

APPLICATION FORM

**ZONING MAP AMENDMENT
BOONE COUNTY PLANNING COMMISSION**

R	R E C E I V E
	JAN 24 2003
BOONE COUNTY PLANNING COMMISSION	

(See Boone County
Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project TO BE DETERMINED - PROPOSED APARTMENT COMMUNITY
2. Location of Project EAST SIDE GRAND NATIONAL BLVD - SOUTH OF RICHWOOD RD.
3. Total Acreage of Site 38
4. Current Zoning of Site EPD
5. Proposed Zoning (Classification being requested) UR-1
6. Proposed Uses (please specify each use) MULTI-FAMILY APARTMENT
COMMUNITY
7. Names of Applicant(s) THE DREES COMPANY (TIMBERLAKE, FLP)
Phone Number (859) 426-2561 Fax No. (859) 578-0460
8. Address of Applicant(s) 211 GRANDVIEW DRIVE
FT. MITCHELL, KY 41017
City State Zip
9. Name of Property Owner(s) EM-A-NON ACRES LIMITED PARTNERSHIP
Phone Number (859) 485-7789 Fax No. (859) 485-4472
10. Address of Property Owner(s) 351 RICHWOOD ROAD 357-PERDUNNIS DAVIS
WALTON KY 41094
City State Zip
11. Proposed Building Intensities (please specify) 380 UNITS / 38 ACRES
10 UNITS PER ACRE
12. Are there any existing buildings on the site? NO
How many? _____
13. Deed Book 498 Page No. 302 Group No. 2071
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 (12/5/02)
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:
 - YES 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
 - No Boone County Public Works Department
 - No Kentucky Transportation Cabinet
 - N/A City of Florence Public Services Department
 - No Boone County Building Department

(over)

EXHIBIT

“A”

February 26, 2003

One access point is proposed on Grand National Boulevard in the southwest corner of the site. A community building with a pool, tot lot, and sand volleyball court is located near Grand National Boulevard between the access point and the stream. A series of sidewalks is proposed to connect the various parts of the development together and to Grand National Boulevard.

A detention basin is proposed to be provided in the western part of the intermittent blue line stream near Grand National Boulevard. Several landscape concept drawings which show perimeter, vehicular area, and building plantings have been provided. The overall plan indicates Buffer Yard A along the Grand National Boulevard frontage, Buffer Yard C along the north and south property lines, and along the freeway frontage. According to the application materials, sixty four and one half percent (64.5%) 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. A traffic study was submitted with the application.

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. A zone change from A-2 and EPD to SR-1/PD for 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).

An application for a zone change from EPD to UR-1 for a 45 acre site, which included the 38 acres for the current application, was denied in 2001 ("Rose Properties" proposal). The original application was for 540 multi-family dwelling units. This application was recommended for conditional approval by the Planning Commission's Zone Change Committee (with a condition which would have reduced the project to 500 units), but the Planning Commission voted to deny the application. The Fiscal Court took no action on the application, thus, the Planning Commission's recommendation became the final action on the request. Upon appeal, the Boone Circuit Court upheld the denial in 2002 (findings for denial and Concept Development Plan are attached).

SITE CHARACTERISTICS

As noted previously, the site contains 38 acres. It has approximately 1,040 feet of frontage on Grand National Boulevard and approximately 1,320 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. The 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 located off-site to the north of the eastern part of the project site. 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 tenth 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. Landscape concepts with several detail sheets were submitted with this application. These concepts illustrate landscaping around the entire perimeter of the site, throughout the vehicular areas, and along the buildings. Staff finds the landscape concepts to be appropriate for the specific project and site in question, and recommends that they be tied to any approval of this application. Staff also recommends that Buffer Yard C be required along the entire freeway frontage where existing tree cover does not exist on the project site 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; the conceptual grading shows that virtually the entire site will be disturbed), as well as the construction of berms around the perimeter of the site as committed in the application narrative (pg. 3). Although the overall landscape plan notes that Buffer Yard C will be provided along the freeway frontage, some of the existing vegetation that is proposed to be retained along the freeway frontage (and credited towards planting requirements) is not on the subject site but in the right-of-way, and can not be credited towards the planting requirements due to this reason (i.e., complete Buffer Yard C is not provided as the proposal is currently depicted). 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.
 - B. While the cosmetics of the proposed architectural designs are fairly comparable to that approved for the neighboring Reserve at Steeplechase, Staff has concluded that the size and scale of the proposed "conventional" apartment buildings are fairly dominating (three story structures that are between approximately 170 and 188 feet along with main ridges that have little break), 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 these structures, into multiple smaller structures. This would create shadow lines and tangible breaks, particularly in the long, virtually continuous roof lines. "Stair stepping" the roofs of the proposed structures so that they did not appear to 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 (this is done to some degree in the examples provided with little aesthetic effect). This same strategy could be employed for the two

story "townhouse" style units, as these buildings range between approximately 165 and 220 feet in length, although these structures would not have the same apparent bulk as the three story buildings due to the lower height.

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 each of the two basic buildings types within the overall development (four total). 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, such as a different architectural scheme for each of the building types on each side of the creek.

- C. As currently proposed, only one access point is proposed for the entire development. Due to the size of the development and the fact that it has several dead end driveways which could be cut off in an emergency, Staff highly recommends that a second access point on Grand National Boulevard be provided, even if it is just an emergency access with a gate (the driveway which dead ends at the northwest corner of the site could be connected through and a gate which matches the existing post and rail fence could be provided; a sidewalk link could also be provided in this same general location). The governing bodies should also consider the merits of a potential drive connection to the remaining undeveloped EPD area to the north.

Also pertinent to site access, the construction of an exclusive south bound left turn lane into the site at the main access point should be considered as condition of any approval of the project, especially when considering that Grand National Boulevard is intended to act as a collector road connecting Richwood Road and Chambers Road in the future. Approximately one third of the traffic generated on Grand National Boulevard will be accessing this site, which should be significant enough to justify a left turn lane. This view is shared by Greg Sketch, PE, PLS, Boone County Engineer, who also expressed concern about the need for a north bound acceleration lane (refer to attached 2/19/03 memorandum). On a related note, sidewalk links out to Grand National Boulevard will necessitate the construction of crosswalks to the combination pedestrian/bicycle path on the other side of the street. Mr. Sketch also commented that if storm water in the detention area will be

ponding against the Grand National Boulevard embankment, a geotechnical study with appropriate recommendations will need to be conducted to ensure the integrity of the embankment.

- D. The Concept Development Plan illustrates a number of recreational facilities which are clustered near the site's entrance. When acknowledging the number of proposed dwelling units and the fact that the stream valley area can be an amenity if dealt with properly, additional recreational facilities in this area should be considered, such as a picnic area/structure, soft trail loop, and scenic overlooks.
2. Staff has several comments relative to traffic issues. To start, condition #3 of the Steeplechase zone change approval (refer to attached Committee Report) requires that developer 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. This improvement is to include related intersection improvements and is to occur 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 that developer 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. A condition for the Triple Crown zone change requires that developer to participate in the construction of the signal as well, although an exact level of participation was not specified. Mr. William Madden, TEEM for Traffic, KTC District 6, has commented that the KTC agrees with the traffic study's conclusion that a complete left turn lane from westbound Richwood Road into Grand National Boulevard will be necessary, although it is immaterial to the KTC who constructs the lane, and that it makes sense for the opposing left turn lane into Triple Crown to be constructed at the same time. The KTC will study the intersection for the installation of a signal after the lanes are constructed (refer to attached 2/17/03 letter).

The traffic study submitted for the current request acknowledges that this development will have tangible impacts on the larger roadway system, but basically states the contemplated signalization and road widening improvements will mitigate these impacts. The study also infers several times that because there are commitments from other parties to participate in, or wholly complete, these two improvements, the issue of additional participation from this developer is moot. Staff's primary concern with this philosophy is two-fold.

First, relative to the Richwood Road Improvements, 154 dwelling units have been permitted in Steeplechase as of February 3, 2003, with very few permitted in the last year or so. Based on the proposed development schedule outlined in the application materials, the number of vehicles that will be generated from the Grand National Boulevard area with this development will surpass the 217 dwelling unit threshold after the first year of development, irrespective of any additional construction within Steeplechase itself (in the proposed five year build-out, four years are projected to have 72 units completed and one year is projected to have 92 units completed).

Second, based on the data presented in the traffic study, this development will have a definite and measurable impact on the Triple Crown/Grand National/KY 338 intersection. Thus, Staff strongly recommends that the governing bodies require proportionate participation in the signalization project from this developer as well. As an example, the Grand National area as a whole which is exiting onto Richwood Road in the AM peak hour (470 trips) will be notably higher than the same Triple Crown traffic (260 trips), and the exiting traffic for this specific development in the AM peak hour (163 trips) is a substantial portion of the same Triple Crown traffic (approximately 62%).

The traffic study states that the proposed development will generate only about one third of the traffic that would likely be generated under the current EPD zone. While staff does not dispute this basic premise, the data behind this conclusion should be explained. Also relative to assumptions in the study, the background traffic (pg. 16) was based on a 3% growth rate based upon county population projects by OKI - Staff questions if the data from the specific OKI traffic zone in question would yield any different results (figures are in the Comprehensive Plan's Population Element?).

The traffic study also states that the development will generate 1,260 trips per day, which appears to be very low based on the data provided in the ITE Trip Generation Manual. However, Staff has no issue with the more critical AM and PM peak hour figures provided. For informational purposes, on page 13 of the traffic study, the "enter" column for the "AM peak hour" section for "apartments" (year 2008) should read as "32" versus "2."

3. Mr. Keith Feldhaus of the Boone County Water District has commented that the applicant's engineer will need to determine whether there is adequate flow for the project based on a flow test that has been forwarded to the applicant.
4. A letter dated 2/4/03 from Mr. Gerald Turner, Director of Pupil Personnel for Boone County Schools, is attached. The prior letter from Bryan Blavatt, Superintendent, which is referenced in the Turner letter, is also attached.

5. Sanitation District #1, the Kentucky Division of Water, and the Walton Fire Department were requested to comment on this proposal, although no comments have been received to date. Any correspondence received from these agencies will be forwarded to the Zone Change Committee for evaluation.

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,

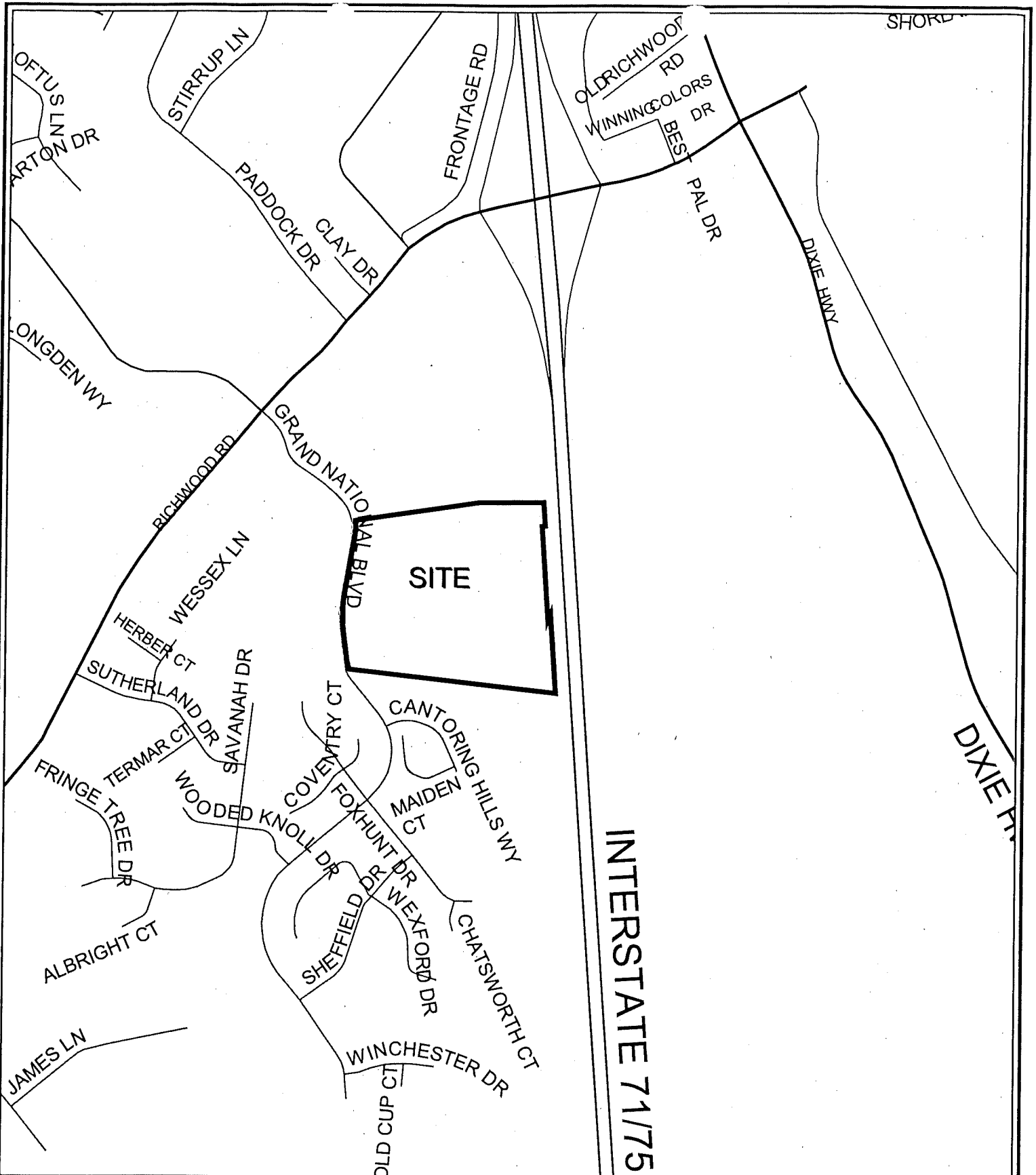


Kevin T. Wall, AICP CDT
Director, Zoning Services

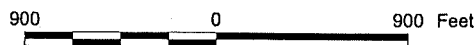
KTW/pr

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
- 10/3/01 Findings for Denial and Concept Development Plan for Rose Properties zone change
- 2/19/03 memorandum from Greg Sketch, PE, PLS, Boone County Engineer
- 2/17/03 letter from William Madden, TEEM for Traffic, KTC District 6
- 2/4/03 letter from Gerald Turner, Director of Pupil Personnel, Boone County Schools
- 1/16/03 letter from Bryan Blavatt, Superintendent, Boone County Schools
- application materials including Concept Development Plan and narrative booklet (traffic study not attached due to volume; distributed separately to Planning Commission)

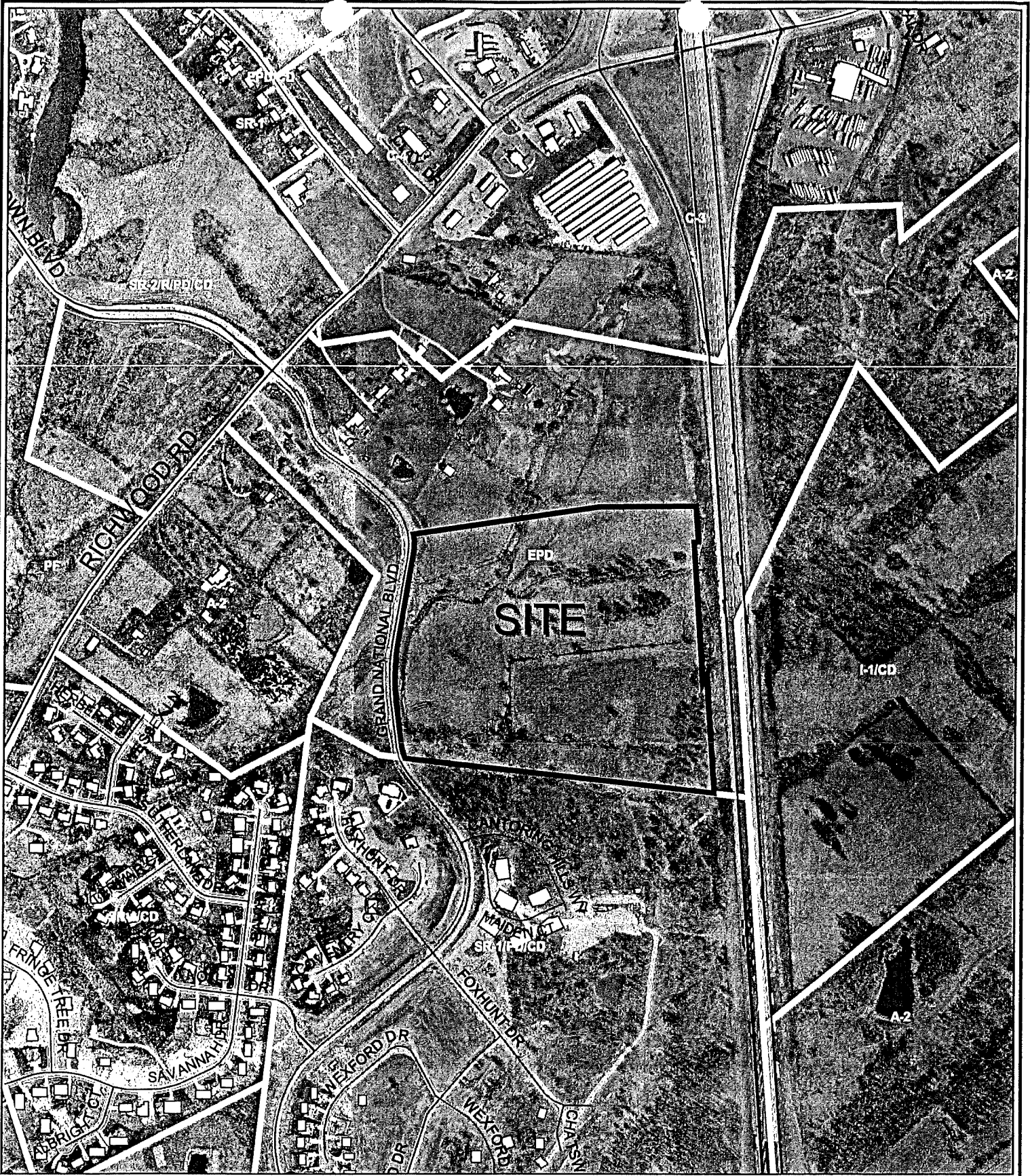


Location



1 inch equals 900 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 February 10, 2003

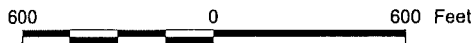
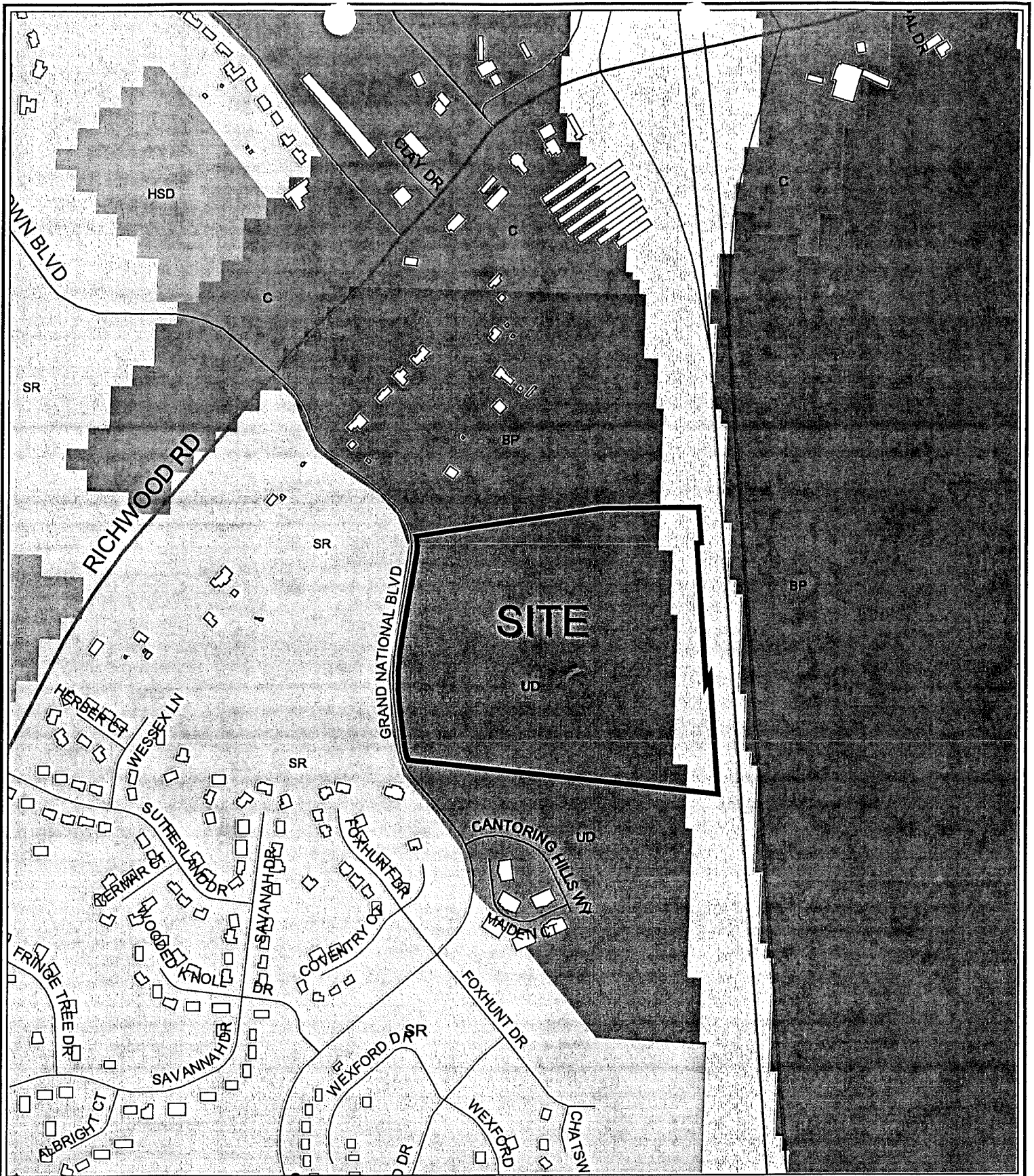




Zoning

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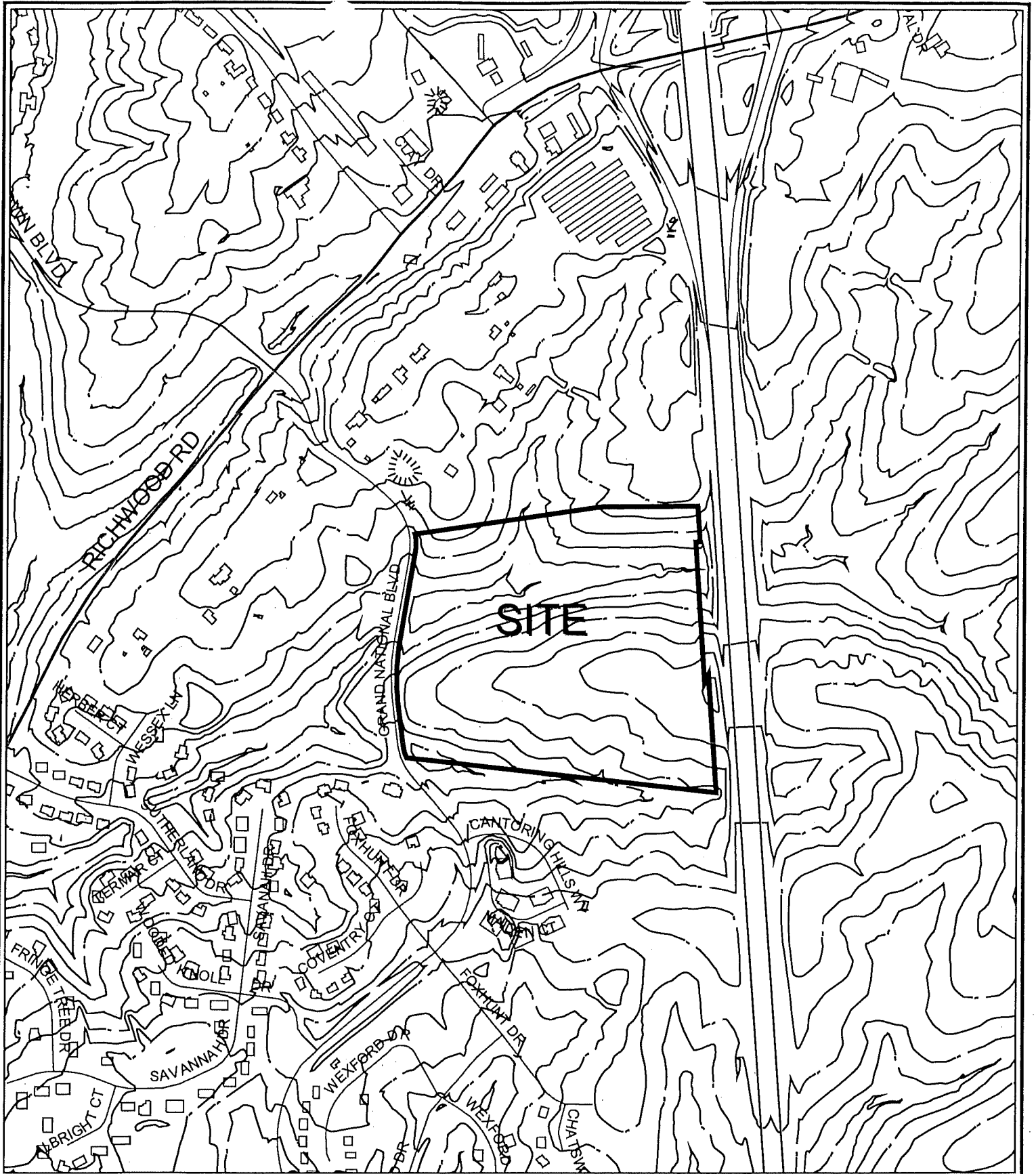
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 February 10, 2003



Future Land Use

1 inch equals 600 feet
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 GIS Services Division
 February 10, 2003





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Boone County Planning Commission
GIS Services Division
February 10, 2003



Topography

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

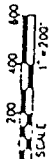
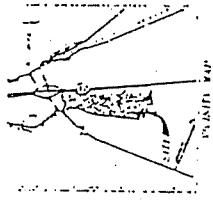
1. The development shall follow the attached Concept Development Plan which was revised through the Zone Change Committee review in accordance with the issues raised at the January 29, 1997 public hearing. This Concept Development Plan, and its related attachments, are identified as "Exhibit A."
2. The 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.

13 1997

DEGREE



OWNER: City of Toronto
 100 King Street West
 Toronto, ON M5X 1C4

DESIGNER: City of Toronto
 100 King Street West
 Toronto, ON M5X 1C4

- INVESTMENT DATA**
- 1. 100% Equity
 - 2. 100% Debt
 - 3. 100% Equity
 - 4. 100% Debt
 - 5. 100% Equity
 - 6. 100% Debt
 - 7. 100% Equity
 - 8. 100% Debt
 - 9. 100% Equity
 - 10. 100% Debt
- PROPOSED LOCAL STREET CONNECTION TO BUILDINGS**
- 1. Proposed Local Street Connection
 - 2. Proposed Local Street Connection
 - 3. Proposed Local Street Connection
 - 4. Proposed Local Street Connection
 - 5. Proposed Local Street Connection
 - 6. Proposed Local Street Connection
 - 7. Proposed Local Street Connection
 - 8. Proposed Local Street Connection
 - 9. Proposed Local Street Connection
 - 10. Proposed Local Street Connection
- PROPOSED PARK AREA**
- 1. Proposed Park Area
 - 2. Proposed Park Area
 - 3. Proposed Park Area
 - 4. Proposed Park Area
 - 5. Proposed Park Area
 - 6. Proposed Park Area
 - 7. Proposed Park Area
 - 8. Proposed Park Area
 - 9. Proposed Park Area
 - 10. Proposed Park Area

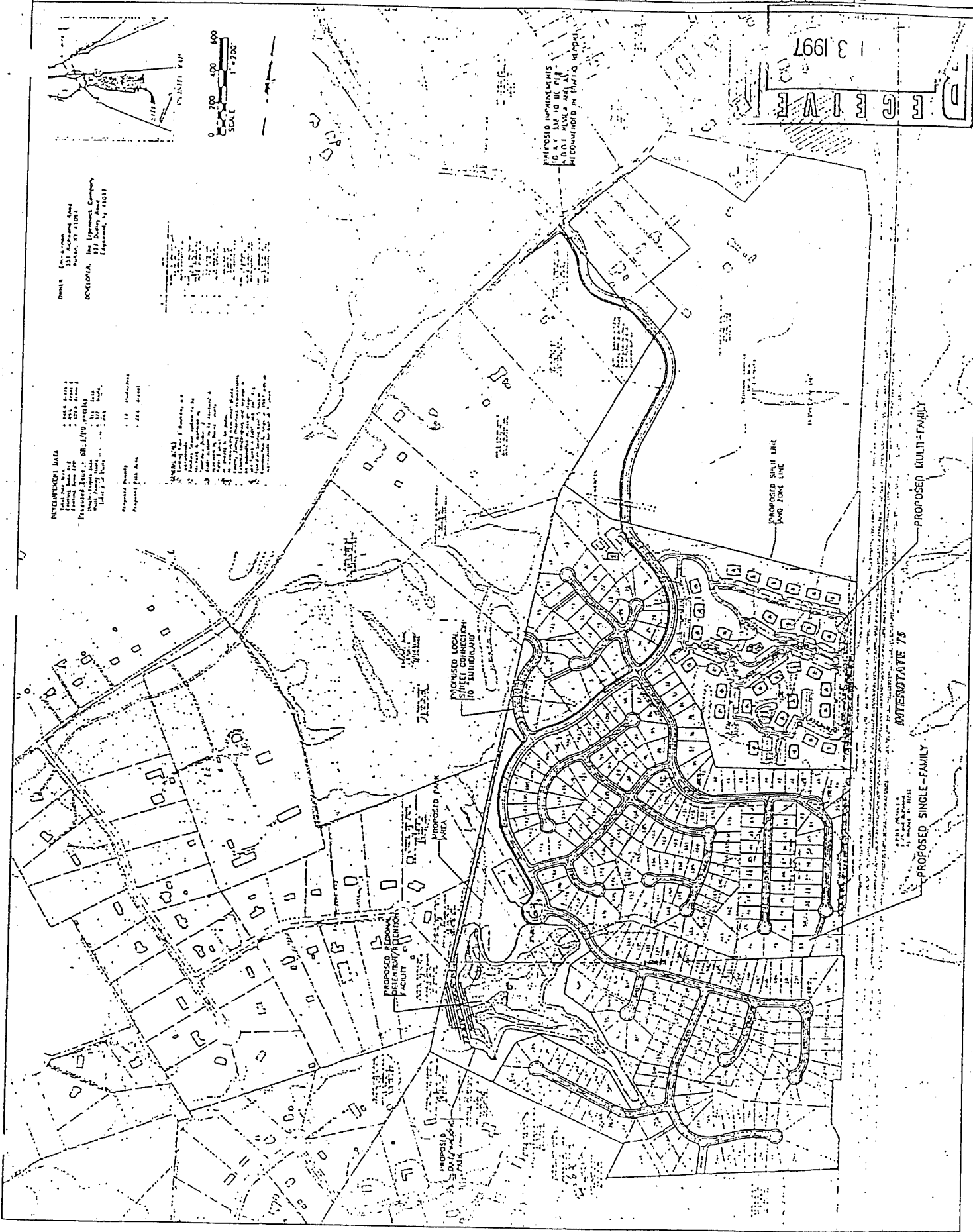
PROPOSED IMPROVEMENTS TO LOCAL STREET CONNECTION TO BUILDINGS

PROPOSED SHUT LINE AND TIE LINE

PROPOSED MULTI-FAMILY

ANTENNAE 75

PROPOSED SINGLE-FAMILY



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.

Findings For Denial
Rose Properties/Em-A-Non
October 3, 2001

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.

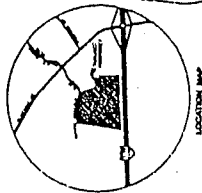
2. No facts which legitimately support a finding that the existing zoning classification is inappropriate and that the proposed zoning classification is appropriate have been identified.
3. No facts which would lead to a finding that there have been major changes of an economic, physical, or social nature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

PROPOSED GARDEN APARTMENTS

BOONE COUNTY, KENTUCKY

CONCEPTUAL SITE PLAN

PREPARED BY:
 KENNEDY BROS. CORPORATION, INC.
 1001 WASHINGTON ROAD
 CALAMANDRO, MICHIGAN 48822
 PH 313-484-1000

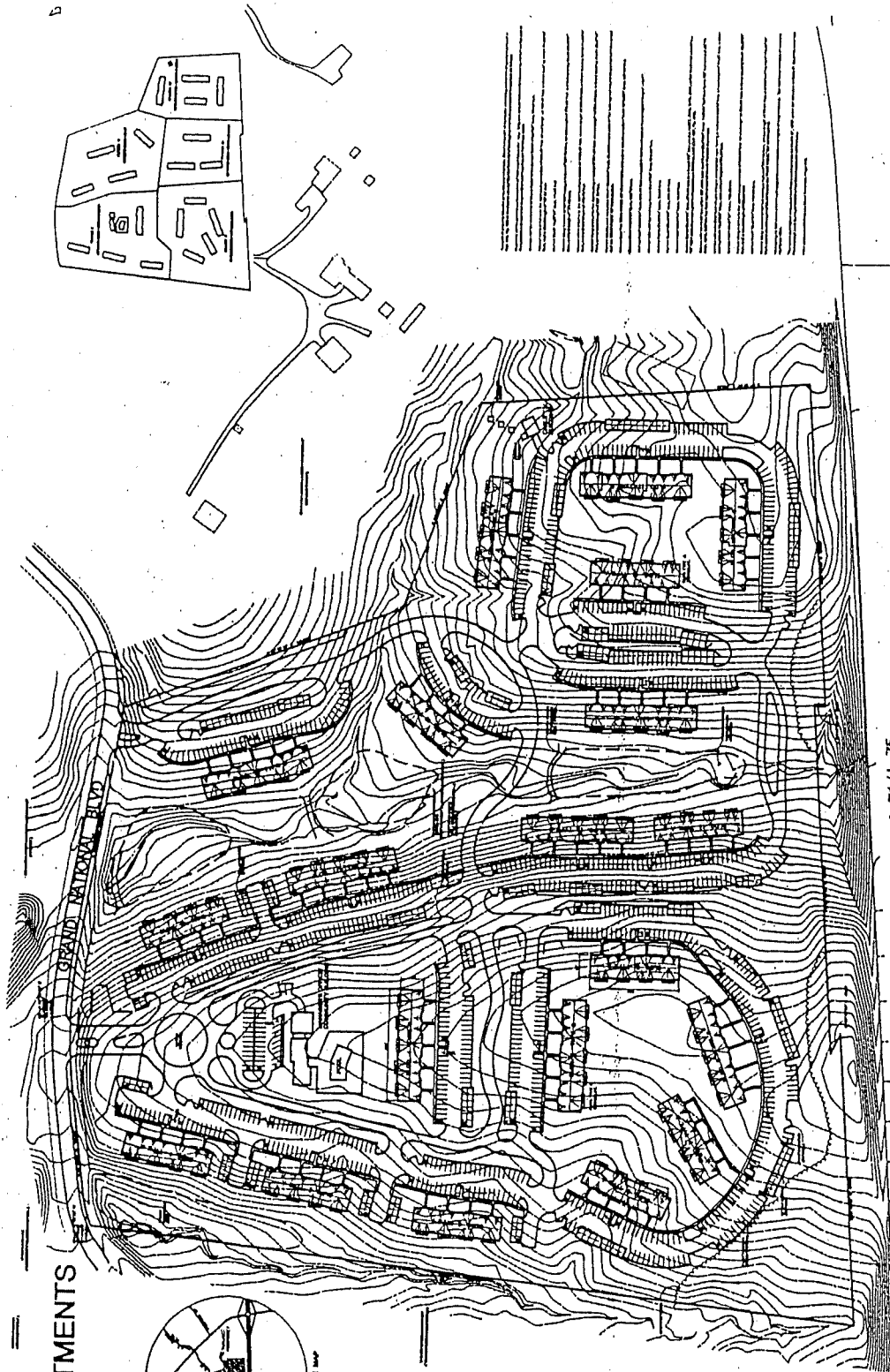


LOCATION MAP

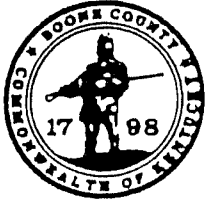
BUILDING SCHEDULE			
ONE BEDROOM	TWO BEDROOM	TOTAL	NUMBER OF BUILDINGS
A	B	24	3 STORY
B	B	11	3 STORY
		35	

TOTAL UNITS _____ 540 (120 D.U.I.A.)
 ONE BEDROOM _____ 300
 TWO BEDROOM _____ 180
 TOTAL SIZE _____ 44.08 ACRES
 UNIFORM SPACES _____ 1,002 (13% MAXIMUM)
 BUILDING COVERAGE _____ 8.43 %
 UNIFORM LOT & DRIVE COVERAGE _____ 22.20 %
 OPEN SPACE _____ 68.37 %

THIS CONCEPTUAL SITE PLAN IS PREPARED FOR THE CLIENT'S INFORMATION ONLY. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LOCAL ZONING ORDINANCES AND ALL APPLICABLE STATE AND FEDERAL LAWS. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.



1-71/1-75



Boone County Public Works Department

5645 Idlewild Rd.
Burlington, KY 41005

Gary W. Moore
County Judge-Executive

Gregory V. Sketch, PE, PLS
County Engineer

Phone: (859) 334-3600
Fax: (859) 334-3598
www.boonecountyky.org

James E. Parsons
County Administrator

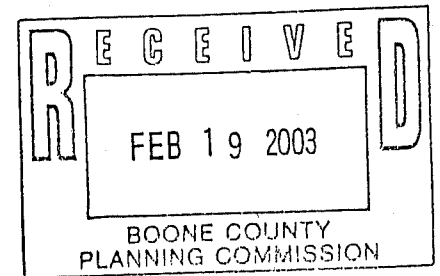
MEMORANDUM

TO: Kevin Wall, Director, Zoning Services
Boone County Planning Commission

FROM: Greg Sketch, PE, PLS
Boone County Engineer

RE: Proposed Drees/Em-A-Non Zone Change

DATE: February 19, 2003



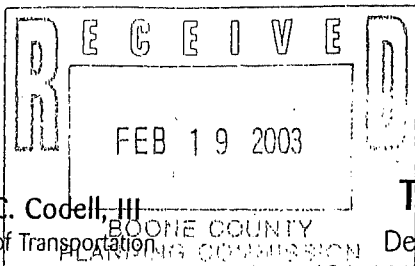
This is in response to your request for input concerning the request for a zone change of a 38 acre tract along Grand National Boulevard. The request is to change the zone from Employment Planned Development (EPD) to Urban Residential (UR-1) to allow development of an apartment complex. The proposal raises two concerns.

My first concern would be the need for a south bound left hand turn lane and north bound acceleration lane along Grand National Boulevard. If required, these lanes shall be designed in accordance with current specifications of the Kentucky Transportation Cabinet.

Secondly, there is a concern that the proposed detention area will be ponding storm water run-off against the embankment of Grand National Boulevard. If this does occur, a geotechnical study shall be completed to ensure the safety of the embankment, and recommend necessary adjustments to the existing storm water system being used as an outlet.

Thank you for the opportunity for input in this matter.

c: Jim Parsons, Boone County Administrator



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

Samuel H. Beverage

Chief District Engineer

Paul E. Patton
Governor

James C. Codell, III
Secretary of Transportation

Clifford C. Linkes, P.E.
Deputy Secretary

February 17, 2003

Mr. Kevin T. Wall,
Director, Zoning Services
Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005

Dear Mr. Wall:

As you requested, we have reviewed the concept development plan you forwarded to us in a memo dated January 27, 2003 concerning a site between Grand National Blvd. and I-75 in Boone County.

We agree with the conclusion of Bayer Becker Engineers that when a full build out of the development is complete a left turn lane will be needed from westbound KY 338 into Grand National Blvd. It is immaterial to us who builds this turn lane, but we agree that it will be needed. When this lane is built, it makes sense to build the opposing left turn lane into Triple Crown at the same time. Once these turn lanes are built, we will study the intersection for the potential installation of a traffic signal.

We appreciate the chance to comment on this proposed zone change.

Sincerely,
Samuel H. Beverage,
Chief District Engineer

WILLIAM F. MADDEN
TEBM FOR TRAFFIC

SHB:WFM:ns



BRYAN A. BLAVATT
Superintendent of Schools

8330 U.S. 42
Florence, KY 41042
Phone: (859) 283-1003
Fax: (859) 282-2376
www.boone.k12.ky.us

BOONE COUNTY SCHOOLS

February 4, 2003

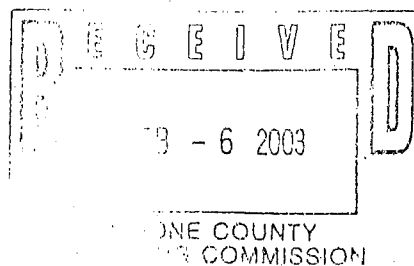
Kevin T. Wall, AICP CDT
Director, Zoning Services
Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005

Dear Mr. Wall:

Thank you for passing your information for the Drees Zoning Change request to me. I have looked over the information and we have discussed the situation. Superintendent Blavatt submitted a letter to Mr. Kevin Costello, recently, regarding such issues. I believe, his response should be used as our recommendation for the Planning Commission. If you have any further questions feel free to contact me.



Gerald Turner
Director of Pupil Personnel
Boone County Schools



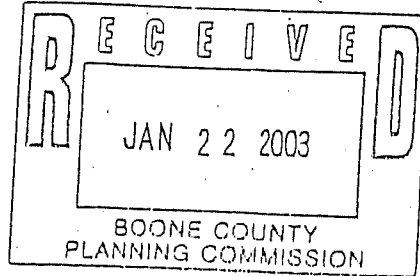
BRYAN A. BLAVATT
Superintendent of Schools

8330 U.S. 42
Florence, KY 41042
Phone: (859) 283-1003
Fax: (859) 282-2376
www.boone.k12.ky.us

BOONE COUNTY SCHOOLS

January 16, 2003

Mr. Kevin Costello
Boone County Planning Commission
2995 Washington Street
Burlington, KY 41005



Dear Kevin,

At the outset, I would like to personally thank you and the Planning Commission for all the assistance you have provided to Boone County Schools in the past. We look forward to the continuation of the high level of collaboration between the Planning Commission and Boone County Schools that has taken place over the last several years. While I do not believe the school district needs to communicate with the Commission on every housing plan that is proposed, there are a few concerns related to the development of large housing projects that obviate comment and could be addressed in the Comprehensive Plan.

As you know, the school district recognizes and is supportive of continued growth within Boone County. However, the future development of large subdivisions will place an increased strain on the infrastructure of the school district. We believe that the Planning Commission needs to work with developers to move towards slow 'build out' plans, rather than massive immediate development. This would allow the district to phase in the increased costs of dealing with these large developments and provide a more natural growth pattern. Moreover, we suggest that the Planning Commission make it part of the conditions relative to zone change that the developer provide land for possible use by the school district. This would provide for the necessary future infrastructure to handle the student growth related to the development and offer a true selling point for the development.

Another point of concern is related to approval of individual developments that start as of small tracts of land and are later aggregated into a larger development. It is problematic that developers will propose a small subdivision grows into a large development, however, many times contiguous tracts are purchased in quick succession. This leaves the school district uninformed and ill prepared to take the necessary steps. Please encourage the Commission to review these multi-tracts. If at all possible, we would recommend applying the same criteria for these plans as you would a large development.

As always, thank you for your consideration. With your help, new large and multi-tract zone changes will be structured so that the School System can respond proactively. If you have further questions, please feel free to call me.

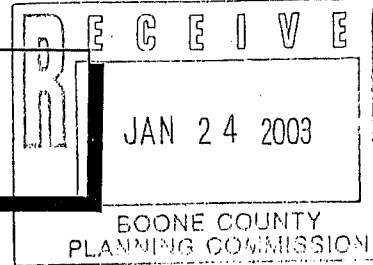
Sincerely,

A handwritten signature in black ink that reads "Bryan Blavatt".

Bryan Blavatt
Superintendent of Schools

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 TO BE DETERMINED - PROPOSED APARTMENT COMMUNITY
2. Location of Project EAST SIDE GRAND NATIONAL BLVD - SOUTH OF RICHWOOD RD.
3. Total Acreage of Site 38
4. Current Zoning of Site EPD
5. Proposed Zoning (Classification being requested) UR-1
6. Proposed Uses (please specify each use) MULTI-FAMILY APARTMENT COMMUNITY
7. Names of Applicant(s) THE DREES COMPANY (TIMBERLAKE, FLP)
Phone Number (859) 426-2561 Fax No. (859) 578-0460
8. Address of Applicant(s) 211 GRANDVIEW DRIVE
FT. MITCHELL, KY 41017
City State Zip
9. Name of Property Owner(s) EM-A-NON ACRES LIMITED PARTNERSHIP
Phone Number (859) 485-7789 Fax No. (859) 485-4472
10. Address of Property Owner(s) 351 RICHWOOD ROAD
WALTON KY 41094
City State Zip
11. Proposed Building Intensities (please specify) 380 UNITS / 38 ACRES
10 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 (12/5/02)
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:
 - YES 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
 - NO Boone County Public Works Department
 - NO Kentucky Transportation Cabinet
 - N/A City of Florence Public Services Department
 - NO Boone County Building Department

(over)

**ZONING MAP AMENDMENT
APPLICATION
PAGE 2**

- No Northern Kentucky Health District
- No U.S. Soil Conservation Service
- YES Local School District
- No Local Fire District
- Other: _____

18. Project Jurisdiction/Location
- Unincorporated Boone County
 - Florence
 - Walton Union

19. Applicant's Signature [Signature] 1/23/03
- Property Owner's Signature [Signature] 12/12/02

SECTION B (To be completed by BCPC Staff)

1. Date Received 1-24-03
2. Review Fee \$1792.00 P#34029
3. Check what has been submitted:
 - Application
 - Fee
 - Legal Description
 - Concept Development Plan
 - Address of Adjoining Property Owners
 - 5 Number of copies of plan received**
4. Is application complete? Yes _____ No _____
5. Staff Reviewer RAINWALL
6. Committee Chairman _____
7. Scheduled Public Hearing Date _____
8. Boone County Planning Commission Action:
 - Approval
 - Approval with Conditions
 - Denial
9. Other: _____

** Five (5) Copies Are Required

Boone County Planning Commission
 2995 Washington Street
 Burlington, Kentucky 41005
 (859) 334-2196 - Phone
 (859) 334-2264 - Fax
 plancom@boonecountyky.org - E-mail
 www.boonecountyky.org - Web Page

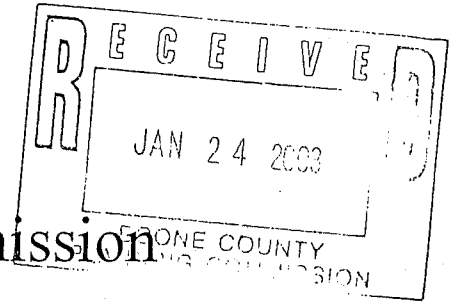
NOTE: An application consists of all fees paid in full, submitted drawings and a completed application form.

BCPC:8/2002

Zoning Map Amendment

Submitted to

Boone County Planning Commission



By

Timberlake, F.L.P. &
The Drees Company

January 2003



This booklet is being submitted to the Boone County Planning Commission Staff to supplement the Application Form – Zoning Map Amendment made to your office today, January 23, 2003. The application is being submitted by The Drees Company for the Drees entity, Timberlake Family Limited Partnership (FLP) and the current property owner, Em-A-Non Acres Limited Partnership. The proposed owner, Timberlake FLP, has a signed contract to purchase the property.

INTRODUCTION

Existing Site Characteristics

The site is located in southeastern Boone County and contains 38 acres with 1320 feet of I-71/75 frontage to the east and 1040 feet of frontage on Grand National Boulevard to the west (see Exhibit 1). The south side is adjacent to the condominium multifamily unit development owned by Steeplechase Builders LLC (The Erpenbeck Company) whose zoning was approved by the Boone County Fiscal Court (Ordinance 920.346) on April 29, 1997. The condominium development has an approved density of 11.4 units per acre (372 units/32.66 acres). The north side and the area west of Grand National Boulevard are owned by Em-A-Non Acres with the same characteristics as the proposed building site, as described below.

The entire site is idle farmland that has not been used for crop production for anywhere between 5 and 35 years, regenerative grasses are cut annually or not at all. The south side contains a drainage stream, from east to west, with a few trees. The north center of the proposed site also contains a drainage stream, from east to west, with a few more trees. The low point elevation of the site is located in this streambed just east of Grand National Boulevard and is at 812 feet above sea level. The high point of the site is located on the east side property line adjacent to the I-71/75 right of way at elevation 890.8. Topography elevation change is over 78 feet (see Exhibit 2). None of the site lies in a 100 year flood plain. The soils consist of heavy clay, specifically Faywood silty, Rossmoyne silt loam, and Nicholson silt loam (FdD3, NIC, NIB, RaB & RsC).

Proposed Zoning Map Amendment

The 38 acre site to be rezoned is presently classified as EPD (Employment Planned Development)(see Exhibit A). The requested zoning change is to Urban Residential One (UR-1), which allows for an apartment community with a density of 12 units per acre thus meeting the density of 10 for this proposal. The area directly south is zoned SR-1/PD/CD and consists of approximately 5 condominium buildings containing 8 units each and 2 abandoned foundations with a large stack of weathered lumber. West of the site is zoned A-2. The area north is zoned C-3 and consists of gas stations, fast food restaurants and a large self-storage complex.

The 2000 Boone County Comprehensive Plan's Future Land Use map designates this site as Urban Density Residential (see Exhibit B shown in the color brown). This designation, Urban Density

Residential, allows for "attached housing, generally condominiums and apartments, of over 8 dwellings units per acre". At 10 dwellings units per acre, the proposed UR-1 rezoning would be in conformance with the 2000 Boone County Comprehensive Plan.

The 2000 Boone County Comprehensive Plan's Population Element projects the population in this zone to increase 40.1% from the year 2000 to the year 2010. The Comprehensive Plan has allowed for a substantial increase in population growth in this area.

Concept Development Plan

The proposed apartment development will contain 380 units on the 38 acre site for a density of 10 units per acre (see Exhibit 3). Urban Density One (UR-1) allows up to 12 units per acre. The community will have one entrance off of Grand National Boulevard, allowing for better traffic control towards the traffic light at Richwood Road (see the separate Traffic Impact Study). The 380 units will be contained in a projected total of 26, two and three story, residential buildings. The topography of the land allows for the two story buildings to be constructed near the entrance off Grand National Boulevard and the three story building constructed towards the interstate, thus reducing the monotonous nature of most apartment communities. The two story buildings will all have direct access garages, the entry level on the main (ground level) floor and be located closest to Grand National Boulevard. Most of the three story buildings will have the entry level on the second floor and be located along the slopes leading to the stream beds thus making a visual representation of a two story building. The initial product mix of one, two and three bedroom units is approximately 20% - one bedroom, 60% - two bedroom and 20% - three bedroom. The product mix could change with market demand. Our experience tells us that the number of estimated changes would not significantly alter the overall appearance of the community. The apartment unit's floor plan square footage will range from 750 to 1550 (see Exhibit 4), with monthly rents from \$650 to over \$1200. The building construction will be wood frame with masonry (brick and/or stone) veneer fronts and vinyl sides and rear (see Exhibit 5, pictures are for illustration purposes only and may not be duplicated exactly).

The development will contain an approximate 6000 square foot, one story community building housing the on-site management staff and resident amenities including an exercise and fitness room, a decorated great room with a small kitchen and restrooms (similar to the community building located at our Sanctuary Place Apartments in Boone County, see Exhibit 6). There will be approximately 11, five or six unit garages located around the three story buildings to provide residents with covered parking (see Exhibit 5D). A maintenance building with an area of 1000 square foot will be located on site. A pool and other recreational facilities will be provided for resident use. The pool and surrounding deck will be designed so that it can comfortably accommodate the mostly adult use we expect at this community, which is consistent with our experience at other similar communities. A four-foot wide 1.5 mile long, pedestrian walkway will connect all the buildings and the clubhouse. This walk will also connect to the existing walk located on the west side of Grand National Boulevard. The community will use one trash compactor, hidden from direct view by a brick wall and landscaping, instead of numerous dumpsters. The property signage will be similar to the brick monument with landscaping shown in Exhibit 8.

Parking lots, walks and drives, and buildings will cover approximately 35.5 % of the site. The remaining 64.5 % will be open space. The parking spaces will be provided as required by Article 33. All of the paved areas will be privately owned.

The landscaping and buffer zones will be provided in accordance with Article 36. The number of quality trees and shrubs in the landscaping plan will greatly exceed the number removed from the site during development. The site work (dirt moving) will produce berms on which to plant landscaping and as a site buffer from adjoining properties, I-71/75 and Grand National Blvd. The south stream swale will not be touched by the development, the north stream will be crossed only once with the western most part used as a detention basin. The detention basin will be design in consultation with Kentucky Division of Water and other government authorities.

All utilities are available on or near the site except sanitary sewer. The sanitary sewer can be connected by gravity flow to a location to the west or a combination gravity and pump station to a location to the southeast.

The projected construction schedule after land development is complete is as follows:

Year 1	Community building & pool and 72 units
Year 2	92 units
Year 3	72 units
Year 4	72 units
Year 5	72 units

The schedule assumes market absorption consistent to maintain at least 80% occupancy.

The construction of two apartment developments in the same general area of Boone County is presently occurring, The Trelles Apartments located on Weaver Road, west of I-71/75 and The Columns on Wetherington located on Wetherington Boulevard. The approved densities are 15.9 (301 units / 18.9 acres) and 11.6 (192 units / 16.5 acres) respectively. This proposed development will have a lower density of 10 units per acre.

Comparison to Previous Proposal

The previous apartment community project, requiring the Zoning Map Amendment, brought before the Boone County Planning Commission on July 5, 2001 differs greatly from this proposal. The differences are as follows:

- Land Area – total acres reduced from 45 to 38,
- Apartment Units – reduced from 540 to 380,

- Density – dwellings per acre are reduced from 12 to 10,
- Units per Building – 24 and 30 units per building reduced to between 8 and 24,
- Building Height – Massive three story buildings reduced to one-half the buildings two story, one-half the buildings three story combination with the two story buildings viewable from the Grand National Boulevard frontage and most the three story buildings having an entrance on the second floor thus creating the visual impression of a two story building,
- Rental Rates – Increased from \$650 - \$1000 to \$650 – over \$1200,
- Unit Floor Plan Square Footage – Increased from 750 – 1020 to 750 – 1550,
- Product Mix – Two types of floor plans increased to more than 12,
- Architectural Style – Only one architectural style of building increased to two styles,
- Developer – Out-of-state to local well respected.

Traffic Study

The study area included the site entrance and the following intersections:

- Richwood Road (KY338) & southbound I-71/75 exit ramp
- Richwood Road (KY338) & northbound I-71/75 exit ramp
- Richwood Road (KY338) & Frogtown connector (KY3208)
- Richwood Road (KY338) & Grand National Boulevard / Triple Crown entrance

The development is expected to generate 1260 trips per day, with 195 trips generated in the morning peak rush hour and 236 trips generated in the evening rush hour. Assuming the 38 acres were to remain zoned EPD, the number of trips generated by an office park was determined to be 3797 trips per day. The requested UR-1 zoning for the 38 acres would generate only 33% of the daily traffic which the current zoning would allow. The addition of this proposed apartment community would not require any additional upgrades or improvements.

See separate Traffic Impact Study performed by Bayer Becker.

Schools

The project was discussed, on December 2, 2002, in detail with Mr. Gerald Turner, Director of Pupil Personnel. He stated verbally that the proposed development would not overtax the local individual schools given the projected population growth rate in this section of the school district over the next 6 to 7 years. Mr. Blavatt, Superintendent of Boone County School has verbally commented on the project to Mr. Kevin Costello, Boone County Planning Commission, Executive Director. The Drees Company's experience with the number of children per household is over 4 times greater with a single family house than with an apartment unit (see Exhibit 7-1). Younger people tend to have an apartment as their first residence, then as they start a family and accumulate

wealth, they then purchase a house. The Boone County Schools that serve the site are New Haven Elementary, Gray Middle School and Ryle High School. The projected number of public school students at full occupancy would be 39 (see Exhibit 7-2). Due to residents constantly moving in and out, our experience indicates approximately 95% of the apartments are occupied at one time. The number of public school students would then be 37. The additional revenue generated by property taxes after the project is completed, given a 1.5% annual increase, would be approximately \$127,227 (see Exhibit 7-3)

Company Profile

The Drees Company will be the developer, builder and property manager for this community. The Drees Company presently manages 12 apartment communities containing over 2600 units, all in the Greater Cincinnati / Northern Kentucky area. All the communities were constructed by The Drees Company beginning in 1973. Three of these communities are located in Boone County Kentucky, The Woods of Oakbrook – 1978, The Crossing of Oakbrook – 1989 and Sanctuary Place Apartments – 2001. The Greater Cincinnati/Northern Kentucky Apartment Association was started in 1982 and has always had a board member from The Drees Company. We are totally committed to the area and the industry. No one surpasses the reputation of The Drees Company in the homebuilding and apartment industry, we operate with integrity and honesty.

Summary

This Zoning Map Amendment should be granted because of the following:

1. The map amendment is in agreement with the statutorily approved 2000 Boone County Comprehensive Plan's Future Land Use Map and Population Element. Article 3 Amendment's Section 308 item 1 is satisfied, "1. The map amendment is in agreement with the adopted comprehensive plan ... for the location in question".
2. The dwelling units per acre is at the low end of the Future Land Use – Urban Density Residential, 10 units per acre vs. the low end of 8. The condominium project to the south has an approved density of 11.4.
3. The transition of land uses from the condominium project to the south to the commercial zone on the south side of Richwood Road is better maintained than what is allowed for in an EPD zone. The buildings are of a size to duplicate the condominium structures to the south along with increased building sizes compatible with the topography of the land.
4. The company that will be responsible for the development is local and is well respected in the community. The Drees Company will be the developer, builder and property manager for this community.

CONTENTS OF APPLICATION FOR A ZONING MAP AMENDMENT - ARTICLE 3

Minimum Requirements

1. General Site Characteristics:
 - a) ownership – EM-A-NON Acres L.P. under contract to be purchased by Timberlake Family Limited Partnership (a Kentucky L.P.);
 - b) topography - as shown on Concept Development Plan and Exhibit 2;
 - c) soils - FdD3, NIC, NIB, RaB & RsC;
 - d) drainage - as shown on Concept Development Plan and Exhibit 2;
 - e) vegetation – regenerative grasses with a few deciduous trees, see Concept Development Plan for location of the trees;
 - f) other physical characteristics – nothing unique;
2. Transportation Patterns - as indicated on the Concept Development Plan;
3. Land Use Characteristics:
 - a) land use – existing - idle farmland;
proposed - multi-family apartment community;
 - b) open space – 24.5 acres of the 38 acres site (64.5%);
 - c) impervious surfaces - 13.5 acres of the 38 acres site (35.5%);
structures and buildings – see Concept Development Plan, introduction, Exhibit 3 and Exhibit 5;
4. Utilities and Infrastructure - see Concept Development Plan;
5. Relationship of Proposed Zone Change with Comprehensive Plan - The proposed multi-family use is in agreement with the 2000 Boone County Comprehensive Plan's future land use maps designated as Urban Density Residential (UD);
6. An 8.5" x 11" plan – enclosed as Exhibit 3;

Optional Requirements

1. Required items 1 - 6 - included above;
2. Area map - see Concept Development Plan;
3. Unusual or unique features... - The Plan utilizes the elevation drops as the foundations for the buildings located near the stream. The majority of the trees along the both streambeds are not disturbed as well as the natural drainage;
4. Location, description and size... - as noted on the Concept Development Plan;
5. Approximate location and number of residential units – location and number on Concept Development Plan, see Exhibit 4 for sizing;

6. Approximate location and size of non-residential buildings – see the Concept Development Plan, garage picture Exhibit 5D, and clubhouse Exhibit 6;
7. Location of public and private roads - see the Concept Development Plan;
8. Calculation of open space – before construction 100%, after - see the Concept Development Plan;
9. Conceptual landscape plan – see Exhibits 5 and 6 for building examples and the Landscape Exhibit, landscape and buffer plan will comply with Article 36;
10. Portions of site subject to flooding – none;
11. General location of utilities - see the Concept Development Plan;
12. General description of availability of community facilities – see the school section in the project introduction and Exhibit 7, fire service provided by Union Kentucky Fire Department;
13. Storm water detention - see the Concept Development Plan;
14. Proposed signage - see Exhibit 8 and the Landscape Exhibit;
15. Construction schedule - see the project introduction;
16. Traffic study - A complete study is separately included;
17. Sketch of proposed buildings – see Exhibits 4, 5 and 6;
18. N/A
19. N/A



VIOX & VIOX, INC.

Engineers • Surveyors • Landscape Architects

DESCRIPTION: 38.009 Acre Tract
(Part of Em-a-non)

LOCATION: Grand National Boulevard

DATE: December 13, 2002

- Planning

Situated in the County of Boone, Commonwealth of Kentucky and being part of the property conveyed in D.B. 498, Pg. 302 of the Boone County Clerk's Records at Burlington and more particularly described as follows:

- Design

Begin at the centerline intersection of Richwood Road (Ky. Hwy. 338) and Grand National Boulevard as shown on the plat of Steeplechase Subdivision Section One and recorded on Plat Slide 468A; thence with the centerline of Grand National Boulevard S 47-58-50 E, 85.00 feet; thence along a curve to the right having a radius of 326.50 feet, and arc length of 190.57 feet, a chord bearing S 31-15-35 E, and a chord length of 187.87 feet; thence S 14-32-20 E, 41.06 feet; thence along a curve to the left having a radius of 233.50 feet, an arc length of 176.03 feet, a chord bearing S 36-08-07 E, a chord length of 171.89 feet; thence along a curve to the right having a radius of 1496.50 feet, an arc length of 349.55 feet, a chord bearing S 51-02-26 E, and a chord length of 348.76 feet; thence along a curve to the right having a radius of 281.50 feet, an arc length of 181.40 feet, a chord bearing S 25-53-18 E, and a chord length of 178.28 feet; thence leaving said centerline N 82-51-37 E, 21.50 feet to a point in the East right-of-way of Grand National Boulevard and the TRUE POINT OF BEGINNING.

- Surveying

thence from the TRUE POINT OF BEGINNING and with a new division line N 82-51-37 E, 867.69 feet;

thence S 89-13-54 E, 446.30 feet to a point in the West Limited Access right-of-way of I-75/71;

thence with said right-of-way S 02-49-06 E, 164.38 feet;

thence S 87-10-54 W, 20.00 feet;

thence S 02-49-06 E, 652.33 feet;

thence N 26-41-54 E, 40.59 feet;

466 Erlanger Road
Erlanger, Kentucky 41018

Tel: 859-727-3293
Fax: 859-727-8452
e-mail: viox@nkol.net

Description: 38.009 Acre Tract (Part of Em-a-non)
Location: Grand National Boulevard
Date: December 13, 2002
Page 2 of 2

thence S 02-49-06 E, 543.68 feet to a found 5/8" iron pin at the Northeast corner of a 187.4634 acre tract conveyed to Steeplechase Builders, LLC (D.B. 657, Pg. 239);

thence with the North line of the 187.4634 acre tract N 82-22-03 W, 1439.97 feet to a found 5/8" iron pin in the East right-of-way of Grand National Boulevard;

thence with said East right-of-way along a curve to the right having a radius of 242.00 feet, an arc length of 68.51 feet, a chord bearing N 13-58-28 W, and a chord length of 68.28 feet;

thence N 05-51-53 W, 185.22 feet;

thence along a curve to the right having a radius of 982.00 feet, an arc length of 283.06 feet, a chord bearing N 02-23-36 E, and a chord length of 282.08 feet;

thence N 10-39-04 E, 410.00 feet;

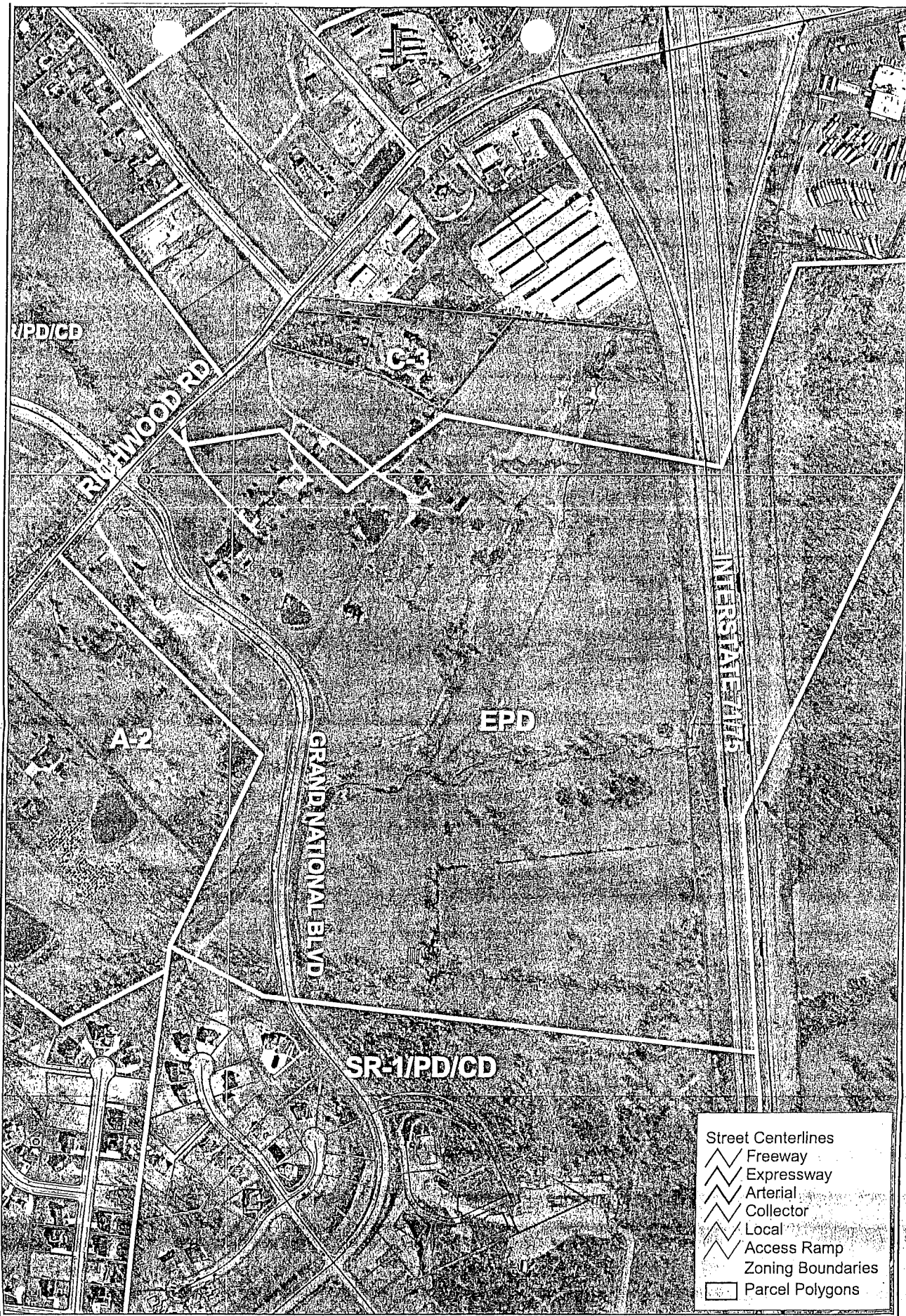
thence along a curve to the left having a radius of 303.00 feet; an arc length of 95.50 feet, a chord bearing N 01-37-17 E, and a chord length of 95.11 feet to the TRUE POINT OF BEGINNING.

Containing 38.009 acres of land and subject to all easements and rights-of-way of record.

List of Adjacent the Property Owners

1. Richard L. & Sarah Ruth Davis (D.B. 282 pg. 80, D.B. 181 pg 533, 76-1A)
391 Richwood Road, Walton KY 41094
2. Betty L. Carstens & Judith Hahn (D.B. 320 pg 242, 64-33)
413 Richwood Road, Walton KY 41094
4. Steeplechase Subdivision, H.O.A Inc. (D.B. 800 pg 362)
130 Dudley Road, Edgewood KY 41014
5. Steeplechase II L.L.C. (D.B. 800 pg 362)
130 Dudley Road, Edgewood KY 41014
6. EM-A-NON-Acres Limited Partnership (D.B. 498 pg 302, 76-1)
351 Richwood Road, Walton KY 41094
7. Triple Crown Developers Inc. (D.B. 438 pg 11)
1671 Park Road, Suite 1, Ft. Wright KY 41011
8. Paddock Development Inc. (D.B. 239 pg 14)
1671 Park Road, Suite 1, Covington KY 41011
9. The Deters Company (D.B. 521 pg 22, 76-2, 64-35)
P O Box 336, Florence KY 41042
10. Don & Rita Davis (D.B. 216, pg 635, D.B. 216 pg 637, 76-1B)
10760 Dixie Highway, Walton KY 41094
11. Dennis G. & Margaret S. Davis (D.B. 282 pg 82, D.B. 282 pg 76, 76-1C)
357 Richwood Road, Walton KY 41094
12. John & Geraldine Miracle (D.B. 204 pg 581, 64-31)
461 Richwood Road, Walton KY 41094
13. Metz Messingschlager Gerald Benzinger (76-3)
2701 Turkeyfoot Road, Covington KY 41011
14. Richwood Park LLC (D.B. 825 pg 386 & pg392)
250 Grandview Drive, Suite 400, Ft. Mitchell KY 41017
15. Garrad Street Enterprises LLC (D.B. 800 pg 691)
219 Garrad Street, Covington KY 41011

EXHIBIT A



Richwood Road Area

EXHIBIT A

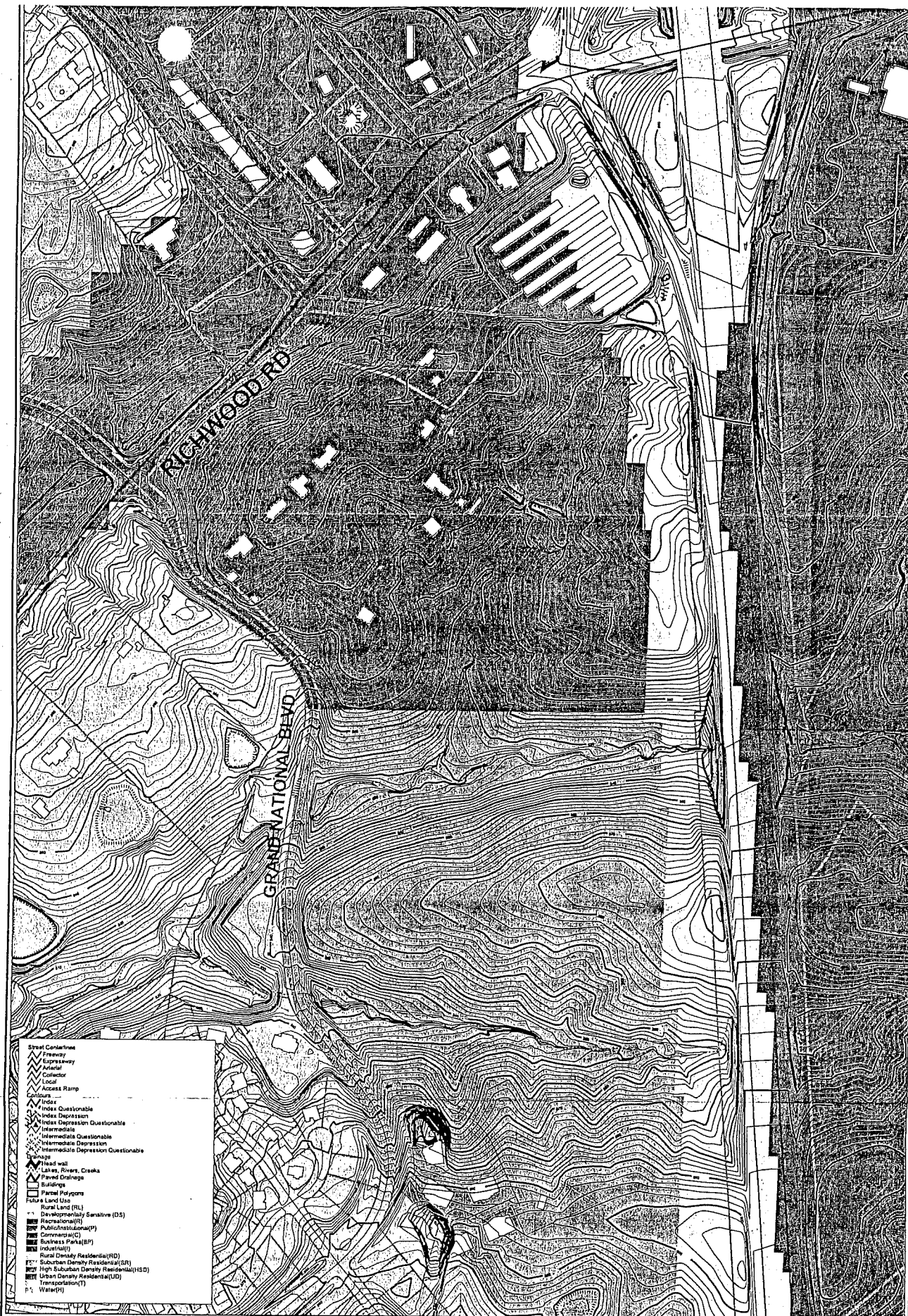
300 0 300 Feet

1 Inch equals 300 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 December 5, 2002



- Street Centerlines
- Freeway
- Expressway
- Arterial
- Collector
- Local
- Access Ramp
- Zoning Boundaries
- Parcel Polygons

EXHIBIT B



- Street Centerlines
- Freeway
- Expressway
- Arterial
- Collector
- Local
- Access Ramp
- Contours
- Index
- Index Questionable
- Index Depression
- Index Depression Questionable
- Intermediate
- Intermediate Questionable
- Intermediate Depression
- Intermediate Depression Questionable
- Drainage
- Head wall
- Lakes, Rivers, Creeks
- Paved Drainage
- Buildings
- Parcel Polygons
- Future Land Use
- Rural Land (RL)
- Developmentally Sensitive (DS)
- Recreational(R)
- Public/Institutional(P)
- Commercial(C)
- Business Park(BP)
- Industrial(I)
- Rural Density Residential(RD)
- Suburban Density Residential(SR)
- High Suburban Density Residential(HSD)
- Urban Density Residential(UD)
- Transportation(T)
- Water(W)

Richwood Road Area

300 0 300 Feet

1 inch equals 300 feet
 Produced by the
 Boone County Planning Commission
 GIS Services Division
 December 5, 2002



EXHIBIT 1

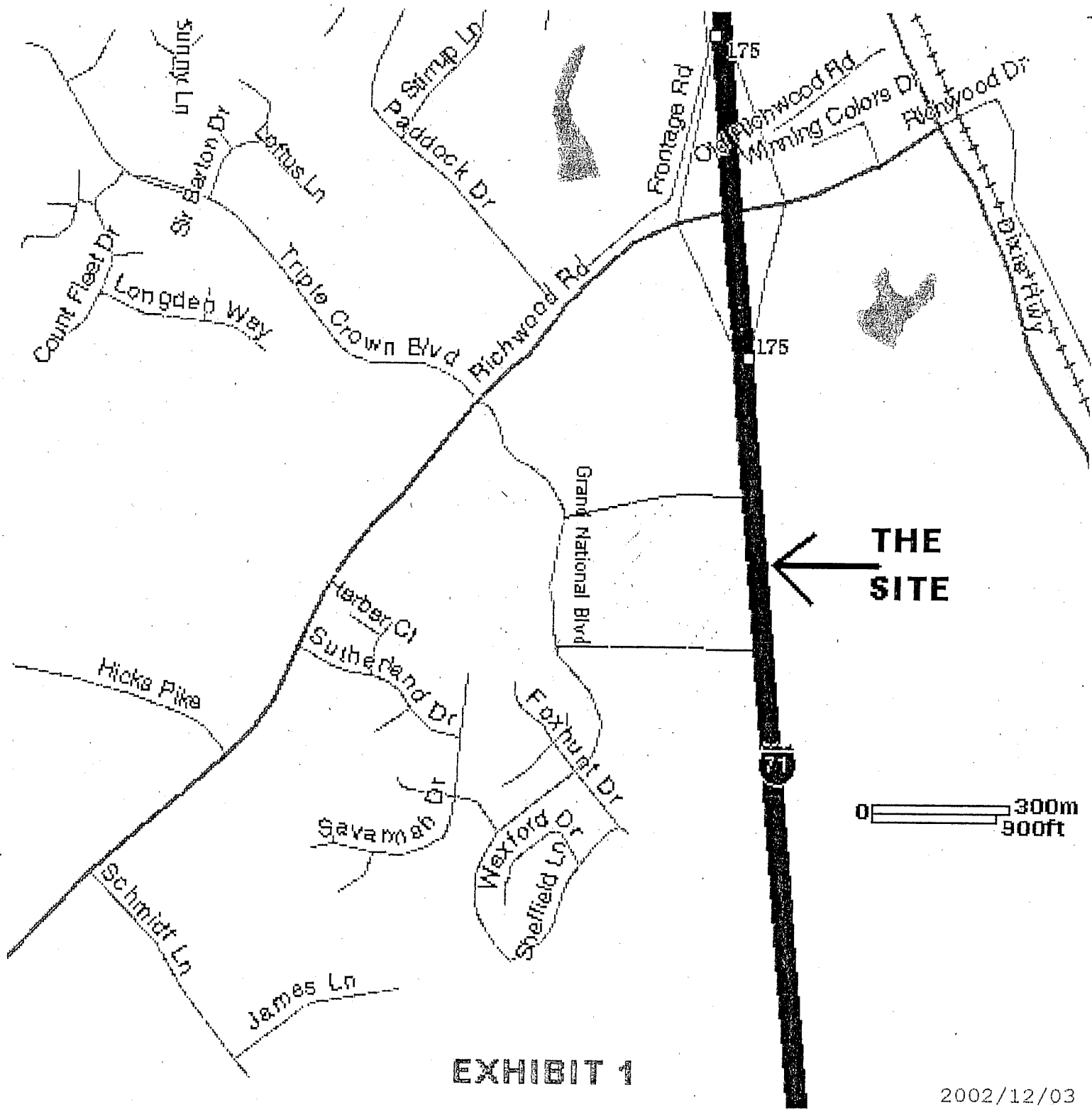


EXHIBIT 1

2002/12/03

EXHIBIT 2

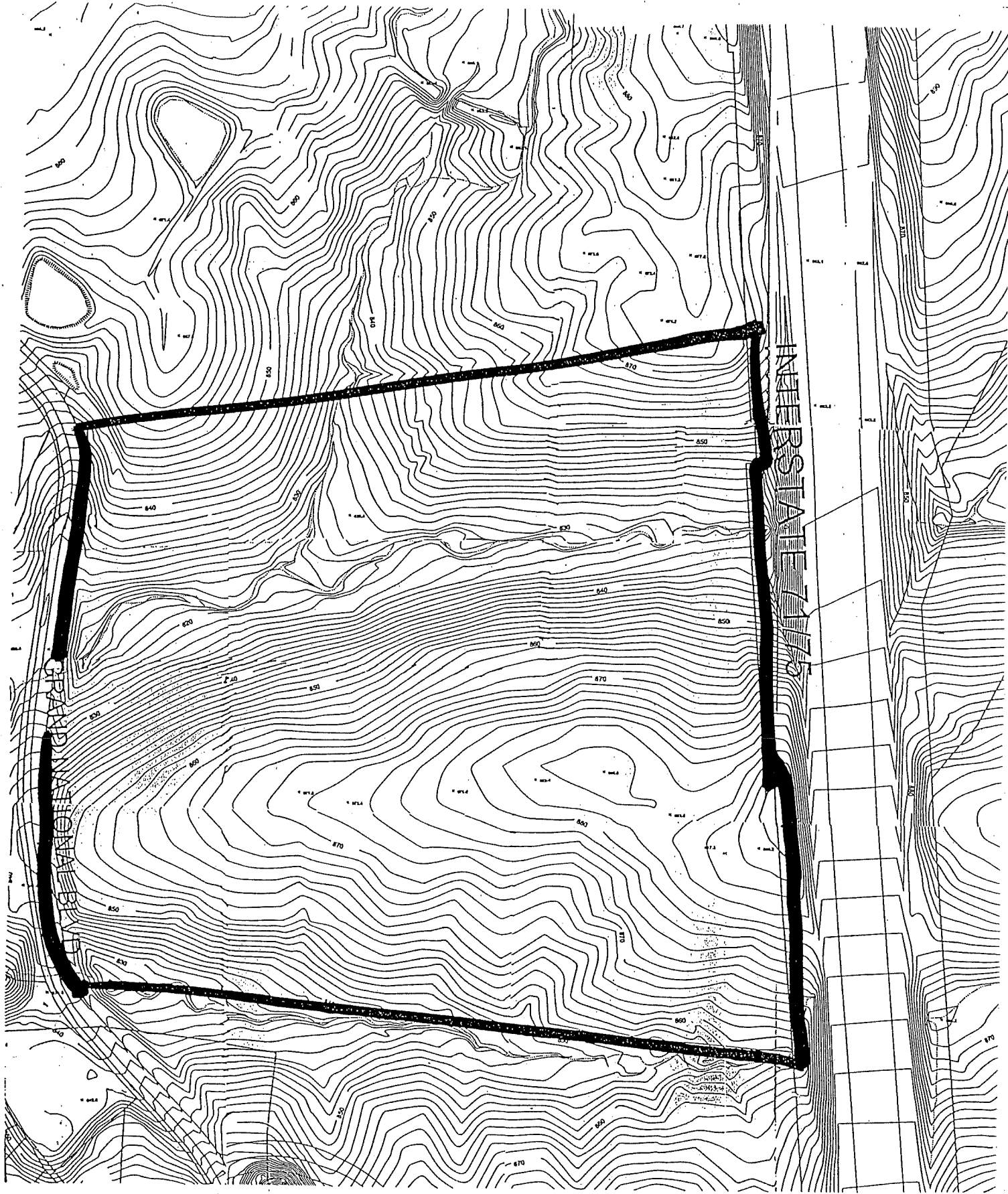


EXHIBIT 2

EXHIBIT 3

KY 338

- A = ARC=68.51', R=242.00'
CH=N 13°58'28" W, 68.28'
- B = N 5°51'53" W 185.22'
- C = ARC=283.06', R=982.00'
CH=N 2°23'38" E, 282.08
- D = N 10°39'04" E 410.00'
- E = CH=N01°37'17"E, 95.11'
ARC=95.50', R=303.00'

RICHARD L. & SARAH RUTH DAVIS
391 RICHWOOD ROAD
WALTON, KY. 41094

DB 282, PG 80
ZONE: EPD

EM-A-NON ACRES LIMITED PARTNERSHIP
351 RICHWOOD ROAD
WALTON, KY. 41094

DB 498, PG 302
ZONE: EPD

S89°13'54"E 446.30'

RICHARD L. & SARAH RUTH DAVIS (1/2)
AND LEWIS G. & LILLIAN M. DAVIS (1/2)
391 RICHWOOD ROAD
WALTON, KY. 41094
DB 289, PG 274 ZONE: EPD

BETTY L. CARSTENS AND
JUDITH HAHN
413 RICHWOOD ROAD
WALTON, KY. 41094
DB 320, PG 242
ZONE: A-2

GRAND NATIONAL BOULEVARD
EM-A-NON ACRES LIMITED PARTNERSHIP
DB 498, PG 302
ZONE: EPD

SR-1/PD/CD

STEEPLECHASE II L.L.C.
130 DUDLEY ROAD
EDGEWOOD, KY. 41014
DB 800, PG 362

STEEPLECHASE SUBDIVISION H.O.A. INC.
927 DUDLEY ROAD
EDGEWOOD, KY. 41014

N 82°22'03" W 1439.97'
ZONE: SR-1/PD/CD
STEEPLECHASE BUILDERS, L.L.C.
130 DUDLEY ROAD
EDGEWOOD, KY. 41014
DB 857, PG 239

STEEPLECHASE CONDOMINIUM H.O.A.
130 DUDLEY ROAD
EDGEWOOD, KY. 41014

S 2°49'08" E 164.38'

S 87°10'54" W, 20.00'

S 2°49'06" E 652.33'

300' ROAD

1-751-771

K.O.O.T. RIGHT-OF-WAY

N 26°41'54" E, 40.59'

S 2°49'06" E 543.68'



**PARCEL TO BE REZONED
FROM EPD TO UR-1
38.009 ACRE PARCEL
RICHWOOD, BOONE CO., KY.**

Scale~ 1"=300' December 13, 2002

W VIOX & VIOX, INC.
Engineers • Surveyors • Landscape Architects

466 Erlanger Road
Erlanger, Kentucky 41018

Tel: 859-727-3293
Fax: 859-727-8452

e-mail: viox@nkol.net

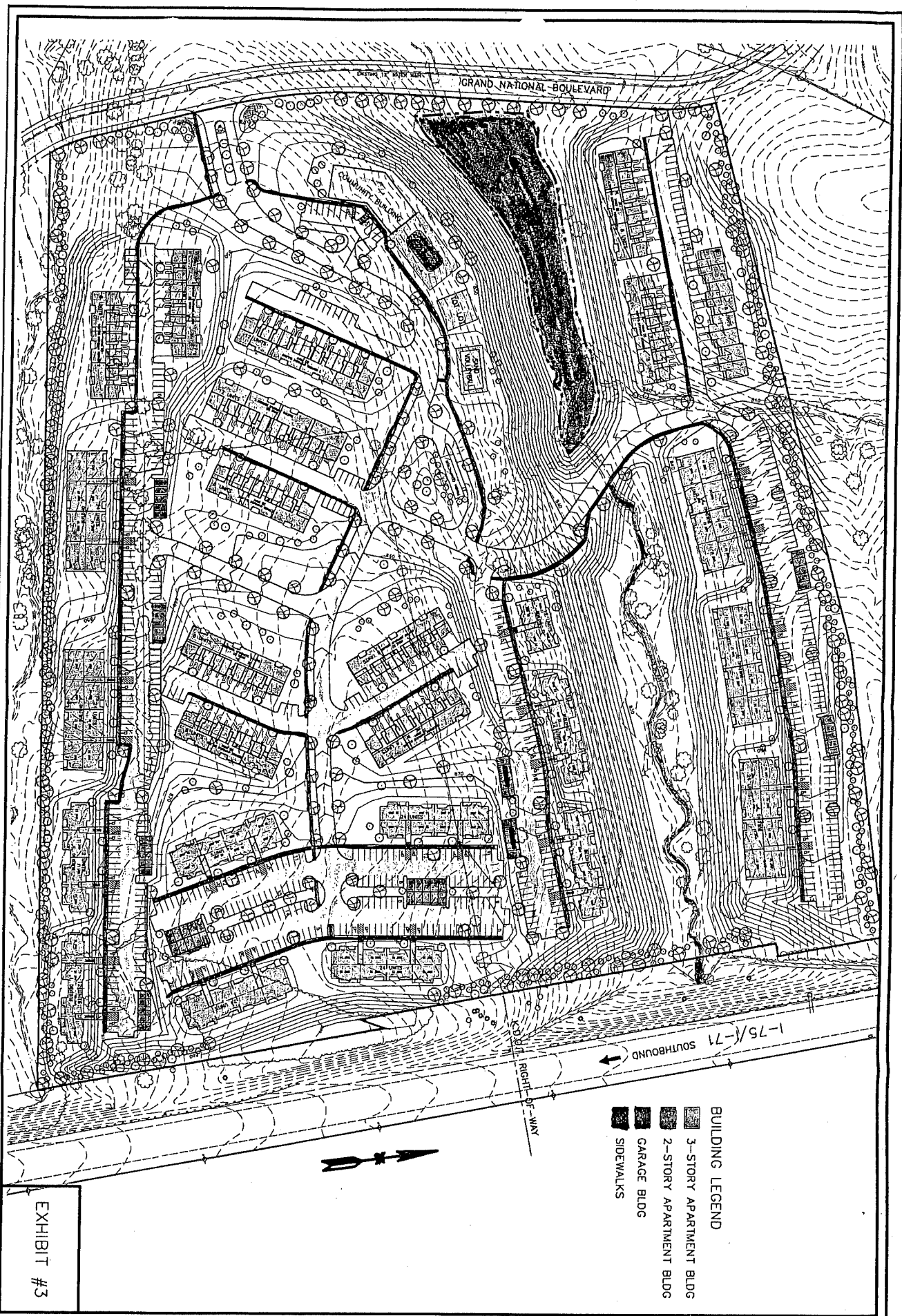


EXHIBIT #3

CONCEPT LANDSCAPE PLAN
 38.009 ACRE PARCEL
 EAST SIDE OF GRAND NATIONAL BOULEVARD
 BOONE COUNTY, KENTUCKY

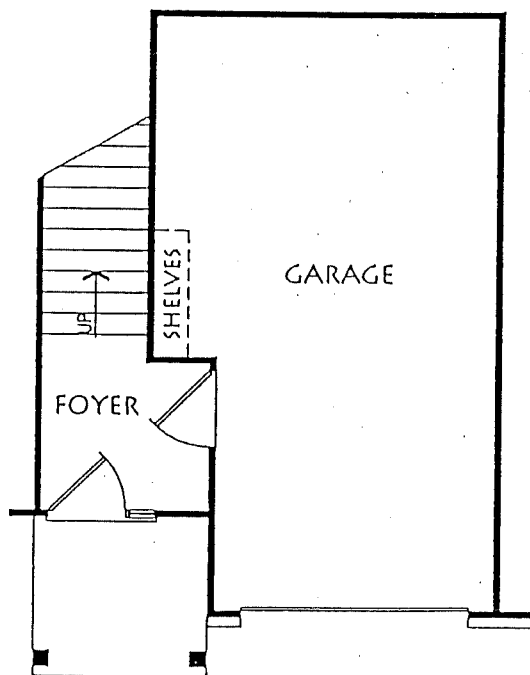
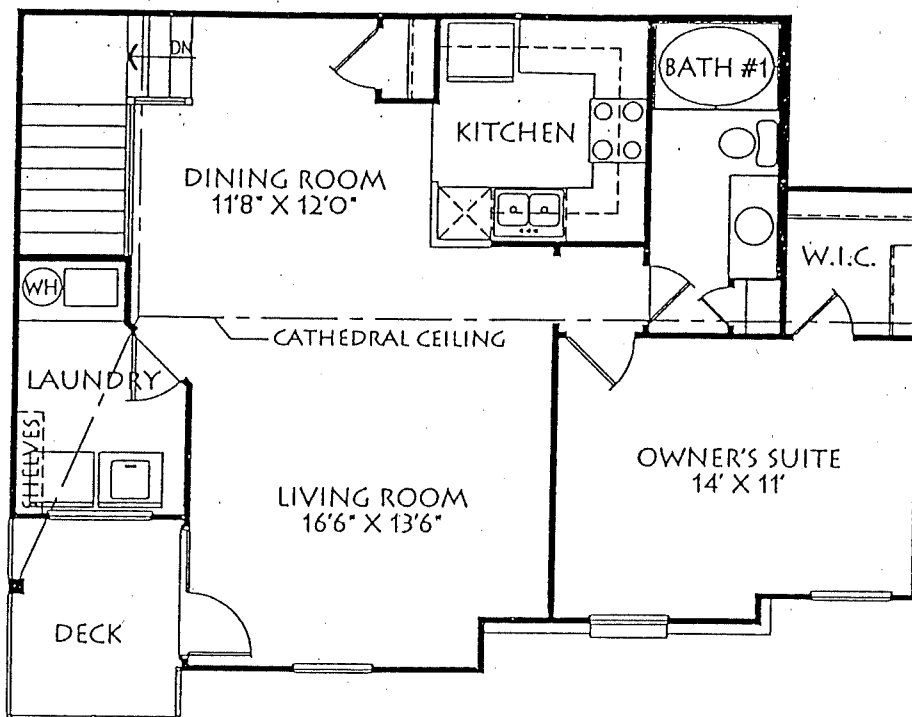
DEVELOPER & OPTION HOLDER:
 Timberlake Family Ltd. Partnership
 211 Grandview Drive
 Ft. Mitchell, Kentucky 41017

OWNER: EM-A-NON 351
 Richwood Road
 Walton, Kentucky 41094

EXHIBIT 4

One Bedroom

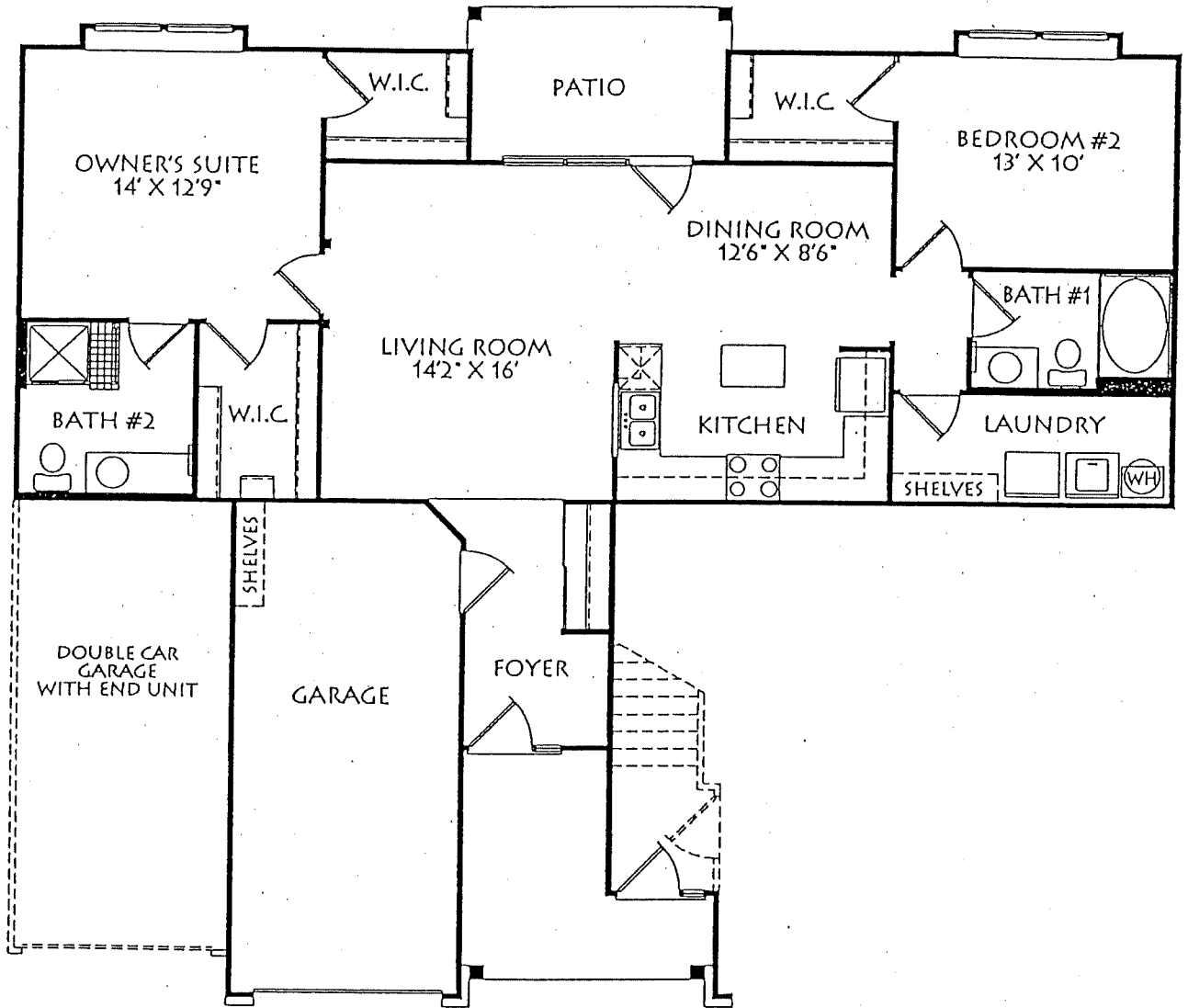
882 sq. ft.



2 STORY BUILDING UNIT
FLOOR PLAN

Two Bedroom First Floor

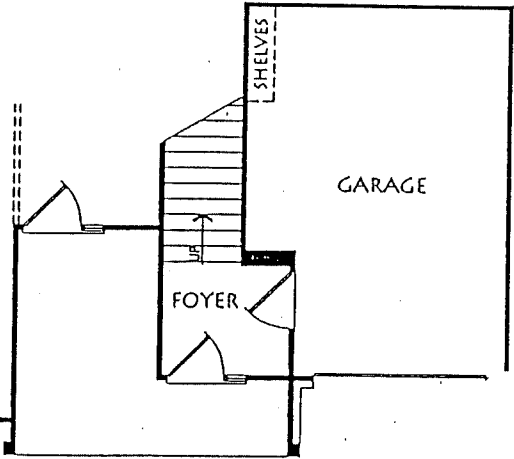
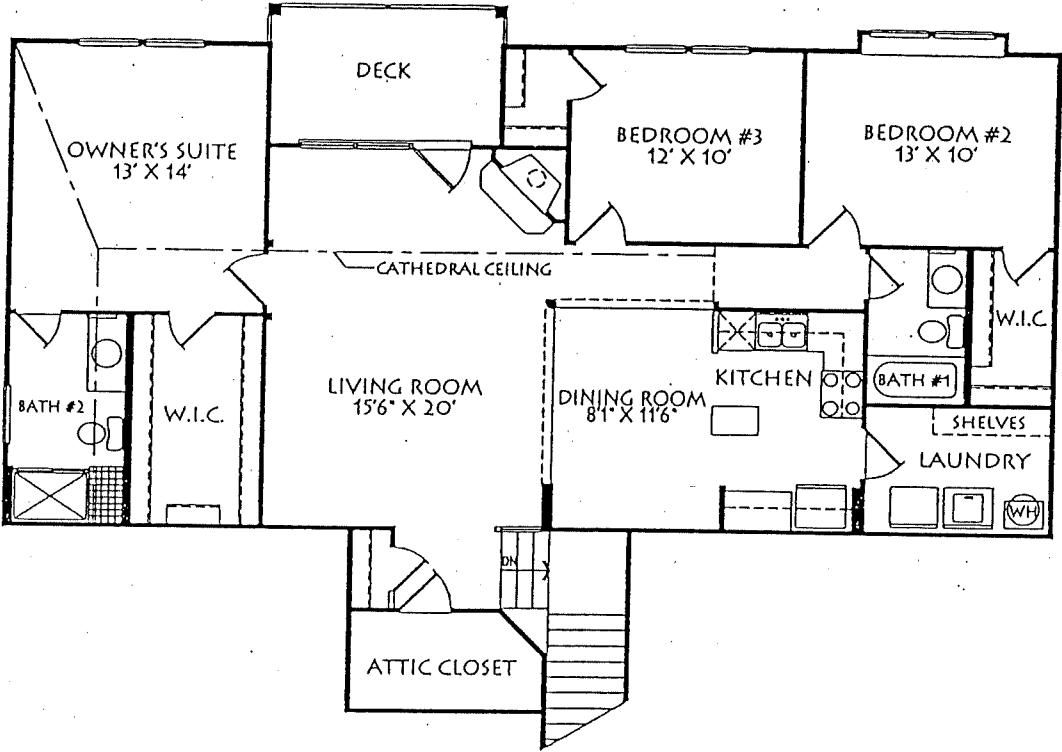
1240 sq. ft.



2 STORY BUILDING UNIT
FLOOR PLAN

Three Bedroom Second Floor/End Apartment

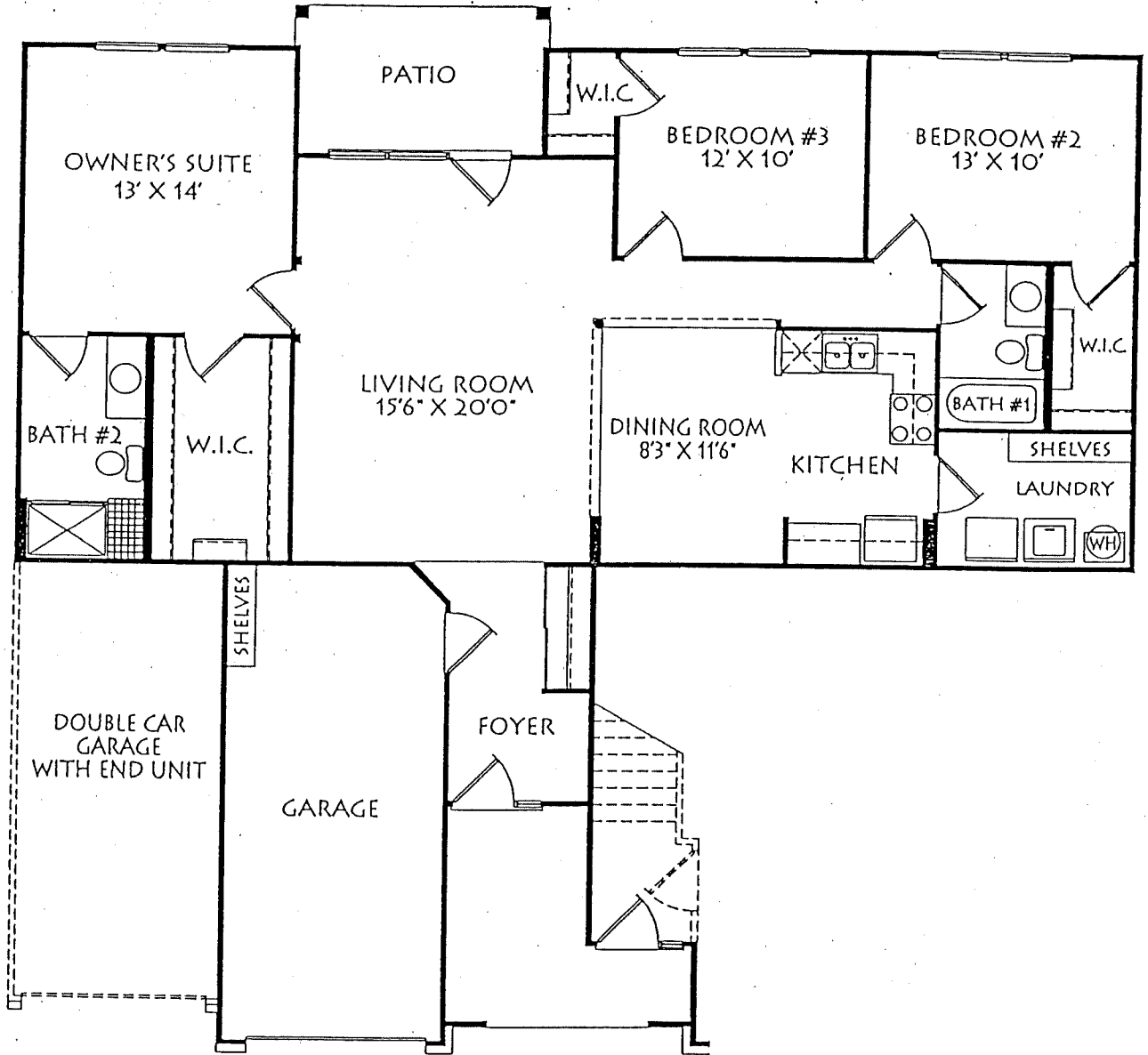
1554 sq. ft.



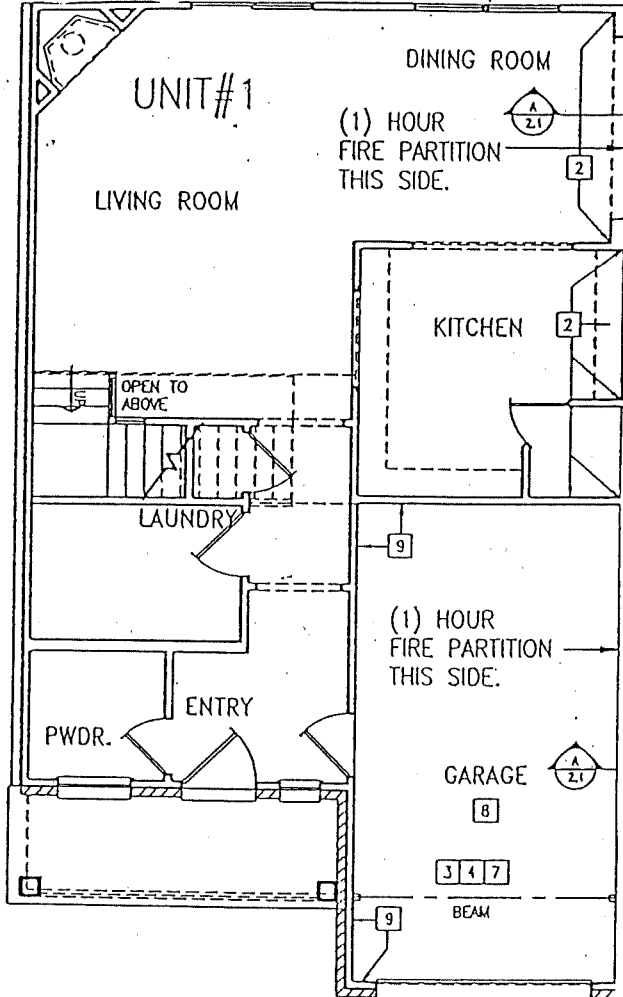
2 STORY BUILDING UNIT
FLOOR PLAN

Three Bedroom First Floor

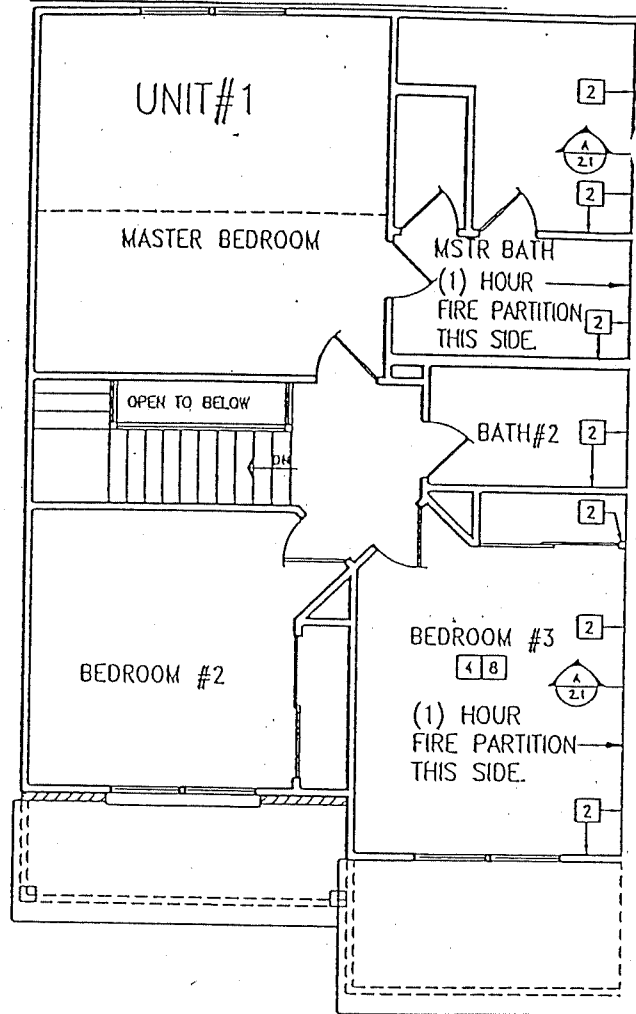
1418 sq. ft.



2 STORY BUILDING UNIT
FLOOR PLAN

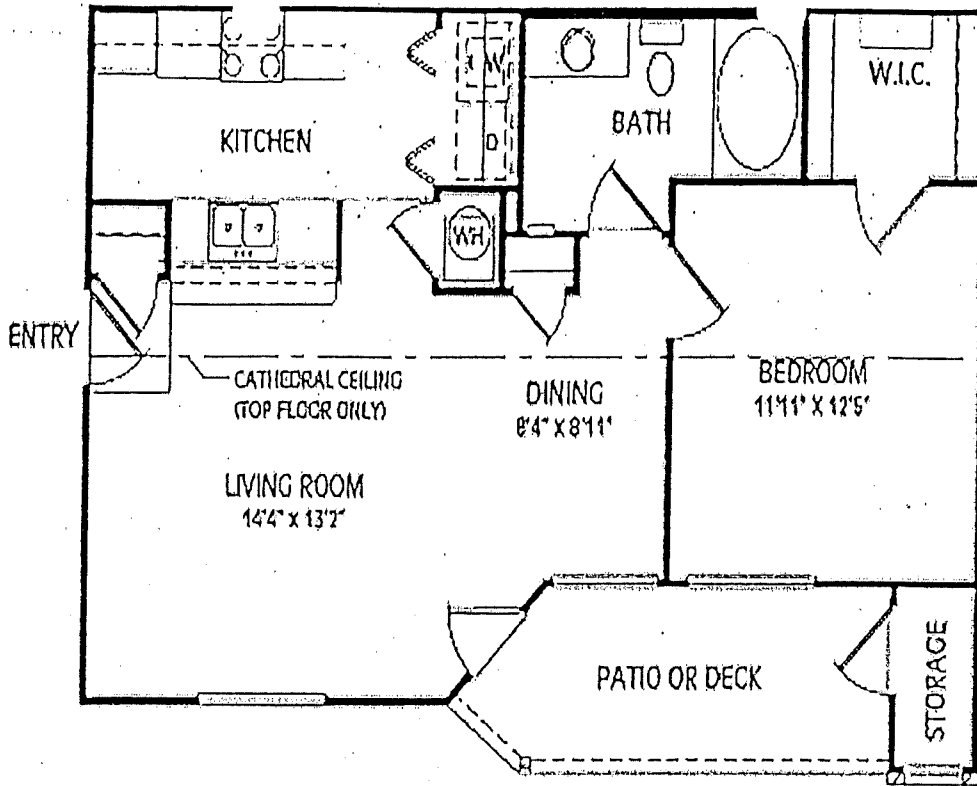


FIRST FLOOR PLAN

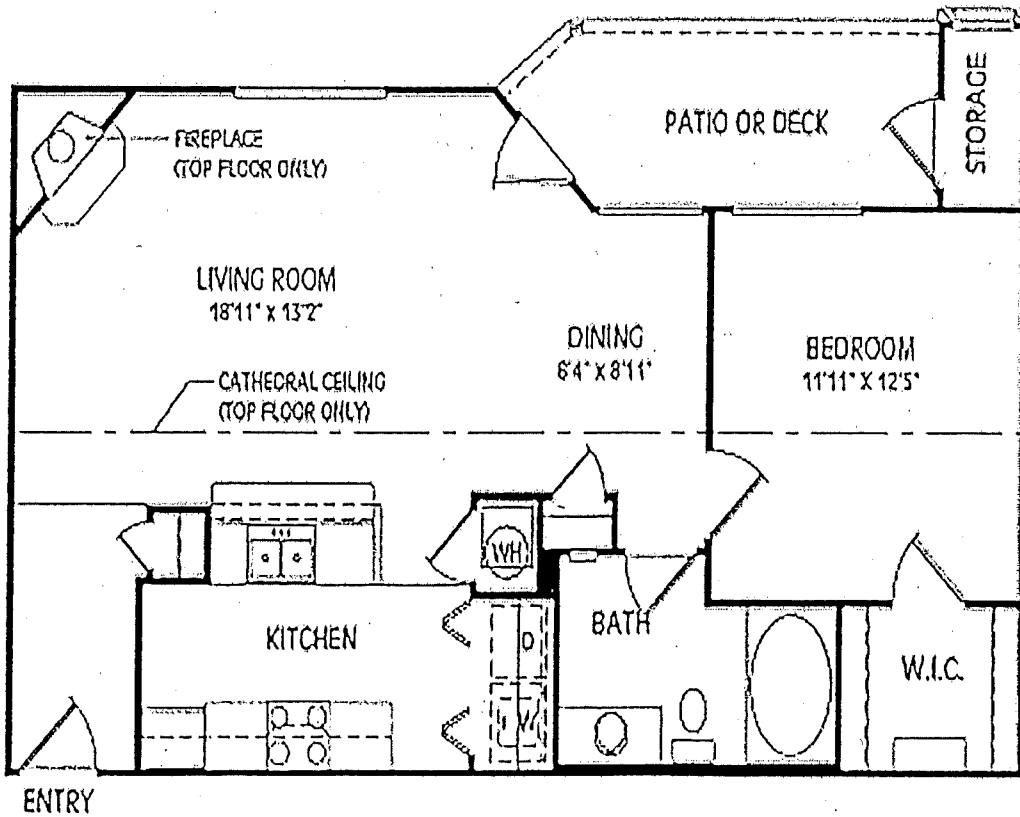


SECOND FLOOR PLAN

2 STORY BUILDING UNIT
 FLOOR PLAN
 EXHIBIT 4

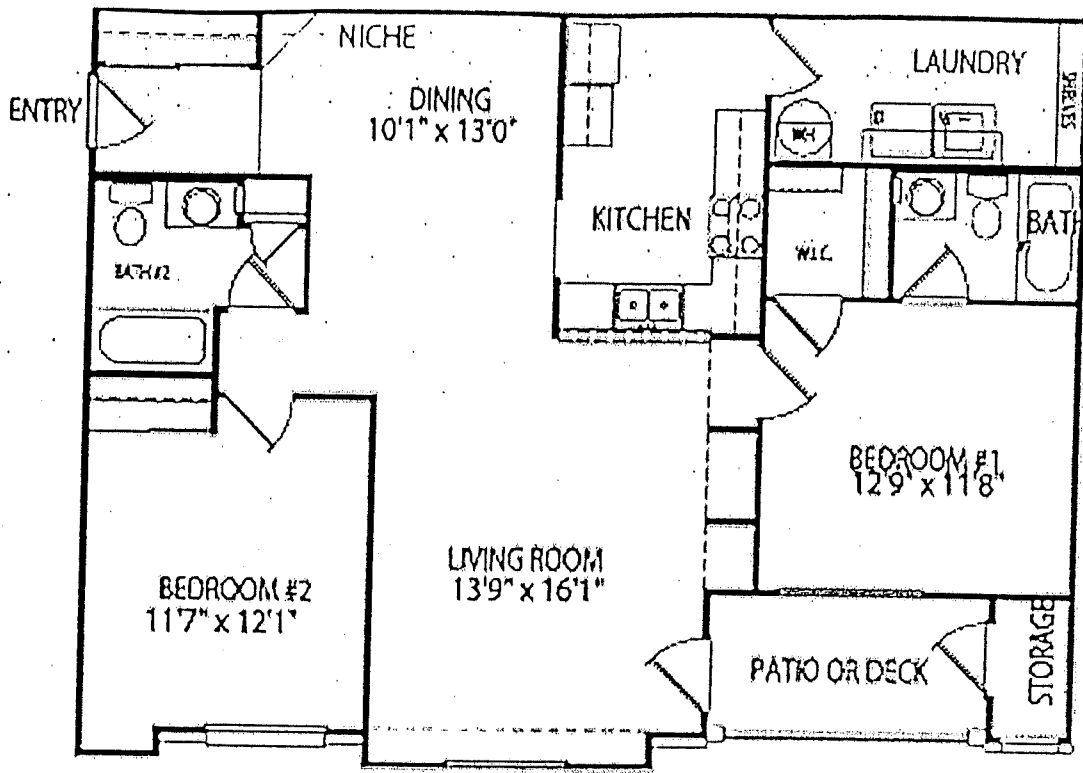


UNIT #10, 1 BEDROOM / 1 BATH (FRONT)

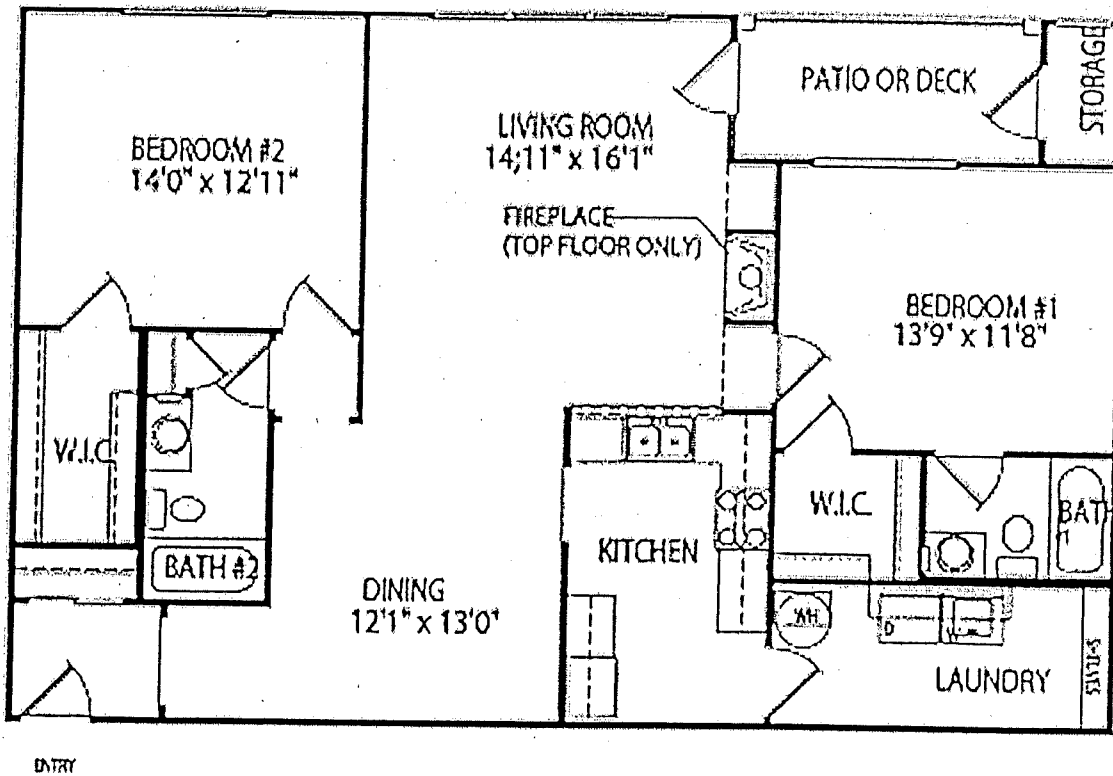


UNIT #11, 1 BEDROOM / 1 BATH (BACK)

3 STORY BUILDING UNIT
FLOOR PLAN

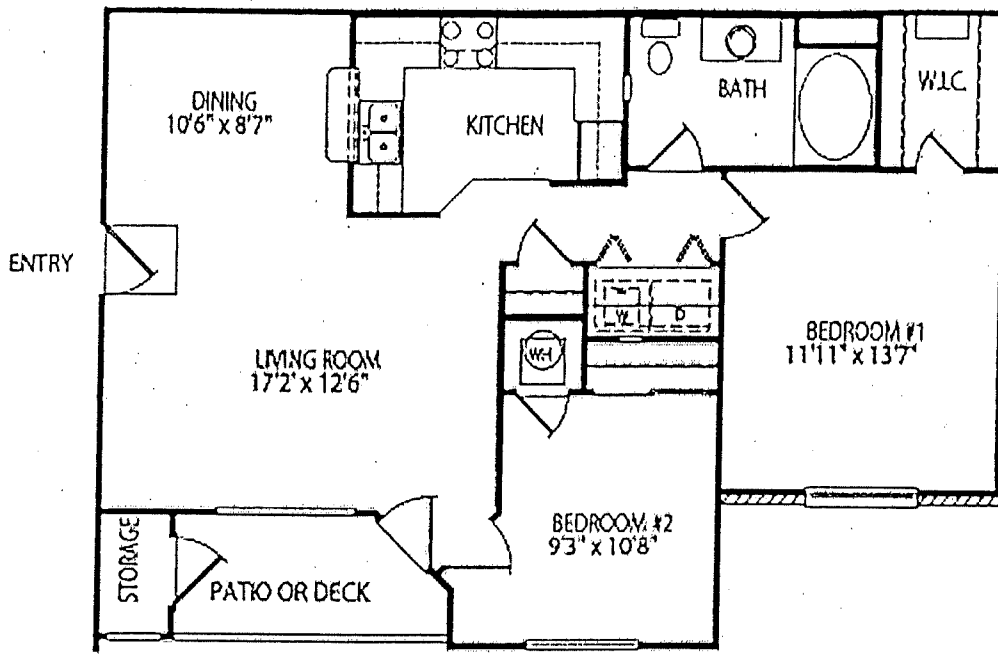


2 BEDROOM / 2 BATH (FRONT)

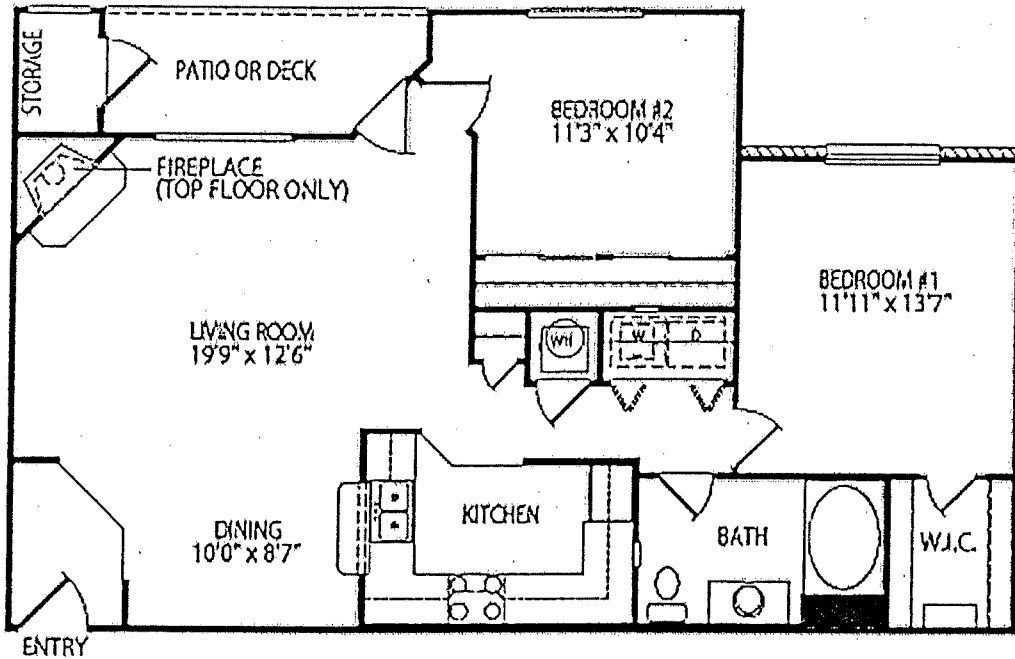


2 BEDROOM / 2 BATH (BACK)

3 STORY BUILDING UNIT
FLOOR PLAN



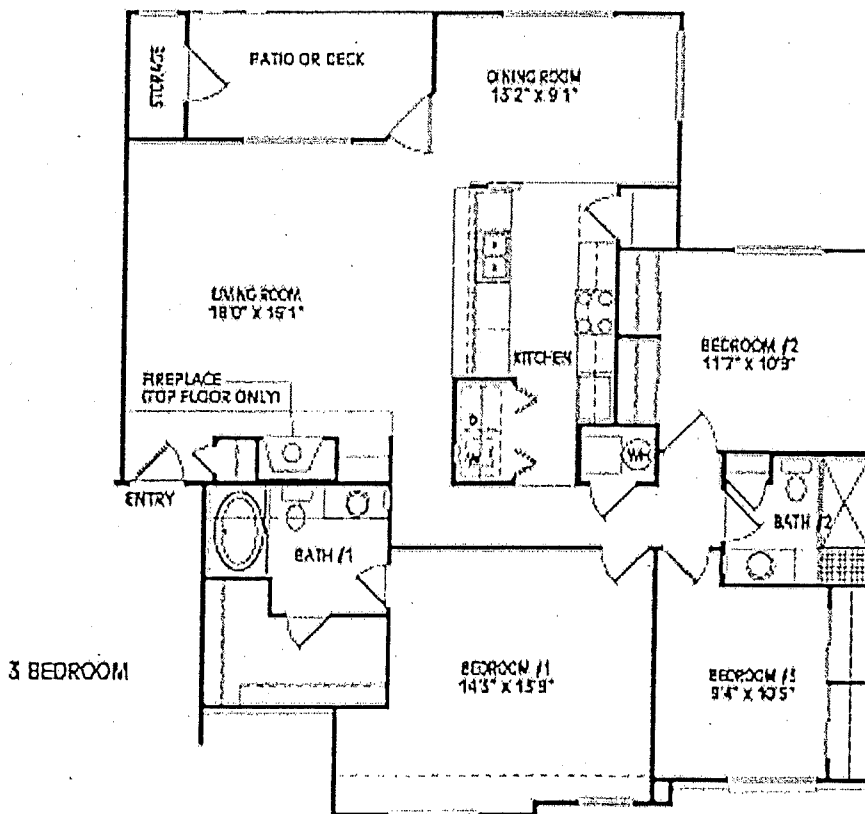
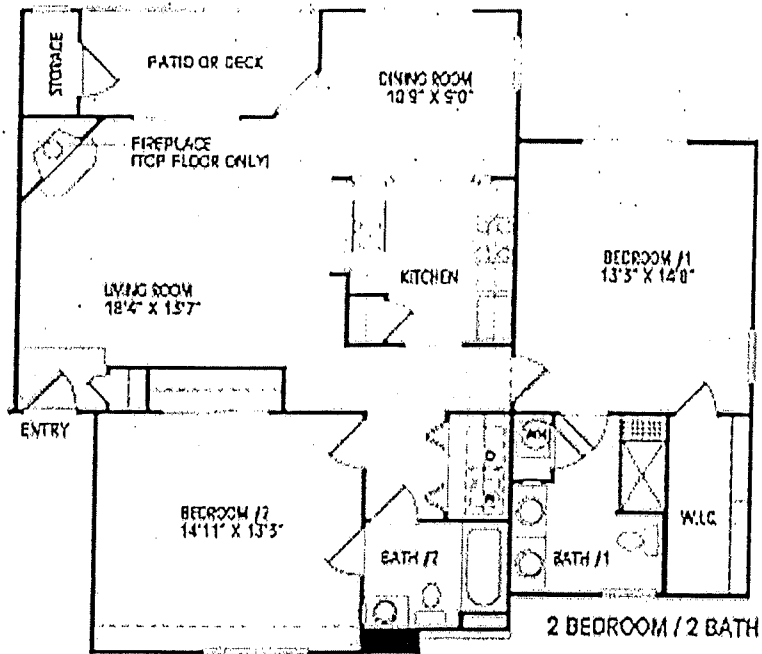
2 BEDROOM / 1 BATH (FRONT)



2 BEDROOM / 1 BATH (BACK)

3 STORY BUILDING UNIT
FLOOR PLAN

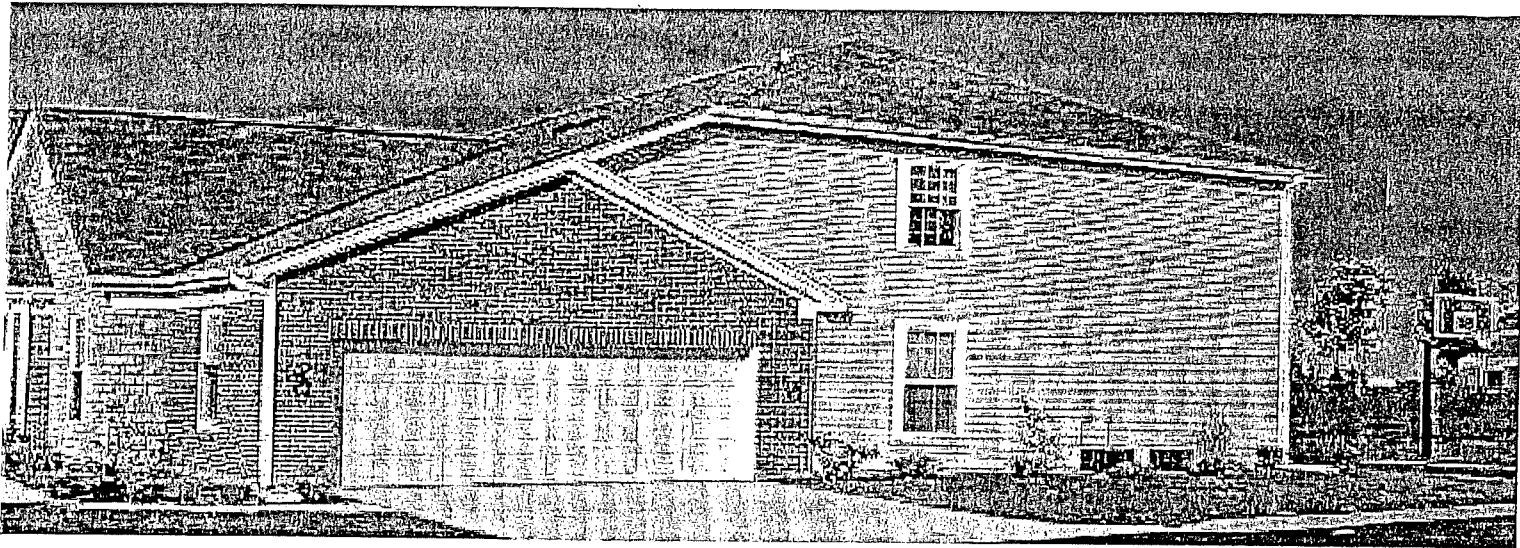
EXHIBIT 4



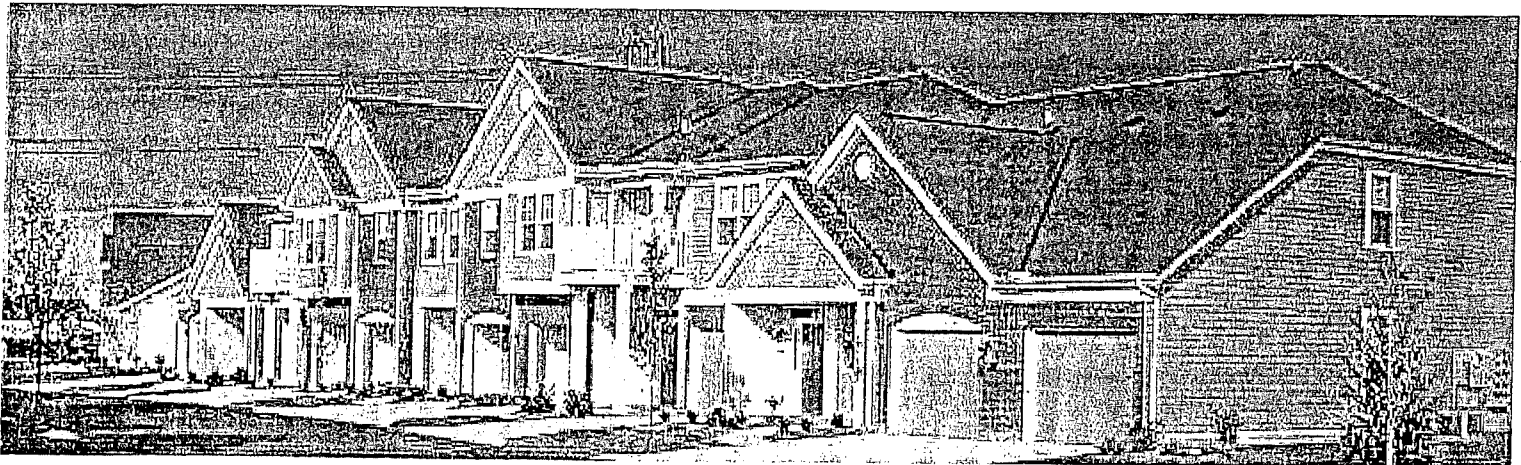
3 STORY BUILDING UNIT
FLOOR PLAN

EXHIBIT 4

EXHIBIT 5

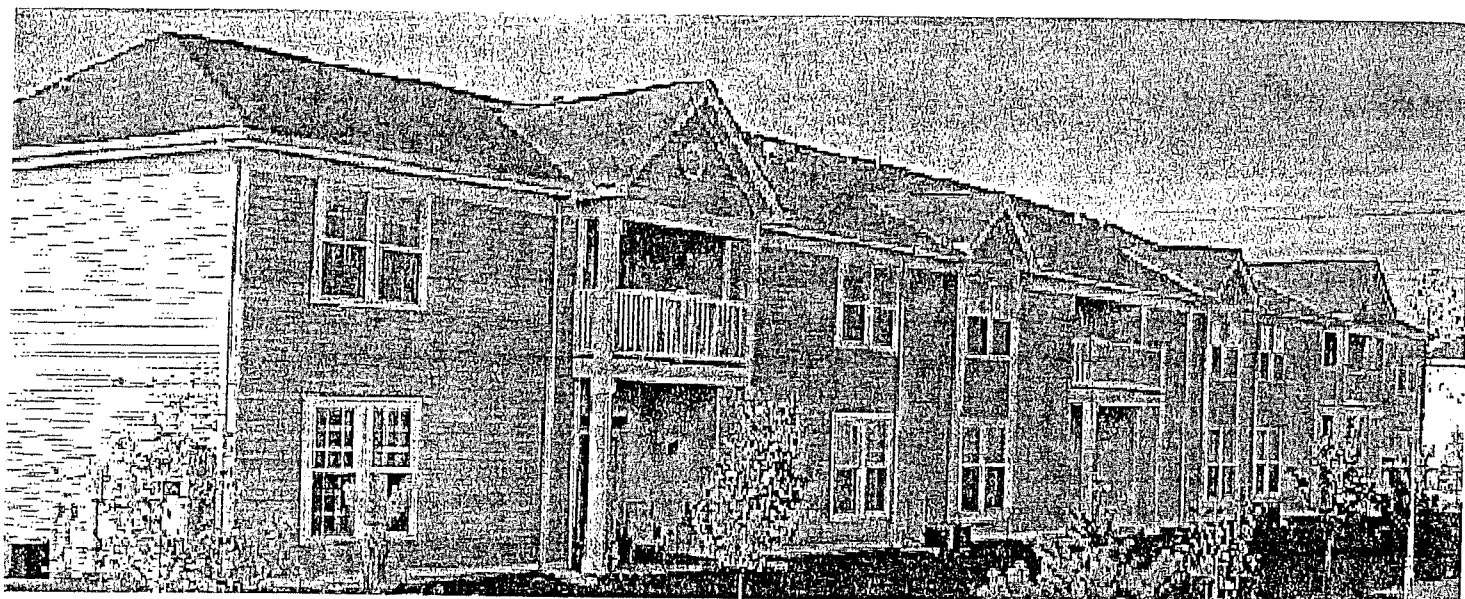


**TWO STORY BUILDING
3 BEDROOM, 2 BATH, 2 CAR DIRECT ACCESS GARAGE**

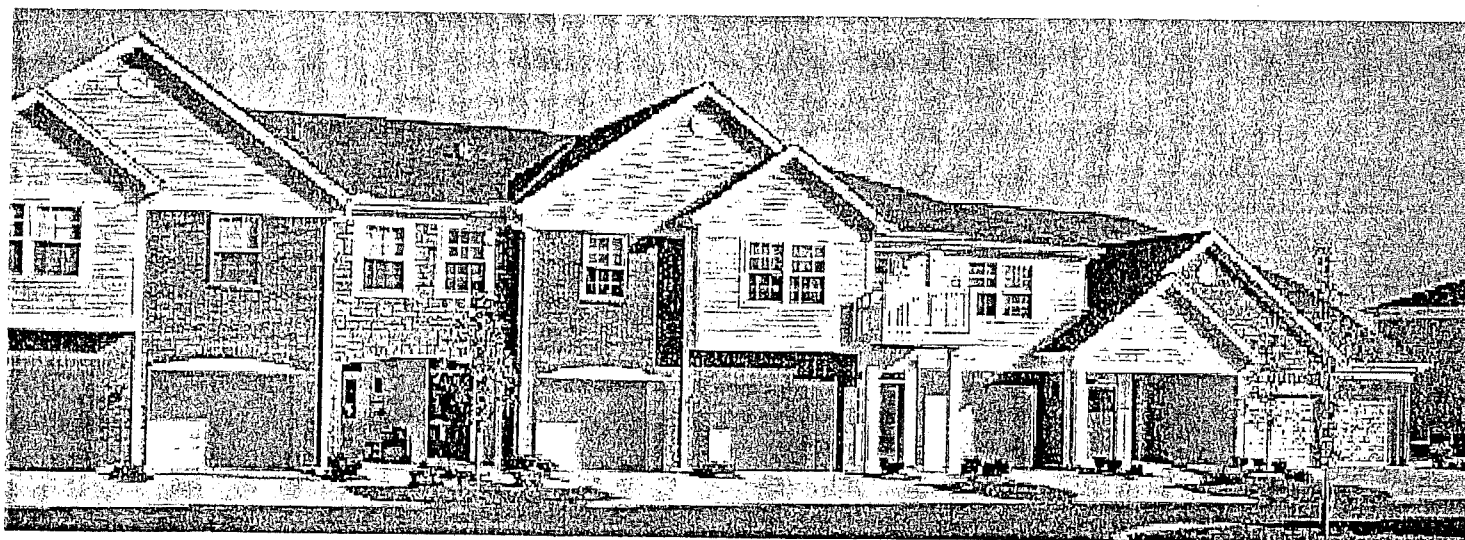


**TWO STORY BUILDING
8 UNIT, 2 BEDROOM, 2 BATH (6), 1 BEDROOM, 1 BATH (2)**

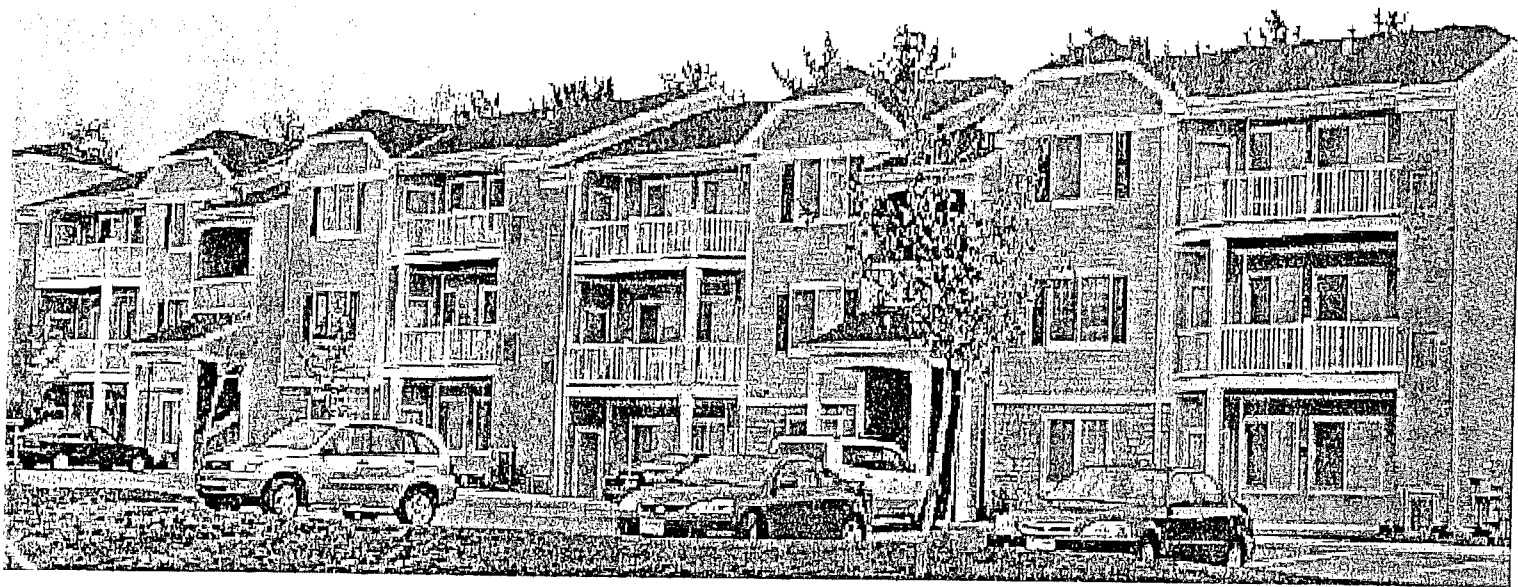
EXHIBIT 5A



**TWO STORY
2 BEDROOM, 2 BATH REAR VIEW**



**TWO STORY
3 BEDROOM, 2 BATH (6), 2 BEDROOM, 2 BATH (2)**

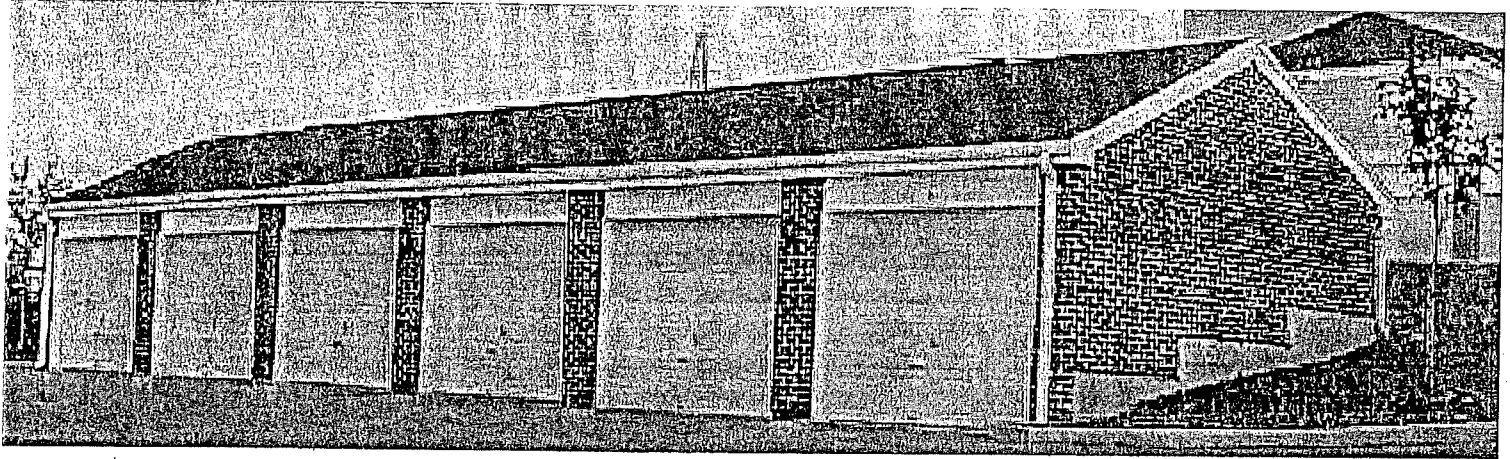


**THREE STORY
24 UNIT, 1 BEDROOM, 1 BATH**



**THREE STORY
24 UNIT, 2 BEDROOM, 2 BATH**

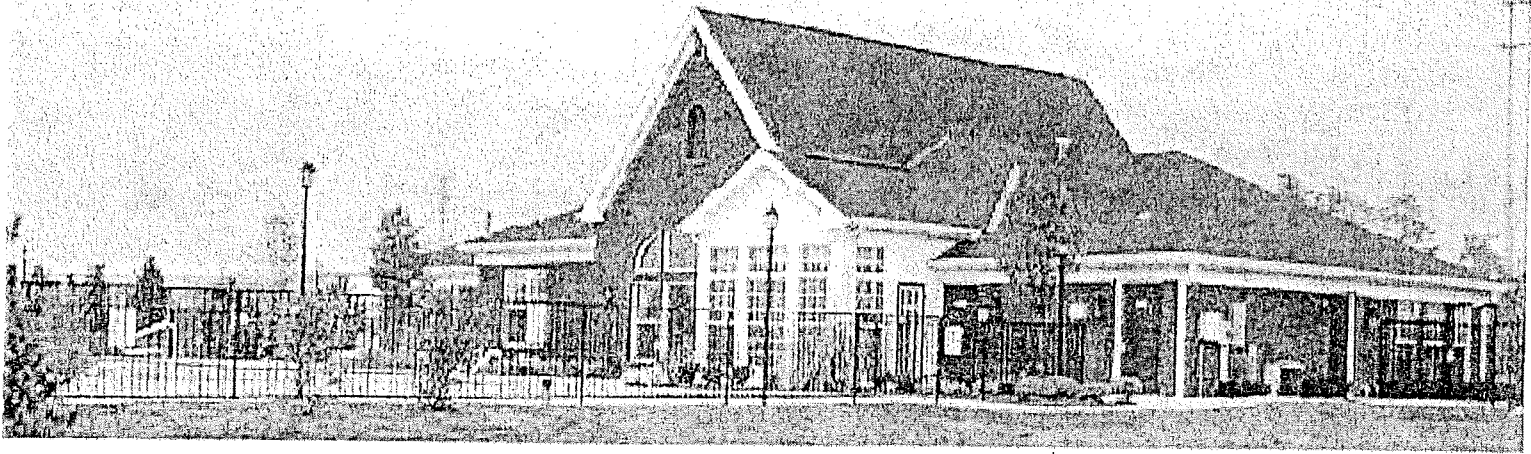
EXHIBIT 5C



6 CAR DETACHED GARAGE

EXHIBIT 5D

EXHIBIT 6



**CLUBHOUSE EXAMPLE
EXHIBIT 6**

EXHIBIT 7

DEMOGRAPHICS DREES RENTERS AND HOMEOWNERS

	CARRIAGE HOMES	TOWNE HOMES	SINGLE FAMILY HOMES	DREES BOONE COUNTY APARTMENTS			AVERAGE
				THE WOODS APARTMENTS	OAKBROOK APARTMENTS	SANCTUARY APARTMENTS	
Average household size	1.48	1.64	3.07	1.67	1.76	1.99	1.81
Single, widowed or divorced	59%	46%	6%	84%	78%	64%	76%
Households with no children	90%	88%	37%	82%	84%	71%	79%
Average # of children/household	0.08	0.11	1.13	0.22	0.22	0.33	0.26
Public * School Children				14 6 3	10 4 4	14 5 6	12.7 5.0 4.3
% between 30 - 49	28%	36%	71%	32%	37%	42%	37%
Mean # of baths	2	2.5	2.5	1.34	1.50	1.65	1.50
Mean # of bedrooms	2	2	4	1.72	1.69	1.91	1.77
Average square feet	1256	1522	2200	840	942	1183	988
Mean household income				\$39,230	\$46,731	\$62,702	\$49,554

Report from current apartment rentroll and past homeowner surveys

* Public school children - GIS November 1, 2002

EXHIBIT 7-1
NUMBER OF CHILDREN BY HOUSEHOLD TYPE

	THE WOODS APARTMENTS	OAKBROOK APARTMENTS	SANCTUARY APARTMENTS	DREES BOONE COUNTY APARTMENTS AVERAGE
Occupied units	213	234	154	200.3 %
Public School Children	14 6 3	10 4 4	14 5 6	12.7 5.0 4.3
				6.3% 2.5% 2.2%

Proposed Apartment Community

	Year 1	Year 2	Year 3	Year 4	Year 5
Completed units	72	164	236	308	380
Occupied units	67	153	219	286	353
Public School Children	4 2 1	10 4 3	14 5 5	18 7 6	22 9 8
Total	7	17	24	31	39

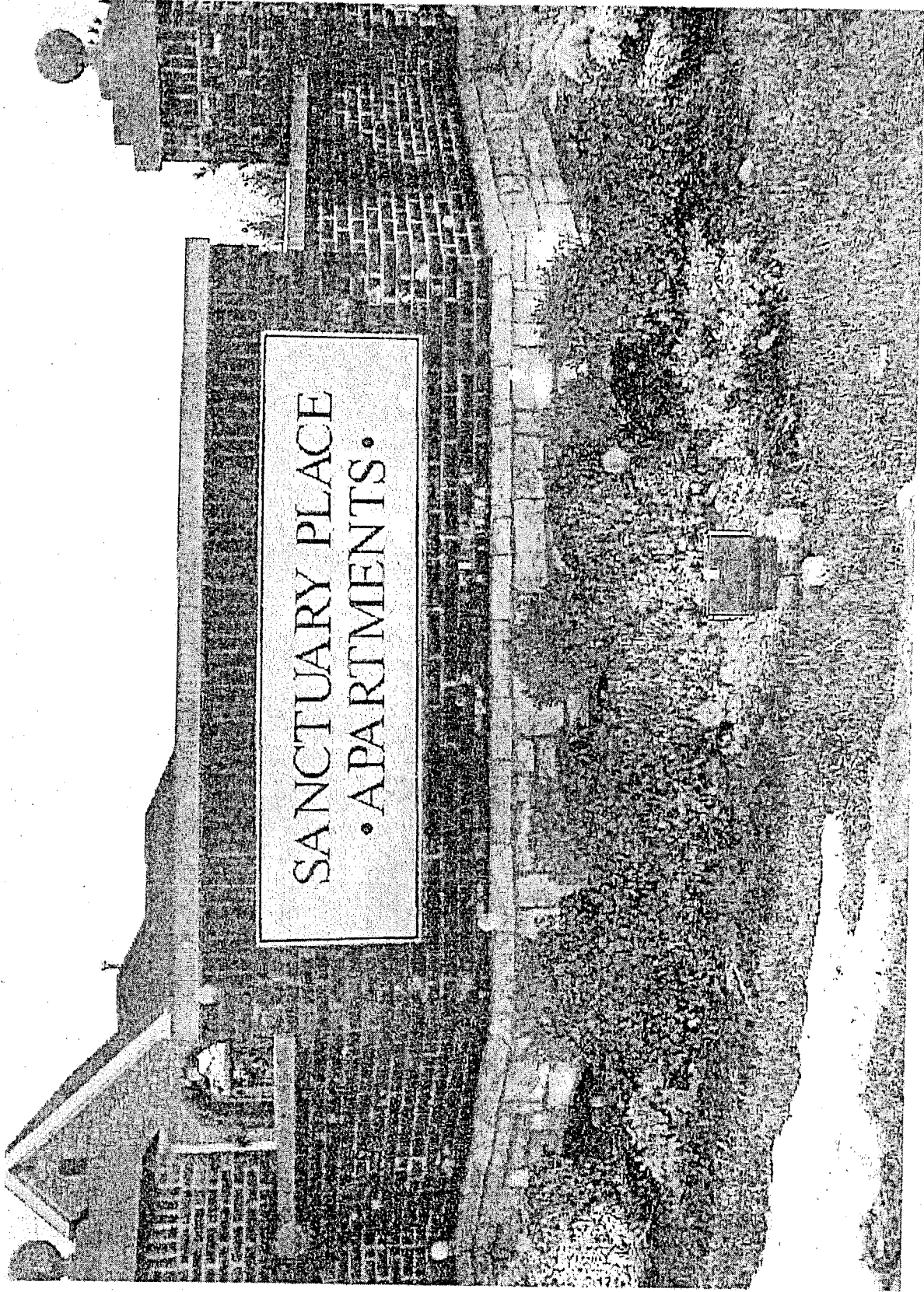
Proposed Apartment Community

	Year 1	Year 2	Year 3	Year 4	Year 5
Taxable value	\$8,329,200	\$13,996,400	\$18,431,600	\$22,866,800	\$27,302,000
Rate/\$100 *	0.442	0.448	0.454	0.46	0.466
Gross Tax Due	\$36,815.06	\$62,703.87	\$83,679.46	\$105,187.28	\$127,227.32

* Rate /\$100 assumes a 1.5% annual increase

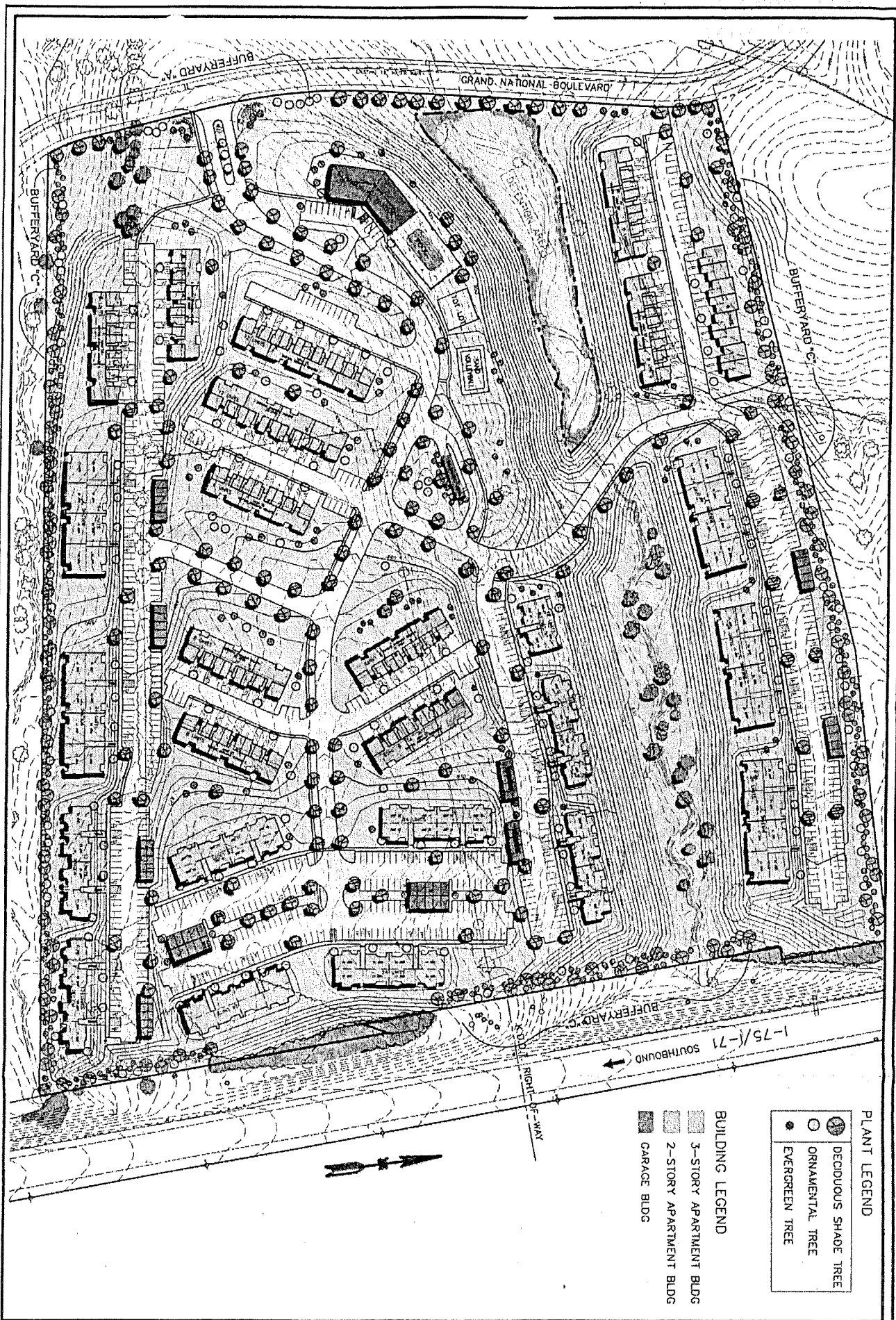
2002 Tax rate for school	0.442
2001 Tax rate for school	0.431
2000 Tax rate for school	0.421
1999 Tax rate for school	0.431
1998 Tax rate for school	0.422
1997 Tax rate for school	0.432

EXHIBIT 8



**SIGNAGE EXAMPLE
EXHIBIT 8**

LANDSCAPE



PLANT LEGEND

	DECIDUOUS SHADE TREE
	ORNAMENTAL TREE
	EVERGREEN TREE

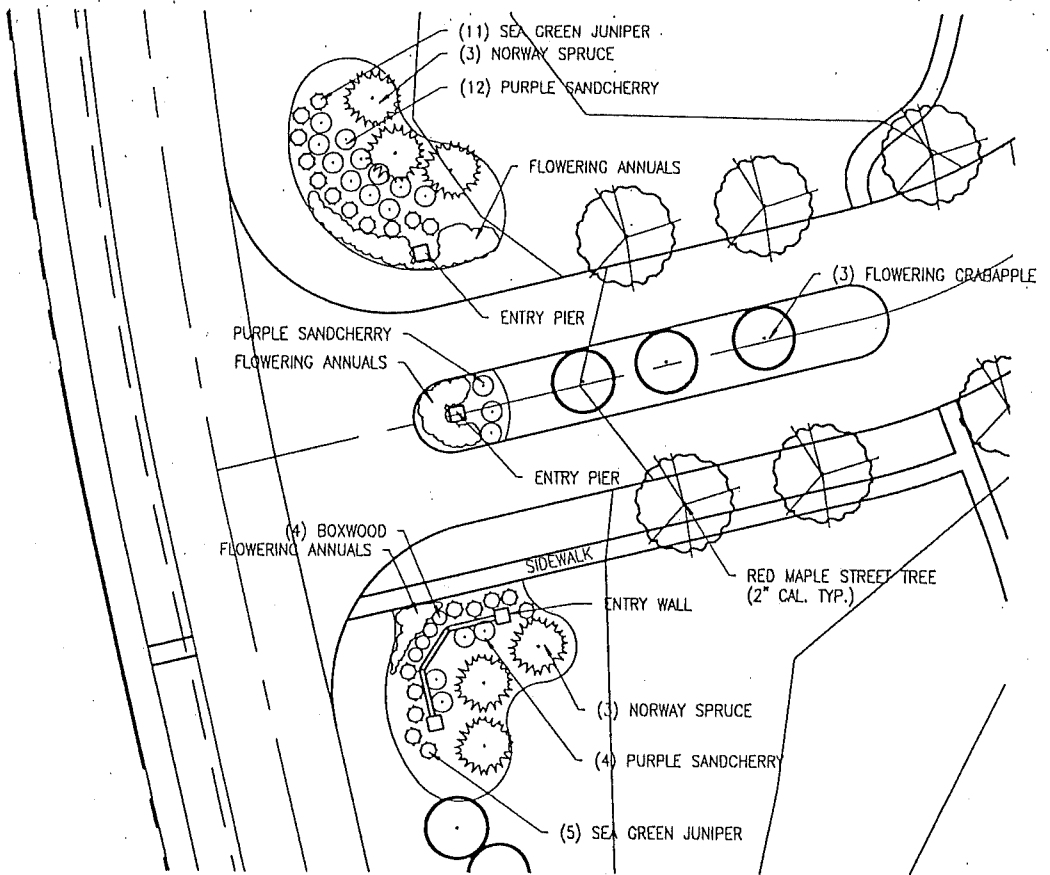
BUILDING LEGEND

	3-STORY APARTMENT BLDG
	2-STORY APARTMENT BLDG
	GARAGE BLDG

CONCEPT LANDSCAPE PLAN
 38.009 ACRE PARCEL
 EAST SIDE OF GRAND NATIONAL BOULEVARD
 BOONE COUNTY, KENTUCKY

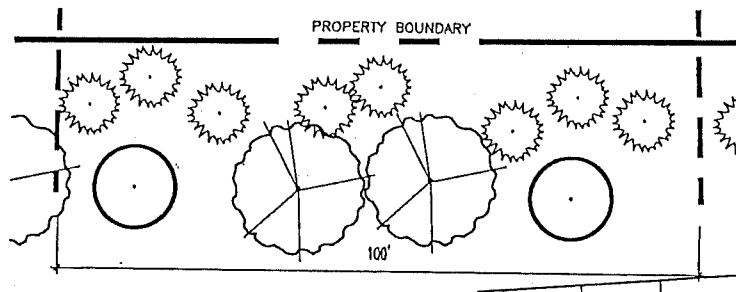
DEVELOPER & OPTION HOLDER:
 Timberlake Family Ltd. Partnership
 211 Grandview Drive
 Ft. Mitchell, Kentucky 41017

OWNER: EM-A-NON 351
 Richwood Road
 Walton, Kentucky 41094



MAIN ENTRY LANDSCAPING DETAIL

SCALE 1" = 4'-0"

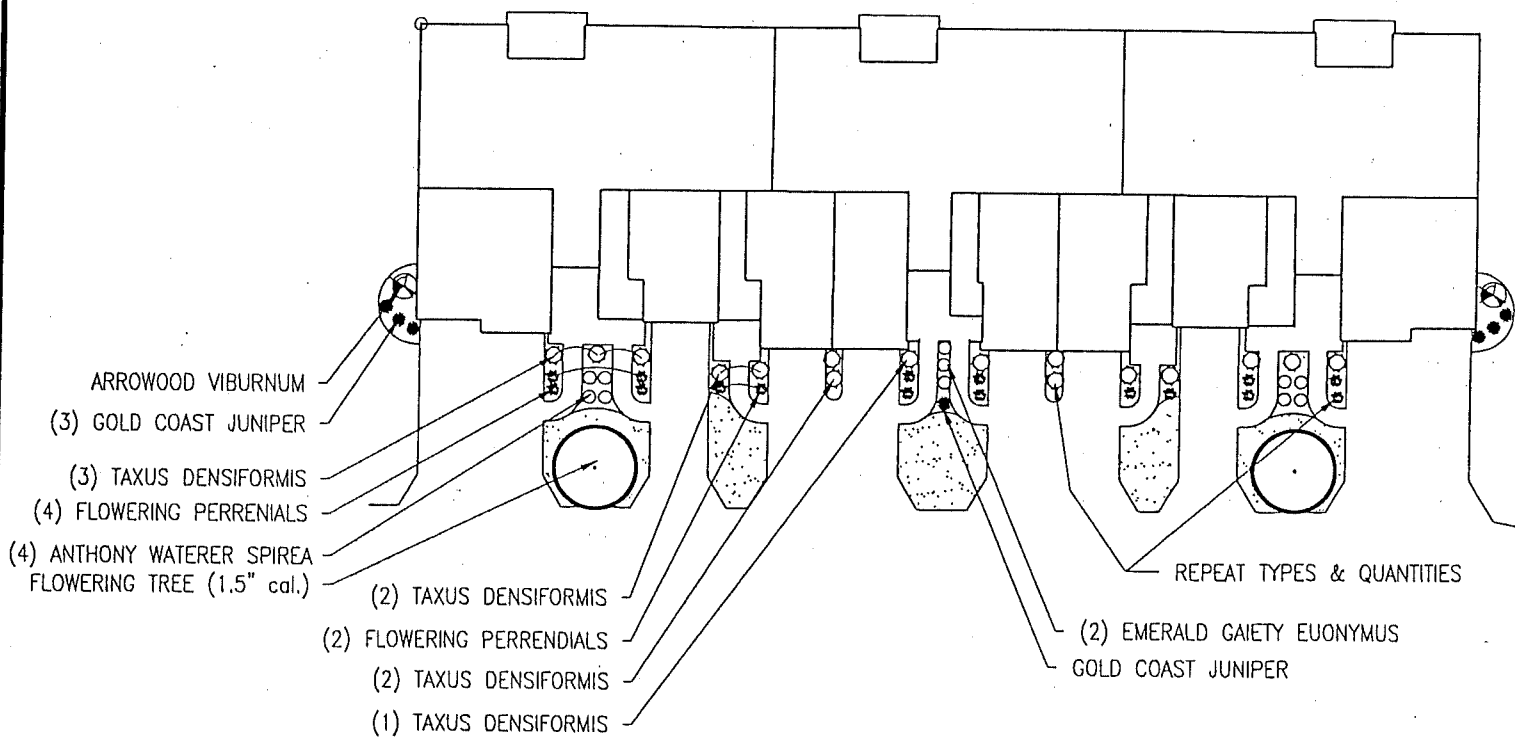
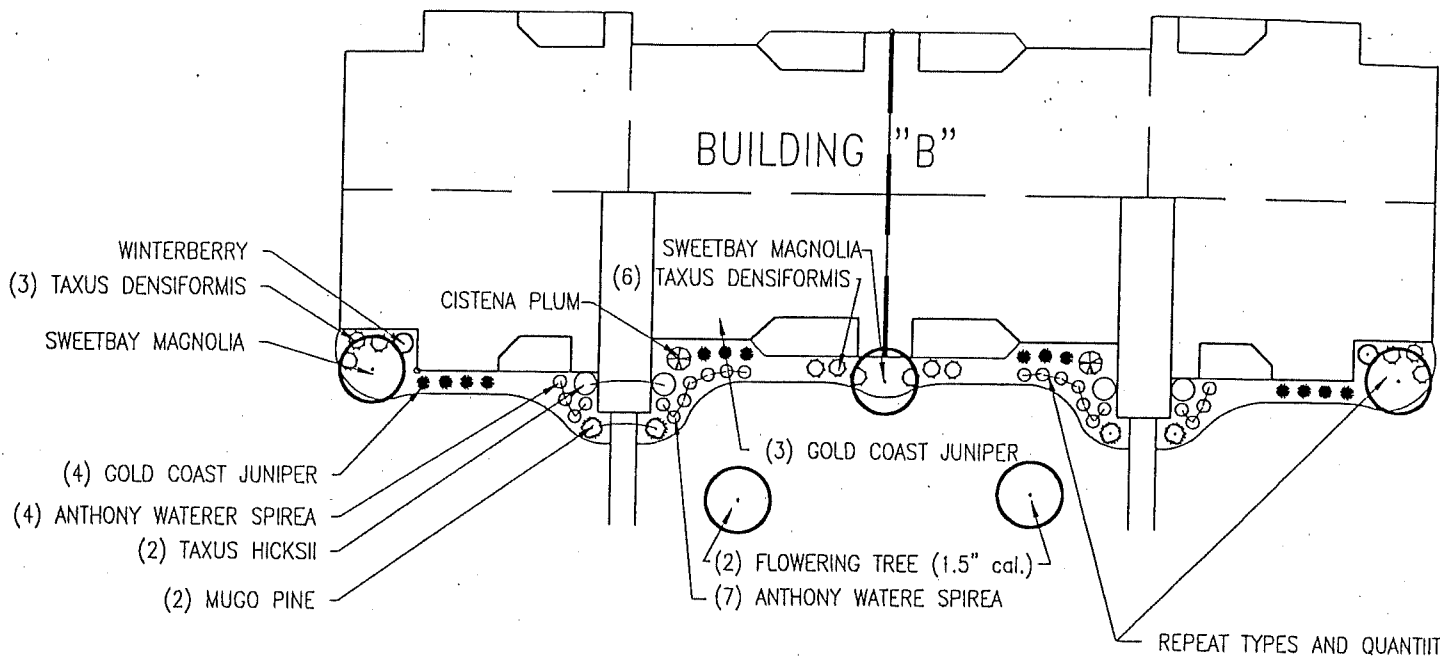


- (E) EVERGREEN TREES
- (S) SHADE TREES
- (O) ORNAMENTAL TREES

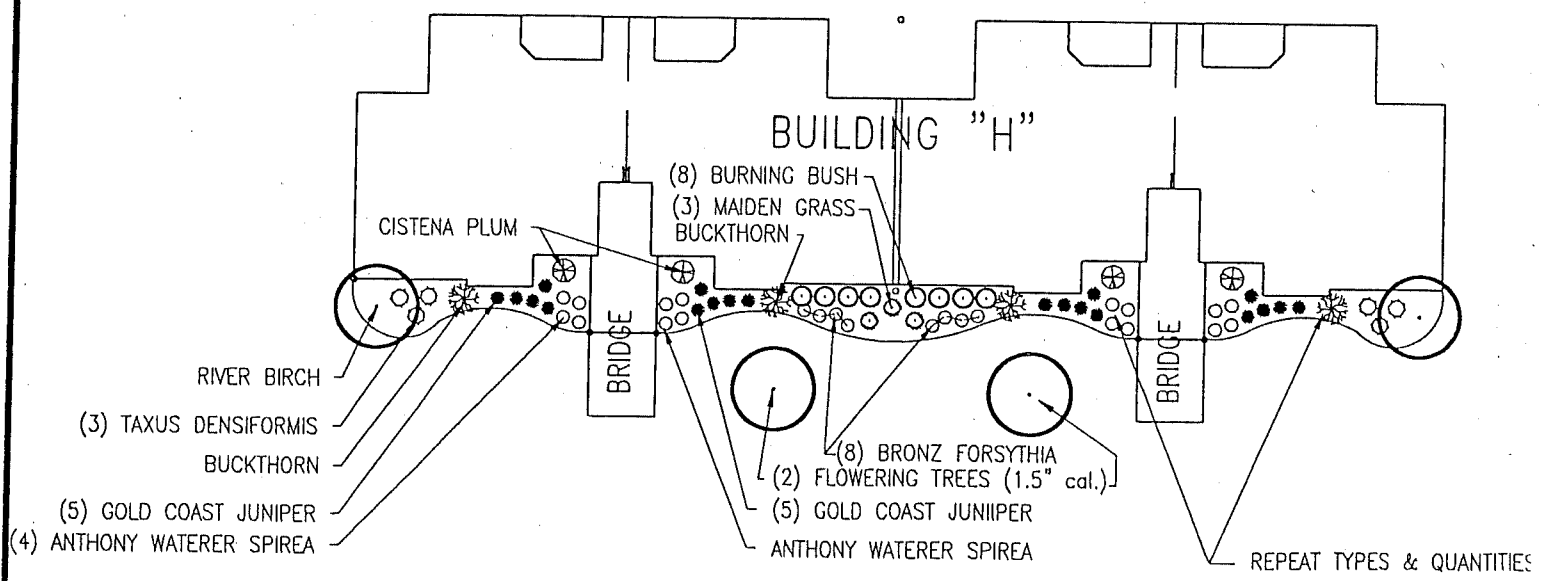
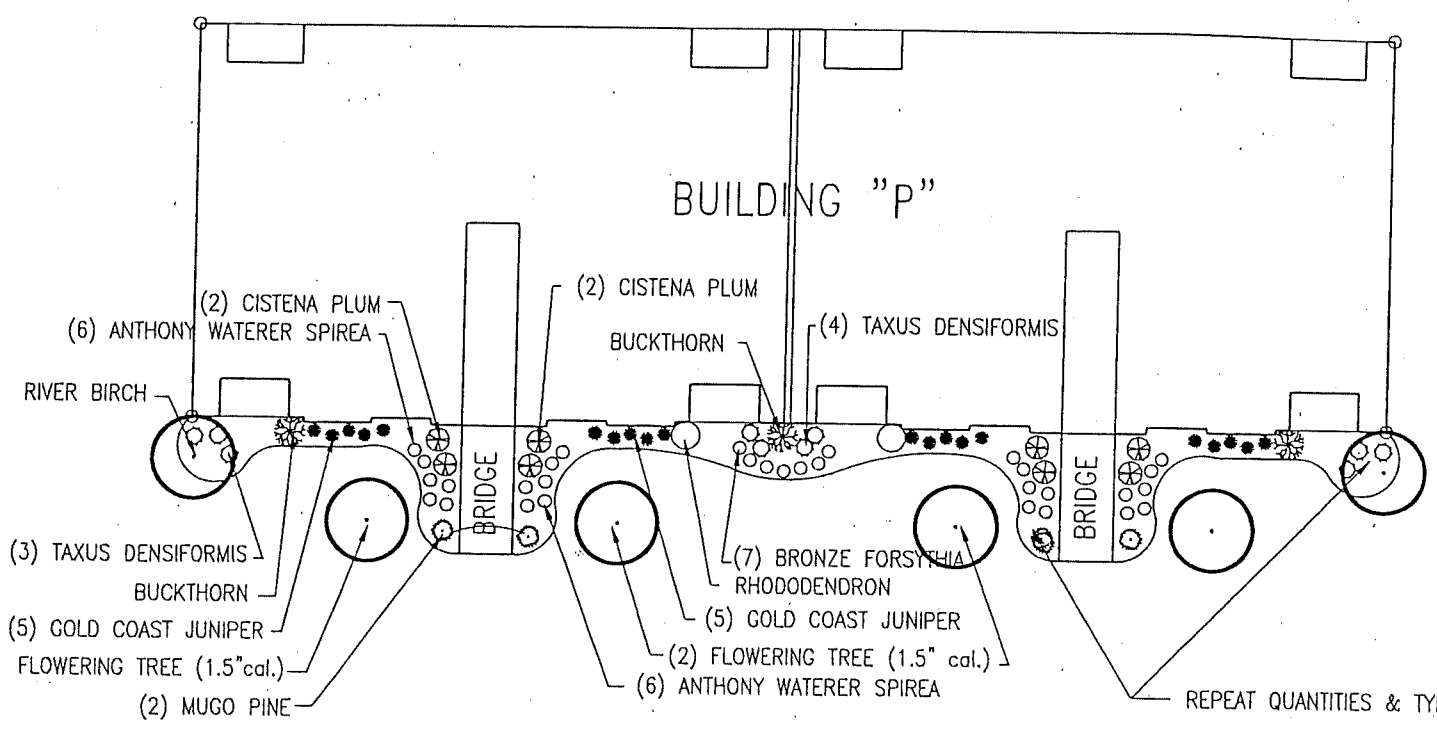
TYPICAL BUFFERYARD "C" PLANTING PLAN

SCALE 1" = 30'-0"

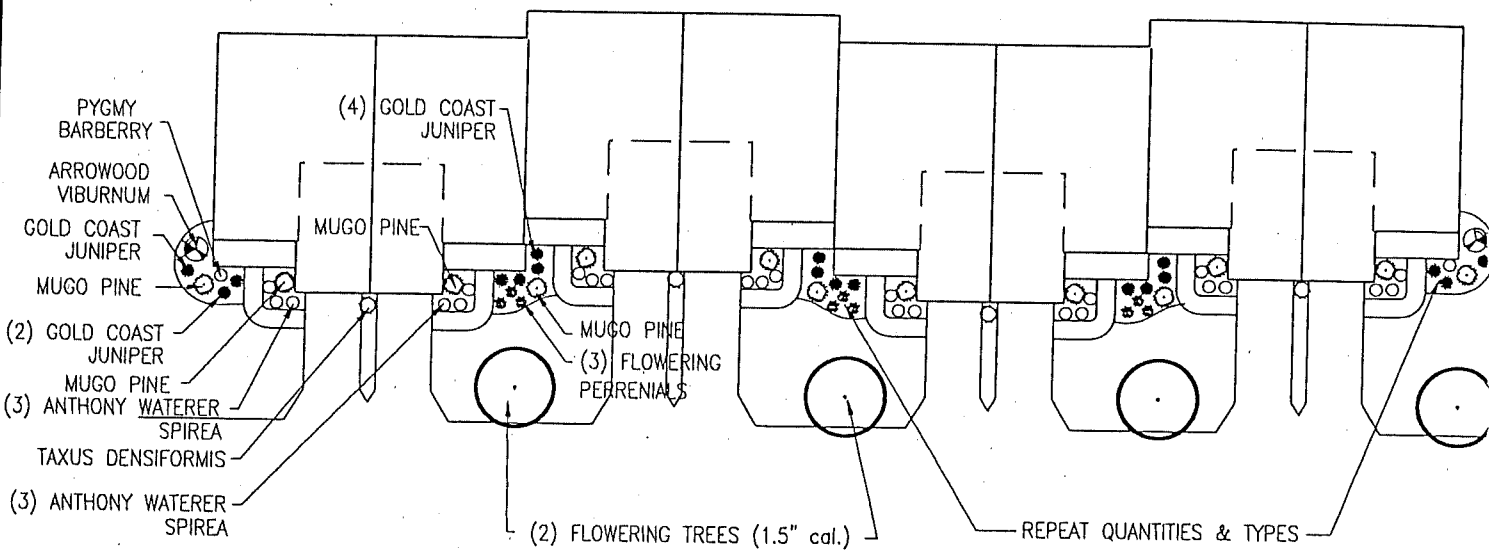
LANDSCAPE
 CONCEPT PLAN
 ENTRY & BUFFERYARD DETAILS



LANDSCAPE
 CONCEPT PLAN
 TYPICAL BUILDING LANDSCAPE PLANS



LANDSCAPE
CONCEPT PLAN
TYPICAL BUILDING LANDSCAPE PLANS



LANDSCAPE

CONCEPT. PLAN

TYPICAL BUILDING LANDSCAPE PLANS

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
February 26, 2003
7 P.M.**

PUBLIC HEARINGS

Commission Members Present: Mr. Barlow, Mr. Bunger, Mr. Caddell, Mr. Hicks - Chairman, Mrs. Kegley, Mr. Knock - Temporary Presiding Officer, Mr. Newman, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Schwenke, Mr. White, Mrs. Wilson - Secretary/Treasurer, and Mr. Zimmer.

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

Legal Counsel Present: Mr. Dale Wilson

Mr. Mark Hicks, Chairman, called the meeting to order at 7:03 P.M. Following an explanation of the Public Hearing process, the Chairman introduced the first item on the Agenda:

1. **Applicant:** The Drees Company (Timberlake, FLP) for Em-A-Non Acres Limited Partnership (owner)

Request: Zoning Map Amendment

The request of The Drees Company (Timberlake, FLP) (applicant) for Em-A-Non Acres Limited Partnership (owner) for a Zoning Map Amendment from Employment Planned Development (EPD) to Urban Residential One (UR-1) for a 38-acre tract 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).

The Chairman asked for the applicant's presentation.

Mr. Glenn Panouschek with the Drees Company introduced Mr. Jim Viox, Ms. Etta Reed with Bayer-Becker Engineers, Mr. Don Davis, Mr. Dennis Davis, and Attorney Tom Nienaber. Mr. Panouschek stated that the Zoning Map Amendment to UR-1 is in conformance with the Comprehensive Plan and the Concept Development Plan meets the Land Use criteria. Using a Power Point presentation, Mr. Panouschek presented the history of the Drees Company. The Drees Company built its first home in 1928. Their first apartment complex was built in 1973 and is still owned and operated by the Drees Company. They do not participate in government subsidized housing or tax abatements. He presented slides of their other developments, including the Crossings of Oakbrook. The Drees Company manages twelve apartment communities (2,550 apartment homes) and 686 of those units are in Boone County. He presented the population and employment growth factors for Boone County from 2202 – 2010. He stated that nine thousand additional housing units need to be built in Boone County to satisfy the population and employment growth. Mr. Panouschek stated that Urban Density residential can have a density up to 30 units per acre. They like the Richwood site because the population is projected to grow 41%, the apartment communities provide a transition from Commercial Business Park to multi-family condominiums, the topography allows for two-and three-story buildings with entries off the first and middle levels, and there is easy access to I-75/71. He stated that a project was brought before the Planning Commission in July 2001 and they have taken the issues raised at that time and improved the project. They have reduced the number of units by 160, reduced the area by seven acres, and reduced the density to ten units per acre. They have reduced the building heights. There will be twelve different floor plans in the twenty-six buildings. Rents will be from \$650 to \$1,200 per month. Mr. Panouschek presented the Concept Plan and reviewed the existing site conditions. He indicated the locations of the two-story buildings which are visible from Grand National Boulevard. Some of the two-story buildings have screened porches. He presented a picture of the proposed eight-unit buildings, which have direct access garages and brick or stone fronts. He indicated the locations of the three-story buildings which are visible from I-75/71. Four of the three-story buildings will be accessed on ground level. He noted a fourteen-foot berm and trees to shield the three-story buildings from the interstate. He presented a picture of a three-story building with access at the middle level and a bridge going across to the second floor. He stated that there are twelve brick veneer detached garage buildings with five garages in each. They do not use individual dumpsters and there is a trash compacting station provided. He showed an example of a trash compacting station and noted the landscaping. There is a community building with a pool, playground, and volleyball court. They envision a 6,000 square foot one-level community building. There will be an on-site manager. There will also be a 16-seat theater for the residents to view DVDs free. Mr. Panouschek presented slides of the site and noted that there are not many trees on the site. He stated that they will plant hundreds of ornamental, deciduous, and evergreen trees. He indicated the locations of Buffer Yard C and Buffer Yard A. He stated that parking will be provided at one space for a one-bedroom unit and two spaces for the two- and

three-bedroom units for a total of approximately 700 parking spaces. He has discussed the project with Gerald Turner at the School District. They project 39 students at build-out (380 homes) -- that figure comes from GIS data. The previous proposal was for 540 units and projected 36 students. He stated that Mr. Turner told him that the growth has been provided for in the School District's plans. The School District did not provide a written response. Mr. Panouschek reviewed the projected numbers of completed units by year (see Exhibit 7-2 attached to the Staff Report). He stated that the result of the Traffic Study is that the existing zoning would generate three times more traffic than the requested zoning. They predict 1,260 trips per day in the UR-1 zone. He stated that the request is in conformance with the Comprehensive Plan. The Future Land Use Map shows the area as suburban density residential. The Concept Plan is ten units per acre, compared to a possible thirty units per acre and the development provides a transition area. They have tried to make the development visually attractive with residential style two-story buildings up front and the larger buildings behind them. They will retain 65% open space. This completed the applicant's presentation.

The Chairman asked if there was anyone present who wished to speak in favor of the request. There being no response, he asked if there was anyone present who wished to speak in opposition.

Mr. Harry Lawrence, 409 Wexford Drive, Steeplechase, stated that he was also opposed to the previous proposal. He moved to Steeplechase to get away from this type of development. He is concerned about the appearance of the development and the traffic. The development will add 1,000 vehicles per day and they will be leaving at the same time each day as the residents of Steeplechase -- but if it were a business development, the traffic flow would be going in the opposite direction and would not have as great an impact. He would also be concerned in bad weather with coming down the slick drive and there being a lot of cars there.

Mr. Jason Lett, 450 Foxhunt, speaking for the Steeplechase Board of Directors, stated that they are concerned about the common areas along Grand National Boulevard and the maintenance of those areas, which are currently maintained by the residents of Steeplechase. He asked that this be considered in the conditions.

Mr. Eric Schafhauser, 567 Winchester Drive, Steeplechase, is concerned about the traffic. He stated that there are four subdivisions within one-quarter mile of the I-71/75 interchange, as well as two gas stations, two truck stops, and more gas stations on the other side of the interchange. The Little Red Schoolhouse generates tremendous traffic at rush hour, lunchtime, and pick-up time in the evening. The Steeplechase Homeowners' Association currently maintains (finance and insurance) the common areas proposed for the entrance of this development. The proposed development of 360 units is as large as the entire

subdivision of Steeplechase and would add more than one-third of the traffic currently projected along the road.

Mr. Stephen Brown, 572 Winchester Drive, a real estate agent and homeowner, is concerned about what this development will do to property values. The first thing people will see when driving there is a large apartment complex, which people do not tend to appreciate. He is Vice President of the Steeplechase Homeowners' Association and they do not feel that there will be any value added to Steeplechase or the surrounding communities by a large apartment complex. He agreed with the comments made by the other speakers.

Mr. Miguel de los Reyes, 11333 Coventry Court, Steeplechase, stated that he is concerned about the traffic and property values. He does not want his property value to decline. He uses the retail stores in the area at lunchtime and the traffic is beginning to be a major problem. He agreed with the other speakers.

Mr. Paul Gray, 442 Foxhunt, Steeplechase, agreed with the other speakers. He stated that this development would not be value added and is not a good idea.

Ms. Stephanie Crane, 413 Wexford, Steeplechase, stated that their developer (Erpenbeck) is gone and the residents had to take over the Homeowners' Association. They do not have the money to expand the road and put the light up. She stated that KY 338 between Grand National Boulevard and the interstate received a "D" rating last year. If another traffic study has to be done, it should be done by the county and should consider the morning and evening traffic. She is concerned about the number of buildings proposed and the heights. The buildings should not be more than two stories so that they do not have to look at them from their back windows. The buildings should be moved back further out of the view of Grand National Boulevard. She stated that other Boone County apartment communities are not full – so why do we need more apartments? She stated that if the developer is only purchasing 38 of the 45 acres, the remaining acreage will be sold to someone else and something will be built there. She stated that there will be a lot of concrete with 700 parking spaces. She would prefer a doctors' office complex there so that there would not be as much traffic and they would be closed on holidays and weekends.

Mr. Joe Florence, 11964 Chicksworth, stated that he is living in a Drees apartment while building in Steeplechase. He stated that the idea that a 380-unit upscale apartment complex will only generate 39 students is ludicrous. Most people who move to Boone County want to live in a district that is served by Gray Middle School and Ryle High School and he believes there will be more than 39 children in this development. He agreed with the other speakers. He stated that with 760 more vehicles, the traffic will be that much worse. He works for the Sheriff's Department and knows that there are problems with traffic and accidents -- there are three truck stops there and it is a big problem. He stated that this development should not be in the middle of a residential area.

Mr. Mark Tranbarger, 11300 Coventry Court, agreed with the other speakers.

Dr. John Hochstrasser, P.E., 11317 Longdenway, Triple Crown, asked if Environmental Impact Statements have been done. He stated that it would be tragic to have the ground water drain into Steeplechase. He stated that anyone who has tried to get out of Triple Crown or Steeplechase early in the morning or at lunchtime knows that Richwood Road is inadequate for this type of development. He does not see a commitment for an improvement to Richwood Road in time to help the traffic flow from this development. He asked if the traffic study took into consideration the flow of traffic from future development along Richwood Road. He believes the figure of 39 additional students is incorrect. He asked if anyone has looked at the crime rate in Drees communities and whether the crime has spread to the surrounding communities.

Ms. Mary Jordan, 333 Maiden Court, Steeplechase, stated that the traffic problem is not just Grand National Boulevard, it is also Richwood Road. She has sat at the intersection before the expressway and counted fifteen tractor trailers coming out of the side road up from McDonald's. It takes twenty minutes to get through that intersection at lunchtime and at dinnertime. She agreed with the other speakers.

Ms. Linda Ekberg, 419 Foxhunt Drive, Steeplechase, agreed with the others.

Mr. Mike Vogt, 377 Foxhunt Drive, Steeplechase, stated that a great deal of development remains to be done in Steeplechase, but it is at a standstill. This project will delay development in Steeplechase and drive down the value of their homes further by encouraging the building of homes of lesser value. He asked that the request be denied.

Mr. Sam Walker, 532 Winchester Drive, Steeplechase, stated that their home is their retirement home and he does not want it to decrease in value. He moved there because it is a little bit of country. He stated that they could build a big apartment complex behind McDonald's between Frogtown Road and Richwood Road, but this location puts stress on Steeplechase.

Ms. Jeanette Wagner, 308 Wexford Drive, stated that the last time someone wanted to put apartments in this location, her real estate agent indicated that it would decrease the property values of the entire area and there would be a traffic bottleneck. She stated that she was in an accident on Richwood Road coming out of Steeplechase. She questioned how accidents would be avoided at that corner, which is extremely congested. She recommended that a business complex go on the site with hours of 8AM to 5PM Monday thru Friday.

Mr. Wayne Hampton, 11337 Coventry Court, Steeplechase, stated there is common ground going into the development and Steeplechase has an easement on both sides of the entrance. He questioned how that would be addressed.

Ms. Carla Armstrong, 417 Foxhunt Drive, Steeplechase, stated that they are a community in stress and asked the Planning Commission to be sensitive to a community that is having a lot of problems.

Mr. Rich Hoekenberry, 315 Maiden Court, Steeplechase, stated that he moved here from Northern Virginia and the traffic there is gridlocked. He asked that roads and access be addressed, as well as crime in the area.

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

Mrs. Wilson questioned participation in the light and the three lanes that would go in there. Mr. Wall responded that at this time, the commitment for the three-lane section is from the original developer of Steeplechase (and his successor). There are commitments from the developer of Steeplechase (and his successor) and the developer of Triple Crown for the signalization. Counselor Wilson advised that the condition that was imposed on Steeplechase runs with the land and a successor would be bound by the conditions. He does not know that there is a successor to the original developer of Steeplechase at this time. Mr. Knock asked if the Drees Company is negotiating to buy Steeplechase. Mr. Panouschek responded that he does not know. Mr. Costello stated that Staff will investigate the status of a sale of Steeplechase and provide the information to the Committee.

Mr. Knock asked if the traffic lanes would be put in by Drees if this request is approved. Mr. Panouschek responded that they have not had discussions regarding the lanes on Richwood Road, but know that they may have to participate. The improvement was committed by a separate developer who is bankrupt. Mr. Poe stated that three lanes is not sufficient now. He stated that Richwood Road has to be considered in relation to the entire buildout of Grand National Boulevard, not just this subdivision.

Mrs. Kegley asked Staff to provided the Committee with information on the size, height, and length of the condominiums currently in Steeplechase which are adjacent to the proposed apartments.

Mr. Zimmer asked if the level has been reached that triggers the commitments made by Steeplechase and Triple Crown. Ms. Kim Élan, traffic engineer/consultant with Bayer-Becker, stated that there is a national standard to check signalization warrants. When Level of Service C is reached, the warrants need to be checked. She stated that the analysis of existing traffic did not warrant signalization at this time. Mr. Zimmer asked if Level of Service drops below "C" at any time during the day. Mr. Elan responded that they counted the intersection a 7 AM – 9 AM and 4 PM – 6 PM and used peak hour volume counted during those times. Mr. Costello asked if their analysis included full buildout of the

remaining portion of Steeplechase. Ms. Elan responded that the Future Analysis looked at those numbers. She stated that for existing traffic, the southbound movement out of Triple Crown experiences Level of Service D in the AM and Level of Service C in the PM. Mr. Zimmer responded that Condition #7 of the Steeplechase zone change requires the developer to participate in signalization when the Level of Service drops below "C". Mr. Wall read the letter from William F. Madden of the Transportation Cabinet, dated February 17, 2003, addressed to Kevin Wall (copy attached to the Staff Report). Mr. Zimmer asked if for the previous application for this parcel a traffic study was done in-house that was more comprehensive than just KY 338/Grand National Boulevard/Triple Crown. He believes the study included both entrances and exits from the interstate up to U.S. 25. Mr. Wall responded that the study was done from the Triple Crown/Grand National Boulevard intersection to the interchange, but not all the way to U.S. 25. It was done by Jerry Mills at Woolpert and did not have any basic disagreements with the Bayer-Becker study.

Mr. Zimmer asked if the Planning Commission is at the mercy of the state in regard to state roads in the county. Mr. Costello responded that there are state requirements according to state law but, if there are local conditions that warrant something to be reviewed or in place, the state has in the past deferred to the local unit of government to allow an improvement to occur. He stated that if the road is widened to five lanes, there would have to be interchange improvements and ramp improvements. Mr. Zimmer questioned how the signalization at KY 237/I-75 occurred. He stated that coming out of Triple Crown is a nightmare and turning into Steeplechase in the PM is as bad. Mr. Costello stated that the legislative unit has to request a signal study and that could be done. Mr. Zimmer suggested that be done.

Mr. Zimmer stated that there were comments that Steeplechase is maintaining the entrance on Grand National Boulevard all the way to KY 338 and comments about the Maintenance Agreement of the Steeplechase Homeowners' Association regarding Grand National Boulevard. He questioned how the applicant anticipates interfacing this development with that agreement. Mr. Panouschek responded that this is the first he has heard of it and it would be difficult for him to comment at this time. He will be prepared to resolve the issue at the Zone Change Committee meeting.

Mr. Zimmer stated that he did not see a retention pond in the applicant's presentation – it shows the retention pond to be a creek. Mr. Wall responded that he did not understand it to be a wet basin – it is just a high water mark on the detention. Mr. Jim Viox stated that the area where the detention would occur is within the basin of the blue line stream. He stated that Grand National Boulevard creates a fill across the valley and they will detain the difference between the runoff that is generated naturally and what they generate. There would be a pipe to hold water back and allow it to pass after the storm. It has not yet been designed in detail. Mr. Zimmer stated that he misunderstood it to be a lake. He

asked if the applicant is prepared to address Greg Sketch's concerns about the integrity of the embankment. Mr. Viox responded "yes".

Mr. Zimmer questioned how 380 units is about equal to the Steeplechase population and how it equals one-third of the traffic. Mr. Wall responded that the quote from the Traffic Study that is mentioned in the Staff Report is that the proposed UR-1 Zone would generate approximately one-third of the traffic that would be created under the current Employment Planned Development Zone. Staff is not disputing the basic premise, but would like to see the data from which it was derived. He stated that detached single-family generates more traffic per unit than multi-family – there is about two-thirds the traffic per unit from a multi-family unit than from a single-family unit.

Mr. Zimmer asked the applicant to provide the Committee with a picture of the view shed of the buildings from the adjoining property and of the two three-story buildings immediately adjacent to the interstate. He is concerned about the scale of those buildings. Mr. Panouschek will provide the information to the Committee.

Mr. Caddell stated that the approval for Steeplechase is 311 single-family homes and 373 multi-family units, and there are 154 permitted dwelling units to date. He questioned the mix of unfinished single- and multi-family units. Mr. Wall responded that the condition relative to the three-lane improvement is irrespective of the type of units. The 154 permitted units are 106 single-family dwellings and 48 condominiums.

Mr. Poe asked the Committee to consider that the three-story buildings are massive and look to be vinyl sided, while other apartment buildings have been required to be brick. He asked Staff to bring to Committee the make-up of apartment buildings in Boone County. He also requested information from Staff regarding the ratio of condominium/apartment buildings in Boone County. He noted that there was a comment that there are apartments sitting empty and he would like to see the ratios.

Mr. Newman stated that the applicant indicated that prior to this request, all of the dwellings were three-story buildings. Mr. Wall responded that in the original application they were all three-story buildings and that was changed working through the Committee process to some townhouse style structures. They were at 540 units, which was reduced to 500 units, 26 of which were townhouse style structures.

Mr. Newman asked if the traffic study took into consideration AM/PM comparing the current zoning to the requested zoning. Ms. Elan responded that they did not look at that comparison, but they can do that and she will provide the information to the Committee. Mr. Newman asked that the comparison include AM, midday, and PM data.

Mr. Bunger questioned the sound levels since the proposed development is close to I-75. He questioned the size of the berm and its impact in decreasing sound levels from I-75. He asked if the turn lanes on Richwood Road can be built separate from the signalization. Mr. Costello responded "yes". Mr. Bunger stated that the turn lanes should be built and questioned when they must be built. Counselor Wilson responded that under Condition #3 of the Steeplechase Zone Change approval, they are not mandated until there are 217 dwelling units. Mr. Wall agreed. Mr. Costello stated that at the time, it was assumed there would be no other residential development in the subdivision, but this is additional residential development. Counselor Wilson questioned a timeline when 217 units will be built. Mr. Wall responded that only 6 – 10 units were built this year.

Mr. Schwenke questioned if there are many units in Boone County the size of the proposed three-story buildings. Mr. Wall responded that he will check other developments and provide the information to the Committee. They looked to be the same buildings as in Sanctuary Place. Mr. Panouschek said they were the same. Mr. Schwenke stated that there are minimum standards for fire protection and questioned sprinkler systems and firebrick for these buildings.

Chairman Hicks asked Staff to verify the number of school children from this development. Mr. Wall will discuss this with the School District.

Mr. Newman asked if it is permissible to retain/detain water on a blue line stream. Mr. Wall responded that is up to the Division of Water. He asked the Division of Water to comment on this proposal, but did not receive a response. He will follow-up with them. Mr. Viox stated that he is sure it will be permitted because there is already a barrier for fill created by the road. If it is not permitted, they will create a detention facility on the flat land below the community building

Mr. Knock asked if the right-of-way has been acquired for turn lanes off Steeplechase or KY 338. He stated that turn lanes on KY 338 would have to be on the south side because of the creek and drop off on the north side. Mr. Viox responded that there is adequate right-of-way for the turning lanes on Grand National Boulevard to make a left turn into this development. He does not know if additional right-of-way has been acquired for KY 338, but he will contact the Highway Department and report to the Committee.

Chairman Hicks stated that there was a question regarding an Environmental Impact Study. Mr. Viox responded that they have not done one. Chairman Hicks stated that one is not required.

Mr. Reynolds questioned adequate water flows. Mr. Viox responded that flow on Grand National Boulevard is more than adequate to support this development. There is a 12" water main there.

The Chairman recognized Ms. Jeanette Wagner for additional comments. Ms. Wagner stated that when she lived in Pleasant Valley, she asked when the road would be widened and also asked about the road off KY 237 before the airport road exit. She was told no work would start on Pleasant Valley Road for five years – so how can people expect these road improvements when there are not even plans in place for them? Mr. Costello responded that when a developer pays for a road improvement, it happens quickly. This is not a state funded project.

Mr. Wall referred to his early comments regarding the projected traffic from this development being one-third of the total traffic from the Grand National area. He stated that considering the difference in traffic generation by type of unit, it would be about one-third.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on March 19, 2003 at 4:00 PM in the Fiscal Courtroom on the second floor of this building. No additional testimony will be taken at that time. This item will be on the Agenda for the Business Meeting on April 2, 2003 at 7:30 PM.

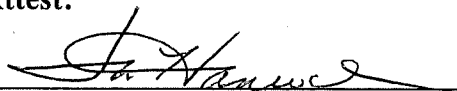
The Chairman closed this Public Hearing.

APPROVED:



Mark Hicks, Chairman

Attest:



Jan Hancock, Recording Secretary

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
BUSINESS MEETING
April 16, 2003
7:30 P.M.**

Mr. Mark Hicks, Chairman, called the meeting to order at 7:34 PM.

COMMISSION MEMBERS PRESENT:

Mr. Randy Barlow
Mr. Kim Bunger
Mr. Arnold Caddell
Mr. Mark Hicks, Chairman
Mrs. Janet Kegley
Mr. Don McMillian
Mr. Robert Newman
Mr. Randy Poe
Mrs. Susan Poston, Vice Chairwoman
Mr. Charlie Reynolds
Mrs. Lisa Wilson, Secretary/Treasurer

COMMISSION MEMBERS NOT PRESENT:

Mr. Richard Knock, Temporary Presiding Officer
Mr. Bob Schwenke
Mr. Earl White

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Patty Bachman, Planner
Ms. Jan Hancock, Secretary
Mr. Kevin Wall, AICP, CDT – Director, Zoning Services

Report was 3 – 2. Mr. Reynolds stated that there was a lot of discussion in Committee about the Variances and questioned if the application goes back to Committee will the Variances come up again or would that require another application. Counselor Wilson advised that the Variances were part of the Zone Change application and, if it goes back to Committee, it goes back as a package including the Variances.

Mr. Costello stated that the applicant would have to waive the 90-day time limitation. Mr. Dusing agreed and stated that he will submit written confirmation that they waive the time limitation.

There being no further discussion, Mr. McMillian moved to defer the request to the May 21, 2003 Business Meeting at 7:30 PM and to send the application back to the Committee, which will meet on May 7, 2003 at 4 PM in the Fiscal Courtroom. Mrs. Kegley seconded the motion. A vote on the motion found Mr. Bunger, Chairman Hicks, Mrs. Kegley, Mr. Poe, Mrs. Poston, Mr. Reynolds, and Mrs. Wilson in favor. Mr. Barlow, Mr. Caddell, and Mr. McMillian were opposed. Mr. Newman abstained since he entered the meeting late. The motion carried.

2. Zoning Map Amendment

The request of The Drees Company (Timberlake, FLP) (applicant) for Em-A-Non Acres Limited Partnership (owner) for a Zoning Map Amendment from Employment Planned Development (EPD) to Urban Residential One (UR-1) for a 38-acre tract 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 Committee Report which recommended approval of the request based on the findings of fact but subject to conditions (see Committee Report). The property owner has signed the letter agreeing to the conditions.

Mr. Caddell moved by resolution to Boone County Fiscal Court that the request be approved based on the findings of fact and the conditions in the Committee Report. Mr. Reynolds seconded the motion.

Mrs. Kegley questioned Condition #4 which would not allow the developer to construct more than 65 units to be occupied unless they built the roadway, and stated that another option is that the developer stop building apartments. Mr. Wall agreed that would be an option. He stated that if the developer does not want to pay for the roadway improvements, they will be at 64 occupied units until the improvements are done. If they stop at 64 units, they are not on the hook.

Mr. McMillian questioned Condition #5 and the meaning of “good faith effort”. Mr. Wall responded that if the HOA does not present a proposal or have any interaction with the applicant, they do not want to be tied to an agreement that may

not happen. The Committee did not have any control over the third party. Mrs. Kegley stated that the Committee understood that The Drees Company made an offer to the HOA to take care of some things on the front and sides, but the HOA wanted more things included, such as the lake -- but Drees did not feel that their people would use the lake. The Committee did not want to make it that Drees would have no negotiating power -- the Committee wanted to encourage negotiations that were fair and equitable to both sides.

Mr. Glenn Panouschek with The Drees Company, 1268 Thistleridge Drive, agreed with Mrs. Kegley. He stated that the development is for sale. The buyer with the current number of votes per lot will exceed the number of votes the existing residents will have. They do not know who the buyer will be and they may not want to negotiate with Drees and will tell them to do everything. Mr. McMillian asked if the two developments will become one HOA. Mr. Bungler, a member of the Committee, stated that there was a concern and discussion by the current homeowners in Steeplechase. There was interest on the part of both parties to reach agreement on the cost of maintaining a common drive to both communities and that it be done properly and fairly, but they have not reached agreement.

Mr. Rick Jordan, speaking for the Homeowners Association in Steeplechase, stated that they are the authorized Homeowners Association registered with the state of Kentucky. He stated that going up Grand National Boulevard, there are common areas and throughout the subdivision the common areas would be used. He stated that they talked but did not come up with any numbers. No proposal was made by either company and they were waiting to see how this application ended up.

Mr. McMillian asked if the two subdivisions will be one and they will combine into one HOA. Counselor Wilson advised that the Steeplechase HOA has some common areas and the residents of the Drees development may use some of those common areas. Steeplechase wants the Drees Company to contribute to the maintenance of the common areas. There has not been agreement that the Drees residents will use the common areas. What common areas might be used by the residents of both developments would be the subject of a future agreement. There was some question about whether the Drees residents would come down to the lake and The Drees Company felt that they would not.

Mr. Costello stated that when Erpenbeck came through with the original Concept Plan for Steeplechase, he did not include the subject site in the HOA. At Triple Crown, they included all of the sections as part of the HOA. Mr. Erpenbeck did not set up with the Em-A-Non owner that as each property developed it would be part of the overall master HOA. Chairman Hicks stated that the Planning Commission cannot force them to be part of the HOA and the intent was to get them to work together. Mr. Costello stated that Drees is trying to create their own community with their own amenities and there may be some overlap.

Mr. Mike Schoettelkotte with the Drees Company stated that the property they are buying was never a part of the HOA. Drees indicated to the HOA that they have some common interest in the approach and going back Grand National Boulevard

because it is also the entrance to their community. There is a willingness to participate in the maintenance of common areas beneficial to the marketing of their community – such as grass mowing at the entrance and along Grand National Boulevard – but it was not their intention to be a member of the HOA. Within their community will be a clubhouse, a pool, and other facilities for their residents. He stated that the Committee accepted their good faith indication that they have an interest in seeing that certain things are properly maintained and they are willing to work with the HOA to that extent. Mr. McMillian questioned what happens if they do not reach agreement. Mr. Schoettelkotte stated that Drees will contribute a certain amount of money and is willing to sit down and discuss their fair share of those elements.

Mr. Costello stated that in the future, more land will be developed and Em-A-Non, Drees and the HOA may want to get together about this because there will be the same problems as each parcel develops. Mr. Schoettelkotte agreed, but noted that it was not in the original HOA agreement.

Mr. Poe is concerned about the traffic. He stated that the overall traffic was not adequately addressed. He stated that it was brought up at the Public Hearing that the Committee should review the number of attached versus detached houses in that corridor, along I-75, and in the Florence/Union area. The Committee was also to address not only the design of the building but the makeup and materials of the buildings, and that is not addressed in the conditions. Mr. Wall responded that information regarding multi-family versus single-family built today versus total build-out was distributed to the Committee, but he does not recall active discussion. He stated that the building materials have to be those shown in the exhibits and examples. Mrs. Kegley stated that the buildings exist and they can look at them. There is brick and stone on the existing buildings. There are existing examples and it is not difficult to see them. Mr. Poe questioned the materials. Mrs. Kegley responded that there is some vinyl, but the front is brick and stone. Mr. Poe stated that Sanctuary Place is all vinyl in the back. Mr. Wall agreed. Mr. Poe stated that the Sanctuary Place trash compactor is all vinyl. Mr. Poe questioned the sides of the buildings. Mrs. Kegley stated that the sides of the buildings are vinyl and from the exhibit the Committee was shown there is a small amount of brick on the ends of each building. The Committee compared it to the condominiums in Steeplechase and felt it was more brick and stone. The condominiums are totally vinyl in the back. The Committee felt the buildings were more attractive than some of the condominiums that are there. Mr. Poe stated that the homeowners were concerned that the apartment buildings match their neighborhood and the value of their neighborhood. He asked if the materials of the apartment buildings match the materials and quality of the housing units, not the less expensive apartments next to them. Mrs. Kegley stated that the condominiums the Committee compared them to are owned units, not apartments, in Steeplechase.

Mr. Glenn Panouschek stated that The Drees Company has built 20+ units in Steeplechase and they are vinyl/brick wrap. Mr. Poe asked if the material is of the same quality that is required in Drees homes. Mr. Panouschek responded that it is brick face and vinyl wrap. He stated that they build from \$160,000 and the

materials depend on the price level. He does not know the requirements in Steeplechase. Mr. Poe stated that they are not using the same material and quality on the side and front as the other homes in the area.

Mrs. Kegley stated that the traffic expert was at the Committee Meeting and they went through the traffic numbers in more depth than at the Public Hearing. When comparing it to the commercial zone, one of the questions was if all of the traffic is going the same direction instead of in opposite directions. They analyzed that issue and found that even though the traffic was going in the same direction, comparing it to commercial in a commercial park, the number of cars is so much less that it had no effect. The traffic expert is present and could explain the traffic.

Mr. Poe stated that he drove out there yesterday and sat in traffic from 11:50 AM to 12:15 PM to get from the corner of Steeplechase to the interchange because of the light and the truckstop. He stated that the issue is not just traffic generated, but the existing traffic and the problems created by the restaurants and the two-lanes. Mrs. Kegley stated that the traffic expert addressed the intersection and stated that it was not functioning well now. The numbers being added will not make it function any better or any worse because the traffic is caused by turns off the intersection which hold up the traffic and it will stay that way irregardless of what happens there. Mr. Costello stated that the signals need to be coordinated and synchronized, and in the future there will probably have to be an expansion of the lanes under I-75 and the ramps.

Mr. Newman stated that the traffic expert was paid by Drees and is saying that there is no difference in the traffic, which he questions. He stated that there is a usage difference between commercial and residential. He questioned proportionate share of the improvements – what if there are two or three developers and one cannot or will not come up with the money – they would then be limited to \$13,600 and there will be no signalization.

Mr. Caddell stated that in the early approval of Steeplechase there was reasonable provision of at least \$13,600 – it was a condition of approval and whoever owns it will have to pay that amount of money if it is required for signalization. The amount shown (Condition #7) is equal to what was required in the earlier development.

Counselor Wilson advised that if a qualified expert has submitted information, the Commissioners cannot choose not to believe it because someone is paying a fee for it – there has to be a reason on the merits as to why a Commissioner does not accept that information.

There being no further discussion, the Chairman asked for a vote on the motion made by Mr. Caddell which found Mr. Barlow, Mr. Bunger, Mr. Caddell, Chairman Hicks, Mrs. Kegley, Mr. Newman, Mrs. Poston, and Mr. Reynolds in favor. Mr. McMillian, Mr. Poe, and Mrs. Wilson were opposed. The motion carried by a vote of 8 to 3. Chairman Hicks stated that the Planning Commission's action is a recommendation to Boone County Fiscal Court.

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Arnold Caddell, Committee Chairman

DATE: April 16, 2003

RE: Request of The Drees Company (Timberlake, FLP) (applicant) for Em-A-Non Acres Limited Partnership (owners) for a Zoning Map Amendment from Employment Planned Development (EPD) to Urban Residential One (UR-1) for a 38 acre tract 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 site by and large 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 includes a total of 380 apartment units, which equates to an overall density of 10 dwelling units per acre. This density is less than, yet 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.

April 16, 2003

**Drees Company/Em-A-Non Acres Limited Partnership
Richwood Road/Grand National Blvd.**

- 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 shown in the application materials and agreed by the property owner in the 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 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.

April 16, 2003

**Drees Company/Em-A-Non Acres Limited Partnership
Richwood Road/Grand National Blvd.**

2. The Committee has reviewed the Traffic Impact Study presented at the Public Hearing, and the addendum to this study which was provided in response to questions raised at the Public Hearing. Based on this review, the Committee has concluded that the commitments made by the property owner in the agreed conditions below regarding the upgrade of Richwood Road and participation in the signalization of the KY 338/Triple Crown Boulevard/Grand National Boulevard intersection will adequately mitigate the impacts that would be created by this development. The Committee has also concluded that the development will not have undue impacts on other public infrastructure including water and sanitary sewer systems, and schools.
3. 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 owner has signed a letter demonstrating agreement with these conditions.

CONDITIONS

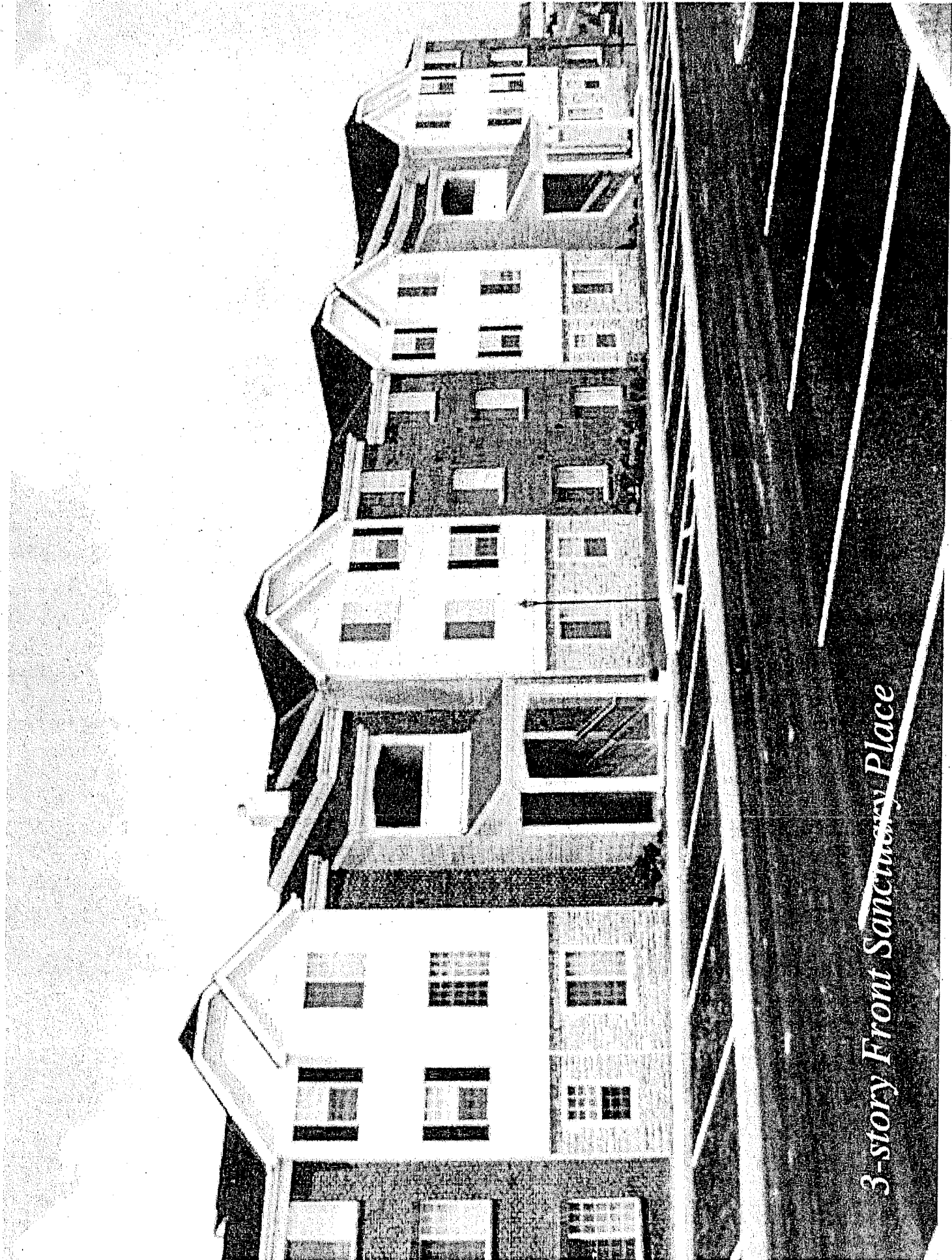
1. The architectural design for the three story buildings will use the same design as the Sanctuary Place development on North Bend Road (exhibits attached) and the architectural design for the two story buildings shall use the design shown on the attached exhibit labeled as "2-story Front Twin Fountains."
2. An exclusive left turn lane into the development shall be constructed on Grand National Boulevard in accordance with the County Engineer's requirements.
3. A secured emergency access shall be provided between the parking area and driveway shown on the Concept Development in the northwest corner of the site and Grand National Boulevard.
4. The developer for this 380 unit apartment development shall construct the KY 338 roadway improvements and Triple Crown Boulevard/Grand National Boulevard/KY 338 intersection improvements outlined in condition #3 of the EM-A-NON/Erpenbeck Company Zone Change Committee Report dated 3/19/97 for the Steeplechase Subdivision development by the time that there are sixty five (65) occupied dwellings in the 380 unit apartment development, if such improvements have not already been constructed by the Steeplechase Subdivision developer.

April 16, 2003

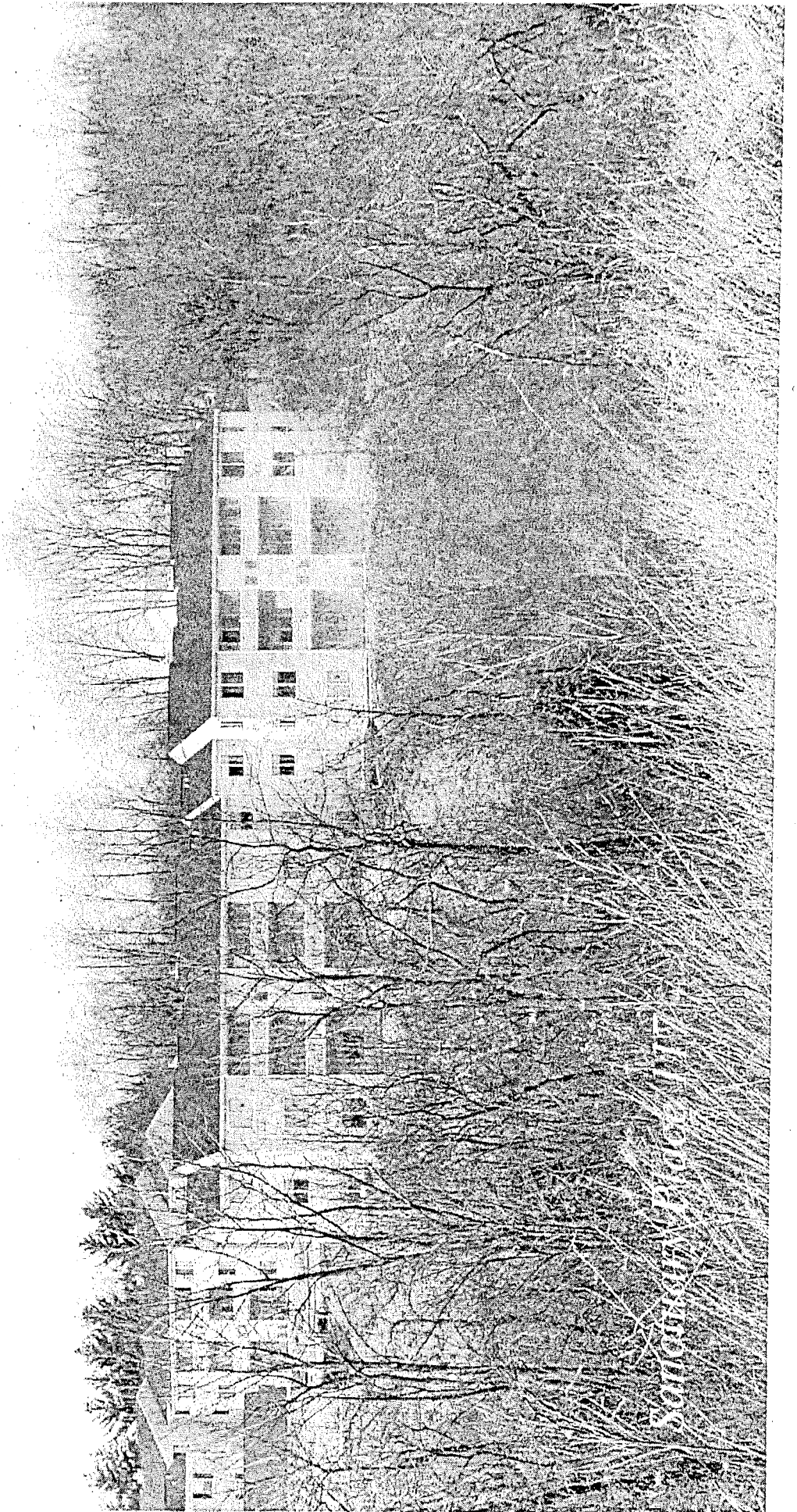
**Drees Company/Em-A-Non Acres Limited Partnership
Richwood Road/Grand National Blvd.**

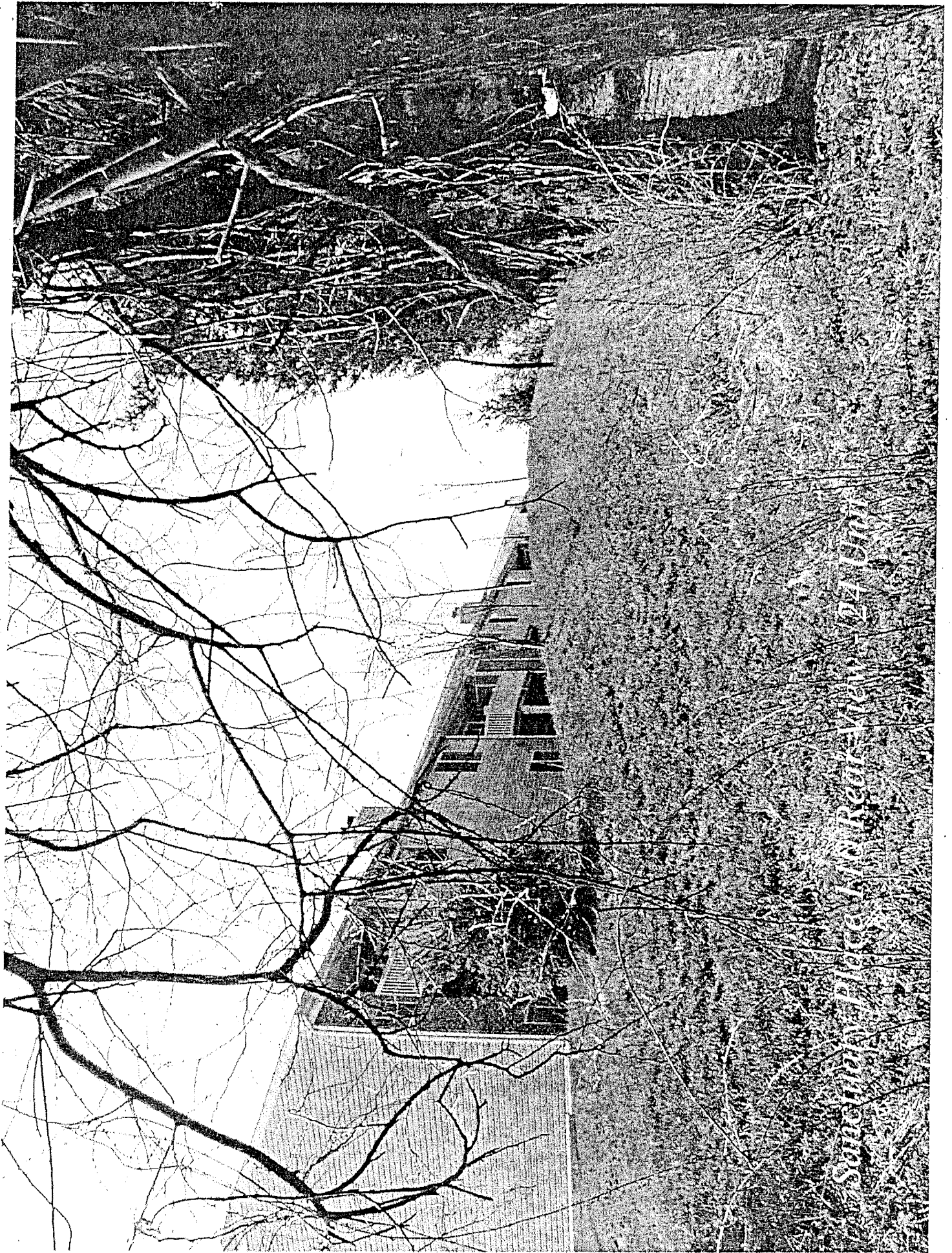
5. The developer shall make a good faith effort to negotiate an agreement with the Steeplechase Subdivision Homeowners Association to pay a share of the maintenance expenses for the Steeplechase Subdivision common areas.
6. Landscaping from Buffer Yard C as outlined in Article 37 of the Zoning Regulations shall be provided in the site areas along the I-75 frontage where there is no existing tree cover in the adjoining right-of-way. Landscaping from Section 3720 "Street Frontage Landscaping" in Article 37 of the Zoning Regulations shall be provided in the site areas along the I-75 frontage where there is existing tree cover in the adjoining right-of-way.
7. The applicant shall be responsible for a proportionate share of the costs involved in signaling the four way KY 338/Triple Crown Boulevard/Grand National 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 toward 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. Attached is the signature page for the Zone Change Committee Vote.



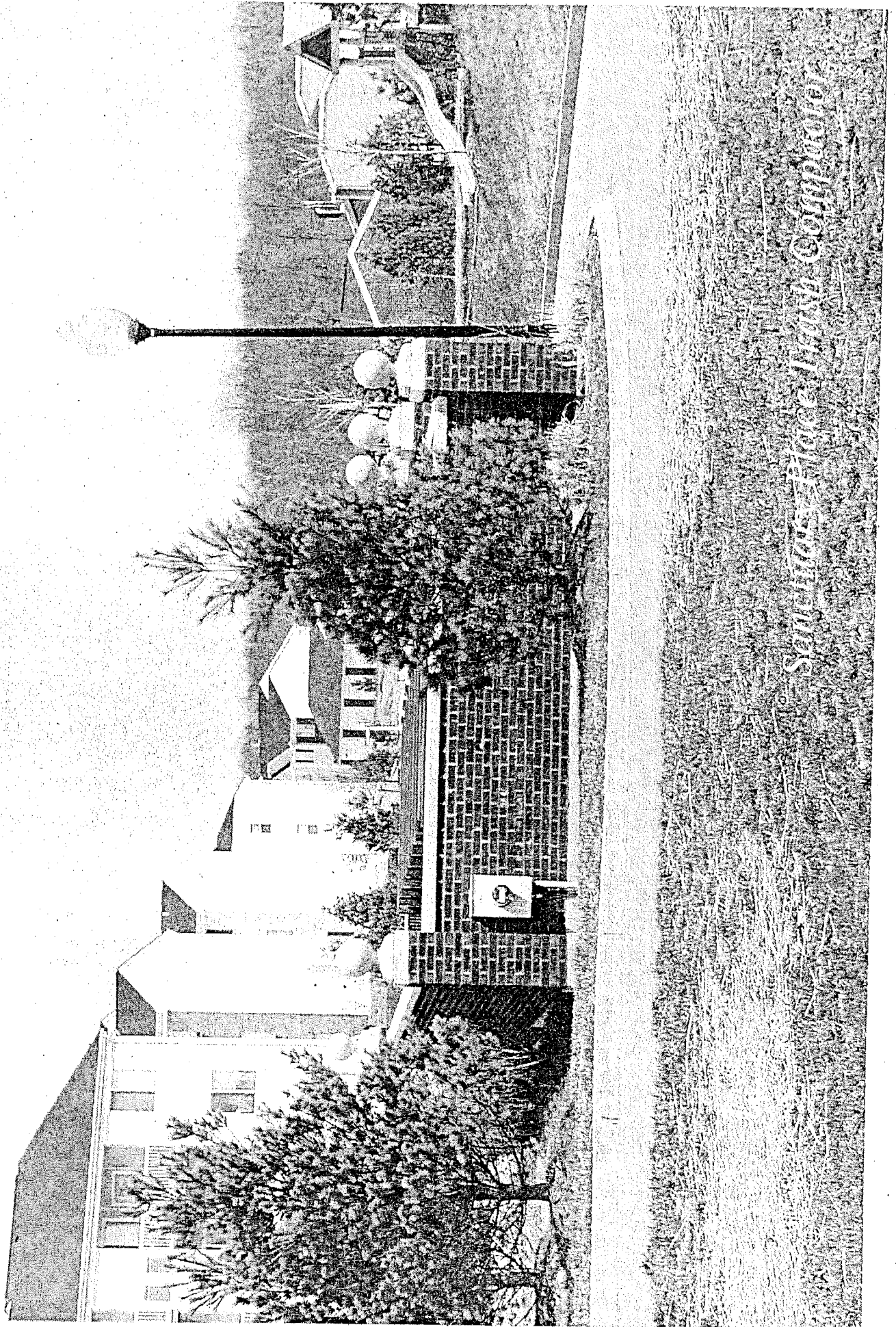
3-story Front Sanctmerry Place



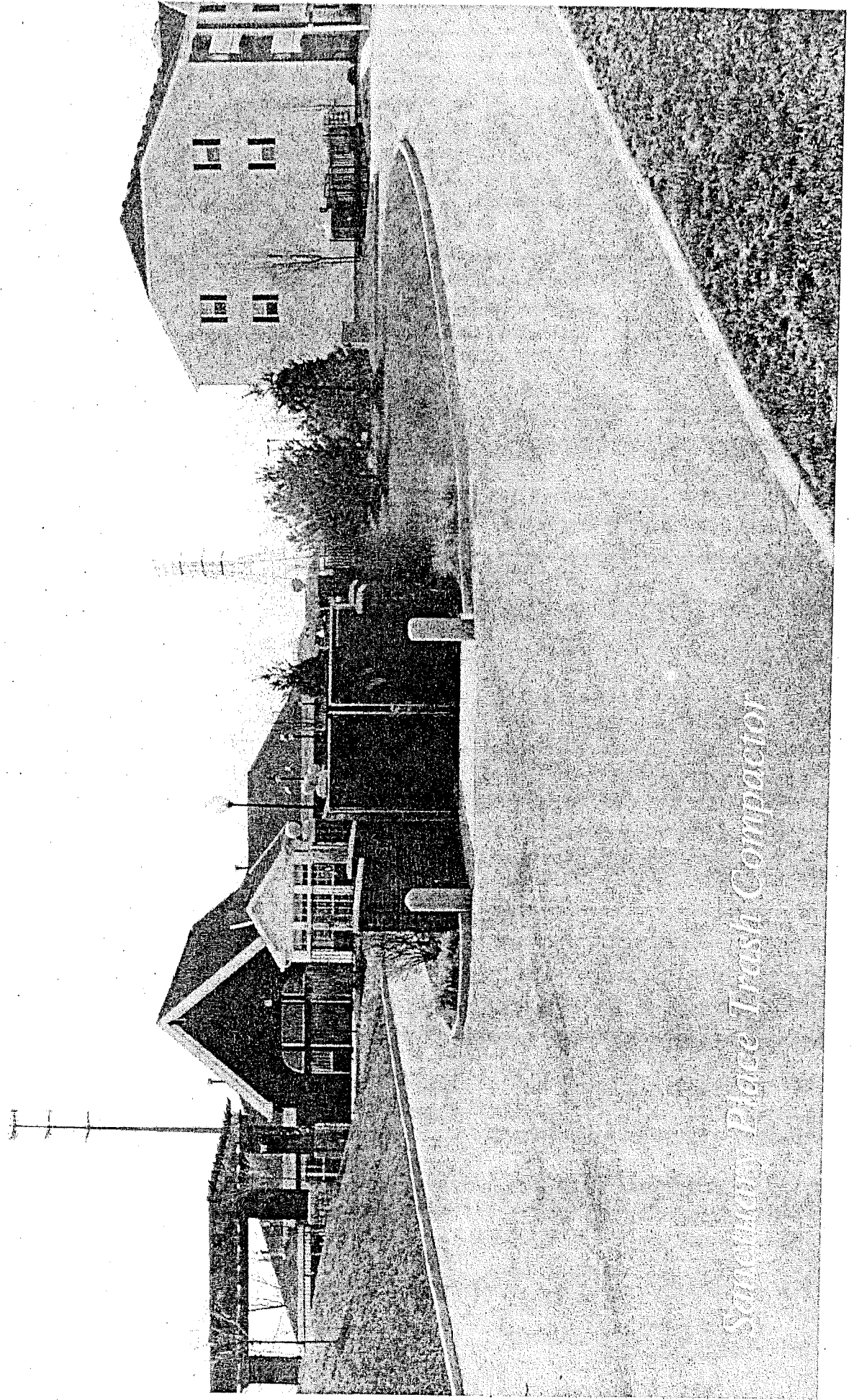


SWITCHING PLACE IN RACE NEW DAUGHTER

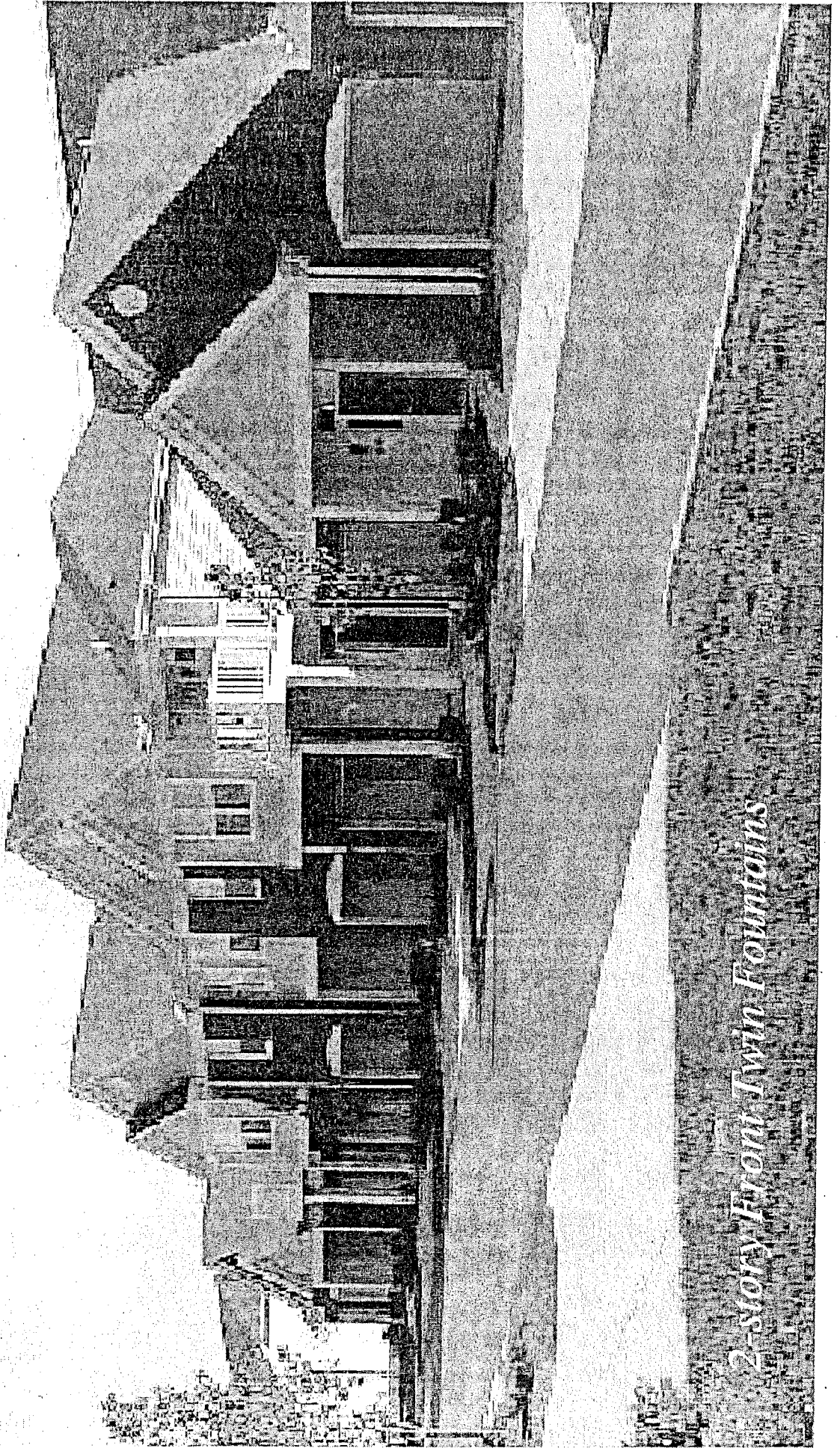




To Summit Place & Home Computer



Sanctuary Place Trash Compactor



2-story From Twin Fountains

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
February 26, 2003
7 P.M.**

PUBLIC HEARINGS

Commission Members Present: Mr. Barlow, Mr. Bunger, Mr. Caddell, Mr. Hicks - Chairman, Mrs. Kegley, Mr. Knock - Temporary Presiding Officer, Mr. Newman, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Schwenke, Mr. White, Mrs. Wilson - Secretary/Treasurer, and Mr. Zimmer.

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

Legal Counsel Present: Mr. Dale Wilson

Mr. Mark Hicks, Chairman, called the meeting to order at 7:03 P.M. Following an explanation of the Public Hearing process, the Chairman introduced the first item on the Agenda:

1. **Applicant:** The Drees Company (Timberlake, FLP) for
Em-A-Non Acres Limited Partnership (owner)

Request: Zoning Map Amendment

The request of The Drees Company (Timberlake, FLP) (applicant) for Em-A-Non Acres Limited Partnership (owner) for a Zoning Map Amendment from Employment Planned Development (EPD) to Urban Residential One (UR-1) for a 38-acre tract 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).

The Chairman asked for the applicant's presentation.

Mr. Glenn Panouschek with the Drees Company introduced Mr. Jim Viox, Ms. Etta Reed with Bayer-Becker Engineers, Mr. Don Davis, Mr. Dennis Davis, and Attorney Tom Nienaber. Mr. Panouschek stated that the Zoning Map Amendment to UR-1 is in conformance with the Comprehensive Plan and the Concept Development Plan meets the Land Use criteria. Using a Power Point presentation, Mr. Panouschek presented the history of the Drees Company. The Drees Company built its first home in 1928. Their first apartment complex was built in 1973 and is still owned and operated by the Drees Company. They do not participate in government subsidized housing or tax abatements. He presented slides of their other developments, including the Crossings of Oakbrook. The Drees Company manages twelve apartment communities (2,550 apartment homes) and 686 of those units are in Boone County. He presented the population and employment growth factors for Boone County from 2002 – 2010. He stated that nine thousand additional housing units need to be built in Boone County to satisfy the population and employment growth. Mr. Panouschek stated that Urban Density residential can have a density up to 30 units per acre. They like the Richwood site because the population is projected to grow 41%, the apartment communities provide a transition from Commercial Business Park to multi-family condominiums, the topography allows for two-and three-story buildings with entries off the first and middle levels, and there is easy access to I-75/71. He stated that a project was brought before the Planning Commission in July 2001 and they have taken the issues raised at that time and improved the project. They have reduced the number of units by 160, reduced the area by seven acres, and reduced the density to ten units per acre. They have reduced the building heights. There will be twelve different floor plans in the twenty-six buildings. Rents will be from \$650 to \$1,200 per month. Mr. Panouschek presented the Concept Plan and reviewed the existing site conditions. He indicated the locations of the two-story buildings which are visible from Grand National Boulevard. Some of the two-story buildings have screened porches. He presented a picture of the proposed eight-unit buildings, which have direct access garages and brick or stone fronts. He indicated the locations of the three-story buildings which are visible from I-75/71. Four of the three-story buildings will be accessed on ground level. He noted a fourteen-foot berm and trees to shield the three-story buildings from the interstate. He presented a picture of a three-story building with access at the middle level and a bridge going across to the second floor. He stated that there are twelve brick veneer detached garage buildings with five garages in each. They do not use individual dumpsters and there is a trash compacting station provided. He showed an example of a trash compacting station and noted the landscaping. There is a community building with a pool, playground, and volleyball court. They envision a 6,000 square foot one-level community building. There will be an on-site manager. There will also be a 16-seat theater for the residents to view DVDs free. Mr. Panouschek presented slides of the site and noted that there are not many trees on the site. He stated that they will plant hundreds of ornamental, deciduous, and evergreen trees. He indicated the locations of Buffer Yard C and Buffer Yard A. He stated that parking will be provided at one space for a one-bedroom unit and two spaces for the two- and

three-bedroom units for a total of approximately 700 parking spaces. He has discussed the project with Gerald Turner at the School District. They project 39 students at build-out (380 homes) -- that figure comes from GIS data. The previous proposal was for 540 units and projected 36 students. He stated that Mr. Turner told him that the growth has been provided for in the School District's plans. The School District did not provide a written response. Mr. Panouschek reviewed the projected numbers of completed units by year (see Exhibit 7-2 attached to the Staff Report). He stated that the result of the Traffic Study is that the existing zoning would generate three times more traffic than the requested zoning. They predict 1,260 trips per day in the UR-1 zone. He stated that the request is in conformance with the Comprehensive Plan. The Future Land Use Map shows the area as suburban density residential. The Concept Plan is ten units per acre, compared to a possible thirty units per acre and the development provides a transition area. They have tried to make the development visually attractive with residential style two-story buildings up front and the larger buildings behind them. They will retain 65% open space. This completed the applicant's presentation.

The Chairman asked if there was anyone present who wished to speak in favor of the request. There being no response, he asked if there was anyone present who wished to speak in opposition.

Mr. Harry Lawrence, 409 Wexford Drive, Steeplechase, stated that he was also opposed to the previous proposal. He moved to Steeplechase to get away from this type of development. He is concerned about the appearance of the development and the traffic. The development will add 1,000 vehicles per day and they will be leaving at the same time each day as the residents of Steeplechase -- but if it were a business development, the traffic flow would be going in the opposite direction and would not have as great an impact. He would also be concerned in bad weather with coming down the slick drive and there being a lot of cars there.

Mr. Jason Lett, 450 Foxhunt, speaking for the Steeplechase Board of Directors, stated that they are concerned about the common areas along Grand National Boulevard and the maintenance of those areas, which are currently maintained by the residents of Steeplechase. He asked that this be considered in the conditions.

Mr. Eric Schafhauser, 567 Winchester Drive, Steeplechase, is concerned about the traffic. He stated that there are four subdivisions within one-quarter mile of the I-71/75 interchange, as well as two gas stations, two truck stops, and more gas stations on the other side of the interchange. The Little Red Schoolhouse generates tremendous traffic at rush hour, lunchtime, and pick-up time in the evening. The Steeplechase Homeowners' Association currently maintains (finance and insurance) the common areas proposed for the entrance of this development. The proposed development of 360 units is as large as the entire

subdivision of Steeplechase and would add more than one-third of the traffic currently projected along the road.

Mr. Stephen Brown, 572 Winchester Drive, a real estate agent and homeowner, is concerned about what this development will do to property values. The first thing people will see when driving there is a large apartment complex, which people do not tend to appreciate. He is Vice President of the Steeplechase Homeowners' Association and they do not feel that there will be any value added to Steeplechase or the surrounding communities by a large apartment complex. He agreed with the comments made by the other speakers.

Mr. Miguel de los Reyes, 11333 Coventry Court, Steeplechase, stated that he is concerned about the traffic and property values. He does not want his property value to decline. He uses the retail stores in the area at lunchtime and the traffic is beginning to be a major problem. He agreed with the other speakers.

Mr. Paul Gray, 442 Foxhunt, Steeplechase, agreed with the other speakers. He stated that this development would not be value added and is not a good idea.

Ms. Stephanie Crane, 413 Wexford, Steeplechase, stated that their developer (Erpenbeck) is gone and the residents had to take over the Homeowners' Association. They do not have the money to expand the road and put the light up. She stated that KY 338 between Grand National Boulevard and the interstate received a "D" rating last year. If another traffic study has to be done, it should be done by the county and should consider the morning and evening traffic. She is concerned about the number of buildings proposed and the heights. The buildings should not be more than two stories so that they do not have to look at them from their back windows. The buildings should be moved back further out of the view of Grand National Boulevard. She stated that other Boone County apartment communities are not full – so why do we need more apartments? She stated that if the developer is only purchasing 38 of the 45 acres, the remaining acreage will be sold to someone else and something will be built there. She stated that there will be a lot of concrete with 700 parking spaces. She would prefer a doctors' office complex there so that there would not be as much traffic and they would be closed on holidays and weekends.

Mr. Joe Florence, 11964 Chicksworth, stated that he is living in a Drees apartment while building in Steeplechase. He stated that the idea that a 380-unit upscale apartment complex will only generate 39 students is ludicrous. Most people who move to Boone County want to live in a district that is served by Gray Middle School and Ryle High School and he believes there will be more than 39 children in this development. He agreed with the other speakers. He stated that with 760 more vehicles, the traffic will be that much worse. He works for the Sheriff's Department and knows that there are problems with traffic and accidents -- there are three truck stops there and it is a big problem. He stated that this development should not be in the middle of a residential area.

Mr. Mark Tranbarger, 11300 Coventry Court, agreed with the other speakers.

Dr. John Hochstrasser, P.E., 11317 Longdenway, Triple Crown, asked if Environmental Impact Statements have been done. He stated that it would be tragic to have the ground water drain into Steeplechase. He stated that anyone who has tried to get out of Triple Crown or Steeplechase early in the morning or at lunchtime knows that Richwood Road is inadequate for this type of development. He does not see a commitment for an improvement to Richwood Road in time to help the traffic flow from this development. He asked if the traffic study took into consideration the flow of traffic from future development along Richwood Road. He believes the figure of 39 additional students is incorrect. He asked if anyone has looked at the crime rate in Drees communities and whether the crime has spread to the surrounding communities.

Ms. Mary Jordan, 333 Maiden Court, Steeplechase, stated that the traffic problem is not just Grand National Boulevard, it is also Richwood Road. She has sat at the intersection before the expressway and counted fifteen tractor trailers coming out of the side road up from McDonald's. It takes twenty minutes to get through that intersection at lunchtime and at dinnertime. She agreed with the other speakers.

Ms. Linda Ekberg, 419 Foxhunt Drive, Steeplechase, agreed with the others.

Mr. Mike Vogt, 377 Foxhunt Drive, Steeplechase, stated that a great deal of development remains to be done in Steeplechase, but it is at a standstill. This project will delay development in Steeplechase and drive down the value of their homes further by encouraging the building of homes of lesser value. He asked that the request be denied.

Mr. Sam Walker, 532 Winchester Drive, Steeplechase, stated that their home is their retirement home and he does not want it to decrease in value. He moved there because it is a little bit of country. He stated that they could build a big apartment complex behind McDonald's between Frogtown Road and Richwood Road, but this location puts stress on Steeplechase.

Ms. Jeanette Wagner, 308 Wexford Drive, stated that the last time someone wanted to put apartments in this location, her real estate agent indicated that it would decrease the property values of the entire area and there would be a traffic bottleneck. She stated that she was in an accident on Richwood Road coming out of Steeplechase. She questioned how accidents would be avoided at that corner, which is extremely congested. She recommended that a business complex go on the site with hours of 8AM to 5PM Monday thru Friday.

Mr. Wayne Hampton, 11337 Coventry Court, Steeplechase, stated there is common ground going into the development and Steeplechase has an easement on both sides of the entrance. He questioned how that would be addressed.

Ms. Carla Armstrong, 417 Foxhunt Drive, Steeplechase, stated that they are a community in stress and asked the Planning Commission to be sensitive to a community that is having a lot of problems.

Mr. Rich Hoekenberry, 315 Maiden Court, Steeplechase, stated that he moved here from Northern Virginia and the traffic there is gridlocked. He asked that roads and access be addressed, as well as crime in the area.

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

Mrs. Wilson questioned participation in the light and the three lanes that would go in there. Mr. Wall responded that at this time, the commitment for the three-lane section is from the original developer of Steeplechase (and his successor). There are commitments from the developer of Steeplechase (and his successor) and the developer of Triple Crown for the signalization. Counselor Wilson advised that the condition that was imposed on Steeplechase runs with the land and a successor would be bound by the conditions. He does not know that there is a successor to the original developer of Steeplechase at this time. Mr. Knock asked if the Drees Company is negotiating to buy Steeplechase. Mr. Panouschek responded that he does not know. Mr. Costello stated that Staff will investigate the status of a sale of Steeplechase and provide the information to the Committee.

Mr. Knock asked if the traffic lanes would be put in by Drees if this request is approved. Mr. Panouschek responded that they have not had discussions regarding the lanes on Richwood Road, but know that they may have to participate. The improvement was committed by a separate developer who is bankrupt. Mr. Poe stated that three lanes is not sufficient now. He stated that Richwood Road has to be considered in relation to the entire buildout of Grand National Boulevard, not just this subdivision.

Mrs. Kegley asked Staff to provided the Committee with information on the size, height, and length of the condominiums currently in Steeplechase which are adjacent to the proposed apartments.

Mr. Zimmer asked if the level has been reached that triggers the commitments made by Steeplechase and Triple Crown. Ms. Kim Élan, traffic engineer/consultant with Bayer-Becker, stated that there is a national standard to check signalization warrants. When Level of Service C is reached, the warrants need to be checked. She stated that the analysis of existing traffic did not warrant signalization at this time. Mr. Zimmer asked if Level of Service drops below "C" at any time during the day. Mr. Elan responded that they counted the intersection a 7 AM – 9 AM and 4 PM – 6 PM and used peak hour volume counted during those times. Mr. Costello asked if their analysis included full buildout of the

remaining portion of Steeplechase. Ms. Elan responded that the Future Analysis looked at those numbers. She stated that for existing traffic, the southbound movement out of Triple Crown experiences Level of Service D in the AM and Level of Service C in the PM. Mr. Zimmer responded that Condition #7 of the Steeplechase zone change requires the developer to participate in signalization when the Level of Service drops below "C". Mr. Wall read the letter from William F. Madden of the Transportation Cabinet, dated February 17, 2003, addressed to Kevin Wall (copy attached to the Staff Report). Mr. Zimmer asked if for the previous application for this parcel a traffic study was done in-house that was more comprehensive than just KY 338/Grand National Boulevard/Triple Crown. He believes the study included both entrances and exits from the interstate up to U.S. 25. Mr. Wall responded that the study was done from the Triple Crown/Grand National Boulevard intersection to the interchange, but not all the way to U.S. 25. It was done by Jerry Mills at Woolpert and did not have any basic disagreements with the Bayer-Becker study.

Mr. Zimmer asked if the Planning Commission is at the mercy of the state in regard to state roads in the county. Mr. Costello responded that there are state requirements according to state law but, if there are local conditions that warrant something to be reviewed or in place, the state has in the past deferred to the local unit of government to allow an improvement to occur. He stated that if the road is widened to five lanes, there would have to be interchange improvements and ramp improvements. Mr. Zimmer questioned how the signalization at KY 237/I-75 occurred. He stated that coming out of Triple Crown is a nightmare and turning into Steeplechase in the PM is as bad. Mr. Costello stated that the legislative unit has to request a signal study and that could be done. Mr. Zimmer suggested that be done.

Mr. Zimmer stated that there were comments that Steeplechase is maintaining the entrance on Grand National Boulevard all the way to KY 338 and comments about the Maintenance Agreement of the Steeplechase Homeowners' Association regarding Grand National Boulevard. He questioned how the applicant anticipates interfacing this development with that agreement. Mr. Panouschek responded that this is the first he has heard of it and it would be difficult for him to comment at this time. He will be prepared to resolve the issue at the Zone Change Committee meeting.

Mr. Zimmer stated that he did not see a retention pond in the applicant's presentation – it shows the retention pond to be a creek. Mr. Wall responded that he did not understand it to be a wet basin – it is just a high water mark on the detention. Mr. Jim Viox stated that the area where the detention would occur is within the basin of the blue line stream. He stated that Grand National Boulevard creates a fill across the valley and they will detain the difference between the runoff that is generated naturally and what they generate. There would be a pipe to hold water back and allow it to pass after the storm. It has not yet been designed in detail. Mr. Zimmer stated that he misunderstood it to be a lake. He

asked if the applicant is prepared to address Greg Sketch's concerns about the integrity of the embankment. Mr. Viox responded "yes".

Mr. Zimmer questioned how 380 units is about equal to the Steeplechase population and how it equals one-third of the traffic. Mr. Wall responded that the quote from the Traffic Study that is mentioned in the Staff Report is that the proposed UR-1 Zone would generate approximately one-third of the traffic that would be created under the current Employment Planned Development Zone. Staff is not disputing the basic premise, but would like to see the data from which it was derived. He stated that detached single-family generates more traffic per unit than multi-family – there is about two-thirds the traffic per unit from a multi-family unit than from a single-family unit.

Mr. Zimmer asked the applicant to provide the Committee with a picture of the view shed of the buildings from the adjoining property and of the two three-story buildings immediately adjacent to the interstate. He is concerned about the scale of those buildings. Mr. Panouschek will provide the information to the Committee.

Mr. Caddell stated that the approval for Steeplechase is 311 single-family homes and 373 multi-family units, and there are 154 permitted dwelling units to date. He questioned the mix of unfinished single- and multi-family units. Mr. Wall responded that the condition relative to the three-lane improvement is irrespective of the type of units. The 154 permitted units are 106 single-family dwellings and 48 condominiums.

Mr. Poe asked the Committee to consider that the three-story buildings are massive and look to be vinyl sided, while other apartment buildings have been required to be brick. He asked Staff to bring to Committee the make-up of apartment buildings in Boone County. He also requested information from Staff regarding the ratio of condominium/apartment buildings in Boone County. He noted that there was a comment that there are apartments sitting empty and he would like to see the ratios.

Mr. Newman stated that the applicant indicated that prior to this request, all of the dwellings were three-story buildings. Mr. Wall responded that in the original application they were all three-story buildings and that was changed working through the Committee process to some townhouse style structures. They were at 540 units, which was reduced to 500 units, 26 of which were townhouse style structures.

Mr. Newman asked if the traffic study took into consideration AM/PM comparing the current zoning to the requested zoning. Ms. Elan responded that they did not look at that comparison, but they can do that and she will provide the information to the Committee. Mr. Newman asked that the comparison include AM, midday, and PM data.

Mr. Bunger questioned the sound levels since the proposed development is close to I-75. He questioned the size of the berm and its impact in decreasing sound levels from I-75. He asked if the turn lanes on Richwood Road can be built separate from the signalization. Mr. Costello responded "yes". Mr. Bunger stated that the turn lanes should be built and questioned when they must be built. Counselor Wilson responded that under Condition #3 of the Steeplechase Zone Change approval, they are not mandated until there are 217 dwelling units. Mr. Wall agreed. Mr. Costello stated that at the time, it was assumed there would be no other residential development in the subdivision, but this is additional residential development. Counselor Wilson questioned a timeline when 217 units will be built. Mr. Wall responded that only 6 – 10 units were built this year.

Mr. Schwenke questioned if there are many units in Boone County the size of the proposed three-story buildings. Mr. Wall responded that he will check other developments and provide the information to the Committee. They looked to be the same buildings as in Sanctuary Place. Mr. Panouschek said they were the same. Mr. Schwenke stated that there are minimum standards for fire protection and questioned sprinkler systems and firebrick for these buildings.

Chairman Hicks asked Staff to verify the number of school children from this development. Mr. Wall will discuss this with the School District.

Mr. Newman asked if it is permissible to retain/detain water on a blue line stream. Mr. Wall responded that is up to the Division of Water. He asked the Division of Water to comment on this proposal, but did not receive a response. He will follow-up with them. Mr. Viox stated that he is sure it will be permitted because there is already a barrier for fill created by the road. If it is not permitted, they will create a detention facility on the flat land below the community building

Mr. Knock asked if the right-of-way has been acquired for turn lanes off Steeplechase or KY 338. He stated that turn lanes on KY 338 would have to be on the south side because of the creek and drop off on the north side. Mr. Viox responded that there is adequate right-of-way for the turning lanes on Grand National Boulevard to make a left turn into this development. He does not know if additional right-of-way has been acquired for KY 338, but he will contact the Highway Department and report to the Committee.

Chairman Hicks stated that there was a question regarding an Environmental Impact Study. Mr. Viox responded that they have not done one. Chairman Hicks stated that one is not required.

Mr. Reynolds questioned adequate water flows. Mr. Viox responded that flow on Grand National Boulevard is more than adequate to support this development. There is a 12" water main there.

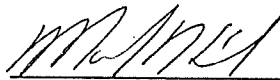
The Chairman recognized Ms. Jeanette Wagner for additional comments. Ms. Wagner stated that when she lived in Pleasant Valley, she asked when the road would be widened and also asked about the road off KY 237 before the airport road exit. She was told no work would start on Pleasant Valley Road for five years – so how can people expect these road improvements when there are not even plans in place for them? Mr. Costello responded that when a developer pays for a road improvement, it happens quickly. This is not a state funded project.

Mr. Wall referred to his early comments regarding the projected traffic from this development being one-third of the total traffic from the Grand National area. He stated that considering the difference in traffic generation by type of unit, it would be about one-third.

There being no further comments, the Chairman stated that the Committee Meeting for this item will be on March 19, 2003 at 4:00 PM in the Fiscal Courtroom on the second floor of this building. No additional testimony will be taken at that time. This item will be on the Agenda for the Business Meeting on April 2, 2003 at 7:30 PM.

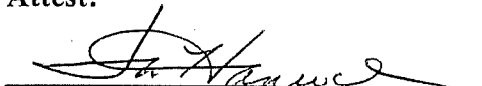
The Chairman closed this Public Hearing.

APPROVED:



Mark Hicks, Chairman

Attest:


Jan Hancock, Recording Secretary

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Arnold Caddell, Chairman

DATE: April 2, 2003

RE: Request of **The Drees Company (Timberlake, FLP) (applicant)** for **Em-A-Non Acres Limited Partnership (owners)** for a Zoning Map Amendment from Employment Planned Development (EPD) to Urban Residential One (UR-1) for a 38 acre tract located on the east side of Grand National Boulevard and the west side of I-75/71, and 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.

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

April 2, 2003

Drees Company/Em-A-Non Acres Limited Partnership
Richwood Road/Grand National Blvd.

Arnold Caddell

Arnold Caddell, Chairman

For Project Absent

Against Project

Abstain Deferred

Janet Kegley

Janet Kegley

For Project Absent

Against Project

Abstain Deferred

Susan Poston

Susan Poston

For Project Absent

Against Project

Abstain Deferred

Earl White

For Project Absent

Against Project

Abstain Deferred

Kim Bunger

Kim Bunger (Alternate)*

For Project Absent

Against Project

Abstain Deferred

Randy Barlow (Alternate)*

For Project Absent

Against Project

Abstain Deferred

Charlie Reynolds

Charlie Reynolds (Alternate)*

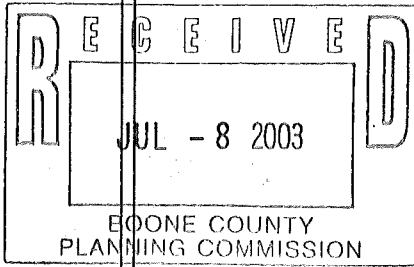
For Project Absent

Against Project

Abstain Deferred

TOTAL: 0 DEFERRED 5 FOR PROJECT 1 ABSENT

0 AGAINST PROJECT 0 ABSTAIN



**Ordinance
Of The
Boone County Fiscal Court**

Ordinance No. 03-15

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, A REQUEST OF THE DREES COMPANY (TIMBERLAKE, FLP) (APPLICANT) FOR EM-A-NON ACRES LIMITED PARTNERSHIP (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM EMPLOYMENT PLANNED DEVELOPMENT (EPD) TO URBAN RESIDENTIAL ONE (UR-1) ON A 38 ACRE SITE GENERALLY LOCATED ON THE EAST SIDE OF GRAND NATIONAL BOULEVARD AND THE WEST SIDE OF I-75/I-71, AND APPROXIMATELY 1,000 FEET SOUTHEAST OF THE RICHWOOD ROAD/GRAND NATIONAL BOULEVARD INTERSECTION, BOONE COUNTY, KENTUCKY, AS RECOMMENDED BY THE BOONE COUNTY PLANNING COMMISSION (8-3) VIA RESOLUTION NO. R-03-008-A.

WHEREAS, the Boone County Fiscal Court received a request for a Zoning Map Amendment to the Boone County Zoning Map and such Zoning Map Amendment being a zone change from Employment Planned Development (EPD) to Urban Residential One (UR-1) on a 38 acre site generally located on the east side of Grand National Boulevard and the west side of I-75 / I-71, and approximately 1,000 feet southeast of the Richwood Road/Grand National Boulevard intersection, Boone County, Kentucky, which is more particularly described below; and,

WHEREAS, the Boone County Planning Commission as the planning unit for the unincorporated areas of Boone County, Kentucky, was requested to and has conducted a Public Hearing serving as a due process trial-type hearing and made findings recommending approval, with conditions, for the Zoning Map Amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE BOONE COUNTY FISCAL COURT AS FOLLOWS:

SECTION I

That the request for a Zoning Map Amendment for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions, this Zoning Map Amendment being a zone change from Employment Planned Development (EPD) to Urban Residential One (UR-1) on a 38 acre site generally located along the east side of Grand National Boulevard and the west side of I-75 / I-71, and approximately 1,000 feet southeast of the Richwood Road/Grand National Boulevard intersection, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in an Employment Planned Development (EPD) zone is more particularly described in DEED BOOK 498, PAGE NO. 302 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

**Ordinance
Of The
Boone County Fiscal Court**

Ordinance No. 03-15

SECTION II

That as a basis for the recommendation of approval for a Zoning Map Amendment request are the findings of fact and conditions of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Ordinance and marked as "Exhibit A".

The full Boone County Planning Commission recommended approval for this request based on the findings of fact and conditions as set forth in the Committee Report and marked as "Exhibit B".

SECTION III

That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.


Introduced and given First Reading on the 3rd day of June, 2003.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 24th day of June, 2003, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested by the County Fiscal Court Clerk and declared to be in full force and effect.



GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:



ROBYN R. COBB
FISCAL COURT CLERK



JAMES R. SCHRAND II
BOONE COUNTY ATTORNEY

7-3-03

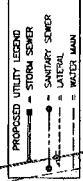
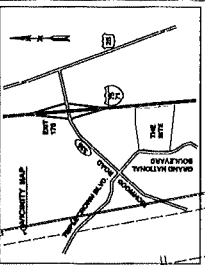
DATE PUBLISHED

**CONCEPT DEVELOPMENT PLAN
38,009 ACRE PARCEL
EAST SIDE OF GRAND NATIONAL BOULEVARD
BOONE COUNTY, KENTUCKY**

DEVELOPER & OPTION HOLDER:
Timberline Family Ltd. Partnership
211 Grandview Drive
Ft. Mitchell, Kentucky 41017

OWNER: EMA-NON
861 Richmond Road
Walton, Kentucky 41094

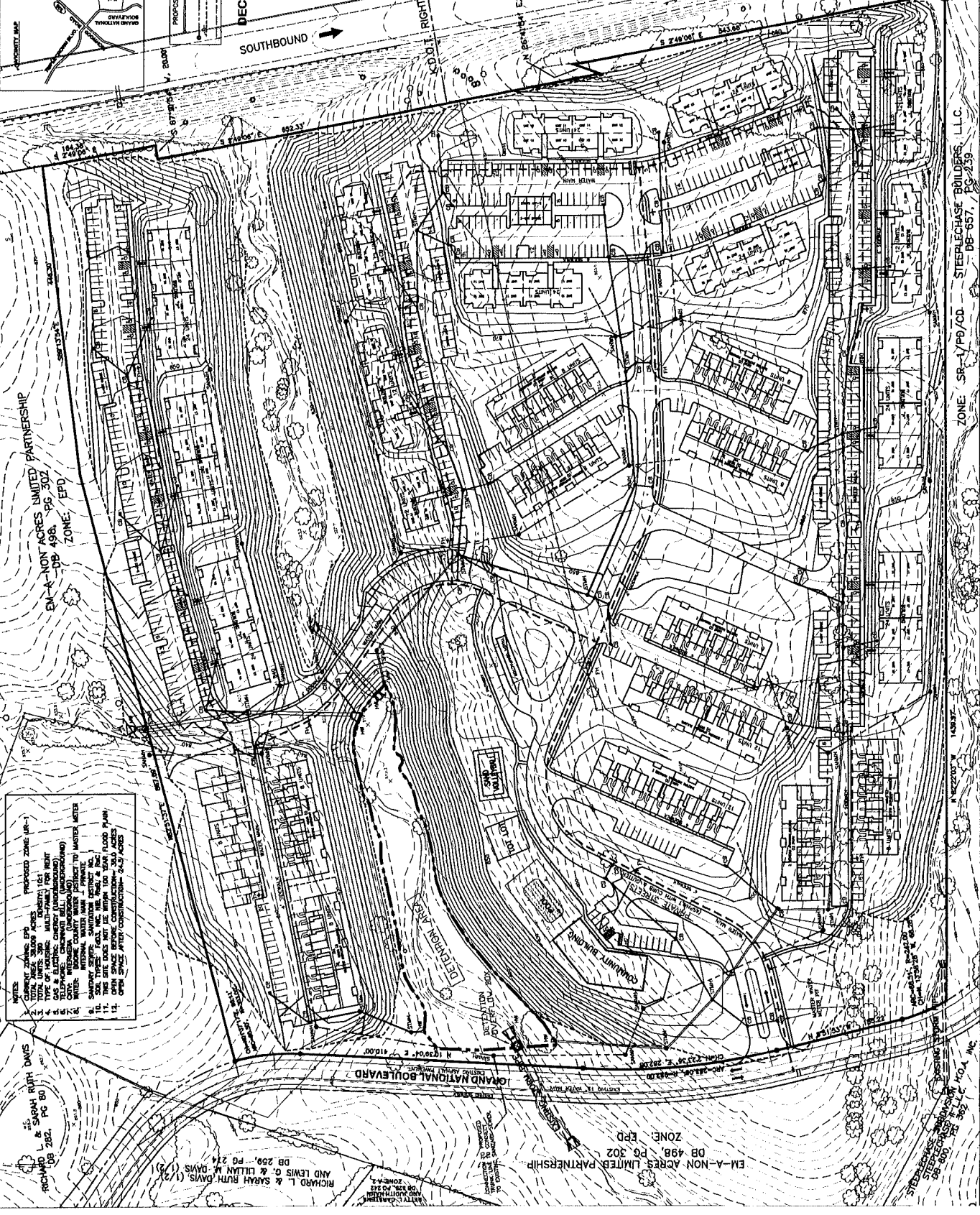
VIOX & VIOX, INC.
186 Empire Ave. 11018
Ft. Mitchell, KY 41017
Telephone: 502-701-2001
Fax: 502-701-2001



DECEMBER 11, 2002
1"=50'

1-7511-71

APPROVED
 Date: 1/16/03
 By: Boone County Planning Commission



NOTES:
 1. CURRENT ZONING: EPD
 2. TOTAL AREA: 38,009 ACRES (161)
 3. TYPE OF DEVELOPMENT: MULTI-FAMILY (UNDEVELOPED)
 4. USE & BUILDING: CHERRY (UNDEVELOPED)
 5. COUNTY: WINTERSBURG (UNDEVELOPED)
 6. WATER: METRIC, CANTON MAIN, PROJECT TO MASTER METER
 7. SANITARY SEWER: SANGHATON REGIONAL SW
 8. STORM SEWER: SANGHATON REGIONAL SW
 9. THIS SITE DOES NOT FIT WITHIN THE BOON FLOOD PLAIN
 10. OPEN SPACE BEFORE CONSTRUCTION: 24.7 ACRES
 11. OPEN SPACE AFTER CONSTRUCTION: 24.7 ACRES

RICHARD L. & SARAH RUTH DAVIS
 DB 282, PC 80
RICHARD L. & SARAH RUTH DAVIS PARTNERSHIP
 DB 259, PC 302
EMA-NON ACRES LIMITED PARTNERSHIP
 DB 498, PC 302
STREET/LEASE BUILDERS, L.L.C.
 DB-687, PC-269

EM-A-NON ACRES LIMITED PARTNERSHIP
 DB 498, PC 302
 ZONE: EPD

STREET/LEASE BUILDERS, L.L.C.
 DB-687, PC-269
 ZONE: SP-1/PD/CC