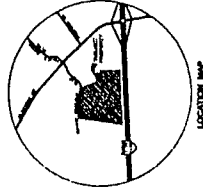
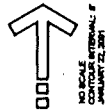
- 16. Have you had a pre-application meeting with BCPC Staff? Yes

- 17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- X Boone County Water and Sewer District
- N/A Florence Water and Sewer Commission
- N/A Union Light Heat and Power
- No Cincinnati Bell
- No Owen County Rural Electric
- X Boone County Public Works Department
- No Kentucky Transportation Cabinet
- N/A City of Florence Public Services Department
- X Boone County Building Department

PROPOSED GARDEN APARTMENTS BOONE COUNTY, KENTUCKY CONCEPTUAL SITE PLAN

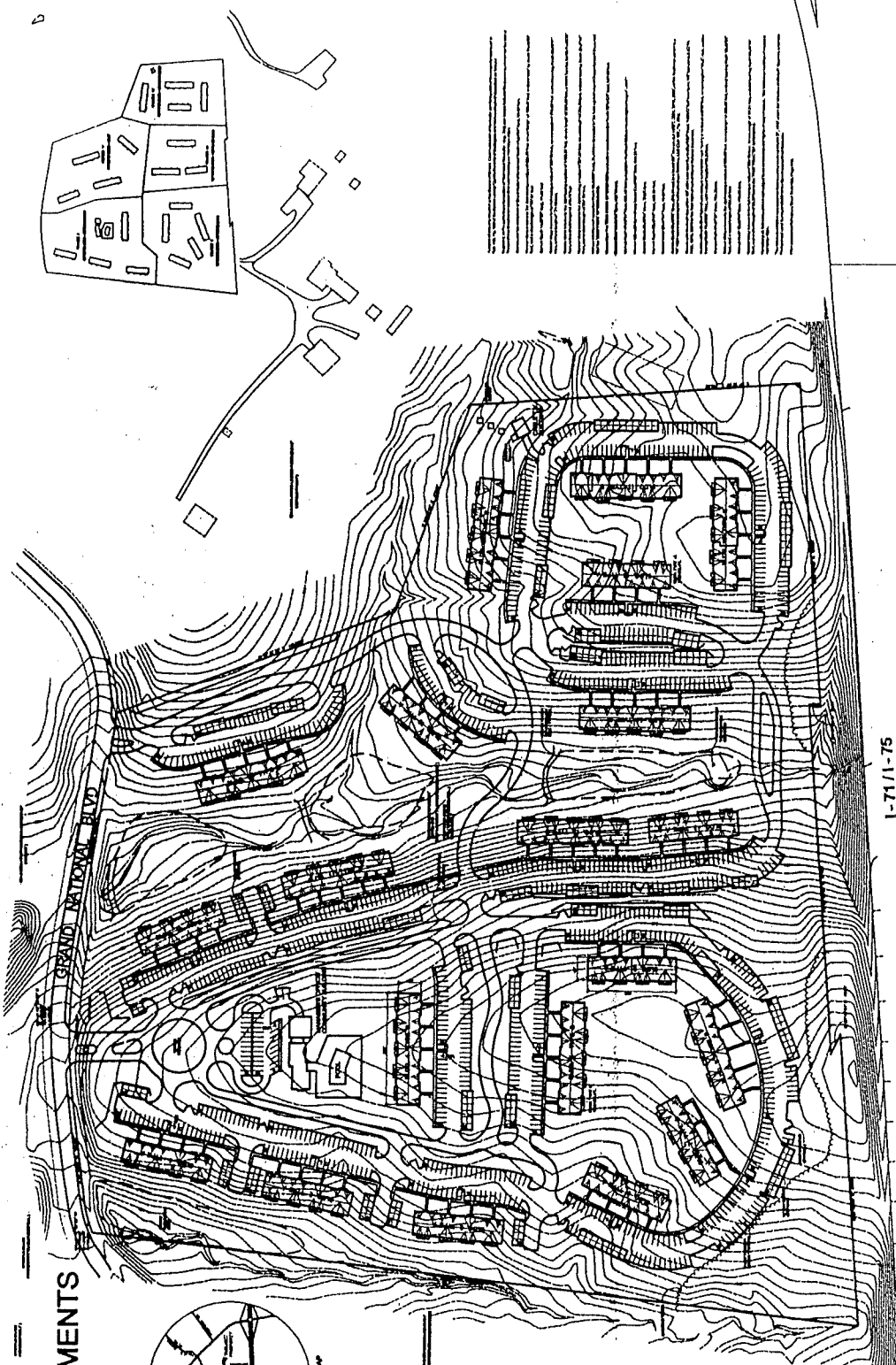
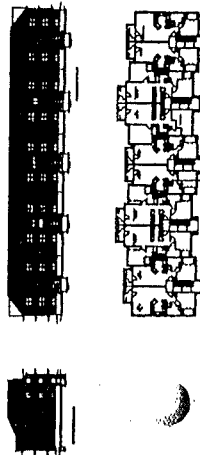
PREPARED BY:
STANWELL ROBE PROPERTIES, INC.
501 BENTONPORT ROAD
SPRINGFIELD, MISSOURI 65702
PH: 417-833-2444



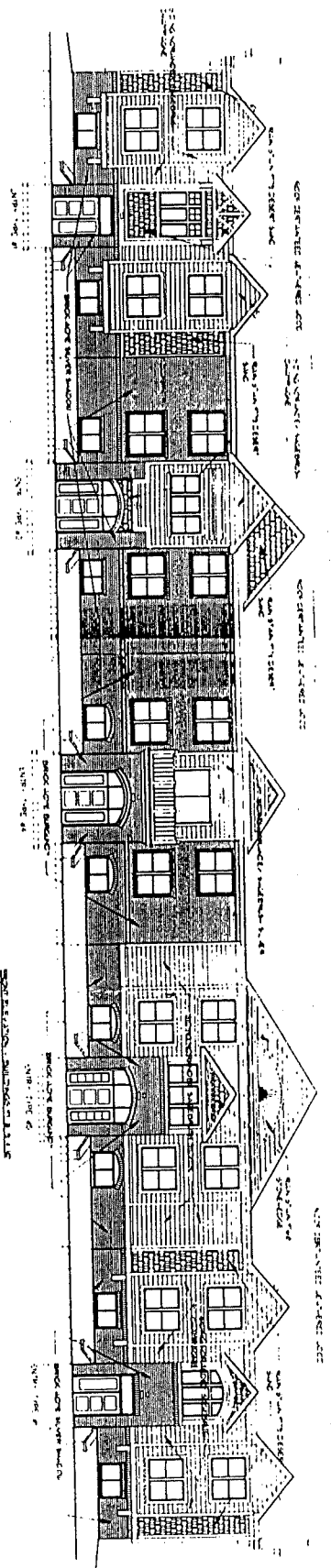
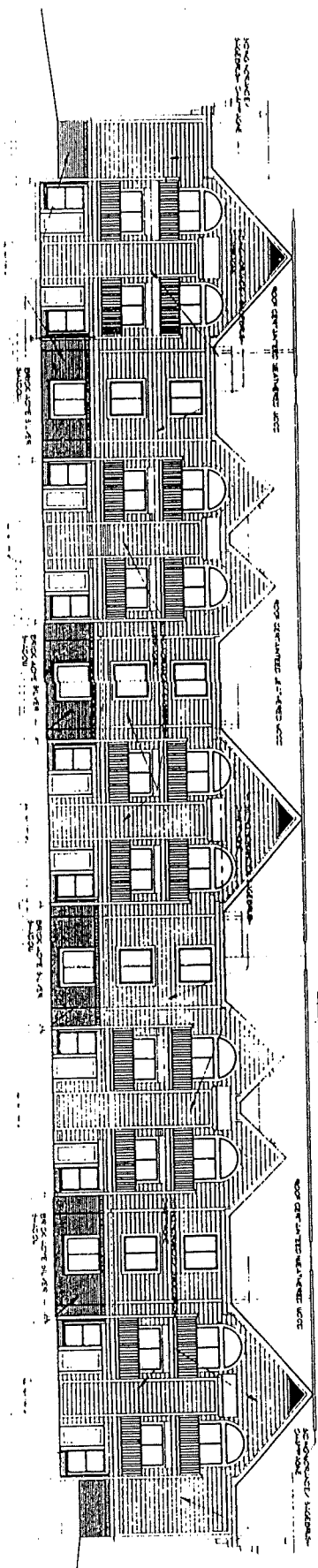
BUILDING SCHEDULE				
ONE BEDROOM	TWO BEDROOM	TOTAL UNITS	TYPE OF BUILDING	NUMBER OF BUILDINGS
A	10	11	3-STORY	10
B	19	11	3-STORY	10

TOTAL UNITS _____ 540 (120 DU/A)
 ONE BEDROOM _____ 360
 TWO BEDROOM _____ 180
 SITE SIZE _____ 44.08 ACRES
 PARKING SPACES _____ 1,082 (24 SPACES/UNIT)
 BUILDING COVERAGE _____ 8.43 %
 PARKING LOT & DRIVE COVERAGE _____ 22.20 %
 OPEN SPACE _____ 69.37 %

NOT TO SCALE
 ALL DIMENSIONS ARE APPROXIMATE
 ALL RIGHTS RESERVED
 THIS PLAN IS THE PROPERTY OF STANWELL ROBE PROPERTIES, INC.
 NO PART OF THIS PLAN IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF STANWELL ROBE PROPERTIES, INC.



1-71/1-75



TRAFFIC STUDY

Em-A-Non Property
Boone County, Kentucky

We have completed a number of traffic studies at other properties we own that are similar to the one proposed and found that typically we are slightly less than the ITE studies when household size adjustment factors are applied. The attached census data shows the average number of people per unit type and has been derived from surveys of nearly seven thousand similar units. These numbers indicate that we are less than the ITE guidelines for household size. Our company is conservative and if we're to err, we'd rather it be over estimating. We, therefore, use the ITE numbers when projecting trip generation information.

The ITE estimates average weekday trip rate for multi-family is 6.1 trip ends/dwelling unit. Household adjustment factors are as follows: 1-2 people (-1.0); 2-3 people (+0.9); and >3 people (+2.8). Our calculations show this proposal to generate the following trip ends:

No. of Units	Trip Rate (ADT Factor)	Total Trip Ends
350 one-bedroom	(6.1 -1.0)	1,785
143 two-bedroom	(6.1 +.9)	1,001
47 two-bedroom	(6.1 +2.8)	418
		<u>3,204 trip ends</u>

Peak hour projections are as follows:

Peak Hour	Trip Ends
7:00 - 9:00 A.M.	296
4:00 - 6:00 P.M.	355

The proposal is for two entrances that would be on Grand National Boulevard. Once construction is started, our construction methods are such that we would anticipate taking about four years to complete this development and before all the projected numbers would be realized.

FRONT-TO-BACK APARTMENTS CENSUS -- ONE AND TWO BEDROOM SUMMARY (8/98)

COMMUNITY	# OF UNITS	# OF OCCUPIED PEOPLE	HOUSEHOLD SIZE	ADULTS	CHILDREN	PRE SCHOOL	School Children		
							GRADES K-5	GRADES 6-8	GRADES 9-12
Arbor Lakes ***	412	689	1.67	600	89	52	28	5	4
Byron Lakes	477	796	1.67	711	85	49	28	3	5
Canal Club	398	586	1.47	544	42	23	17	1	1
The Crossings	624	963	1.54	873	90	44	36	7	3
Dupont Lakes *	58	92	1.59	82	10	5	3	2	0
Emerald Park	236	342	1.45	324	18	10	7	1	0
Foxwood *	121	203	1.68	194	9	5	2	2	0
Glenn Valley *	50	85	1.70	72	13	3	4	3	3
Green Ridge	297	472	1.59	450	22	11	7	2	2
Gull Run	602	920	1.53	840	80	41	29	2	8
Hampton Lakes	196	263	1.34	251	12	5	1	3	3
Hurwich Farms	376	521	1.39	489	32	21	8	2	1
Indian Lakes	884	1317	1.49	1207	110	53	40	13	4
North Pointe	367	574	1.56	502	72	26	28	8	10
Oak Shores **	389	615	1.58	583	32	19	11	2	0
Pine Knoll	542	819	1.51	724	95	43	25	14	13
South Bridge	593	939	1.58	814	125	66	42	10	7
Windmill Lakes	371	541	1.46	513	28	8	14	3	3
TOTALS	6993	10737	1.54	9773	964	484	330	83	67

* Rev. 11/98

** Rev. 12/99

*** Rev. 7/00

FRONT-TO-BACK APARTMENTS CENSUS -- ONE BEDROOM UNITS (8/98)

COMMUNITY	# OF UNITS	# OF OCCUPIED	# OF PEOPLE	HOUSEHOLD SIZE	ADULTS	CHILDREN	PRE SCHOOL	School Children		
								GRADES K-5	GRADES 6-8	GRADES 9-12
Arbor Lakes ***	258	335	1.30	322	13	7	5	0	1	
Byron Lakes	294	403	1.37	392	11	5	5	0	1	
Canal Club	246	305	1.24	299	6	2	4	0	0	
The Crossings	388	486	1.25	481	5	1	3	0	1	
Dupont Lakes *	33	41	1.24	41	0	0	0	0	0	
Emerald Park	144	180	1.25	178	2	0	2	0	0	
Foxwood *	75	109	1.45	108	1	1	0	0	0	
Glenn Valley *	30	38	1.27	38	0	0	0	0	0	
Green Ridge	191	260	1.36	258	2	0	1	1	0	
Gull Run	373	459	1.23	451	8	2	6	0	0	
Hampton Lakes	127	153	1.20	150	3	1	0	1	1	
Hurwich Farms	239	279	1.17	275	4	2	1	0	1	
Indian Lakes	538	631	1.17	625	6	2	4	0	0	
North Pointe	230	279	1.21	271	8	3	4	0	1	
Oak Shores **	240	316	1.32	315	1	0	1	0	0	
Pine Knoll	333	397	1.19	396	1	1	0	0	0	
South Bridge	363	456	1.26	440	16	6	8	1	1	
Windmill Lakes	235	295	1.26	290	5	1	4	0	0	
TOTALS	4337	5422	1.25	5330	92	34	48	3	7	

* Rev. 11/98

** Rev. 12/99

*** Rev. 7/00

FRONT-TO-BACK APARTMENTS CENSUS -- TWO BEDROOM UNITS (8/98)

COMMUNITY	# OF UNITS OCCUPIED	# OF PEOPLE	HOUSEHOLD SIZE	ADULTS	CHILDREN	PRE SCHOOL	School Children		
							GRADES K-5	GRADES 6-8	GRADES 9-12
Arbor Lakes ***	154	354	2.30	278	76	45	23	5	3
Byron Lakes	183	393	2.15	319	74	44	23	3	4
Canal Club	152	281	1.85	245	36	21	13	1	1
The Crossings	236	477	2.02	392	85	43	33	7	2
Dupont Lakes *	25	51	2.04	41	10	5	3	2	0
Emerald Park	92	162	1.76	146	16	10	5	1	0
Foxwood *	46	94	2.04	86	8	4	2	2	0
Glenn Valley *	20	47	2.35	34	13	3	4	3	3
Green Ridge	106	212	2.00	192	20	11	6	1	2
Gull Run	229	461	2.01	389	72	39	23	2	8
Hampton Lakes	69	110	1.59	101	9	4	1	2	2
Hurwich Farms	137	242	1.77	214	28	19	7	2	0
Indian Lakes	346	686	1.98	582	104	51	36	13	4
North Pointe	137	295	2.15	231	64	23	24	8	9
Oak Shores **	149	299	2.01	268	31	19	10	2	0
Pine Knoll	209	422	2.02	328	94	42	25	14	13
South Bridge	230	483	2.10	374	109	60	34	9	6
Windmill Lakes	136	246	1.81	223	23	7	10	3	3
TOTALS	2656	5315	2.00	4443	872	450	282	80	60

* Rev. 11/98

** Rev. 12/99

*** Rev. 7/00

ESTIMATED POPULATION

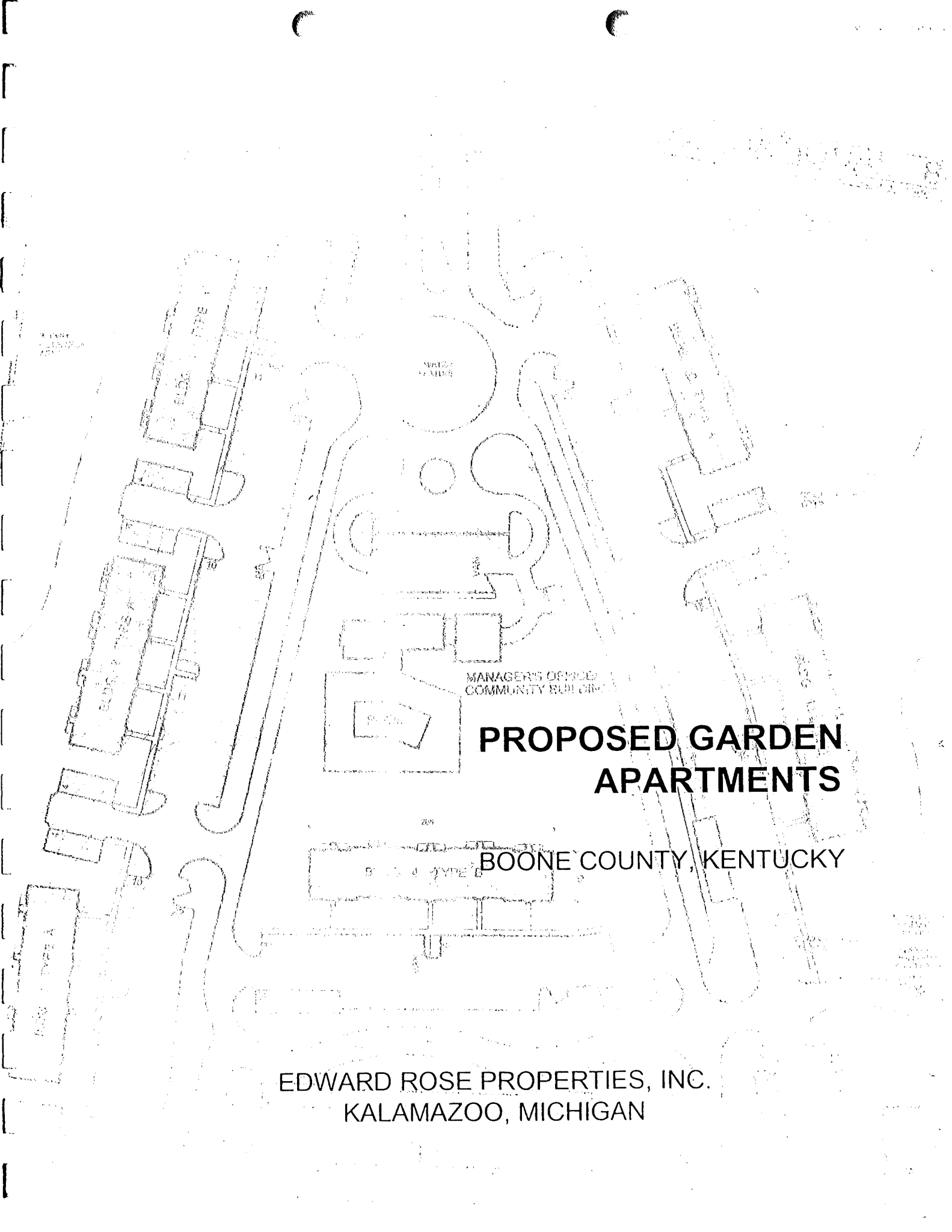
The following estimates are based on surveys of similar units conducted by members of the Edward Rose and Sons Kalamazoo office staff.

The apartment communities included in the census are owned and managed by the firm.

The following estimated population for the proposed development is based on 540 completed apartment units (350 one-bedroom apartment units and 190 two-bedroom apartment units).

TOTAL ESTIMATED POPULATION: 818

Adults:	777
Preschool children:	34
Grades K-5 children:	6
Grades 6-8 children:	0
Grades 9-12 children:	1



PROPOSED GARDEN APARTMENTS

BOONE COUNTY, KENTUCKY

EDWARD ROSE PROPERTIES, INC.
KALAMAZOO, MICHIGAN

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COMPANY PROFILE

Edward Rose Properties, Inc. is one of the companies within Edward Rose and Sons Building Enterprises, a privately owned firm engaged in development, construction and management of residential properties. The company is headquartered in Farmington Hills, Michigan with additional offices in Indianapolis, Indiana and in Flint and Kalamazoo, Michigan. The firm has been actively engaged in residential construction without interruption since 1921 and has built over 60,000 single-family and multi-family dwellings.

The majority of new construction at this time is of rental units and is being financed internally or by conventional lending sources. The company acts as developer, general contractor, and property manager and retains ownership of the multi-family developments after completion of construction. The Kalamazoo office of Edward Rose and Sons Building Enterprises will be responsible for this development. This office developed and presently manages apartment communities in Michigan, Indiana, Missouri, Ohio, and Wisconsin.

OBJECTIVE

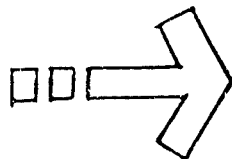
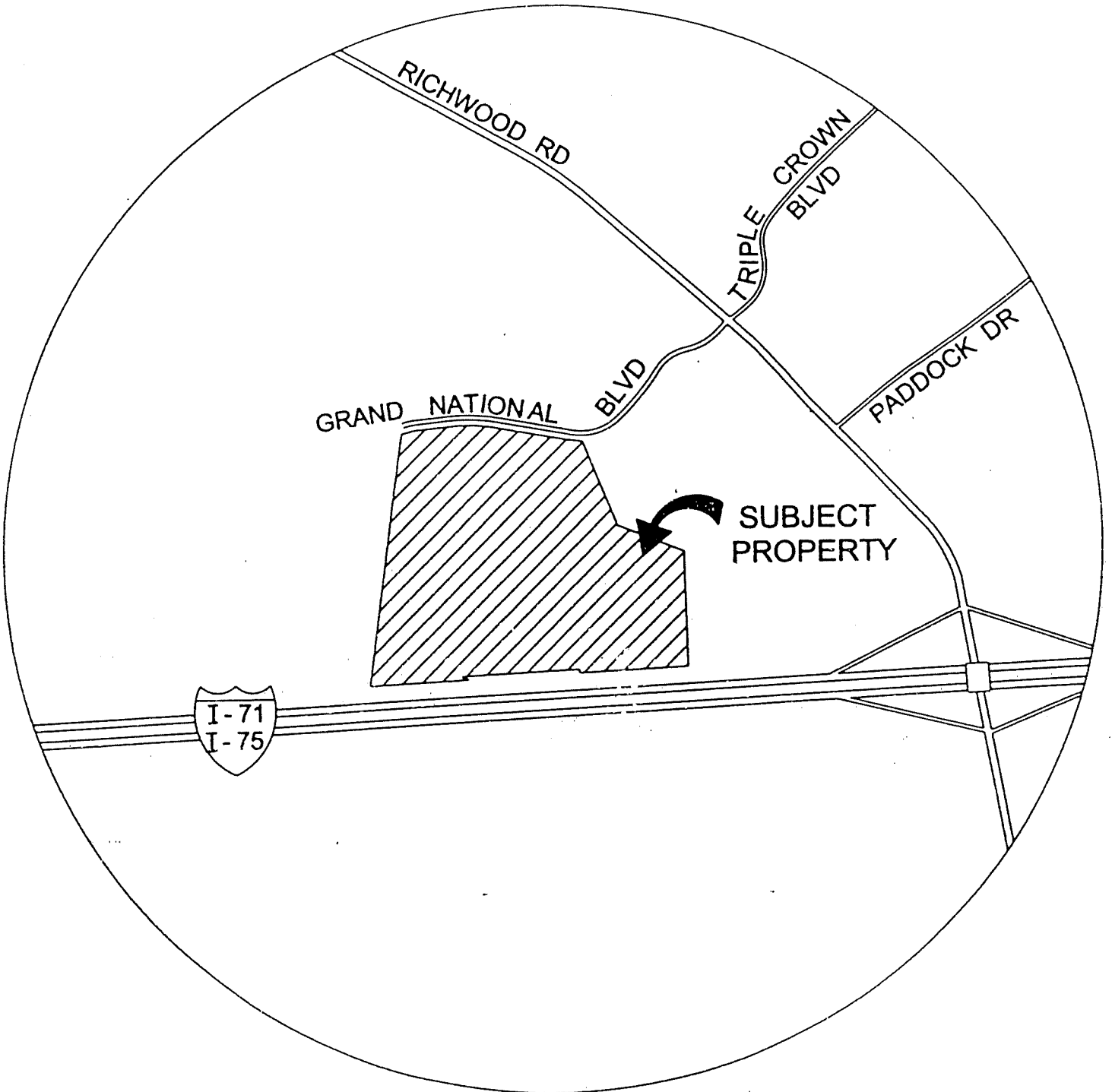
The information in this booklet and on the accompanying Site Plan pertains to a 45.00 acre site east of Grand National Boulevard approximately 1,200 feet south of Richwood Road in Boone County, Kentucky.

The applicant, Edward Rose Properties, Inc., has entered into an agreement to purchase this land. A request is being made to rezone from EPD, Employment Planned Development, to UR-1, Urban Residential One.

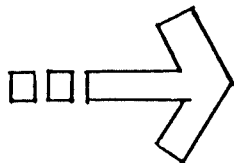
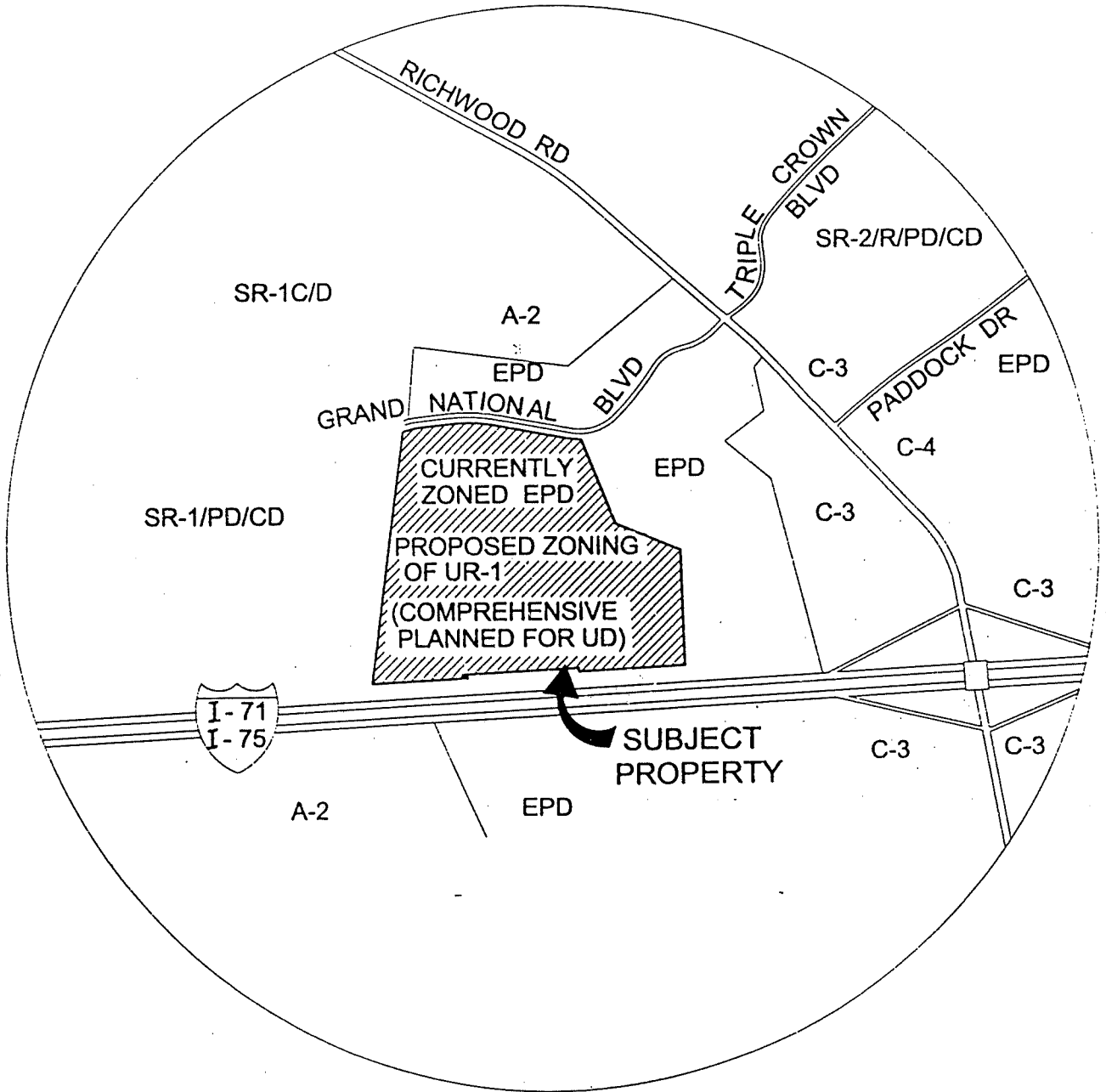
If the request is approved, Edward Rose Properties, Inc. proposes to develop an apartment community containing 540 units. Approximately two-thirds of the apartments will be one-bedroom units and one-third will be two-bedroom units. Open space will be over 69 percent of the site. Public water and sewer are available to the site.

The development will be privately financed. Edward Rose Properties, Inc. will act as developer, general contractor, and property manager and will remain the owner of the development after completion of construction.

LOCATION MAP



ZONING MAP





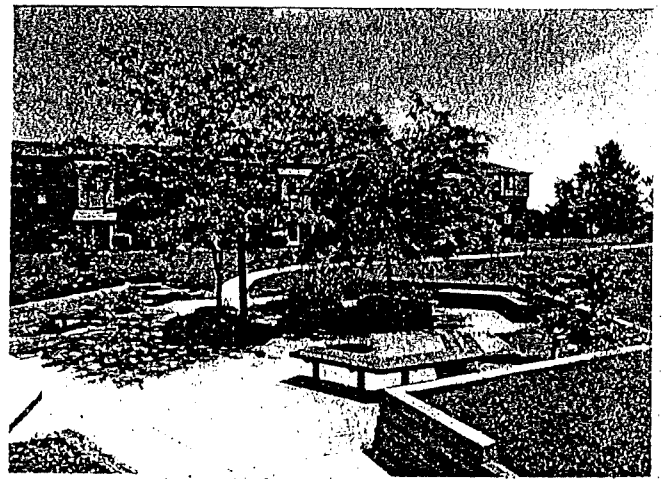
INDIAN LAKES Mishawaka, IN



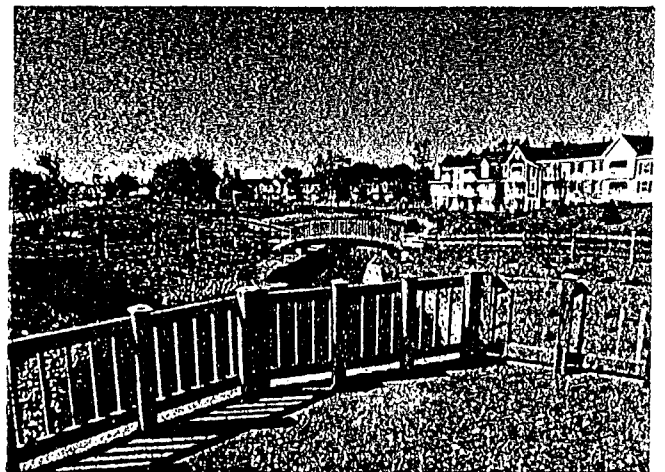
WINGATE Kentwood, MI



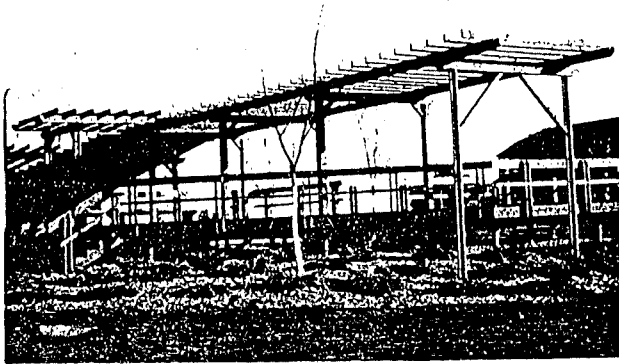
WALNUT TRAIL Portage, MI



MADEIRA Kalamazoo, MI



APPLE RIDGE Walker, MI



BROOKSIDE Springfield, MI



EMERALD PARK Kalamazoo, MI



WEST WIND Fort Wayne, IN



IRISH HILLS South Bend, IN



CANAL CLUB Lansing, MI

TYPICAL RESIDENT CHARACTERISTICS

What type of people reside at a typical Edward Rose and Sons Building Enterprises apartment development? The following pertains to Oak Shores Apartments in Oak Creek, Wisconsin.

PERSONAL INCOME

Annual Income

Under \$10,400	3.3%	of residents
\$10,401 through \$20,800	16.3%	" "
\$20,801 through \$31,200	37.1%	" "
\$31,201 through \$41,600	26.8%	" "
Over \$41,600	16.5%	" "

Average Personal Income:	\$31,892
Average Household Income:	\$46,206

OCCUPATION

Professional and Technical	17.3%	of residents
Teachers	3.9%	" "
Managers and Administrators	32.0%	" "
Sales Workers	6.8%	" "
Clerical	11.4%	" "
Craftsmen and Laborers	14.3%	" "
Retired	1.2%	" "
Service Workers	9.5%	" "
Other	3.6%	" "

AGE

18-19 years	1.0%	of residents
20-24 years	25.4%	" "
25-29 years	36.0%	" "
30-34 years	14.1%	" "
35-39 years	6.4%	" "
40-44 years	4.6%	" "
45-49 years	3.2%	" "
50+ years	9.3%	" "

Average Age of Adult Residents:	31.1	years
Median Age of Adult Residents:	27.0	years

TYPICAL RESIDENT CHARACTERISTICS

What type of people reside at a typical Edward Rose and Sons Building Enterprises apartment development? The following pertains to like units at Arbor Lakes Apartments in Elkhart, Indiana.

PERSONAL INCOME

Annual Income

Under \$10,400	0.2% of residents
\$10,401 through \$20,800	14.0% " "
\$20,801 through \$31,200	30.0% " "
\$31,201 through \$41,600	25.8% " "
Over \$41,600	30.0% " "

Average Personal Income:	\$29,814
Average Household Income:	\$42,560

OCCUPATION

Professional and Technical	14.5% of residents
Teachers	5.0% " "
Managers and Administrators	21.9% " "
Sales Workers	6.0% " "
Clerical	11.5% " "
Craftsmen and Laborers	35.8% " "
Retired	2.6% " "
Service Workers	1.3% " "
Other	1.4% " "

AGE

18-19 years	2.0% of residents
20-24 years	31.9% " "
25-29 years	24.4% " "
30-34 years	9.7% " "
35-39 years	7.2% " "
40-44 years	6.7% " "
45-49 years	6.2% " "
50+ years	11.9% " "

Average Age of Adult Residents:	32.5 years
Median Age of Adult Residents:	26.0 years

TYPICAL RESIDENT CHARACTERISTICS

What type of people reside at a typical Edward Rose and Sons Building Enterprises apartment development? The following pertains to like units at Glenn Valley Apartments in Battle Creek, Michigan.

PERSONAL INCOME

Annual Income

Under \$10,400	2.2% of residents
\$10,401 through \$20,800	6.5% " "
\$20,801 through \$31,200	23.9% " "
\$31,201 through \$41,600	23.9% " "
Over \$41,600	43.5% " "

Average Personal Income: \$31,459
Average Household Income: \$42,401

OCCUPATION

Professional and Technical	10.3% of residents
Teachers	8.8% " "
Managers and Administrators	22.1% " "
Clerical	8.8% " "
Craftsmen and Laborers	14.7% " "
Retired	11.8% " "
Service Workers	23.5% " "

AGE

18-19 years	1.4% of residents
20-24 years	27.7% " "
25-29 years	19.4% " "
30-34 years	8.3% " "
35-39 years	7.0% " "
40-44 years	7.0% " "
45-49 years	7.0% " "
50+ years	22.2% " "

Average Age of Adult Residents: 36.6 years
Median Age of Adult Residents: 30.0 years

11/00

ESTIMATED POPULATION

The following estimates are based on surveys of similar units conducted by members of the Edward Rose and Sons Kalamazoo office staff.

The apartment communities included in the census are owned and managed by the firm.

The following estimated population for the proposed development is based on 540 completed apartment units (350 one-bedroom apartment units and 190 two-bedroom apartment units).

TOTAL ESTIMATED POPULATION: 818

Adults:	748
Preschool children:	34
Grades K-5 children:	24
Grades 6-8 children:	6
Grades 9-12 children:	6

The census data used to derive these population estimates is included on pages 14, 15 and 16.

FRONT-TO-BACK APARTMENTS CENSUS -- ONE AND TWO BEDROOM SUMMARY (8/98)

COMMUNITY	# OF UNITS OCCUPIED	# OF PEOPLE	HOUSEHOLD SIZE	ADULTS	CHILDREN	PRE SCHOOL	School Children		
							GRADES K-5	GRADES 6-8	GRADES 9-12
Arbor Lakes ***	412	689	1.67	600	89	52	28	5	4
Byron Lakes	477	796	1.67	711	85	49	28	3	5
Canal Club	398	586	1.47	544	42	23	17	1	1
The Crossings	624	963	1.54	873	90	44	36	7	3
DuPont Lakes *	58	92	1.59	82	10	5	3	2	0
Emerald Park	236	342	1.45	324	18	10	7	1	0
Foxwood *	121	203	1.68	194	9	5	2	2	0
Glenn Valley *	50	85	1.70	72	13	3	4	3	3
Green Ridge	297	472	1.59	450	22	11	7	2	2
Gull Run	602	920	1.53	840	80	41	29	2	8
Hampton Lakes	196	263	1.34	251	12	5	1	3	3
Hurwich Farms	376	521	1.39	489	32	21	8	2	1
Indian Lakes	884	1317	1.49	1207	110	53	40	13	4
North Pointe	367	574	1.56	502	72	26	28	8	10
Oak Shores **	389	615	1.58	583	32	19	11	2	0
Pine Knoll	542	819	1.51	724	95	43	25	14	13
South Bridge	593	939	1.58	814	125	66	42	10	7
Windmill Lakes	371	541	1.46	513	28	8	14	3	3
TOTALS	6993	10737	1.54	9773	964	484	330	83	67

* Rev. 11/98

** Rev. 12/99

*** Rev. 7/00

FRONT-TO-BACK APARTMENTS CENSUS -- ONE BEDROOM UNITS (8/98)

COMMUNITY	# OF UNITS OCCUPIED	# OF PEOPLE	HOUSEHOLD SIZE	ADULTS	CHILDREN	PRE SCHOOL	School Children		
							GRADES K-5	GRADES 6-8	GRADES 9-12
Arbor Lakes ***	258	335	1.30	322	13	7	5	0	1
Byron Lakes	294	403	1.37	392	11	5	5	0	1
Canal Club	246	305	1.24	299	6	2	4	0	0
The Crossings	388	486	1.25	481	5	1	3	0	1
DuPont Lakes *	33	41	1.24	41	0	0	0	0	0
Emerald Park	144	180	1.25	178	2	0	2	0	0
Foxwood *	75	109	1.45	108	1	1	0	0	0
Glenn Valley *	30	38	1.27	38	0	0	0	0	0
Green Ridge	191	260	1.36	258	2	0	1	1	0
Gull Run	373	459	1.23	451	8	2	6	0	0
Hampton Lakes	127	153	1.20	150	3	1	0	1	1
Hurwich Farms	239	279	1.17	275	4	2	1	0	1
Indian Lakes	538	631	1.17	625	6	2	4	0	0
North Pointe	230	279	1.21	271	8	3	4	0	1
Oak Shores **	240	316	1.32	315	1	0	1	0	0
Pine Knoll	333	397	1.19	396	1	1	0	0	0
South Bridge	363	456	1.26	440	16	6	8	1	1
Windmill Lakes	235	295	1.26	290	5	1	4	0	0
TOTALS	4337	5422	1.25	5330	92	34	48	3	7

* Rev. 11/98

** Rev. 12/99

*** Rev. 7/00

FRONT-TO-BACK APARTMENTS CENSUS -- TWO BEDROOM UNITS (8/98)									
COMMUNITY	# OF UNITS OCCUPIED	# OF PEOPLE	HOUSEHOLD SIZE	ADULTS	CHILDREN	PRE SCHOOL	School Children		
							GRADES K-5	GRADES 6-8	GRADES 9-12
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Byron Lakes	183	393	2.15	319	74	44	23	3	4
Canal Club	152	281	1.85	245	36	21	13	1	1
The Crossings	236	477	2.02	392	85	43	33	7	2
Dupont Lakes *	25	51	2.04	41	10	5	3	2	0
Emerald Park	92	162	1.76	146	16	10	5	1	0
Foxwood *	46	94	2.04	86	8	4	2	2	0
Glenn Valley *	20	47	2.35	34	13	3	4	3	3
Green Ridge	106	212	2.00	192	20	11	6	1	2
Gull Run	229	461	2.01	389	72	39	23	2	8
Hampton Lakes	69	110	1.59	101	9	4	1	2	2
Hurwich Farms	137	242	1.77	214	28	19	7	2	0
Indian Lakes	346	686	1.98	582	104	51	36	13	4
North Pointe	137	295	2.15	231	64	23	24	8	9
Oak Shores **	149	299	2.01	268	31	19	10	2	0
Pine Knoll	209	422	2.02	328	94	42	25	14	13
South Bridge	230	483	2.10	374	109	60	34	9	6
Windmill Lakes	136	246	1.81	223	23	7	10	3	3
TOTALS	2656	5315	2.00	4443	872	450	282	80	60

* Rev. 11/98

** Rev. 12/99

*** Rev. 7/00

6101 NEWPORT ROAD
POST OFFICE BOX 3015
KALAMAZOO, MICHIGAN 49003
PHONE (616) 323-9484
FAX (616) 321-7884

May 15, 2001

RE: PROPOSED MULTI-FAMILY DEVELOPMENT
BOONE COUNTY KENTUCKY

Dear: (This letter was sent to neighboring property owners based on information
obtained from the office of Property Valuation Administration)

Our company is in the process of purchasing land south of Richwood Road along
Grand National Boulevard in Richwood for the purpose of constructing a
development of multi-family dwellings (see map enclosed).

The purpose of this letter is to invite you to a meeting where members of our firm
will be available to describe the proposed development and answer any
questions you may have. The meeting will be held on Tuesday, May 22, 2001 at
7:00 p.m. (EDT) at the Richwood Presbyterian Church, 1070 Richwood Rd., in
Richwood, Kentucky.

If you are unable to attend the meeting and have questions or concerns about
our proposal, please feel free to call me or Tom Wheatley at (616) 323-9484.
Also, please feel free to mention the meeting to anyone you believe may be
interested in attending.

Sincerely,

James R. Hall
EDWARD ROSE PROPERTIES, INC.

/amm
encl.

The following is a summary of the concerns expressed and our responses to them at the May 22, 2001 neighborhood meeting at Richwood Presbyterian Church.

“A flier was distributed to Triple Crown and Steeplechase subdivisions indicating this proposal is for “low-income apartments.”

We assured the neighbors that these are going to be market rate apartments; no governmental programs will be used to construct or manage them. We are anticipating monthly leases to range from \$650.00+ for one-bedroom units and \$750.00 to \$850.00 for two-bedroom units. The development would be financed internally during the construction phase and perhaps have a conventional mortgage after construction is completed.

“Traffic will become horrendous.”

The development will contribute traffic. We are having a traffic study prepared by a certified traffic engineer. The intersection of Grand National Boulevard and Richwood Road is already slated for improvements including signalization. The development will take five to six years to complete; there will not suddenly be traffic from 540 units. This traffic may be better than what could be generated by a commercial use allowed under the current EPD zoning.

“Schools will be overloaded.”

We anticipate seven to eight students from the completed development**. This is because of the high number of one-bedroom units (about two-thirds). The remainder are two-bedroom units. No three-bedroom units are planned.

** (This was in error. In double-checking our numbers, the correct number should be 36 school children as noted on page 13, Estimated Population.)

“There is no pride of ownership.”

Our history and philosophy are such that we build for ourselves. We find the site, design the proposal, go through the governmental approval process, act as our own general contractor using local trades, retain ownership, and manage the completed development. The development would employ 13 to 14 people, including a manager who would reside on the premises, grounds personnel, leasing personnel, and 24-hour maintenance personnel, etc. We offered to have the people inspect other developments. One couple was sent information regarding properties in the Elkhart - South Bend, Indiana region so they could visit them if they wished to do so.

We have learned that many of our residents often purchase homes in the vicinity of our developments and remain in the community.

What impact will we have on the site? Slides were shown depicting environmentally sensitive areas. Why so dense? What good will you bring us?"

We will have an impact on the area. Physically the layout or orientation of the buildings will lessen the amount of earth movement. We are required by law to not allow storm water to leave the site at a rate greater than predevelopment conditions. Boone County has extensive landscape requirements that will be implemented. Nearly 70% of the site is open space.

Economically, our development will not be a burden to the community. We do not ask for any tax abatement and no government programs will be utilized. No disproportionate services such as police or fire should be required. Our experience is that we have the same per capita needs as the rest of the community.

Existing infrastructure is available to the site or will be extended by the developer. All roadways are private. We'll use local trades to do the construction and hire local people to work on the management of the community.

In addition to generating revenue from property taxes, we will bring jobs to the area, and provide good housing in a private property market.

Densities are needed to make this an efficient use of the land and to make the development profitable. Land, infrastructure and other development costs are high. We are requesting the lowest straight zoning classification for multi-family (UR-1) development. Our proposed density efficiently uses utilities and land, thereby reducing the cost of infrastructure and suburban sprawl.

"Our property values will decrease."

We said the neighbors should talk to an appraiser. It's too self-serving for us to tell them that our communities don't affect property values. It is likely that the northerly 45 acres with frontage on Richwood Road will have commercial value and will be developed as such in the future. With appropriate planning responsive to a community's comprehensive plan, property values are not adversely affected.

“Why two access points on Grand National Boulevard?”

Basically, this is a safety issue. The entire site is looped internally. Our proposed site plan provides for a safe and orderly movement of vehicles, including emergency vehicles.

“Why this site?”

This site has all the characteristics necessary for a successful multi-family development -- good exposure from I-71/I-75, good access to the interstate; Boone County is one of the fastest-growing counties in Kentucky, utilities are available to the site, a transitional use - from a more intense use to a lesser use, and is consistent with the comprehensive plan.

The site is located such that people will want to live there because of good access to employment, shopping and recreation.

From: CDPSPP@aol.com
Sent: Thursday, June 28, 2001 9:36 PM
To: kwall@boonecountyky.org; plancom@boonecountyky.org
Subject: (no subject)

As concerned Steeplechase residents, my wife and I OPPOSE the upcoming proposal by the Edward Rose Properties, Inc., for EM-A-NON Acres Limited Partnerships to build multi-family dwellings, possible low-income apartments.

This proposal would require a Zoning Map Amendment from Employment Planned Development (EPD) to Urban Residential One (UR-1) for a 45 acre site located on the east side of Grand National Boulevard and the west side of I-75/71, approximately 1,000 feet southeast of the Richwood Road/Grand National Boulevard Intersection, Boone County, Kentucky.

With the already planned single-family homes and condominiums, a new 540-UNIT apartment complex would have an adverse effect on our community.

1. Intolerable traffic problems!
2. Major water pressure problems, because current water lines were not designed to accommodate this type of volume!
3. Crowded Steeplechase walking paths and common areas, because we cannot control non-Steeplechase residents from using these amenities!
4. Transient apartment residents!
5. Overcrowded schools!
6. THE BOTTOM LINE....ALL OF OUR HOMES WILL BE DEVALUED!!!

My wife and I have worked and saved our whole married life to build a home in a community like Steeplechase and we don't want our home to be devalued with a 540-UNIT apartment complex.

Thank you for your time,

Charles D. & Susannah P.

Patton

11275 Sheffield Lane
Walton, Ky. 41094
E-Mail-cdpspp@aol.com.
Steeplechase Subdivision

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A**

**July 5, 2001
7 P.M.**

PUBLIC HEARINGS

Commission Members Present: Mr. Barlow, Mr. Caddell – Chairman, Mr. Hicks – Temporary Presiding Officer, Mrs. Kegley, Mr. Knock, Mr. McMillian, Mrs. Poston, Mr. Schwenke, Mr. White, and Mrs. Wilson - Secretary/Treasurer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Todd Morgan, Planner; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7 P.M.. Following an explanation of the Public Hearing process, the Chairman introduced the first item on the Agenda:

1. **Applicant:** Edward Rose Properties, Inc. for
 Em-A-Non Acres Limited Partnership (owner)

Request: Zoning Map Amendment

The request of Edward A. Rose Properties, Inc. (applicant) for Em-A-Non Acres Limited Partnership (owner) to consider an application for a Zoning Map Amendment from Employment Planned Development (EPD) to Urban Residential One (UR-1) for a 45-acre site on the east side of Grand National Boulevard and the west side of I-75/71, approximately 1,000 feet southeast of the Richwood Road/Grand National Boulevard intersection, Boone County, Kentucky. The request is for a zone change to allow multi-family dwelling units.

Staff Member Kevin Wall presented the Staff Report which included a Power Point presentation (see Staff Report). He stated that Staff has not had an opportunity to do a thorough review of the Traffic Study (see Exhibit 1) and it will be discussed in Committee. He noted that the Traffic Study does not address any level of participation by this developer in the roadway improvements and

signalization (see Condition #3 of the March 19, 1997 zone change for Em-a-Non Acres attached to the Staff Report), which will be warranted by this project in four to five years.

The Chairman asked for the applicant's presentation.

Attorney Jerry Dusing, a resident of Triple Crown, whose office is in Florence, stated that the proposal is in conformance with the Comprehensive Plan. The impacts, such as traffic, schools, interchanges, and water and sewer, have been taken into account and are addressed by conditions that exist or will be triggered by any future development on this site. He stated that the development meets the conditions and the application of urban services as directed in the Comprehensive Plan. It meets the land use criteria of being compatible with the Comprehensive Plan. The impact on the community will be addressed by the facts and the improvements made in accordance with this development.

Mr. Dusing introduced the representatives of Edward Rose Properties, Inc., 6100 Newport Road, Kalamazoo, Michigan, including Mr. Mike Speedy, Development Consultant; Mr. Jim Hall, Landscape Architect; and Mr. Jerry Speedy, Vice President. Ms. Etta Reed, a registered/licensed engineer and principle with Bayer-Becker Engineers, 700 Nilles Road, Fairfield, Ohio, who specializes in traffic/transportation studies and recommendations; and Mr. Dennis Davis, 357 Richwood Road, representing the seller/landowner, were also present.

Mr. Dusing requested rebuttal time and the opportunity to address the concerns raised by those who speak in opposition to the request.

Mr. Jerry Speedy, whose comments were accompanied by a Power Point presentation, stated that they are professional builders and developers. Their company started building single-family homes in 1921 and they have been building since that time. They have offices in Michigan and in Indianapolis, Indiana. Their company owns/manages 45,000 apartments, mostly in the Midwest, North Carolina, and Virginia. The Kalamazoo office manages 22,621 apartments that they built. They have over ninety employees in the Kalamazoo office. He stated that they have fifty-one different developments in five states in thirty different municipalities. They have a training department and do employee seminars. He stated that they retain ownership of the properties after they are completed. They have eight properties similar to the one they are proposing. He stated that they complete eight hundred to a thousand apartments a year. They finance the construction of their developments and do not do any construction borrowing. If a property is mortgaged after it is completed, they do conventional loans and there are no government subsidies or tax abatements. He stated that they have the experience and financial capability to do what they are proposing at this time.

Using a Power Point presentation, Mr. Jim Hall presented slides of their other developments and noted the architectural styles, landscaping, maintenance, water features, and other aspects of the developments. Mr. Dusing noted that they have developments with floor plans similar to their current proposal. He noted that there are different architectural styles from area to area within the project, even though the apartments are the same. Mr. Hall stated that the traffic circle shown is similar to what they are proposing. He showed an example of a pedestrian bridge, which they are also proposing in this development. He noted one of their developments that is thirty years old and developed at a density of thirty-two units per acre. He showed an example of a new project and noted the greenbelt around the pond.

Mr. Jerry Speedy showed examples of the floor plans and interiors of the units. Similar one-bedroom units range from 750 to 850 square feet and two-bedroom units range from 1,000 to 1,020 square feet. Units similar to the proposed units have initial rents of \$650 - \$700 a month for one-bedroom units and \$750 - \$850 a month for two-bedroom units. The initial rents are lower due to the inconvenience of on-going construction. When the development is complete in four or five years rents will be from \$750 to over \$1,000.

Mr. Jim Hall reviewed their site analysis process. He stated that the topography is a dominating factor of this site. He indicated the ridges and the blue line streams. He stated that their process takes into account the topography, zoning requirements, and surrounding uses. They let the land tell them what to do with the site, which works better for storm water control and there is less earth movement. He stated that the plant material on the site is marginal. He reviewed the topography of the site.

Mr. Hall presented the Site Plan. He stated that they propose 540 units in twenty buildings, with 350 one-bedroom units and 190 two-bedroom units. The density is twelve units per acre. Thirty percent of the units will have garages, which are separate rentals. He stated that the buildings are aligned with the topography along the sides of the ridge areas. Because two of the sides are so severe, there is a mid-level entry and the three-story buildings will have the impact of two-story buildings. He stated that the loop system was designed with emergency vehicles and school bus circulation in mind. He stated that 8.5 percent of the site is buildings, 22+% of the site is parking lots and roadways, and 69% to 70% is open space. He indicated the storm water containment area and stated that preliminary indications are that the water will be held and released over a twenty-four hour period. They plan to let the water back up and will construct a few crossings. There will be a natural swale area through the property. He presented the Landscape Plan and noted the perimeter and parking lot screening. He indicated the traffic rotary near the entrance, as well as the gatehouse and retaining walls. He reviewed the architectural styles of their developments in Indiana and Michigan, and a new style called "Colonial". Reviewing the Power Point

presentation, he explained that the development is not at road level and the parking lot will be lowered, which minimizes the visual effect.

Using a Power Point presentation, Mr. Jerry Speedy reviewed population projections of 748 adults, 34 pre-school age children, 24 children in Kindergarten to Grade 5, six children in Grades 6 to 8, and six children in Grades 9 to 12. He stated that the development will be called Davis Farms Townhomes and development will occur over a four to five year period. There will be one to two students per year in Grades 6 to 12, and four to five students per year in Kindergarten through Grade 5. These figures are based on the census data from their own developments. He stated that school boards like them because their developments are 60% one-bedroom units and they have no three-bedroom units. In regard to concerns about apartment communities being developed adjacent to single-family homes, he presented a slide showing a location where their development was built first and single-family was built adjacent. He stated that their communities do not adversely affect the surrounding single-family properties.

Ms. Etta Reed stated that she was hired by the Erpenbeck Company to prepare a Traffic Study for Steeplechase. Edward Rose Properties, Inc. hired her to update that study to determine how accurate the counts are and what the situation is today. She stated that they performed new traffic counts to determine baseline data. She stated that the intersection of Richwood Road and Grand National Boulevard currently operates at an acceptable level of service (Level C or better). The signals are not currently warranted and the turn lanes are not needed. When the proposed development builds out in four or five years, the improvements will be necessary based on the traffic that will be generated from this development and the anticipated growth of Triple Crown and Steeplechase. She stated that without the left turn lane into Triple Crown and Steeplechase and without the signal, at full buildout of the apartments and Steeplechase, the intersection will not operate above Level of Service C. She stated that the letter from the Edward Thompson at the Transportation Cabinet (attached to the Staff Report) agrees. She stated that if the property remains zoned EPD, the traffic that would be generated by the same forty-five acres would be greater than what the 540 apartments will generate. The proposed development will generate 28% of the traffic that would be generated by an EPD development. With the 540 apartments, a left turn lane into the development would be needed. With EPD development – an office park setting -- dual left turn lanes and a right turn lane out would be needed, and possibly more. Industrial or commercial uses could require significantly more improvements. She recommended that roadway improvements and signals, which were conditions of the Triple Crown and Steeplechase developments, be constructed to accommodate all three developments.

Mr. Dennis Davis, representing the Davis family, introduced his parents and his wife. He stated that his family has owned this property for over fifty years. Several family members continue to live on the farm property and most of those

who have moved continue to live in the area. He stated that several years ago, they worked to have the property zoned EPD. They marketed the property for several years trying to attract commercial users, but no such users materialized. He stated that the topography discourages commercial uses. All the while, the area became increasingly residential in nature. He stated that they have investigated Edward Rose Properties, Inc. and found that they have well-managed operations and display financial responsibility. He stated that no family members will move because of the proposed development. Mr. Davis stated that in the recent update of the Comprehensive Plan, it was suggested that the property be rezoned to SR-1. The Planning Commission agreed unanimously that the property was suited for residential use. Mr. Davis asked for consideration of the proposed development of the family farm and for approval of the requested zone change, which is consistent with the Comprehensive Plan.

Mr. Dusing stated that it is important for the Planning Commission to consider the history of the site, which is covered in the Staff Report. He stated that the proposal is the culmination of a process that began in 1986 when EPD was the brain child of some professional planners. EPD allows industrial, office, and commercial uses. The process this property has gone through since 1991 culminated in the modification of the Comprehensive Plan, which was unanimously approved in regard to this site, and adopted in February 2001 changing this site from EPD to Urban Services. He stated that the Comprehensive Plan is a twenty-five year plan and the question is "is the property ready"? He stated that this is a good developer with an open book policy of presenting all the facts. They have had at least four pre-application meetings with Staff. There has been a voluntary meeting with neighborhood residents and they were given the same booklet (attached to the Staff Report) as the Commissioners received. The residents received all the same facts and documents. Mr. Dusing reviewed the census data on Pages 14, 15, and 16 of the booklet. He stated that the number of children generated by this development will be basically insignificant. He stated that the interchange and the entrance to the Davis farm have been studied and overlaid with conditions and triggering mechanisms, such as number of units sold, for when the improvements must be made. The next number of units will be triggered by Phase I of this development and those improvements will be required – and that is accepted as a condition. The improvements are substantial – left turn lane, right turn lane out, and a signal when warranted to raise the level of service and keep it at an acceptable level. Many of those conditions were imposed when this property was zoned EPD 1991. The development across the street was the first EPD Development and it took until 1994 for it to get going. He stated that with that initial development on the interchange, there were significant conditions of improvement to the roadway that are being extrapolated down to the intersection of Triple Crown and Steeplechase. He stated that the proposed development will generate 28% of the traffic the current zoning allows, which is a significant improvement to the long-term capability of the intersection. He stated that the Comprehensive Plan calls for this development. He quoted from the Comprehensive Plan in regard to Urban Density Residential development of over

eight units per acre and stated that this proposal is for approximately twelve units per acre, which is virtually the same as the surrounding multi-family residential development which was approved in Steeplechase at 11.3 units per acre. He stated that to the east, they are up against I-75. To the north is EPD zoning and that property will continue to be owned by the Davis family or their entity and remain earmarked for EPD. He stated that the proposed development is a transitional use anticipated by the Comprehensive Plan. He stated the EPD calls for and encourages industrial, office, and commercial uses and they are down-zoning to a residential development compatible with Steeplechase. Mr. Dusing quoted from Page 17 of the Comprehensive Plan and stated that this type of development is the kind of smart growth earmarked by the county -- clustered within compatible residential development so that the population can exist there instead of having urban sprawl to the west occur. Mr. Dusing quoted from the Land Use Chapter of the Comprehensive Plan regarding future urban service areas. He stated that water and sewer are there, the intersection will be upgraded, and there is no significant impact on the schools -- which meets the test of the Comprehensive Plan. He quoted from Page 160 of the Comprehensive Plan regarding the difference from the 1995 Comprehensive Plan. He referred to Table 12.1 and stated that the area called Richwood West and the urban services area is right where they are requesting the zone change. He stated that they have anticipated every impact they can anticipate or is called for in the Comprehensive Plan or the Zoning Code. He stated that the requested zone change meets the criteria by being compatible and furthering the Land Use Element of the Comprehensive Plan and it should be granted on that basis. He stated that with the change in the Comprehensive Plan and the impacts on the community that will be decreased, the requested zoning is more acceptable than the existing EPD zoning. This concluded the applicant's presentation.

At this time, the Chairman asked for comments from those who registered to speak in favor of the request. He stated anyone who did not register to speak would also be given an opportunity. He called the name of Dave Lockard.

Mr. Dave Lockard had no comments.

There being no one else registered to speak in favor of the request, the Chairman asked for comments from those who registered to speak in opposition, beginning with Bill Erpenbeck.

Mr. Bill Erpenbeck stated that he was here in 1997 for the Steeplechase development. Steeplechase is a nice development and a nice addition to the area. They made a \$125 million investment and made a huge commitment to the community. If they had asked in 1997 to have 540 apartments next to this community, they would have been turned down flat. He does not think anything has changed -- except that a lot of their money and resources and the resources of the residents have gone in there. He stated that the proposal is twelve units per acre, and Steeplechase is 3.6 units per acre. Steeplechase is 189 acres and seven

hundred homes, condominiums, and multi-family units, but the proposed development is forty-five acres with 540 units – which is not comparable. There would be 350 one-bedroom units, which is the lowest price point, and not comparable. The developer is referring to “open space”, which is a lot of concrete. Steeplechase has a lot of green space with a seven-acre lake and a second lake, walking trails, gazebo on the lake, sidewalks in the whole community, and a place for children to play. He stated the he cannot imagine how many people would be here if this development was proposed at the entrance to Triple Crown – but this is the entrance to Steeplechase and it is the same for these people. He stated that he lives across from an office research park development in Crestview Hills and there was resistance by developers to that type of development – but Paul Hemmer today is glad he did that development and it is an asset to the community. Mr. Erpenbeck stated that he is thrilled to live next to that development -- an apartment complex was built next to it and \$500,000 houses were built across from it and it mixes well. It is a great community. He stated that Steeplechase has approximately seven hundred homes and multi-family units. They will built approximately 220 rental condominiums (the same as they built in Crestview Hills) with an average rental of \$1,000 per month rent. He stated that they came in about a year ago to upgrade their 12-unit buildings to 8-unit buildings and brought the condominiums up to \$130,000. They upgraded the community because the community dictates it. They envisioned houses from \$140,000 to \$180,000, but they have \$300,000 houses there. He stated that eight hundred rental units next to three hundred houses is not a good mixture. He cannot imagine the proposed development being comparable to Steeplechase. He estimates the average price to build the proposed units is about \$30,000 - \$36,000 per unit, but the average in Steeplechase is about \$170,000, which is not comparable. He does not know of another community where there are eight hundred rentals next to three or four hundred homes. Oakbrook is a great community with a nice mixture, but he knows of no communities with a ratio of 2.5 to 1 multi-family to single-family. He asked the Planning Commission to stay the course with a nice development, a nice plan, and office/industrial/research park planned in a college like setting like Thomas More. He stated that they spent a lot of time and a lot of money and risk to make this work and hope that the Planning Commission stays with the philosophy of 1997 in 2001.

Mr. Pat More, a homeowner in Steeplechase at 417 Foxhunt Drive, stated that he has lived in a lot of communities in Indiana where zoning laws were not enforced and there was industrial stacked on residential and commercial and it is not a win-win situation, but in Kentucky we do things better. He stated that this is a gorgeous property with deer and lakes, and to allow apartments there is not a good mix. We have zoning laws to not create the messes they have in Indiana.

Mr. Harry Lawrence, 409 Wexford Drive, Steeplechase, a resident of Boone County for thirty years, stated that they bought in Steeplechase largely because of the beauty of the entrance. This is to be their retirement home and he would not

have purchased there if the apartments had existed. If he would have been hesitant to buy because of the apartments, then there will be problems selling his home.

Mr. Clark Hodgkins had no comments.

Mr. Rick Jordan, 11339 Sheffield Lane, Steeplechase, stated that there is a total of 710 units in Steeplechase and there would be 540 families in the apartment complex, which is 1,250 families, which is about 1,600 to 1,800 cars. There will be two entrances into the apartment complex from Grand National Boulevard, a two-lane road. If 25% of the cars leave between 7:30 AM and 8:30 AM, that will be 425 cars. The Steeplechase clubhouse is four-tenths of a mile from the stop sign at Richwood Road. If the average turn is fifteen seconds and you are the 85th car waiting to turn, it will be a 20 – 21 minute wait. There will be a lot of traffic on the two-lane highway and he believes there will be an unacceptable traffic jam. He pulls out of Steeplechase every day and it is hard to see over the hill and people from Triple Crown are turning in. He stated that traffic is going to be a huge issue. They purchased their property on a seven-acre lake. He stated that Erpenbeck has done a great job in providing walking paths throughout the community and around the lake, but there is no way to police the use of Steeplechase amenities by non-Steeplechase residents. They pay for the upkeep of those areas. He stated that non-residents will not have the same interest they have and they believe there will be a deterioration and the area will lose its appeal, which will devalue their properties. He stated that he has petitions in opposition to the zone change (see Exhibit 2). He read the captions and stated that there are signatures of ninety residents of Steeplechase, forty-six signatures from Sutherland, and 159 signatures from Triple Crown. Mr. Jordan asked that the zone change be denied and submitted the petitions (see Exhibit 2).

Mr. Gary Rose, 298 Wexford, stated that he is concerned about traffic, police protection, and fire protection. He questioned what assurance they have that the apartments will not be sold and turned into government housing. He would not have purchased his house if he had known the apartments were in the plans. His home was a sizable investment and he wants to live there for a long time.

This concluded comments by those who registered to speak in opposition. The Chairman asked if there was anyone else present who wished to speak.

Mr. Don Wood, 312 Wexford Drive in Steeplechase, stated that he would not have purchased in his home if he had known about the apartments. He asked if anyone has been to the intersection and seen no traffic as shown in the Power Point presentation. He has almost been involved in two accidents at the entrance to Triple Crown. He noted that the applicant said there is no problem with traffic, but evidently they have not been out there. He stated that it was said that nothing would be done until 2005 about traffic with traffic lights and maybe a third lane. He asked if the police and fire departments have looked at the plan. Can they

patrol and protect everyone there without hiring new people? He stated that if they do have to hire new people and buy new equipment, it will be paid for by the homeowners with taxes – not by the people in the apartment buildings. He stated that his quality of life will be affected by the apartments.

Ms. Stephanie Crane, 413 Wexford Drive , Steeplechase, would not have bought there if the apartments had been there first. She stated that she does not believe the statistics presented about the number of children and the schools should be asked about it. She stated that the schools are overburdened already and she does not believe there will be that few children. She stated that there has been talk about the entrance of Richwood Road onto Steeplechase and questioned up towards the lights and going toward the highway where it is backed up so bad that sometimes people wait forever. She stated that the Homeowners Association pays for the bike paths and the applicant said they were conjoining with the bike paths and she does not see where they would be paying anything for them and the residents would have to maintain them. She does not agree with the apartments -- but couldn't they put the entrance somewhere other than Grand National Boulevard?

Mr. John Mocker, 969 Riva Ridge in Triple Crown, representing their community, stated that their concerns are the same and they do not think the proposed apartments are appropriate. He stated that he circulated the petition and did not run into anyone who did not agree to sign it.

Mr. Mark Tranbarger, 11300 Coventry Court, stated that he would not have purchased property across from an apartment complex. He stated that Steeplechase is about 3.5 units per acre, not twelve as they are proposing. He is concerned about safety for the children with 1,600 to 1,800 cars added to the community. He stated that the apartments will rent from \$650 to \$750 for one-bedroom units, but the value of their houses is much greater than that. He stated that the builders are not local and do not have any ties to the project that would be there.

Ms. Jennifer Bryngelson, 300 Wexford Drive, Steeplechase, stated that there would be so many one-bedroom apartments, which would be adults without children, and those drivers will not be wary of children since they do not have children of their own. They will endanger the children more than other drivers in their community. She stated that a lot of singles come and go a lot and, since they do not have yards of their own, they do not tend to respect the yards of others.

Ms. Kim Gray, 442 Foxhunt Drive, stated that if Erpenbeck and Drees are not allowed to finish their building projects, the property values will not be realized on their properties.

Ms. Molly Knight, 373 Foxhunt Drive, stated that the Erpenbeck Company has made a tremendous investment in the community for high end housing, which has

been and will be purchased by tax-paying citizens. The traffic is unbearable now and will only get worse if this development is allowed to go in. The people renting the apartments will not be paying taxes or be responsible for assisting with the necessary improvements in the area. The cost will be borne by taxpayers. The wrong decision could ruin a development. If these apartments had been there, none of them would have purchased in Steeplechase. Steeplechase is not complete and has a long way to go. She asked the Planning Commission to consider the effect, not only on the traffic and schools, but on the Steeplechase development and the people who will be affected by the apartments.

Ms. Alberta Poland, 516 Wessex Lane, in the Sutherland community, stated that they are connected to Steeplechase by a short street. They are a smaller community than Steeplechase and Triple Crown, but they will also be impacted. They only have one entrance. The larger Steeplechase grows, the more the homes at the back use their entrance and their main street as a short cut to come and go, and 540 apartments will cause that to happen even more. There are a lot of children in their community who play in the streets and it is a safe, low traffic area. She stated that the applicant did a study of the impacts on Steeplechase and Triple Crown, but Sutherland was not mentioned and the apartments will adversely impact their community too. She would like the impact on their community looked at before a decision is made.

Mr. Scott Long, 11345 Coventry Court, stated that he would not have purchased his home if the apartments had been there. He stated that in Sutherland, Triple Crown, and Steeplechase the only person in any of those neighborhoods who would be in favor of this project is Mr. Dusing, who is being paid rather handsomely.

The Chairman stated that he has been generous in allowing applause this evening, but asked those present to show respect for each other.

Mr. Long stated that this presentation is being made by people who live hundreds of miles away. He stated that nobody would want this apartment complex in their back yard.

Mr. Paul Gray, 442 Foxhunt, asked the Commissioners to come and look at their community before making a decision.

The Chairman asked if there was anyone else present who wished to speak regarding this application.

Mr. Michael Bessler, 320 Wexford, stated that they just moved in two weeks ago and had they known that there would be apartments or condominiums, they would not have purchased there. He asked if there has been an economic study done on this project. Since the developer is from out of town, all of the rent money will be

taken out of Boone County and out of the area. New Haven School is already over filled and they are using trailers for classrooms.

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

Mr. Knock questioned what Mr. Erpenbeck anticipated in this location. What did he see the EPD development looking like and what was told, if anything, to people buying in Steeplechase? Mr. Erpenbeck responded that the development could have been industrial, office, or more commercial. He envisioned, and he believes the Commissioners and Staff may also have envisioned, an office/industrial/research park there. That is what they were trying to sell it as. He stated that there were different salespeople for Steeplechase and he does not want to speak for what they may have said to potential purchasers, but at no time did they presume it was going to be an apartment complex or a Wal-Mart. It was presumed to be a college type setting, typical of EPD. He believes that is what they presented to purchasers.

Mr. Knock noted there were comments about the pristine look of the area and deer, but he is sure that is not what people thought would ultimately exist there. Mr. Erpenbeck responded that everyone knew the property would be developed at some point. He stated that Thomas More is a nice setting with a lot of green space, but twenty-five or thirty unit buildings are massive and there is a lot of concrete for the parking lots. He guessed that the buildings are in excess of two hundred feet long and three stories high.

Mr. Knock stated that something is going in there and the Planning Commission needs to look at the overall picture of what is going to happen there and make sure that is in the thought process of everyone involved. Mr. Erpenbeck stated that even though this development would be attached to multi-family, he would classify it as spot zoning. He stated that if he were to ask to do forty-five acres of 540 apartment units anywhere in Northern Kentucky, he believes he could not do it right now.

Mr. Knock questioned the developer's experience with turnover in this almost transient type development. Mr. Jerry Speedy stated that turnover varies from community to community and he cannot predict it for the proposed development. In some areas, it might be as high as 40% to 50% a year, but they also have people who live there eight to ten years. He stated that they have a lot of retirement people and a lot of young people in their communities. Twenty-five percent of the people who move out of their apartments buy homes, and a percentage of them buy in the area where they rented.

Mr. Knock asked if they have statistics available regarding the turnover rates in the type of community they are planning here. Mr. Jerry Speedy responded "no",

but stated that they have the numbers and offered to provide the information. Mr. Knock asked him to do that. Mr. Jerry Speedy agreed.

Mr. McMillian stated that the subject property was zoned EPD when Mr. Erpenbeck requested the zone change he got. Mr. McMillian stated that Ken Hund talked about a recreational area there. He asked if anything is planned there for volleyball, tennis, or any kind of recreational activity.

Mr. Jerry Speedy responded that they typically put in volleyball and basketball courts. They do not think people use tennis courts in apartment complexes because of tennis clubs and tennis courts at the Y. They put in picnic areas and gazebos. Mr. McMillian questioned sidewalks and bike paths. Mr. Jerry Speedy responded that they have not made those decisions for this community and it could be worked out in the Committee process.

Mr. Hicks stated that for the KY 338 upgrade, there needs to be 217 units (Condition # 3 of the March 19, 1997 zone change for Em-a-Non Acres). He questioned the number of units there at this time. Mr. Wall responded that as of a couple of days ago, there were Building Permits for 143 units. Mr. Hicks asked how long the construction has been going on. Mr. Wall responded that the first structure went up in 1998 or 1999. Mr. Hicks stated that there is a possibility that the apartments could be finished before they get to 217 units, so the upgrades would not occur before the apartments are there. Mr. Costello responded that Staff can look into that issue. Mr. Hicks stated that the Department of Transportation will have to make the decision on the traffic lights that will be partly paid for by the Erpenbecks. Mr. Wall responded that the warrants have to be filled. KDOT has not seen the Traffic Report and, if the Planning Commission wishes, it can be sent to KDOT and he will try to get their comments before the Committee Meeting. He stated that the report was not available until a few days ago. Mr. Hicks questioned what usually dictates when a traffic light goes in. Mr. Wall responded that different criteria can trigger a signal. The study indicates that it is a peak hour warrant based on cross traffic trying to get into Richwood Road. He stated that Level C is generally considered acceptable and reasonable. It is not the best or the worst, but below Level C is considered bad. The condition on the Erpenbeck zone change is that when they drop below Level C the signal will go in. The condition assumes that if KDOT does not go in and do the signal, other parties will participate. There is a condition for the Triple Crown development that does not specify the amount and it is not worded as directly as the Erpenbeck condition, but it assumes some level of participation from the Triple Crown developers.

Mr. Hicks stated that the Traffic Study says that when the subject development is built, the intersection will still be Level of Service C, which will not warrant the traffic light. Mr. Dusing disagreed and stated that Ms. Reed indicated that the signal would be warranted at buildout and possibly sometime during the building. Mr. Hicks stated that they would go past Level of Service C at some point. Ms.

Reed responded that if the apartments and Steeplechase built out, and the signal was not installed, the intersection would fall to Level of Service F. There are levels of Service A, B, and C on the LOS (Level of Service) Analysis for the evaluation of the apartments and Steeplechase and it assumes a signalized intersection. Currently, the intersection does not meet the warrant. Warrants are primarily triggered on the volumes on the roadways and the ability of vehicles to turn in and out of the intersection.

Mr. Knock asked what consideration was given in the Traffic Study to the connector between Richwood Road and Frogtown? The connection of Secretariat into Heritage Trails? What consideration has been given to the strip mall? What consideration has been given to the way the entire area is zoned and how it may develop in a five-year time period?

Ms. Reed responded that for the 2005 analysis, they took existing traffic volumes on Richwood Road. They had counts from 1997 and they did counts in 2001, they determined at what rate they were growing and assumed the growth rate. They assumed growth would occur at the same rate and that is what the analysis shows. Mr. Knock stated that that is based on an assumption of current growth, not projected growth. Ms. Reed responded that it is based on the assumption that growth would occur at the same rate as it has over the past four years. Mr. Knock questioned why they used that assumption. Ms. Reed responded that that the growth rate is based on the population and what occurs in the township. Using an average of the overall township, the growth rate may be 1.5% to 2% per year, when in reality in Richwood it is more like 6% to 7%. She stated that using the overall county growth rate may not accurately reflect what could happen in four to five years. Mr. Knock asked if she took into consideration the Frogtown connector or the Secretariat connector. Ms. Reed responded that she did not look at them individually and used the overall growth rate. Mr. Knock stated that there are some holes in the study. Ms. Reed stated that she looked at just the intersection of Richwood Road and Triple Crown/Grand National Boulevard. Mr. Costello questioned if she looked at the ramps or lights. Ms. Reed responded that she did not analyze any other intersections. She stated that KDOT anticipated the property being developed EPD, which is a significantly high traffic generator. She stated that any planning they have done is on the high side of what this development will generate. Mr. Knock stated that the Traffic Study was done by a standard. Ms. Reed responded that the Institute of Traffic Engineers sets guidelines and standards.

Mr. Dusing asked Ms. Reed if she was asked to come to any particular conclusion or if she was given free rein to conduct the study in accordance with generally accepted traffic engineering standards. Ms. Reed responded that she was asked to evaluate the intersection of Richwood Road and Grand National Boulevard and was not asked to evaluate the other intersections. She would not take it on herself to evaluate any and all intersections.

Mrs. Wilson referred to Page 10, #D of the Staff Report and questioned the antenna tower. Mr. Jerry Speedy stated that they offer their residents cable TV and have their own cable system. They will own and manage the tower. Mrs. Wilson asked if they plan to put cellular antennas on the tower. Mr. Jerry Speedy responded "no". Mrs. Wilson questioned the height of the tower. Mr. Jerry Speedy responded that the height will be determined by the technicians in the cable department. He noted that there are hills there. He noted that there are several towers around the storage buildings and stated that the height will be less than what is at the interchange now. He stated that about 80 feet high would be typical. Mrs. Wilson asked if the tower will require a separate application. Counselor Wilson responded that he would defer to the Zoning Administrator, but believes the tower would only have to go to the PSC if it was going to be a cellular communications system limited to tenants. It is a determination if it is accessory to the development. Mr. Wall agreed. He reviewed Section 31.24 regarding exceptions to height regulations relative to structures that are not able to be occupied. Mrs. Wilson questioned where it would be located on the property. Mr. Wall indicated its location on the plan (marked by a square symbol near the cemetery). Mrs. Wilson asked if the determination was that the tower requires a separate application. Mr. Wall responded that that would be up to the PSC, but his understanding is that it does not require a separate application.

Mrs. Poston noted that there were some concerns about low-income housing. She asked if they have sold any units that have become low-income housing. Mr. Jerry Speedy responded that they have not sold any developments since 1986. They may have sold five apartment communities in Wisconsin since he joined the company in 1978 and he does not know of any that were converted to subsidized housing. He stated that they are not in the market to sell anything. He cannot say that they will never sell anything, but they have not sold anything since 1986.

Mr. Schwenke noted that the applicant said that the existing EPD zoning would generate more traffic than the apartment complex would. He stated that there is a big variation in the EPD zone and in some cases it could be less and in some cases more. Mr. Wall agreed and added that there is a general understanding of what the EPD zone is and, in general, what was heard from Mr. Erpenbeck and others is reasonably accurate. He stated that the EPD zone does not have a set use list and is more of a PUD zone where someone comes in and proposes their own zone or master plan, which can vary widely, particularly in traffic impact. He stated that there are a number of criteria/standards of the zone that deal with issues such as adequacy of infrastructure and roads. The Planning Commission can require off-site road improvements with an EPD zone to address the requirements of the zone and off-site impacts that are attributable to the development.

Mr. Schwenke questioned the parking garages. Mr. Hall presented the Power Point slide again and stated that 30% of the units would have garages. The garages would be architecturally compatible 12' x 20' buildings with keypads and eight-foot doors. Mr. Jerry Speedy stated that each building would have some

garages available to the residents. Mr. Hall stated that the garages are clustered in units of four, or can be one single unit.

Mr. Schwenke stated that their older developments look to have smaller units and questioned if they have gotten larger. Mr. Hall responded that the units have gotten larger. The two-bedroom units were in the 700 square foot range and are now in the 1,000+ square foot range. Mr. Schwenke questioned the number of units per building. Mr. Hall responded that a 36-unit building would now have 30 units and a 30-unit building would now have 24 units. The buildings previously had more units in them than they do at this time.

Mr. Knock stated that the traffic analysis says this development would have 28% less traffic than EPD development. He asked if the applicant spoke to Staff as to how Staff perceived what could go on the property in an EPD development. Mr. Wall responded that he spoke generally with Ms. Reed about it. Mr. Knock asked if Ms. Reed asked Mr. Wall about the kind of development that would be involved with respect to traffic. Mr. Wall responded that they did not discuss that per se as there are figures used by the industry for various land uses. Mr. Knock questioned what Ms. Reed spoke to Mr. Wall about. Mr. Wall responded that they spoke in general terms about what we might see in an EPD development. He stated that a typical perception might be uses such as light industrial, and maybe some commercial, in a campus type development. In response to additional questions from Mr. Knock, Mr. Wall explained the basic industry standards taking into account land use and trip generation figures based on square footage and stated that he does not know if the figures were determined correctly or not. Mr. Knock asked if Ms. Reed could have developed a statistic to determine the relationship based on the information she got from Mr. Wall. Mr. Wall responded that Ms. Reed could have made a determination based on the industry accepted practices and their discussion.

Mr. McMillian advised the applicant that the Planning Commission encourages multiple users on cell towers to reduce the number of cell towers.

Chairman Caddell stated that Mr. Knock raised the question and the traffic engineers indicated that the Traffic Study was at Steeplechase and KY 338. He stated that the Commissioners are familiar with that area and have concerns about what happens between this intersection and I-75 North and I-75 South. He asked the Committee to consider having someone from the Highway Department do further study or, if necessary, an independent who could give a better understanding of the area between Steeplechase/KY 338 and I-75. It is important to know what is going on there. He noted that Mr. Hicks made a good point that the Committee needs to give strong consideration to resolving. He stated that in the 1997 approval, there is mention of 217 Building Permits which would then trigger a widening or upgrading of KY 338. This development could speed up the condition that would have required that condition on Mr. Erpenbeck. He stated that it is possible that KY 338 widening would have to occur sooner if this request

is approved and something needs to be negotiated by the parties to make that improvement on a more timely basis than the burden that was placed on Mr. Erpenbeck for his development. Chairman Caddell referred to Condition #2 of the March 19, 1997 Committee Report. The condition speaks to construction and dedication of the street connections when fifty percent of the lots on Street H are sold. He questioned if 50% of the lots have been sold. Mr. Wall responded that he does not think they are that far in the subdivision process yet. Mr. Erpenbeck agreed.

Chairman Caddell stated that the Staff Report in Item #2, B. makes reference to the proposed architectural design and there has been submission of a drawing of a potential development design, but he believes he heard the applicant refer to the fact that they have several different designs and this design has not been determined.

Mr. Jerry Speedy responded that the design has not been determined, but they have expressed a willingness to work with Staff and the Committee to come up with an acceptable architectural style. The Chairman asked the Committee to address this issue.

Mr. Knock stated that it is important for the people in the community to look at what could go on this site. The site is going to develop in some way and it is important to weigh what could go in there.

Mrs. Wilson noted Mr. McMillian's comments regarding the tower and stated that the applicant indicated that it would just be for cable TV and there would be no cellular antennas.

Mr. Dusing stated that Mr. Knock's comment gets to the heart of the matter. He stated that EPD has a high range of uses. Looking at the uses that Mr. Wall expressed to Ms. Reed that she should base her assumptions on, there is a mix of campus, office, light industrial, or commercial uses – which is the same argument he heard in 1991 when they went through EPD on the other side of the street. Everyone in Heritage Trails was opposed to light commercial and said “give us apartments” “give us residential and multi-family” “we don't want commercial and rush hour traffic”. He stated that Bill Erpenbeck is a high quality developer, but the residents said that if they had known multi-family was going to be in Steeplechase they would not have bought there – but there were 250 apartments and another 170 carriage homes approved when they bought. He stated that the proof is across the Midwest where Edward Rose Properties, Inc. has developed first and the development has not had an impact on the high-quality single-family residential development that followed it. He stated that Mr. Knock brought up the issue of further consideration of what could go in there versus what they are proposing. He stated that he has the impression that everyone wants single-family development, but single-family residential was expressly considered as recently as last Fall in updating the Comprehensive Plan and rejected by the Planning

Commission. Urban Residential density was unanimously recommended. He stated that single-family residential is not a realistic alternative. He referred to the triggers for certain improvements and stated that the increased number of units accelerates the need for the highway improvement and they will talk about that at the Committee level. He stated that there needs to be discussion of the motivation of some of the opposition financially and triggering financial requirements that they would rather incur later than sooner. Mr. Dusing stated that this is his neighborhood. It is an upscale neighborhood of high quality and he is proud to present this request.

The Chairman asked if there were any further comments. There being no response, he stated that the Committee Meeting for this item will be on July 18, 2001 at 4 PM in the Fiscal Courtroom. The Chairman explained the Committee process and advised the residents that they are invited to attend the Committee Meeting. The Chairman stated that this item will be on the Agenda for the Business Meeting on August 1, 2001 at 7:30 PM in this room. He stated that when a decision is made, it will be sent to Fiscal Court for their final action.

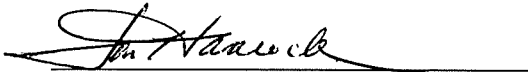
The Chairman closed this Public Hearing at 9:40 PM and called for a ten-minute recess.

APPROVED:



Arnold Caddell, Chairman

Attest:



Jan Hancock, Recording Secretary

Exhibits:

1. Traffic Impact Study – Davis Farms Apartment Homes, July, 2001 prepared by Bayer-Becker Engineers and submitted by the applicant.
2. Petitions (15 pages) to deny the zone change, submitted by Mr. Rick Jordan.

Mr. McMillian moved that the salaries, benefits, and bills due be approved and paid as presented; and indicated approval of those items which have been paid. Mrs. Poston seconded the motion. A vote on the motion found all eleven voting members in favor. Chairman Caddell abstained due to his relationship with Heritage Bank. Mr. Knock was not yet present. The motion carried.

ACTION ON PLAN REVIEWS:

1. Zoning Map Amendment

The request of Edward A. Rose Properties, Inc. (applicant) for Em-A-Non Acres Limited Partnership (owner) to consider an application for a Zoning Map Amendment from Employment Planned Development (EPD) to Urban Residential One (UR-1) for a 45-acre site on the east side of Grand National Boulevard and the west side of I-75/71, approximately 1,000 feet southeast of the Richwood Road/Grand National Boulevard intersection, Boone County, Kentucky. The request is for a zone change to allow multi-family dwelling units.

Staff Member Kevin Wall provided copies of the documents referenced in the recommended conditions for the Commissioners to review. Mr. Wall presented the Committee Report which recommended approval of the request based on the Findings of Fact, but subject to conditions (see Committee Report). The property owners have signed a letter agreeing to the conditions. The vote on the Committee Report was not unanimous.

Mr. Knock arrived during the presentation of the Committee Report.

Mr. Hicks moved by resolution to Boone County Fiscal Court that the request be approved based on the Committee Report. Mrs. Poston seconded the motion.

Mr. Ries stated that this has been a controversial issue and he has received more than thirty letters from the residents of the subdivision and surrounding area, as well as numerous telephone calls. He stated that he has not seen anything that resolves the traffic problem at Richwood Road and I-75. The traffic light and turn lane do not resolve the 7:20 AM – 8:30 AM traffic jam. He stated that this property needs to be developed consistent with the Erpenbeck property. Heavy restraints were put on that property to make it look nice and be consistent with the existing subdivision. Erpenbeck was held to 6 to 8 units per unit and this development will be 20 – 30 units in each apartment complex. This subdivision would be inconsistent with the Erpenbeck subdivision. He stated that if this development had been part of the Erpenbeck development going in, it would not have passed – but now it will go through totally unrestricted. He will vote “no”.

The Chairman asked Counselor Wilson to comment regarding the letters mentioned by Mr. Ries. Counselor Wilson stated that those types of communications are outside of the public record on which the Planning

Commission bases its decision. The Planning Commission cannot reach a decision based on ex parte contacts. Kentucky law is clear that the Planning Commission's decision must be based on the public record.

Mr. Hicks stated that the Committee discussed traffic and felt that the traffic light would help. He stated that our traffic consultant reiterated that the UR density would be about 28% of the EPD, which was a big factor. In reading the letters, he believes that some people may be confused with twelve units per building and twelve units per acre.

Mr. Wall stated that the density as currently proposed by Rose Properties is 11.1 with the reduction in the number of units from 545 to 500. The Erpenbeck multi-family phase is at a density of 11.3. He stated that there was concern during the Erpenbeck zone change as to what the buildings would look like and the examples they showed were located elsewhere. They committed to doing those types of buildings and they were twelve-unit buildings. He does not recall that they had to be twelve-unit buildings through the Steeplechase review, but it is a function of the other aspects (372 units and a certain number of buildings). In response to architectural concerns, they said they would do those types of buildings as they had done elsewhere.

Mrs. Poston stated that the applicant was very cooperative. She stated that the units to the front were to be smaller buildings as they are up against the residential area and the larger buildings would be towards the back and I-75. She noted that the Comprehensive Plan said that most of this property would be Urban Residential and she feels that this is a good plan. She will vote "yes".

Mr. Zimmer stated that the buildings are large compared to the surrounding area and he does not believe the request is in agreement with the Comprehensive Plan. The Comprehensive Plan outlined this area as EPD, as far back as 1991. The reason for that designation continuing was transition from the Commercial down KY 338 to the Residential along Grand National Boulevard. He does not think the current zoning is inappropriate for the 70+ acres, part of which is on this tract. He stated that if this tract is allowed to be Urban Density, we will lose the ability to have the remaining 75+ acre tract be as stated in the Comprehensive Plan and establish the transition areas. There has been no evidence that the current zoning classification is wrong. He stated that EPD takes into consideration all of the impacts and mitigates them. He feels that part of the traffic issue was addressed, but with EPD the applicant would be forced to address and mitigate all the impacts. He stated that there have not been and social, economic, or physical changes that were not anticipated. He stated that none of the three reasons to grant a zone change have been addressed.

Mr. Newman stated that he voted against the Committee Report. He stated that when the Committee compared our own traffic study to the applicant's traffic study, the big question was not answered. Both studies said that there was very little change in the traffic with the proposed zone change, but neither traffic study took the type of zoning into consideration. He stated that the existing zone would

bring traffic on the property in the morning and the proposed zone change would take the traffic together – everyone would be going the same direction in the AM and PM, but with the existing zoning they would be going in opposite directions. This zone change will add a tremendous amount of traffic and with the current zoning the traffic flows are different. He stated that not too long ago, the Planning Commission limited Steeplechase to twelve units per because of size, so how can we now say 24 or 30 units is okay? He stated that they tried to hide this by changing the roof style, but is that changing the size of a 210-foot building?

Mr. Hicks stated that the Committee addressed a lot of issues and mitigated the traffic. He stated that this development will produce less traffic than EPD. The Comprehensive Plan supports this. He stated that the zone change to the south makes the EPD zoning inappropriate.

There being no further comments, the Chairman asked for a vote on the motion made by Mr. Hicks. The vote found Mrs. Kegley, Mrs. Poston, Mr. Reynolds, Mr. White, and Mr. Hicks in favor. Mr. Barlow, Mr. Knock, Mr. McMillian, Mr. Newman, Mr. Ries, Mr. Schwenke, Mr. Zimmer, and Chairman Caddell were opposed. With 5 votes in favor and 8 opposed, the motion did not carry.

Mr. Zimmer moved by resolution to Boone County Fiscal Court that the request be denied based on the Findings of Fact. Mr. Ries seconded the motion. Mr. Wall read the Findings for Denial, which are attached hereto as Exhibit 1.

Mrs. Poston stated that the last paragraph of Finding #1 says that the structures contain twenty-four and thirty units each, but there are other buildings besides those size structures. She feels that this does not give the whole picture, but it will go to Fiscal Court as a Finding. She stated that the Findings for Denial as written are very slanted.

There being no further comments, the Chairman asked for a vote on the motion made by Mr. Zimmer which found Mr. Barlow, Mr. Knock, Mr. McMillian, Mr. Newman, Mr. Ries, Mr. Schwenke, Mr. Zimmer, and Chairman Caddell in favor. Mrs. Kegley, Mrs. Poston, Mr. Reynolds, Mr. White, and Mr. Hicks were opposed. The motion carried by a vote of 8 to 5.

Counselor Wilson advised that the Planning Commission's action is a recommendation to Fiscal Court and they have ninety days to take action. They can go along with the recommendation or override it. Fiscal Court may hold their own Public Hearing if they wish. Fiscal Court has the final say.

Mr. Costello stated that Staff will contact the Judge/Executive's Office and let him know that there should be a study done to install the traffic signal at this point.

EXHIBIT
"B"

ROSE PROPERTIES/EM-A-NON ZONE CHANGE FINDINGS FOR DENIAL

October 3, 2001

The requested zone change from EPD to UR-1 on 45 acres located between I-75 and Grand National Boulevard, south of Richwood Road, should be denied for the following reasons.

1. The proposal is not in agreement with the Comprehensive Plan. The Business Activity Element states that "the southwest quadrant of the Richwood I-75 Interchange has the potential to develop into a business park development with office uses . . . ("Areas of Future Industrial and Office Activity," pg. 73). The proposal at hand takes some of this potential away, and instead would provide five hundred (500) additional multi-family dwelling units - there are already three hundred and seventy (372) multi-family dwelling units approved for the adjoining site to the immediate south that were intended to provide a transition between the detached, single family residential development to the south and southwest and the aforementioned business park development. The approval of this proposal would erode the intended transition or bridge between these two areas and would instead create an expansive apartment district. This point is reinforced by the Goals and Objectives (Overall Objective 2) which state "development issues shall be viewed in terms of promoting overall quality of life. Mixing of residential and other land uses shall be encouraged, within appropriately planned and designed neighborhood developments." This proposal would help cause a homogenization of land uses in this area rather than creating a planned mix - a planned mix of uses is also a purpose of the current EPD zone.

The Business Activity Element also states that "highway related commercial activity is appropriate at the I-75/Richwood Road interchange. However, such growth on the west side of the interchange should be adequately buffered from existing and planned residential uses." The existing EPD zone aids in this buffering effort - the expansion of residential uses onto the site in question substantially erodes this planned buffer or transition area from the highway commercial uses along Richwood Road. In short, the existing EPD zone, which has a comprehensive list of compatibility requirements, is a substantially better buffer or transition than the proposed UR-1 zone, and can better address community impacts that would be created by the development.

The EPD requirements (Land Use Standards, Compatibility Assessment Standards, and Design Standards) take a global approach toward resolving infrastructure problems and issues associated with a development and its adjoining area. This approach is reinforced by the Land Use Element's Future Land Use Development Guidelines (Access Management section) and the Goals and Objectives (Overall Objective 4). The current proposal and agreed conditions minimally address the traffic problems associated with the proposal and the road system. A true mixed-use and transitional land use development which fulfilled the letter and spirit of the EPD zone requirements would provide a comprehensive approach to infrastructure issues, in accord with the direction provided by the Comprehensive Plan.

The Population Element does forecast a substantial population increase in the general area. However, this forecast is for the overall traffic zone in question, and does not target this or any other specific site for a substantial population surge.

Some of the Comprehensive Plan's Goals and Objectives and the Land Use Element's Future Land Use Development Guidelines pertain to appropriate design and relationships with adjoining properties and areas. This proposal includes apartment structures which are unusually large in a suburbanizing area - these structures contain twenty four (24) and thirty (30) units each, are 165 feet and 210 feet long respectively, and have at least one facade that is three stories high above grade. These large-scale structures will dominate the rolling topography of the site and the view from I-75 and adjoining areas, and are wholly incompatible with the size and scale of the existing and planned residential structures in the adjoining areas.

2. No facts which legitimately support a finding that the existing zoning classification is inappropriate and that the proposed zoning classification is appropriate have been identified.
3. No facts which would lead to a finding that there have been major changes of an economic, physical, or social nature not anticipated in the recently adopted comprehensive plan that substantially alter the area's character have been identified.

COMMITTEE REPORT WAS READ AND REJECTED
WITH A VOTE OF 8-5 FOR DENIAL.
FINDINGS FOR DENIAL WERE READ AND ADOPTED

#1

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Mark Hicks, Committee Chairman

DATE: October 3, 2001

RE: Request of **Edward Rose Properties, Inc. (applicant)** for **Em-A-Non Acres Limited Partnership (owner)** to consider an application for a Zoning Map Amendment from Employment Planned Development (EPD) to Urban Residential One (UR-1) for a 45 acre site located on the east side of Grand National Boulevard and the west side of I-75/71, approximately 1,000 feet southeast of the Richwood Road/Grand National Boulevard intersection, Boone County, Kentucky. The request is for a zone change to allow multi-family dwelling units.

REMARKS:

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

FINDINGS OF FACT

1. The Committee has concluded that the request is in agreement with the 2000 Boone County Comprehensive Plan for the following reasons.
 - A. The Future Land Use Map designates the majority of the site as "Urban Density Residential." This designation is described as "attached housing, generally condominiums or apartments, of over 8 dwelling units per acre." The Concept Development Plan which was revised through the Committee process in response to issues raised at the Public Hearing includes twenty six (26) townhouse units and four hundred and seventy four (474) apartment units, which equates to an overall density of 11.11 dwelling units per acre. This density is compatible with the approximate 11.3 dwelling units per acre which was approved for the multi-family phase of Steeplechase that is located to the immediate south. The Urban Density Residential designation on this site resulted from the property owner's request at the Public Hearing for the 2000 Boone County Comprehensive Plan.

- B. The Population Element outlines population projections based on the Ohio-Kentucky-Indiana Regional Council of Government's (OKI) transportation analysis zones. The population for the zone in question (887) is expected to increase from 5,973 in the year 2000 to 8,402 in 2010, and to 9,459 in 2020. Therefore, the Comprehensive Plan has anticipated a substantial increase in resident population for the general area in question.

- C. The proposal fulfills the following Comprehensive Plan Goals and Objectives.
 - I. Housing Objective 1 states "a broad range of housing opportunities shall be provided which meet the needs and desires for all household types." The proposal will help diversify the types of available dwellings in the Richwood area by providing attached dwellings on a site that was contemplated by the Future Land Use Map for such units.

 - II. Housing Objective 5 states "in order to offer the citizens of Boone County maximum choice in living environment, residential development shall be judged primarily on density, impact on infrastructure, and development design with only secondary consideration given to the type of dwelling unit." The proposed density is comparable to the adjoining Steeplechase multi-family phase, and due to the size and scale of the proposed buildings and overall development, the project helps to further create a transition between the existing and planned business uses to the north and along Richwood Road, and the developing and planned single family residential areas to the south. The Committee has determined that impacts on infrastructure will be mitigated through the agreed conditions outlined below and commitments already made through the approval of other developments in the vicinity. The Committee has also determined that the design commitments agreed by the property owner through the revised Concept Development Plan and written conditions will result in an overall project design that appropriately relates to the project site and to the neighboring areas.

 - III. Housing Objective 13 states "residential developments shall be encouraged to plan and build in a manner which is compatible not only with the general housing density and design planned for the area but also with the existing conditions of the site, including the suitability of adjoining lands for appropriate access, and significant site features." Based on the discussion provided under paragraph "II." immediately above, the Committee has concluded that the proposal is in agreement with Housing Objective 13 as well.

- D. Based on the revised Concept Development Plan and the agreed conditions outlined below, the Committee has concluded that the proposal is in general agreement with the "Future Land Use Development Guidelines" on pages 158 to 160 of the Land Use Element.
2. The Committee has concluded that due to the residential developments that adjoin the site to the south and west, and due to the pronounced topography of the site which is better maintained through multi-building residential development versus office, industrial, and/or commercial development permitted under the current Employment Planned Development (EPD) zone, as well as the fact that this development helps to reinforce a transition between the business uses to the north and residential uses to the south, the existing zoning classification is inappropriate and the proposed zoning classification is appropriate.
3. The Committee has conducted an exhaustive review and discussion of traffic impacts that would be generated by this proposal as well as traffic conditions in the general area and the Richwood interchange. This exercise included the hiring of an independent traffic expert to review and evaluate the analysis compiled by the applicant's traffic engineer. Although the property owner has agreed to a condition which will require the developer to provide all funding for the construction of a signal at the KY 338/Grand National Boulevard/Triple Crown Boulevard intersection that is not provided from other sources or existing commitments, the Committee wishes to stress the urgent need for this signal and requests that the appropriate legislative body authorities immediately initiate the approval process with the Kentucky Transportation Cabinet. It should be understood that the Planning Commission's consulting traffic engineer has determined that one signal warrant is currently met and that most of the criteria is met for an additional warrant. It should also be understood that if this project is approved, the construction of the signal could be funded completely from private sources.
4. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2000 Boone County Comprehensive Plan. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owners have signed a letter demonstrating agreement with these conditions.

CONDITIONS

1. The secondary curb cut (northern-most) and appurtenant driveway will be roughed in and looped to the phase 1 area as part of the phase 1 construction to create an access loop within the development with multiple access points on Grand National Boulevard before full build-out occurs.

2. The development will follow the submitted landscape concept including retention of existing vegetation as shown, will comply with all applicable requirements of Article 37 of the Zoning Regulations, and will provide Buffer Yard C plantings as outlined in Article 37 along the freeway frontage where existing tree cover does not exist or will not be retained.
3. Each of the four phases outlined on the Concept Development Plan, and the community building, will have its own unique architectural theme and shall follow the architectural concepts presented by the applicant to the Zone Change Committee. The roof lines of all structures shall have multiple staggers/breaks to reduce the apparent mass and scale of these structures.
4. The development shall follow the revised Concept Development Plan that was presented to the Zone Change Committee, including the general arrangement of structures, vehicular areas, open spaces, recreational facilities, and storm water facilities. The number of dwelling units on this revised plan was reduced to 26 townhouse style units that will be located in phase 1 and 474 apartment units. The recreational facilities to be provided minimally include a comprehensive soft trail system with an exercise station, community building and pool, tot lot, volleyball court, and gazebos and picnic areas.
5. An exclusive left turn lane into the development shall be constructed on Grand National Boulevard in accordance with the County Engineer's requirements.
6. The satellite dishes shall be completely screened from all directions. The antenna tower shown on the Concept Development Plan shall not be permitted within the development. The cable TV building shall use the same architectural style, materials, and colors as those used for the apartment buildings in the same phase.
7. The developer shall pay all costs associated with the construction of a traffic signal at the KY 338/Grand National Boulevard/Triple Crown Boulevard intersection that are not committed to by other sources when the Kentucky Transportation Cabinet determines that such a signal is warranted. This condition acknowledges that at least two other developers have made commitments to financially participate in the signal, and that the Kentucky Transportation Cabinet may or may not financially participate.

A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change Committee Vote.

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A

July 5, 2001
7 P.M.

PUBLIC HEARINGS

Commission Members Present: Mr. Barlow, Mr. Caddell – Chairman, Mr. Hicks – Temporary Presiding Officer, Mrs. Kegley, Mr. Knock, Mr. McMillian, Mrs. Poston, Mr. Schwenke, Mr. White, and Mrs. Wilson - Secretary/Treasurer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Todd Morgan, Planner; and Mr. Kevin Wall, AICP, CDT – Director, Zoning Services.

Legal Counsel Present: Mr. Dale Wilson

Mr. Arnold Caddell, Chairman, called the meeting to order at 7 P.M.. Following an explanation of the Public Hearing process, the Chairman introduced the first item on the Agenda:

1. **Applicant:** Edward Rose Properties, Inc. for Em-A-Non Acres Limited Partnership (owner)

Request: Zoning Map Amendment

The request of Edward A. Rose Properties, Inc. (applicant) for Em-A-Non Acres Limited Partnership (owner) to consider an application for a Zoning Map Amendment from Employment Planned Development (EPD) to Urban Residential One (UR-1) for a 45-acre site on the east side of Grand National Boulevard and the west side of I-75/71, approximately 1,000 feet southeast of the Richwood Road/Grand National Boulevard intersection, Boone County, Kentucky. The request is for a zone change to allow multi-family dwelling units.

Staff Member Kevin Wall presented the Staff Report which included a Power Point presentation (see Staff Report). He stated that Staff has not had an opportunity to do a thorough review of the Traffic Study (see Exhibit 1) and it will be discussed in Committee. He noted that the Traffic Study does not address any level of participation by this developer in the roadway improvements and

signalization (see Condition #3 of the March 19, 1997 zone change for Em-a-Non Acres attached to the Staff Report), which will be warranted by this project in four to five years.

The Chairman asked for the applicant's presentation.

Attorney Jerry Dusing, a resident of Triple Crown, whose office is in Florence, stated that the proposal is in conformance with the Comprehensive Plan. The impacts, such as traffic, schools, interchanges, and water and sewer, have been taken into account and are addressed by conditions that exist or will be triggered by any future development on this site. He stated that the development meets the conditions and the application of urban services as directed in the Comprehensive Plan. It meets the land use criteria of being compatible with the Comprehensive Plan. The impact on the community will be addressed by the facts and the improvements made in accordance with this development.

Mr. Dusing introduced the representatives of Edward Rose Properties, Inc., 6100 Newport Road, Kalamazoo, Michigan, including Mr. Mike Speedy, Development Consultant; Mr. Jim Hall, Landscape Architect; and Mr. Jerry Speedy, Vice President. Ms. Etta Reed, a registered/licensed engineer and principle with Bayer-Becker Engineers, 700 Nilles Road, Fairfield, Ohio, who specializes in traffic/transportation studies and recommendations; and Mr. Dennis Davis, 357 Richwood Road, representing the seller/landowner, were also present.

Mr. Dusing requested rebuttal time and the opportunity to address the concerns raised by those who speak in opposition to the request.

Mr. Jerry Speedy, whose comments were accompanied by a Power Point presentation, stated that they are professional builders and developers. Their company started building single-family homes in 1921 and they have been building since that time. They have offices in Michigan and in Indianapolis, Indiana. Their company owns/manages 45,000 apartments, mostly in the Midwest, North Carolina, and Virginia. The Kalamazoo office manages 22,621 apartments that they built. They have over ninety employees in the Kalamazoo office. He stated that they have fifty-one different developments in five states in thirty different municipalities. They have a training department and do employee seminars. He stated that they retain ownership of the properties after they are completed. They have eight properties similar to the one they are proposing. He stated that they complete eight hundred to a thousand apartments a year. They finance the construction of their developments and do not do any construction borrowing. If a property is mortgaged after it is completed, they do conventional loans and there are no government subsidies or tax abatements. He stated that they have the experience and financial capability to do what they are proposing at this time.

Using a Power Point presentation, Mr. Jim Hall presented slides of their other developments and noted the architectural styles, landscaping, maintenance, water features, and other aspects of the developments. Mr. Dusing noted that they have developments with floor plans similar to their current proposal. He noted that there are different architectural styles from area to area within the project, even though the apartments are the same. Mr. Hall stated that the traffic circle shown is similar to what they are proposing. He showed an example of a pedestrian bridge, which they are also proposing in this development. He noted one of their developments that is thirty years old and developed at a density of thirty-two units per acre. He showed an example of a new project and noted the greenbelt around the pond.

Mr. Jerry Speedy showed examples of the floor plans and interiors of the units. Similar one-bedroom units range from 750 to 850 square feet and two-bedroom units range from 1,000 to 1,020 square feet. Units similar to the proposed units have initial rents of \$650 - \$700 a month for one-bedroom units and \$750 - \$850 a month for two-bedroom units. The initial rents are lower due to the inconvenience of on-going construction. When the development is complete in four or five years rents will be from \$750 to over \$1,000.

Mr. Jim Hall reviewed their site analysis process. He stated that the topography is a dominating factor of this site. He indicated the ridges and the blue line streams. He stated that their process takes into account the topography, zoning requirements, and surrounding uses. They let the land tell them what to do with the site, which works better for storm water control and there is less earth movement. He stated that the plant material on the site is marginal. He reviewed the topography of the site.

Mr. Hall presented the Site Plan. He stated that they propose 540 units in twenty buildings, with 350 one-bedroom units and 190 two-bedroom units. The density is twelve units per acre. Thirty percent of the units will have garages, which are separate rentals. He stated that the buildings are aligned with the topography along the sides of the ridge areas. Because two of the sides are so severe, there is a mid-level entry and the three-story buildings will have the impact of two-story buildings. He stated that the loop system was designed with emergency vehicles and school bus circulation in mind. He stated that 8.5 percent of the site is buildings, 22+% of the site is parking lots and roadways, and 69% to 70% is open space. He indicated the storm water containment area and stated that preliminary indications are that the water will be held and released over a twenty-four hour period. They plan to let the water back up and will construct a few crossings. There will be a natural swale area through the property. He presented the Landscape Plan and noted the perimeter and parking lot screening. He indicated the traffic rotary near the entrance, as well as the gatehouse and retaining walls. He reviewed the architectural styles of their developments in Indiana and Michigan, and a new style called "Colonial". Reviewing the Power Point

presentation, he explained that the development is not at road level and the parking lot will be lowered, which minimizes the visual effect.

Using a Power Point presentation, Mr. Jerry Speedy reviewed population projections of 748 adults, 34 pre-school age children, 24 children in Kindergarten to Grade 5, six children in Grades 6 to 8, and six children in Grades 9 to 12. He stated that the development will be called Davis Farms Townhomes and development will occur over a four to five year period. There will be one to two students per year in Grades 6 to 12, and four to five students per year in Kindergarten through Grade 5. These figures are based on the census data from their own developments. He stated that school boards like them because their developments are 60% one-bedroom units and they have no three-bedroom units. In regard to concerns about apartment communities being developed adjacent to single-family homes, he presented a slide showing a location where their development was built first and single-family was built adjacent. He stated that their communities do not adversely affect the surrounding single-family properties.

Ms. Etta Reed stated that she was hired by the Erpenbeck Company to prepare a Traffic Study for Steeplechase. Edward Rose Properties, Inc. hired her to update that study to determine how accurate the counts are and what the situation is today. She stated that they performed new traffic counts to determine baseline data. She stated that the intersection of Richwood Road and Grand National Boulevard currently operates at an acceptable level of service (Level C or better). The signals are not currently warranted and the turn lanes are not needed. When the proposed development builds out in four or five years, the improvements will be necessary based on the traffic that will be generated from this development and the anticipated growth of Triple Crown and Steeplechase. She stated that without the left turn lane into Triple Crown and Steeplechase and without the signal, at full buildout of the apartments and Steeplechase, the intersection will not operate above Level of Service C. She stated that the letter from the Edward Thompson at the Transportation Cabinet (attached to the Staff Report) agrees. She stated that if the property remains zoned EPD, the traffic that would be generated by the same forty-five acres would be greater than what the 540 apartments will generate. The proposed development will generate 28% of the traffic that would be generated by an EPD development. With the 540 apartments, a left turn lane into the development would be needed. With EPD development – an office park setting -- dual left turn lanes and a right turn lane out would be needed, and possibly more. Industrial or commercial uses could require significantly more improvements. She recommended that roadway improvements and signals, which were conditions of the Triple Crown and Steeplechase developments, be constructed to accommodate all three developments.

Mr. Dennis Davis, representing the Davis family, introduced his parents and his wife. He stated that his family has owned this property for over fifty years. Several family members continue to live on the farm property and most of those

who have moved continue to live in the area. He stated that several years ago, they worked to have the property zoned EPD. They marketed the property for several years trying to attract commercial users, but no such users materialized. He stated that the topography discourages commercial uses. All the while, the area became increasingly residential in nature. He stated that they have investigated Edward Rose Properties, Inc. and found that they have well-managed operations and display financial responsibility. He stated that no family members will move because of the proposed development. Mr. Davis stated that in the recent update of the Comprehensive Plan, it was suggested that the property be rezoned to SR-1. The Planning Commission agreed unanimously that the property was suited for residential use. Mr. Davis asked for consideration of the proposed development of the family farm and for approval of the requested zone change, which is consistent with the Comprehensive Plan.

Mr. Dusing stated that it is important for the Planning Commission to consider the history of the site, which is covered in the Staff Report. He stated that the proposal is the culmination of a process that began in 1986 when EPD was the brain child of some professional planners. EPD allows industrial, office, and commercial uses. The process this property has gone through since 1991 culminated in the modification of the Comprehensive Plan, which was unanimously approved in regard to this site, and adopted in February 2001 changing this site from EPD to Urban Services. He stated that the Comprehensive Plan is a twenty-five year plan and the question is "is the property ready"? He stated that this is a good developer with an open book policy of presenting all the facts. They have had at least four pre-application meetings with Staff. There has been a voluntary meeting with neighborhood residents and they were given the same booklet (attached to the Staff Report) as the Commissioners received. The residents received all the same facts and documents. Mr. Dusing reviewed the census data on Pages 14, 15, and 16 of the booklet. He stated that the number of children generated by this development will be basically insignificant. He stated that the interchange and the entrance to the Davis farm have been studied and overlaid with conditions and triggering mechanisms, such as number of units sold, for when the improvements must be made. The next number of units will be triggered by Phase I of this development and those improvements will be required – and that is accepted as a condition. The improvements are substantial – left turn lane, right turn lane out, and a signal when warranted to raise the level of service and keep it at an acceptable level. Many of those conditions were imposed when this property was zoned EPD 1991. The development across the street was the first EPD Development and it took until 1994 for it to get going. He stated that with that initial development on the interchange, there were significant conditions of improvement to the roadway that are being extrapolated down to the intersection of Triple Crown and Steeplechase. He stated that the proposed development will generate 28% of the traffic the current zoning allows, which is a significant improvement to the long-term capability of the intersection. He stated that the Comprehensive Plan calls for this development. He quoted from the Comprehensive Plan in regard to Urban Density Residential development of over

eight units per acre and stated that this proposal is for approximately twelve units per acre, which is virtually the same as the surrounding multi-family residential development which was approved in Steeplechase at 11.3 units per acre. He stated that to the east, they are up against I-75. To the north is EPD zoning and that property will continue to be owned by the Davis family or their entity and remain earmarked for EPD. He stated that the proposed development is a transitional use anticipated by the Comprehensive Plan. He stated the EPD calls for and encourages industrial, office, and commercial uses and they are down-zoning to a residential development compatible with Steeplechase. Mr. Dusing quoted from Page 17 of the Comprehensive Plan and stated that this type of development is the kind of smart growth earmarked by the county -- clustered within compatible residential development so that the population can exist there instead of having urban sprawl to the west occur. Mr. Dusing quoted from the Land Use Chapter of the Comprehensive Plan regarding future urban service areas: He stated that water and sewer are there, the intersection will be upgraded, and there is no significant impact on the schools -- which meets the test of the Comprehensive Plan. He quoted from Page 160 of the Comprehensive Plan regarding the difference from the 1995 Comprehensive Plan. He referred to Table 12.1 and stated that the area called Richwood West and the urban services area is right where they are requesting the zone change. He stated that they have anticipated every impact they can anticipate or is called for in the Comprehensive Plan or the Zoning Code. He stated that the requested zone change meets the criteria by being compatible and furthering the Land Use Element of the Comprehensive Plan and it should be granted on that basis. He stated that with the change in the Comprehensive Plan and the impacts on the community that will be decreased, the requested zoning is more acceptable than the existing EPD zoning. This concluded the applicant's presentation.

At this time, the Chairman asked for comments from those who registered to speak in favor of the request. He stated anyone who did not register to speak would also be given an opportunity. He called the name of Dave Lockard.

Mr. Dave Lockard had no comments.

There being no one else registered to speak in favor of the request, the Chairman asked for comments from those who registered to speak in opposition, beginning with Bill Erpenbeck.

Mr. Bill Erpenbeck stated that he was here in 1997 for the Steeplechase development. Steeplechase is a nice development and a nice addition to the area. They made a \$125 million investment and made a huge commitment to the community. If they had asked in 1997 to have 540 apartments next to this community, they would have been turned down flat. He does not think anything has changed -- except that a lot of their money and resources and the resources of the residents have gone in there. He stated that the proposal is twelve units per acre, and Steeplechase is 3.6 units per acre. Steeplechase is 189 acres and seven

hundred homes, condominiums, and multi-family units, but the proposed development is forty-five acres with 540 units – which is not comparable. There would be 350 one-bedroom units, which is the lowest price point, and not comparable. The developer is referring to “open space”, which is a lot of concrete. Steeplechase has a lot of green space with a seven-acre lake and a second lake, walking trails, gazebo on the lake, sidewalks in the whole community, and a place for children to play. He stated that he cannot imagine how many people would be here if this development was proposed at the entrance to Triple Crown – but this is the entrance to Steeplechase and it is the same for these people. He stated that he lives across from an office research park development in Crestview Hills and there was resistance by developers to that type of development – but Paul Hemmer today is glad he did that development and it is an asset to the community. Mr. Erpenbeck stated that he is thrilled to live next to that development -- an apartment complex was built next to it and \$500,000 houses were built across from it and it mixes well. It is a great community. He stated that Steeplechase has approximately seven hundred homes and multi-family units. They will built approximately 220 rental condominiums (the same as they built in Crestview Hills) with an average rental of \$1,000 per month rent. He stated that they came in about a year ago to upgrade their 12-unit buildings to 8-unit buildings and brought the condominiums up to \$130,000. They upgraded the community because the community dictates it. They envisioned houses from \$140,000 to \$180,000, but they have \$300,000 houses there. He stated that eight hundred rental units next to three hundred houses is not a good mixture. He cannot imagine the proposed development being comparable to Steeplechase. He estimates the average price to build the proposed units is about \$30,000 - \$36,000 per unit, but the average in Steeplechase is about \$170,000, which is not comparable. He does not know of another community where there are eight hundred rentals next to three or four hundred homes. Oakbrook is a great community with a nice mixture, but he knows of no communities with a ratio of 2.5 to 1 multi-family to single-family. He asked the Planning Commission to stay the course with a nice development, a nice plan, and office/industrial/research park planned in a college like setting like Thomas More. He stated that they spent a lot of time and a lot of money and risk to make this work and hope that the Planning Commission stays with the philosophy of 1997 in 2001.

Mr. Pat More, a homeowner in Steeplechase at 417 Foxhunt Drive, stated that he has lived in a lot of communities in Indiana where zoning laws were not enforced and there was industrial stacked on residential and commercial and it is not a win-win situation, but in Kentucky we do things better. He stated that this is a gorgeous property with deer and lakes, and to allow apartments there is not a good mix. We have zoning laws to not create the messes they have in Indiana.

Mr. Harry Lawrence, 409 Wexford Drive, Steeplechase, a resident of Boone County for thirty years, stated that they bought in Steeplechase largely because of the beauty of the entrance. This is to be their retirement home and he would not

have purchased there if the apartments had existed. If he would have been hesitant to buy because of the apartments, then there will be problems selling his home.

Mr. Clark Hodgkins had no comments.

Mr. Rick Jordan, 11339 Sheffield Lane, Steeplechase, stated that there is a total of 710 units in Steeplechase and there would be 540 families in the apartment complex, which is 1,250 families, which is about 1,600 to 1,800 cars. There will be two entrances into the apartment complex from Grand National Boulevard, a two-lane road. If 25% of the cars leave between 7:30 AM and 8:30 AM, that will be 425 cars. The Steeplechase clubhouse is four-tenths of a mile from the stop sign at Richwood Road. If the average turn is fifteen seconds and you are the 85th car waiting to turn, it will be a 20 – 21 minute wait. There will be a lot of traffic on the two-lane highway and he believes there will be an unacceptable traffic jam. He pulls out of Steeplechase every day and it is hard to see over the hill and people from Triple Crown are turning in. He stated that traffic is going to be a huge issue. They purchased their property on a seven-acre lake. He stated that Erpenbeck has done a great job in providing walking paths throughout the community and around the lake, but there is no way to police the use of Steeplechase amenities by non-Steeplechase residents. They pay for the upkeep of those areas. He stated that non-residents will not have the same interest they have and they believe there will be a deterioration and the area will lose its appeal, which will devalue their properties. He stated that he has petitions in opposition to the zone change (see Exhibit 2). He read the captions and stated that there are signatures of ninety residents of Steeplechase, forty-six signatures from Sutherland, and 159 signatures from Triple Crown. Mr. Jordan asked that the zone change be denied and submitted the petitions (see Exhibit 2).

Mr. Gary Rose, 298 Wexford, stated that he is concerned about traffic, police protection, and fire protection. He questioned what assurance they have that the apartments will not be sold and turned into government housing. He would not have purchased his house if he had known the apartments were in the plans. His home was a sizable investment and he wants to live there for a long time.

This concluded comments by those who registered to speak in opposition. The Chairman asked if there was anyone else present who wished to speak.

Mr. Don Wood, 312 Wexford Drive in Steeplechase, stated that he would not have purchased in his home if he had known about the apartments. He asked if anyone has been to the intersection and seen no traffic as shown in the Power Point presentation. He has almost been involved in two accidents at the entrance to Triple Crown. He noted that the applicant said there is no problem with traffic, but evidently they have not been out there. He stated that it was said that nothing would be done until 2005 about traffic with traffic lights and maybe a third lane. He asked if the police and fire departments have looked at the plan. Can they

patrol and protect everyone there without hiring new people? He stated that if they do have to hire new people and buy new equipment, it will be paid for by the homeowners with taxes – not by the people in the apartment buildings. He stated that his quality of life will be affected by the apartments.

Ms. Stephanie Crane, 413 Wexford Drive, Steeplechase, would not have bought there if the apartments had been there first. She stated that she does not believe the statistics presented about the number of children and the schools should be asked about it. She stated that the schools are overburdened already and she does not believe there will be that few children. She stated that there has been talk about the entrance of Richwood Road onto Steeplechase and questioned up towards the lights and going toward the highway where it is backed up so bad that sometimes people wait forever. She stated that the Homeowners Association pays for the bike paths and the applicant said they were conjoining with the bike paths and she does not see where they would be paying anything for them and the residents would have to maintain them. She does not agree with the apartments -- but couldn't they put the entrance somewhere other than Grand National Boulevard?

Mr. John Mocker, 969 Riva Ridge in Triple Crown, representing their community, stated that their concerns are the same and they do not think the proposed apartments are appropriate. He stated that he circulated the petition and did not run into anyone who did not agree to sign it.

Mr. Mark Tranbarger, 11300 Coventry Court, stated that he would not have purchased property across from an apartment complex. He stated that Steeplechase is about 3.5 units per acre, not twelve as they are proposing. He is concerned about safety for the children with 1,600 to 1,800 cars added to the community. He stated that the apartments will rent from \$650 to \$750 for one-bedroom units, but the value of their houses is much greater than that. He stated that the builders are not local and do not have any ties to the project that would be there.

Ms. Jennifer Bryngelson, 300 Wexford Drive, Steeplechase, stated that there would be so many one-bedroom apartments, which would be adults without children, and those drivers will not be wary of children since they do not have children of their own. They will endanger the children more than other drivers in their community. She stated that a lot of singles come and go a lot and, since they do not have yards of their own, they do not tend to respect the yards of others.

Ms. Kim Gray, 442 Foxhunt Drive, stated that if Erpenbeck and Drees are not allowed to finish their building projects, the property values will not be realized on their properties.

Ms. Molly Knight, 373 Foxhunt Drive, stated that the Erpenbeck Company has made a tremendous investment in the community for high end housing, which has

been and will be purchased by tax-paying citizens. The traffic is unbearable now and will only get worse if this development is allowed to go in. The people renting the apartments will not be paying taxes or be responsible for assisting with the necessary improvements in the area. The cost will be borne by taxpayers. The wrong decision could ruin a development. If these apartments had been there, none of them would have purchased in Steeplechase. Steeplechase is not complete and has a long way to go. She asked the Planning Commission to consider the effect, not only on the traffic and schools, but on the Steeplechase development and the people who will be affected by the apartments.

Ms. Alberta Poland, 516 Wessex Lane, in the Sutherland community, stated that they are connected to Steeplechase by a short street. They are a smaller community than Steeplechase and Triple Crown, but they will also be impacted. They only have one entrance. The larger Steeplechase grows, the more the homes at the back use their entrance and their main street as a short cut to come and go, and 540 apartments will cause that to happen even more. There are a lot of children in their community who play in the streets and it is a safe, low traffic area. She stated that the applicant did a study of the impacts on Steeplechase and Triple Crown, but Sutherland was not mentioned and the apartments will adversely impact their community too. She would like the impact on their community looked at before a decision is made.

Mr. Scott Long, 11345 Coventry Court, stated that he would not have purchased his home if the apartments had been there. He stated that in Sutherland, Triple Crown, and Steeplechase the only person in any of those neighborhoods who would be in favor of this project is Mr. Dusing, who is being paid rather handsomely.

The Chairman stated that he has been generous in allowing applause this evening, but asked those present to show respect for each other.

Mr. Long stated that this presentation is being made by people who live hundreds of miles away. He stated that nobody would want this apartment complex in their back yard.

Mr. Paul Gray, 442 Foxhunt, asked the Commissioners to come and look at their community before making a decision.

The Chairman asked if there was anyone else present who wished to speak regarding this application.

Mr. Michael Bessler, 320 Wexford, stated that they just moved in two weeks ago and had they known that there would be apartments or condominiums, they would not have purchased there. He asked if there has been an economic study done on this project. Since the developer is from out of town, all of the rent money will be

taken out of Boone County and out of the area. New Haven School is already over filled and they are using trailers for classrooms.

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

Mr. Knock questioned what Mr. Erpenbeck anticipated in this location. What did he see the EPD development looking like and what was told, if anything, to people buying in Steeplechase? Mr. Erpenbeck responded that the development could have been industrial, office, or more commercial. He envisioned, and he believes the Commissioners and Staff may also have envisioned, an office/industrial/research park there. That is what they were trying to sell it as. He stated that there were different salespeople for Steeplechase and he does not want to speak for what they may have said to potential purchasers, but at no time did they presume it was going to be an apartment complex or a Wal-Mart. It was presumed to be a college type setting, typical of EPD. He believes that is what they presented to purchasers.

Mr. Knock noted there were comments about the pristine look of the area and deer, but he is sure that is not what people thought would ultimately exist there. Mr. Erpenbeck responded that everyone knew the property would be developed at some point. He stated that Thomas More is a nice setting with a lot of green space, but twenty-five or thirty unit buildings are massive and there is a lot of concrete for the parking lots. He guessed that the buildings are in excess of two hundred feet long and three stories high.

Mr. Knock stated that something is going in there and the Planning Commission needs to look at the overall picture of what is going to happen there and make sure that is in the thought process of everyone involved. Mr. Erpenbeck stated that even though this development would be attached to multi-family, he would classify it as spot zoning. He stated that if he were to ask to do forty-five acres of 540 apartment units anywhere in Northern Kentucky, he believes he could not do it right now.

Mr. Knock questioned the developer's experience with turnover in this almost transient type development. Mr. Jerry Speedy stated that turnover varies from community to community and he cannot predict it for the proposed development. In some areas, it might be as high as 40% to 50% a year, but they also have people who live there eight to ten years. He stated that they have a lot of retirement people and a lot of young people in their communities. Twenty-five percent of the people who move out of their apartments buy homes, and a percentage of them buy in the area where they rented.

Mr. Knock asked if they have statistics available regarding the turnover rates in the type of community they are planning here. Mr. Jerry Speedy responded "no",

but stated that they have the numbers and offered to provide the information. Mr. Knock asked him to do that. Mr. Jerry Speedy agreed.

Mr. McMillian stated that the subject property was zoned EPD when Mr. Erpenbeck requested the zone change he got. Mr. McMillian stated that Ken Hund talked about a recreational area there. He asked if anything is planned there for volleyball, tennis, or any kind of recreational activity.

Mr. Jerry Speedy responded that they typically put in volleyball and basketball courts. They do not think people use tennis courts in apartment complexes because of tennis clubs and tennis courts at the Y. They put in picnic areas and gazebos. Mr. McMillian questioned sidewalks and bike paths. Mr. Jerry Speedy responded that they have not made those decisions for this community and it could be worked out in the Committee process.

Mr. Hicks stated that for the KY 338 upgrade, there needs to be 217 units (Condition # 3 of the March 19, 1997 zone change for Em-a-Non Acres). He questioned the number of units there at this time. Mr. Wall responded that as of a couple of days ago, there were Building Permits for 143 units. Mr. Hicks asked how long the construction has been going on. Mr. Wall responded that the first structure went up in 1998 or 1999. Mr. Hicks stated that there is a possibility that the apartments could be finished before they get to 217 units, so the upgrades would not occur before the apartments are there. Mr. Costello responded that Staff can look into that issue. Mr. Hicks stated that the Department of Transportation will have to make the decision on the traffic lights that will be partly paid for by the Erpenbecks. Mr. Wall responded that the warrants have to be filled. KDOT has not seen the Traffic Report and, if the Planning Commission wishes, it can be sent to KDOT and he will try to get their comments before the Committee Meeting. He stated that the report was not available until a few days ago. Mr. Hicks questioned what usually dictates when a traffic light goes in. Mr. Wall responded that different criteria can trigger a signal. The study indicates that it is a peak hour warrant based on cross traffic trying to get into Richwood Road. He stated that Level C is generally considered acceptable and reasonable. It is not the best or the worst, but below Level C is considered bad. The condition on the Erpenbeck zone change is that when they drop below Level C the signal will go in. The condition assumes that if KDOT does not go in and do the signal, other parties will participate. There is a condition for the Triple Crown development that does not specify the amount and it is not worded as directly as the Erpenbeck condition, but it assumes some level of participation from the Triple Crown developers.

Mr. Hicks stated that the Traffic Study says that when the subject development is built, the intersection will still be Level of Service C, which will not warrant the traffic light. Mr. Dusing disagreed and stated that Ms. Reed indicated that the signal would be warranted at buildout and possibly sometime during the building. Mr. Hicks stated that they would go past Level of Service C at some point. Ms.

Reed responded that if the apartments and Steeplechase built out, and the signal was not installed, the intersection would fall to Level of Service F. There are levels of Service A, B, and C on the LOS (Level of Service) Analysis for the evaluation of the apartments and Steeplechase and it assumes a signalized intersection. Currently, the intersection does not meet the warrant. Warrants are primarily triggered on the volumes on the roadways and the ability of vehicles to turn in and out of the intersection.

Mr. Knock asked what consideration was given in the Traffic Study to the connector between Richwood Road and Frogtown? The connection of Secretariat into Heritage Trails? What consideration has been given to the strip mall? What consideration has been given to the way the entire area is zoned and how it may develop in a five-year time period?

Ms. Reed responded that for the 2005 analysis, they took existing traffic volumes on Richwood Road. They had counts from 1997 and they did counts in 2001, they determined at what rate they were growing and assumed the growth rate. They assumed growth would occur at the same rate and that is what the analysis shows. Mr. Knock stated that that is based on an assumption of current growth, not projected growth. Ms. Reed responded that it is based on the assumption that growth would occur at the same rate as it has over the past four years. Mr. Knock questioned why they used that assumption. Ms. Reed responded that that the growth rate is based on the population and what occurs in the township. Using an average of the overall township, the growth rate may be 1.5% to 2% per year, when in reality in Richwood it is more like 6% to 7%. She stated that using the overall county growth rate may not accurately reflect what could happen in four to five years. Mr. Knock asked if she took into consideration the Frogtown connector or the Secretariat connector. Ms. Reed responded that she did not look at them individually and used the overall growth rate. Mr. Knock stated that there are some holes in the study. Ms. Reed stated that she looked at just the intersection of Richwood Road and Triple Crown/Grand National Boulevard. Mr. Costello questioned if she looked at the ramps or lights. Ms. Reed responded that she did not analyze any other intersections. She stated that KDOT anticipated the property being developed EPD, which is a significantly high traffic generator. She stated that any planning they have done is on the high side of what this development will generate. Mr. Knock stated that the Traffic Study was done by a standard. Ms. Reed responded that the Institute of Traffic Engineers sets guidelines and standards.

Mr. Dusing asked Ms. Reed if she was asked to come to any particular conclusion or if she was given free rein to conduct the study in accordance with generally accepted traffic engineering standards. Ms. Reed responded that she was asked to evaluate the intersection of Richwood Road and Grand National Boulevard and was not asked to evaluate the other intersections. She would not take it on herself to evaluate any and all intersections.

Mrs. Wilson referred to Page 10, #D of the Staff Report and questioned the antenna tower. Mr. Jerry Speedy stated that they offer their residents cable TV and have their own cable system. They will own and manage the tower. Mrs. Wilson asked if they plan to put cellular antennas on the tower. Mr. Jerry Speedy responded "no". Mrs. Wilson questioned the height of the tower. Mr. Jerry Speedy responded that the height will be determined by the technicians in the cable department. He noted that there are hills there. He noted that there are several towers around the storage buildings and stated that the height will be less than what is at the interchange now. He stated that about 80 feet high would be typical. Mrs. Wilson asked if the tower will require a separate application. Counselor Wilson responded that he would defer to the Zoning Administrator, but believes the tower would only have to go to the PSC if it was going to be a cellular communications system limited to tenants. It is a determination if it is accessory to the development. Mr. Wall agreed. He reviewed Section 31.24 regarding exceptions to height regulations relative to structures that are not able to be occupied. Mrs. Wilson questioned where it would be located on the property. Mr. Wall indicated its location on the plan (marked by a square symbol near the cemetery). Mrs. Wilson asked if the determination was that the tower requires a separate application. Mr. Wall responded that that would be up to the PSC, but his understanding is that it does not require a separate application.

Mrs. Poston noted that there were some concerns about low-income housing. She asked if they have sold any units that have become low-income housing. Mr. Jerry Speedy responded that they have not sold any developments since 1986. They may have sold five apartment communities in Wisconsin since he joined the company in 1978 and he does not know of any that were converted to subsidized housing. He stated that they are not in the market to sell anything. He cannot say that they will never sell anything, but they have not sold anything since 1986.

Mr. Schwenke noted that the applicant said that the existing EPD zoning would generate more traffic than the apartment complex would. He stated that there is a big variation in the EPD zone and in some cases it could be less and in some cases more. Mr. Wall agreed and added that there is a general understanding of what the EPD zone is and, in general, what was heard from Mr. Erpenbeck and others is reasonably accurate. He stated that the EPD zone does not have a set use list and is more of a PUD zone where someone comes in and proposes their own zone or master plan, which can vary widely, particularly in traffic impact. He stated that there are a number of criteria/standards of the zone that deal with issues such as adequacy of infrastructure and roads. The Planning Commission can require off-site road improvements with an EPD zone to address the requirements of the zone and off-site impacts that are attributable to the development.

Mr. Schwenke questioned the parking garages. Mr. Hall presented the Power Point slide again and stated that 30% of the units would have garages. The garages would be architecturally compatible 12' x 20' buildings with keypads and eight-foot doors. Mr. Jerry Speedy stated that each building would have some

garages available to the residents. Mr. Hall stated that the garages are clustered in units of four, or can be one single unit.

Mr. Schwenke stated that their older developments look to have smaller units and questioned if they have gotten larger. Mr. Hall responded that the units have gotten larger. The two-bedroom units were in the 700 square foot range and are now in the 1,000+ square foot range. Mr. Schwenke questioned the number of units per building. Mr. Hall responded that a 36-unit building would now have 30 units and a 30-unit building would now have 24 units. The buildings previously had more units in them than they do at this time.

Mr. Knock stated that the traffic analysis says this development would have 28% less traffic than EPD development. He asked if the applicant spoke to Staff as to how Staff perceived what could go on the property in an EPD development. Mr. Wall responded that he spoke generally with Ms. Reed about it. Mr. Knock asked if Ms. Reed asked Mr. Wall about the kind of development that would be involved with respect to traffic. Mr. Wall responded that they did not discuss that per se as there are figures used by the industry for various land uses. Mr. Knock questioned what Ms. Reed spoke to Mr. Wall about. Mr. Wall responded that they spoke in general terms about what we might see in an EPD development. He stated that a typical perception might be uses such as light industrial, and maybe some commercial, in a campus type development. In response to additional questions from Mr. Knock, Mr. Wall explained the basic industry standards taking into account land use and trip generation figures based on square footage and stated that he does not know if the figures were determined correctly or not. Mr. Knock asked if Ms. Reed could have developed a statistic to determine the relationship based on the information she got from Mr. Wall. Mr. Wall responded that Ms. Reed could have made a determination based on the industry accepted practices and their discussion.

Mr. McMillian advised the applicant that the Planning Commission encourages multiple users on cell towers to reduce the number of cell towers.

Chairman Caddell stated that Mr. Knock raised the question and the traffic engineers indicated that the Traffic Study was at Steeplechase and KY 338. He stated that the Commissioners are familiar with that area and have concerns about what happens between this intersection and I-75 North and I-75 South. He asked the Committee to consider having someone from the Highway Department do further study or, if necessary, an independent who could give a better understanding of the area between Steeplechase/KY 338 and I-75. It is important to know what is going on there. He noted that Mr. Hicks made a good point that the Committee needs to give strong consideration to resolving. He stated that in the 1997 approval, there is mention of 217 Building Permits which would then trigger a widening or upgrading of KY 338. This development could speed up the condition that would have required that condition on Mr. Erpenbeck. He stated that it is possible that KY 338 widening would have to occur sooner if this request

is approved and something needs to be negotiated by the parties to make that improvement on a more timely basis than the burden that was placed on Mr. Erpenbeck for his development. Chairman Caddell referred to Condition #2 of the March 19, 1997 Committee Report. The condition speaks to construction and dedication of the street connections when fifty percent of the lots on Street H are sold. He questioned if 50% of the lots have been sold. Mr. Wall responded that he does not think they are that far in the subdivision process yet. Mr. Erpenbeck agreed.

Chairman Caddell stated that the Staff Report in Item #2, B. makes reference to the proposed architectural design and there has been submission of a drawing of a potential development design, but he believes he heard the applicant refer to the fact that they have several different designs and this design has not been determined.

Mr. Jerry Speedy responded that the design has not been determined, but they have expressed a willingness to work with Staff and the Committee to come up with an acceptable architectural style. The Chairman asked the Committee to address this issue.

Mr. Knock stated that it is important for the people in the community to look at what could go on this site. The site is going to develop in some way and it is important to weigh what could go in there.

Mrs. Wilson noted Mr. McMillian's comments regarding the tower and stated that the applicant indicated that it would just be for cable TV and there would be no cellular antennas.

Mr. Dusing stated that Mr. Knock's comment gets to the heart of the matter. He stated that EPD has a high range of uses. Looking at the uses that Mr. Wall expressed to Ms. Reed that she should base her assumptions on, there is a mix of campus, office, light industrial, or commercial uses – which is the same argument he heard in 1991 when they went through EPD on the other side of the street. Everyone in Heritage Trails was opposed to light commercial and said “give us apartments” “give us residential and multi-family” “we don't want commercial and rush hour traffic”. He stated that Bill Erpenbeck is a high quality developer, but the residents said that if they had known multi-family was going to be in Steeplechase they would not have bought there – but there were 250 apartments and another 170 carriage homes approved when they bought. He stated that the proof is across the Midwest where Edward Rose Properties, Inc. has developed first and the development has not had an impact on the high-quality single-family residential development that followed it. He stated that Mr. Knock brought up the issue of further consideration of what could go in there versus what they are proposing. He stated that he has the impression that everyone wants single-family development, but single-family residential was expressly considered as recently as last Fall in updating the Comprehensive Plan and rejected by the Planning

Commission. Urban Residential density was unanimously recommended. He stated that single-family residential is not a realistic alternative. He referred to the triggers for certain improvements and stated that the increased number of units accelerates the need for the highway improvement and they will talk about that at the Committee level. He stated that there needs to be discussion of the motivation of some of the opposition financially and triggering financial requirements that they would rather incur later than sooner. Mr. Dusing stated that this is his neighborhood. It is an upscale neighborhood of high quality and he is proud to present this request.

The Chairman asked if there were any further comments. There being no response, he stated that the Committee Meeting for this item will be on July 18, 2001 at 4 PM in the Fiscal Courtroom. The Chairman explained the Committee process and advised the residents that they are invited to attend the Committee Meeting. The Chairman stated that this item will be on the Agenda for the Business Meeting on August 1, 2001 at 7:30 PM in this room. He stated that when a decision is made, it will be sent to Fiscal Court for their final action.

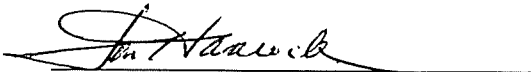
The Chairman closed this Public Hearing at 9:40 PM and called for a ten-minute recess.

APPROVED:



Arnold Caddell, Chairman

Attest:



Jan Hancock, Recording Secretary

Exhibits:

1. Traffic Impact Study – Davis Farms Apartment Homes, July, 2001 prepared by Bayer-Becker Engineers and submitted by the applicant.
2. Petitions (15 pages) to deny the zone change, submitted by Mr. Rick Jordan.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Mark Hicks, Committee Chairman

DATE: September 19, 2001

RE: Request of **Edward Rose Properties, Inc. (applicant)** for **Em-A-Non Acres Limited Partnership (owner)** to consider an application for a Zoning Map Amendment from Employment Planned Development (EPD) to Urban Residential One (UR-1) for a 45 acre site located on the east side of Grand National Boulevard and the west side of I-75/71, approximately 1,000 feet southeast of the Richwood Road/Grand National Boulevard intersection, Boone County, Kentucky. The request is for a zone change to allow multi-family dwelling units.

REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

September 19, 2001

Edward Rose Properties/Em-A-Non Acres
Limited Partnership

Mark Hicks

Mark Hicks, Chairman

For Against
 Abstain Absent
 Deferred

Bob Newman

Bob Newman

For Against
 Abstain Absent
 Deferred

Susan Poston

Susan Poston

For Against
 Abstain Absent
 Deferred

Earl White

Earl White

For Against
 Abstain Absent
 Deferred

David Zimmer

David Zimmer

For Against
 Abstain Absent
 Deferred

Randy Barlow (Alternate)*

For Against
 Abstain Absent
 Deferred

Don McMillian (Alternate)*

For Against
 Abstain Absent
 Deferred

TOTAL: DEFERRED 3 FOR 2 AGAINST ABSTAIN
ABSENT

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Mark Hicks, Committee Chairman

DATE: August 15, 2001

RE: Request of **Edward Rose Properties, Inc. (applicant)** for **Em-A-Non Acres Limited Partnership (owner)** to consider an application for a Zoning Map Amendment from Employment Planned Development (EPD) to Urban Residential One (UR-1) for a 45 acre site located on the east side of Grand National Boulevard and the west side of I-75/71, approximately 1,000 feet southeast of the Richwood Road/Grand National Boulevard intersection, Boone County, Kentucky. The request is for a zone change to allow multi-family dwelling units.

REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

August 15, 2001

Edward Rose Properties/Em-A-Non Acres
Limited Partnership

Mark Hicks

Mark Hicks, Chairman

For _____ Against _____
 Abstain _____ Absent _____
 Deferred

Bob Newman

Bob Newman

For _____ Against _____
 Abstain _____ Absent _____
 Deferred

Susan Poston

For _____ Against _____
 Abstain _____ Absent
 Deferred _____

Earl White

Earl White

For _____ Against _____
 Abstain _____ Absent _____
 Deferred

David Zimmer

David Zimmer

For _____ Against _____
 Abstain _____ Absent _____
 Deferred

Randy Barlow (Alternate)*

For _____ Against _____
 Abstain _____ Absent
 Deferred _____

Don McMillian (Alternate)*

For _____ Against _____
 Abstain _____ Absent
 Deferred _____

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

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Mark Hicks, Committee Chairman

DATE: July 18, 2001

RE: Request of **Edward Rose Properties, Inc. (applicant)** for **Em-A-Non Acres Limited Partnership (owner)** to consider an application for a Zoning Map Amendment from Employment Planned Development (EPD) to Urban Residential One (UR-1) for a 45 acre site located on the east side of Grand National Boulevard and the west side of I-75/71, approximately 1,000 feet southeast of the Richwood Road/Grand National Boulevard intersection, Boone County, Kentucky. The request is for a zone change to allow multi-family dwelling units.

REMARKS:

We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.

Edward Rose Properties/Em-A-Non Acres
Limited Partnership

Mark Hicks

Mark Hicks, Chairman

For	___	Against	___
Abstain	___	Absent	___
Deferred	<input checked="" type="checkbox"/>		

Bob Newman

Bob Newman

For	___	Against	___
Abstain	___	Absent	___
Deferred	<input checked="" type="checkbox"/>		

Susan Poston

Susan Poston

For	___	Against	___
Abstain	___	Absent	___
Deferred	<input checked="" type="checkbox"/>		

Earl White

Earl White

For	___	Against	___
Abstain	___	Absent	___
Deferred	<input checked="" type="checkbox"/>		

David Zimmer

David Zimmer

For	___	Against	___
Abstain	___	Absent	___
Deferred	<input checked="" type="checkbox"/>		

Randy Barlow (Alternate)*

For	___	Against	___
Abstain	___	Absent	___
Deferred	___		

Don McMillian (Alternate)*

For	___	Against	___
Abstain	___	Absent	___
Deferred	___		

TOTAL: 5 DEFERRED — FOR — AGAINST — ABSTAIN
— ABSENT

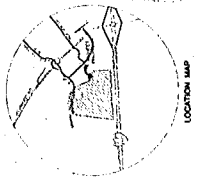


PROPOSED GARDEN APARTMENTS BOONE COUNTY, KENTUCKY CONCEPTUAL SITE PLAN

PREPARED BY:
EDWARD ROSE PROPERTIES, INC.
10000 WOODLAND DRIVE
SUITE 200
GULF BREEZE, MICHIGAN 49602
616-223-9464



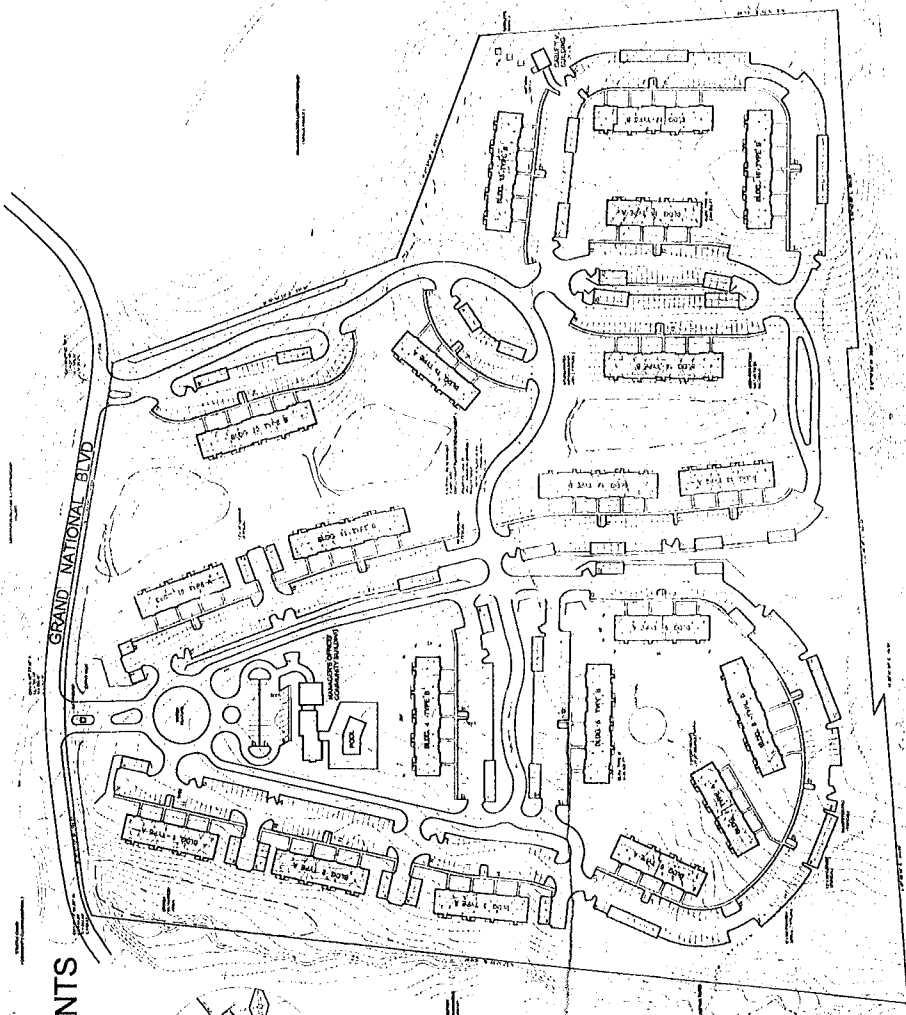
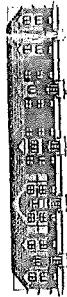
SCALE: 1" = 300'
CONTIGUOUS INTERVAL: 5'
JANUARY 22, 2011



BUILDING SCHEDULE			
BUILDING TYPE	ONE BEDROOM	TWO BEDROOM	TOTAL UNITS
A	16	8	24
B	19	11	30
			3 STORY
			10

TOTAL UNITS 540 (120 B.U.A.)
ONE BEDROOM 350
TWO BEDROOM 190
SITE SIZE 45.00 ACRES
PARKING SPACES 1,092 (23 SPACES/UNIT) 8.43 %
BUILDING COVERAGE 22.20 %
PARKING LOT & DRIVE COVERAGE 69.37 %
OPEN SPACE

NOTES:
1. ALL UNITS SHALL BE CONSIDERED AS SINGLE-FAMILY UNITS.
2. ALL UNITS SHALL BE CONSIDERED AS SINGLE-FAMILY UNITS.
3. ALL UNITS SHALL BE CONSIDERED AS SINGLE-FAMILY UNITS.
4. ALL UNITS SHALL BE CONSIDERED AS SINGLE-FAMILY UNITS.
5. ALL UNITS SHALL BE CONSIDERED AS SINGLE-FAMILY UNITS.



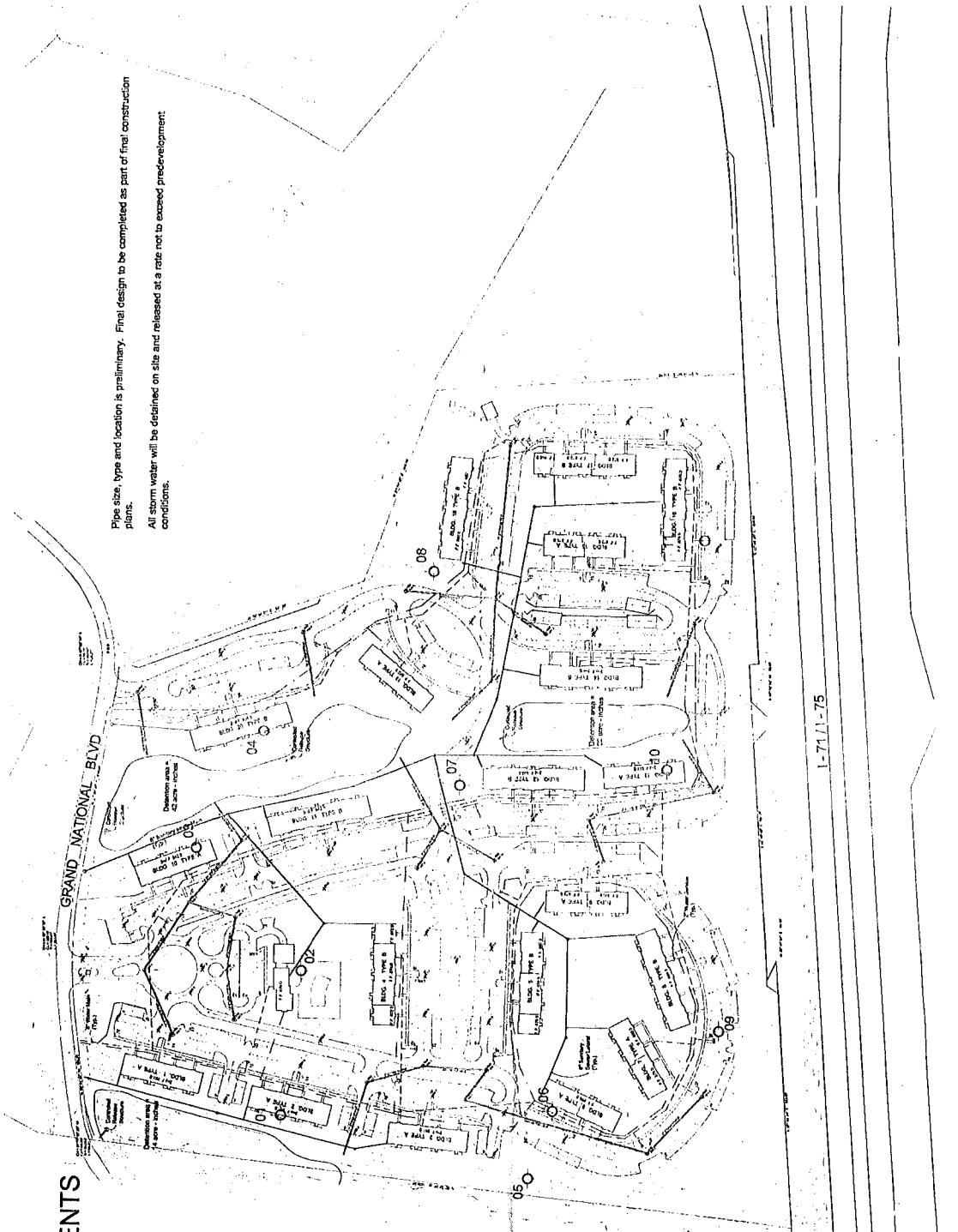
1-71/1-75

PROPOSED GARDEN APARTMENTS
BOONE COUNTY, KENTUCKY
Conceptual Engineering Plan



PREPARED BY:
 EDWARDS & KELCEY, INC.
 6701 NEWPORT ROAD
 KALAMAZOO, MICHIGAN 49002
 616/325-3444

Pipe size, type and location is preliminary. Final design to be completed as part of final construction plans.
 All storm water will be detained on site and released at a rate not to exceed predevelopment conditions.



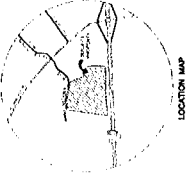
- SOIL BORING SITES.
- PROPOSED WATER MAINS AND SERVICES
- PROPOSED STORM SEWER
- PROPOSED SANITARY SEWER
- PROPOSED GAS, ELECTRIC, AND TELEPHONE ROUTE (FINAL LOCATION TO BE DETERMINED BY INDIVIDUAL UTILITIES)
- PROPOSED STORM FLOW LINES

I-75

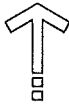
PROPOSED GARDEN APARTMENTS BOONE COUNTY, KENTUCKY CONCEPTUAL LANDSCAPE & EXTERIOR LIGHTING PLAN

PREPARED BY:
EDWARD ROSE PROPERTIES, INC.
10000 W. WOODLAND AVENUE
KALAMAZOO, MICHIGAN 49002
616/222-2494

PLAN & CONCEPTUAL, DIMENSIONAL, ELEVATION & SITE PLAN
IN ACCORDANCE WITH THE KENTUCKY LANDSCAPE ARCHITECTURE ACT

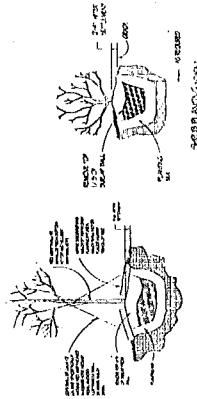


LOCATION MAP



SCALE: 1/4" = 1'-0"
CONTINUED AT INTERVAL 5
JANUARY 21, 2001

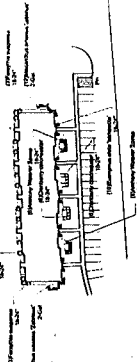
- LARGE DECIDUOUS TREES, FROM PLANT LISTS A & B
- SMALL TREES, FROM PLANT LIST C
- LARGE EVERGREEN TREES, FROM PLANT LIST D



PLANTING DETAILS

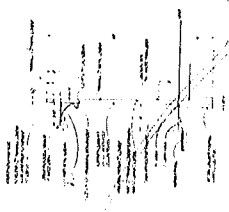
*ALL TREES TO BE SHOWN WITH EXTERIOR LIGHTING

©2001 EDWARD ROSE PROPERTIES, INC.

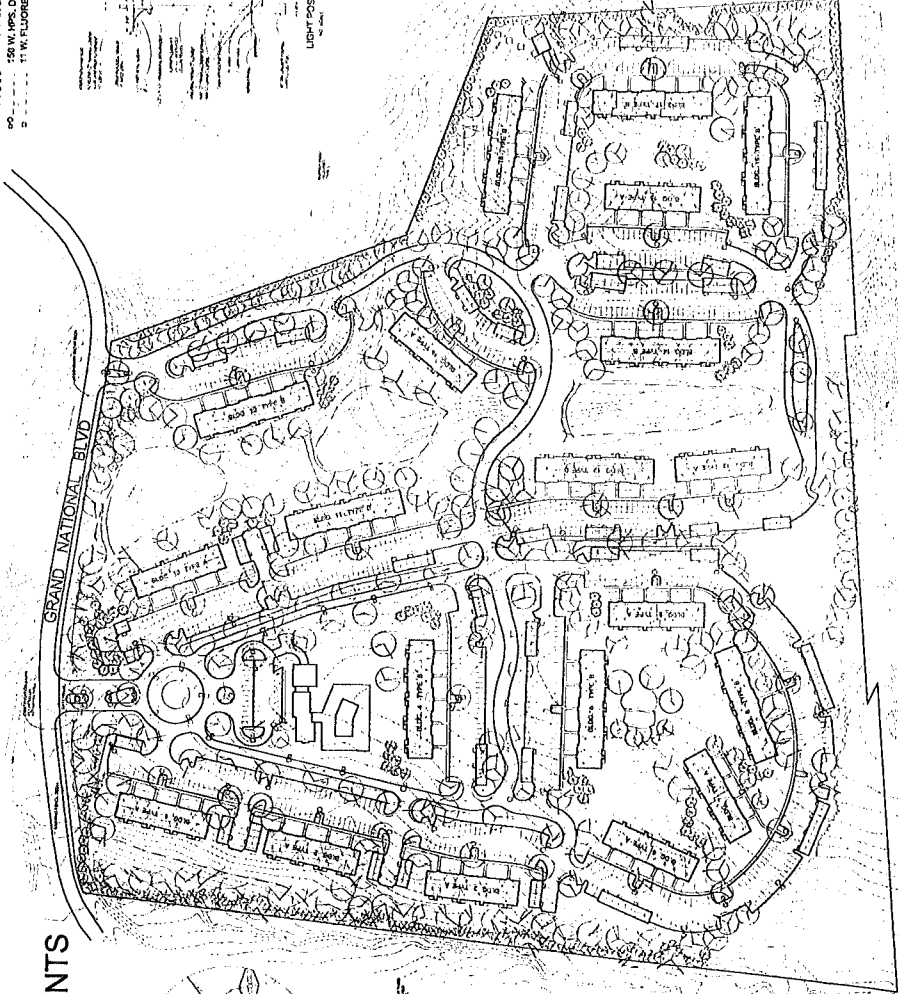


FOUNDATION PLAN

- 150 W. PPS. DUSK TO DAWN FIXTURE, SHIELDED WHERE NECESSARY
- 150 W. PPS. DECORATIVE SPHERE FIXTURE
- 11" FLUORESCENT WALL MOUNTED FIXTURE



LIGHTING DETAILS



1-711-75

PREPARED AT 8/15/74 BOARD CHANCE
COMMITTEE MEETING

**DAVIS FARMS
APARTMENTS AND TOWNHOMES
BOONE COUNTY, KENTUCKY
CONCEPTUAL SITE PLAN**

PREPARED BY:
EDWARD ROSE PROPERTIES, INC.
KALAMAZOO, MICHIGAN 49002
616-222-9484

SCALE: 1" = 100'
CONTIGUOUS INTERVAL: 5'
JANUARY 22, 1974



LOCATION MAP

BUILDING TYPE	BUILDING SCHEDULE		TOTAL UNITS	TYPE OF BUILDING	NUMBER OF BUILDINGS
	ONE BEDROOM	TWO BEDROOM			
AT	18	6	24	3-STORY	1
A	16	8	24	3-STORY	5
B	18	11	29	3-STORY	11
TG-D	0	4	4	1.5-2-STORY MAX	1
TG-E	0	4	4	1.5-2-STORY MAX	5

TOTAL UNITS 500 (11:11 D.U.A.)
 ONE BEDROOM 24
 TWO BEDROOM 276
 TO TWO BEDROOMS 280
 TO TWO BEDROOMS 280
 THREE BEDROOM 20

SITE SIZE 45.00 ACRES

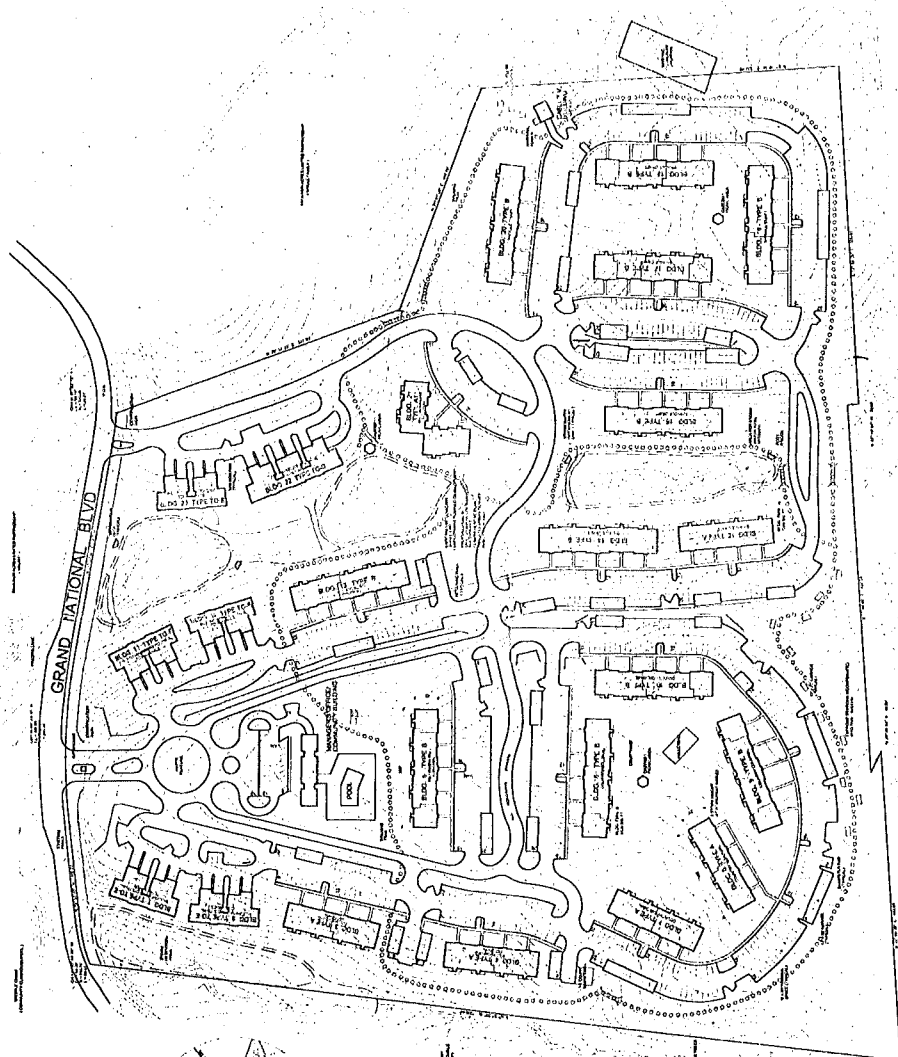
PARKING SPACES 1,016 (23 SPACES/UNIT)

BUILDING COVERAGE 9.88 %

PARKING LOT & DRIVE COVERAGE 24.28 %

OPEN SPACE 66.04 %

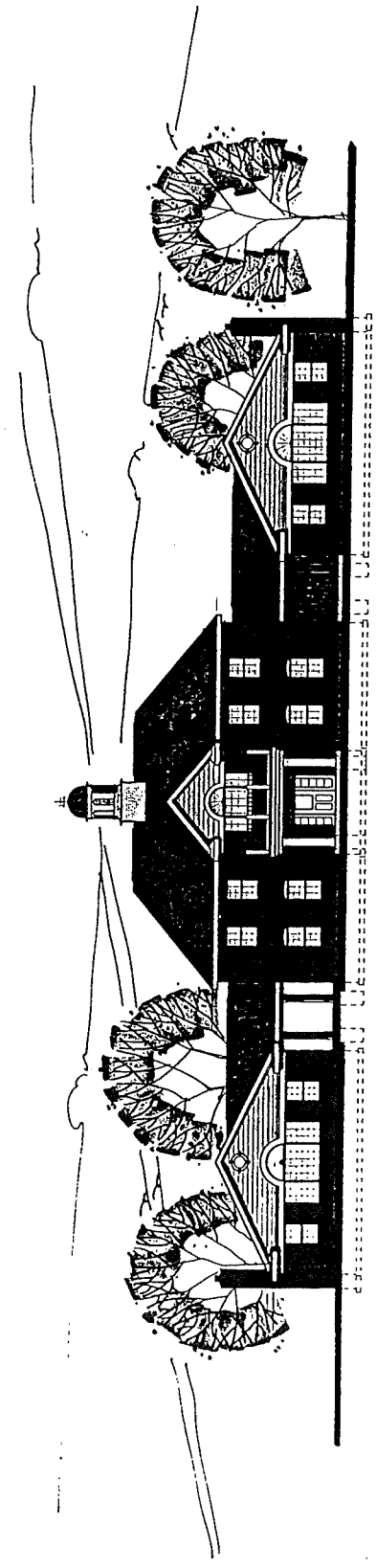
NOTES:
 1. ALL UNITS SHALL BE 1,100 SQ. FT. MINIMUM AREA.
 2. ALL UNITS SHALL BE 1,100 SQ. FT. MINIMUM AREA.
 3. ALL UNITS SHALL BE 1,100 SQ. FT. MINIMUM AREA.
 4. ALL UNITS SHALL BE 1,100 SQ. FT. MINIMUM AREA.
 5. ALL UNITS SHALL BE 1,100 SQ. FT. MINIMUM AREA.
 6. ALL UNITS SHALL BE 1,100 SQ. FT. MINIMUM AREA.
 7. ALL UNITS SHALL BE 1,100 SQ. FT. MINIMUM AREA.
 8. ALL UNITS SHALL BE 1,100 SQ. FT. MINIMUM AREA.
 9. ALL UNITS SHALL BE 1,100 SQ. FT. MINIMUM AREA.
 10. ALL UNITS SHALL BE 1,100 SQ. FT. MINIMUM AREA.



1-71/1-75

RECEIVED AT 9/19/01 ZONE CHANGE MEETING

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 2100
 2100
 2100



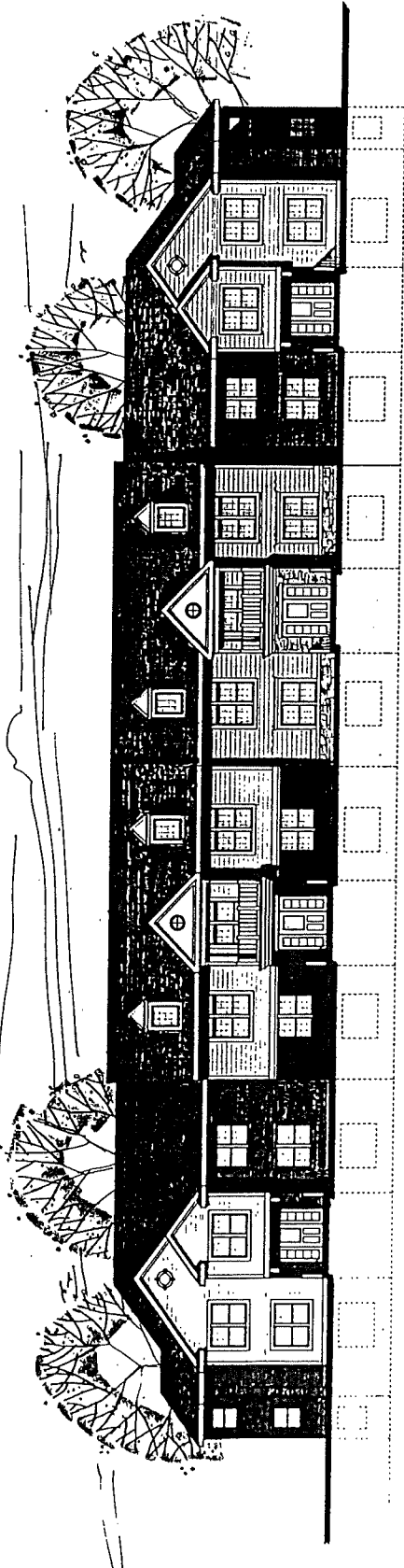
1 Proposed Front Elevation - Scheme "A"
 SCALE: 3/8" = 1'-0"

Drawn By
 Checked By
 Date

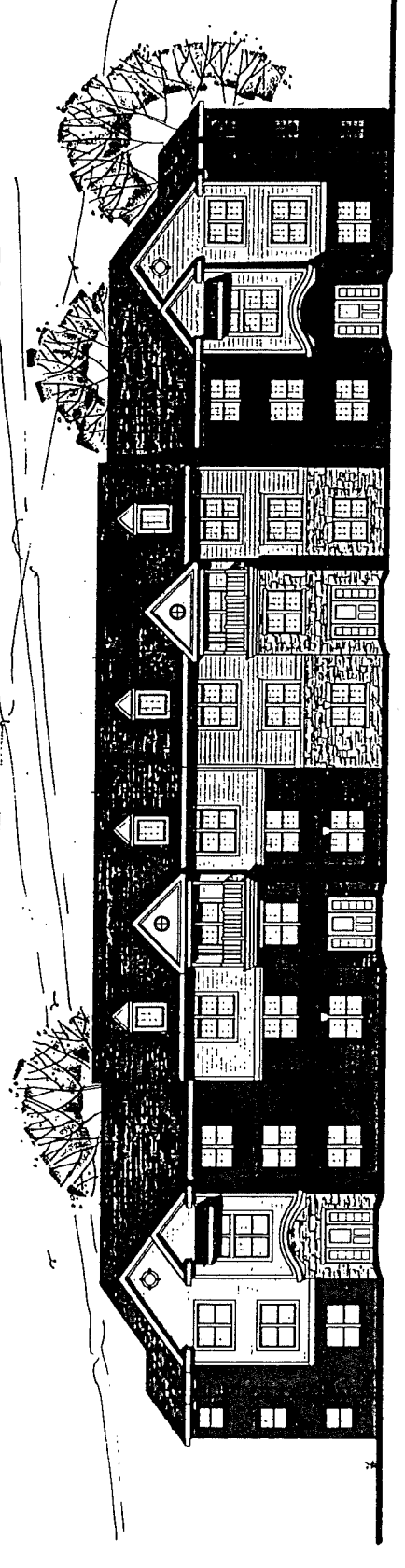
Edward Rose & Sons
 Davis Farms Apartments
 Boone County, Kentucky
 Williamsburg Colonial
 Community Building

Architect
 2100
 2100
 2100

Job No. 01047
 Sheet No. A2



2 Proposed Front Elevation
 AS SCALE 3/32" = 1'-0"



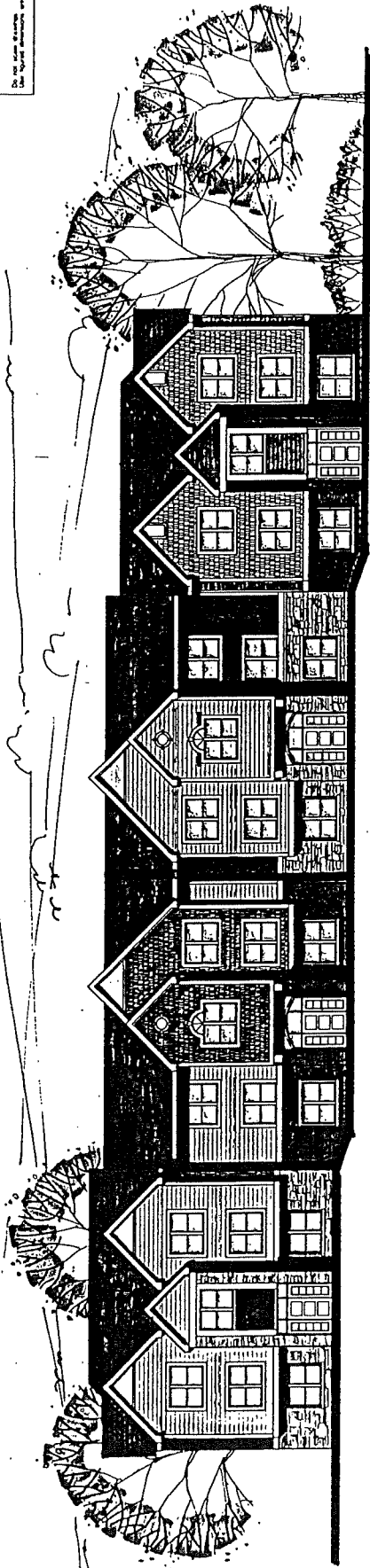
1 Proposed Front Elevation
 AS SCALE 3/32" = 1'-0"

ARCHITECT
 EDWARD ROSE & SONS
 ASSOCIATES, P.C.
 1000 South Main Street, Suite 100
 Boone, Kentucky 40306
 Phone: (606) 339-1000
 Fax: (606) 339-1001
 On-Site Architect: [Name]
 Date: [Date]

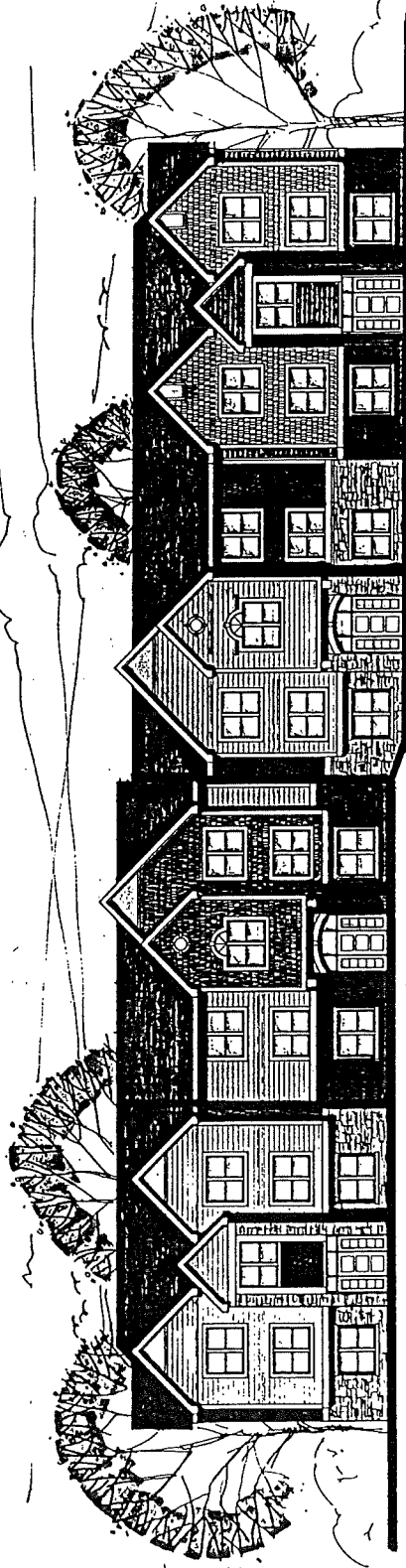
Project: Edward Rose & Sons
 Davis Farms Apartments
 Boone County, Kentucky
 Wamsburg Colonial
 Apartment Building
 Project No: 01047
 Sheet No: A5

ARCHITECT
 EDWARD ROSE & SONS
 ASSOCIATES, P.C.
 1000 South Main Street, Suite 100
 Boone, Kentucky 40306
 Phone: (606) 339-1000
 Fax: (606) 339-1001

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1 Proposed Front Elevation
 A7A SCALE: 3/8" = 1'-0"



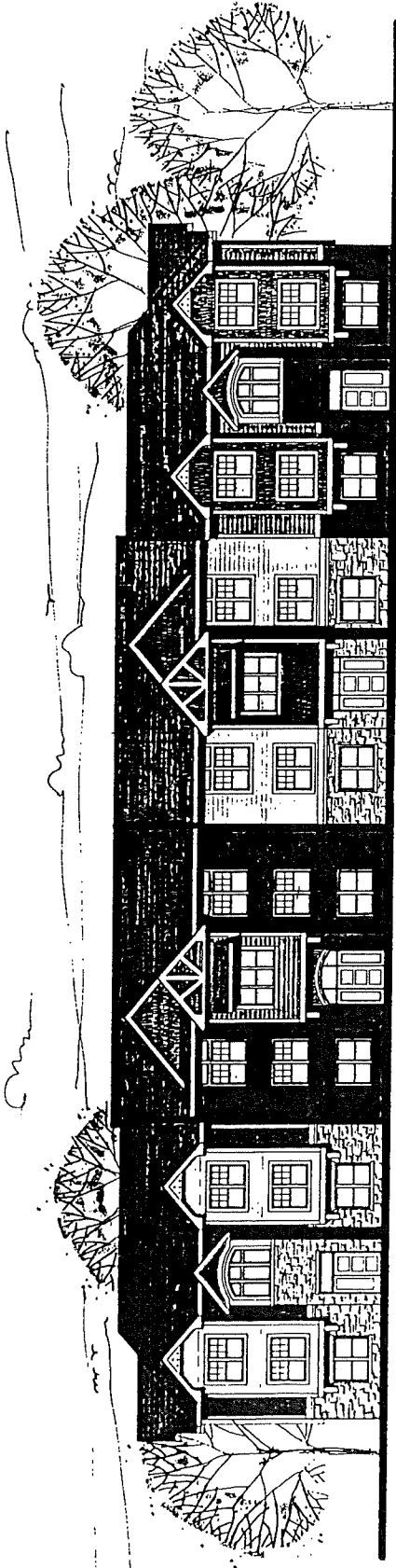
1 Proposed Front Elevation
 A7A SCALE: 3/8" = 1'-0"

Project No. 010-01	Project Name Davis Farms Apartments Boone County, Kentucky
Prepared By Edward Rose & Sons Apartment Building Boone County, Kentucky	Project No. 010-01

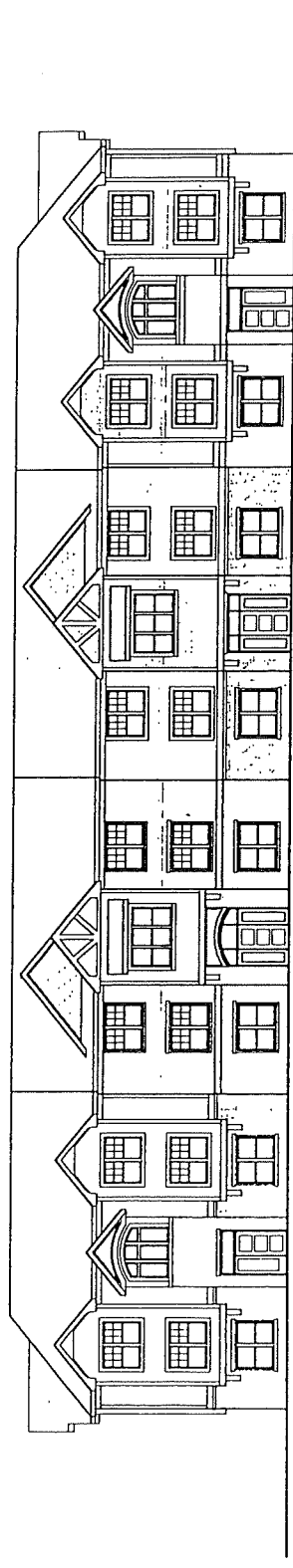
ATA
 ARCHITECTURAL
 TALENT ASSOCIATES, INC.
 2000 S. W. 10th Street, Suite 107
 Fort Lauderdale, FL 33334
 (954) 323-1007
 Fax: (954) 323-1131

Sheet No. 010-01	Sheet Title A7.a
---------------------	---------------------

DRAWN BY
 JENNIFER L. HARRIS
 ARCHITECT
 1000 S. UNIVERSITY AVENUE
 SUITE 100
 BOONE, KY 40309
 (606) 338-1111
 WWW.AJHARCHITECTS.COM



2 Proposed Front Elevation
 A6 SCALE: 3/8" = 1'-0"



1 Proposed Front Elevation
 A6 SCALE: 3/8" = 1'-0"

PROJECT: Edward Rose & Sons
 Davis Farms Apartments
 Boone County, Kentucky
 PROJECT NO.: Shingle Craft
 Apartment Building
 DATE: 8-10-01
 DRAWN BY: JENNIFER L. HARRIS
 ARCHITECT
 1000 S. UNIVERSITY AVENUE
 SUITE 100
 BOONE, KY 40309
 (606) 338-1111
 WWW.AJHARCHITECTS.COM

SHEET NO. 01047
 SHEET OF 06