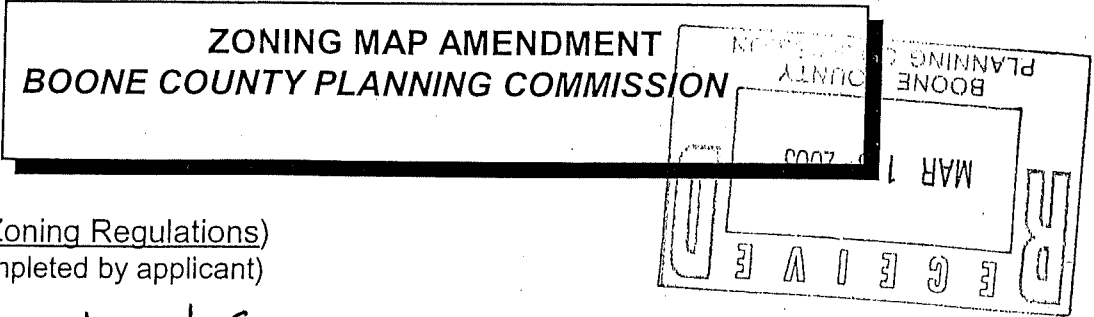


APPLICATION FORM



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

1. Name of Project Belmont Greene
 2. Location of Project Off of Dixie Hwy between Weber & Mikkelsen
 3. Total Acreage of Site 18.5
 4. Current Zoning of Site Industrial #
 5. Proposed Zoning (Classification being requested) URI
 6. Proposed Uses (please specify each use) 150 unit apartment complex
-
7. Names of Applicant(s) Belmont Greene LLC
Phone Number 614-459-9632 Fax No. 614-459
 8. Address of Applicant(s) 2000 W Henderson Rd.
Columbus Ohio 43220
City State Zip
 9. Name of Property Owner(s) MARTHA ANDERSON
Phone Number 859-525-6595 Fax No. _____
 10. Address of Property Owner(s) 951 WEDGEWOOD DR
INDEPENDENCE, Ky. 4051
City State Zip
 11. Proposed Building Intensities (please specify) 5377.17 SF./unit - 8.01U/A
 12. Are there any existing buildings on the site? No
How many? _____
 13. Deed Book 291 Page No. 270 Group No. 2049B
 14. Are you also applying for:
No Conditional Use Permit
No Dimensional Variance
 15. Have you submitted a Concept Development Plan? Yes
 16. Have you had a pre-application meeting with BCPC Staff? Yes
 17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:
 Boone County Water and Sewer District
 Florence Water and Sewer Commission
 Union Light Heat and Power
 Cincinnati Bell
 Owen County Rural Electric
 Boone County Public Works Department
 Kentucky Transportation Cabinet
 City of Florence Public Services Department
 Boone County Building Department

EXHIBIT

“A”

STAFF REPORT

Request of **Belmont Greene LLC (applicant)** for **Martha Anderson (owner)** for a Zoning Map Amendment from Industrial Two (I-2) to Urban Residential One (UR-1) for an approximate 18 acre tract located on the west side of Dixie Highway, on the southwest corner of the Dixie Highway/Mikkelsen Drive intersection and approximately 220 feet north of the Dixie Highway/Weber Lane intersection, and along the north side of Weber Lane immediately west of the property at 180 Weber Lane, Boone County, Kentucky. The request is for a zone change to allow multi-family dwelling units.

April 23, 2003

REQUEST

The request is for a zone change from Industrial Two (I-2) to Urban Residential One (UR-1) for an approximate 18 acre site. The property fronts on Dixie Highway, Mikkelsen Drive, and Weber Lane and is located within Unincorporated Boone County.

The applicant's submitted Concept Development Plan shows that 24 apartment buildings and a community building are being proposed on site. The "townhouse style" apartment buildings are one and two story structures. The plan indicates that there are 12 one-bedroom units, 32 two-bedroom units, 90 three-bedrooms units, and 16 four-bedroom units (150 units total). The overall density of the project is 8.1 dwelling units per acre.

Access to the site is being proposed by a single curb cut on Dixie Highway and two curb cuts on Weber Lane. The internal driveways and parking lots will be privately maintained and contain 309 parking spaces. A storm water management area is shown near the northwest property line. The applicant also furnished front elevation drawings of the six building types. A note on the Concept Plan indicates that the buildings will be constructed on slabs and will be wood framed with brick veneer and vinyl siding.

SITE CHARACTERISTICS

The vast majority of the site has rolling topography and is covered by mature deciduous trees (see attachments). There are no structures on the property but a creek runs through the center of the site. Water mains exist along the Dixie Highway and Weber Lane road frontage. A sanitary sewer main exists along the Weber Lane road frontage. The property has approximately 700 feet of road frontage on Weber Lane, 425 feet of road frontage on Dixie Highway, and 150 feet of road frontage on Mikkelsen Drive.

SITE HISTORY

The parcel was rezoned from SR-1 to I-2 during the 1986 Zoning Update.

ADJACENT LAND USES AND ZONING

North: Single-Family Dwellings (SR-1 & I-2) and an Undeveloped Industrial Parcel Fronting on Mikkelsen Drive (I-2)

South: Mobile Home Park, Single-Family Dwellings & Mobile Homes Fronting on Weber Lane (C-3 & I-2)

East: Single-Family Dwelling on Weber Lane, Dixie Highway, and Funeral Home (C-2 & C-3)

West: Givaudan Flavors Corporation (I-2)

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2000 Boone County Comprehensive Plan's "2025 Future Land Use Plan" designates the site in question for "Industrial" uses. This designation is described as "manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses."

The Land Use Element (Devon Area, pg. 166) states the following regarding this area:

- A. "Industrial uses, similar in nature to the Northern Kentucky Industrial Park, should expand southward to Mt. Zion Road, between I-75 and U.S. 25. To the east of U.S. 25 manufacturing and distribution uses should occur. Southward expansion of industry should be tempered by important locational factors, such as appropriate access to the interchange and connections to existing or planned industrial parks. Industrial development to the east of U.S. 25 and the railroad must be accompanied by improvements to important access roads, such as East Mt. Zion Road and East Frogtown Road."

The Land Use Element provides the following Future Land Use Development Guidelines 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 land 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 traffic 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 ("Access Management," pg. 159).

F. Developments in Boone County must be designed, where appropriate, to improve the County's transportation network. Hierarchical system of roadway classification and function must be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe

movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets. Parallel and frontage roads should be used to minimize impacts of individual sites on collector and arterial roadways. Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths, but should be connected by bicycle and pedestrian paths where appropriate ("Transportation and Pedestrian Network," pp. 159-160).

- G. Developments in Boone County should give consideration to the overall design of the project. 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 ("Design, Signs, and Historic Preservation," pg. 160).

The Business Activity Element provides the following comment that relates to the general area in question:

- A. The Northern Kentucky Industrial Park has the potential to expand along its southern boundary. The location of the county's population involved in manufacturing correlates well with this concentration of industry. The area southward to Mt. Zion Road should be reserved for the expansion of the Northern Kentucky Industrial Park ("Areas of Future Industrial and Office Activity," pg. 73).

The Housing Element provides the following comments that relate to the proposal:

- A. Multi-family housing developments should have convenient access to commercial districts or should provide their own supporting commercial uses. These developments should be designed to offer the shortest trips to most people ("Housing Types," pg. 82).
- B. High density residential areas should be located sufficiently near and with convenient access to major streets, highways, and shopping and public facilities. A progression of densities of residential uses from high (multi-family) to low single family shall be encouraged. Where traditional progressions of high to low net density are not possible, an appropriate and attractive visual transition should be achieved. This could include existing vegetation or new landscaping and/or fencing. Existing vegetation should be retained as much as possible to provide buffer strips (Housing Densities," pg. 84).
- C. South of Florence to Mt. Zion Road, industrial development, associated with the Northern Kentucky Industrial Park, will be predominant. South of Mt. Zion Road, the expansion of existing and the building of new mobile home parks have constituted

most of the housing units in this area. However, a recent apartment development on the northwest quadrant of the Mt. Zion interchange shows that residential development momentum is greater west of I-75 ("Geographic Housing Issues," pg. 88).

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 uses 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 opportunities in Boone County shall be balanced against present and planned commercial, industrial and primary and secondary 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 schools system are not adequate, developers shall phase construction to facilitate the provision of these items to support their developments ("Housing," Objective 14).
- P. Existing infrastructure and services (e.g. systems and facilities for: water treatment and distribution, wastewater collection and treatment, natural gas distribution, electric power distribution, communication lines, police and fire services and associated municipal buildings, schools, public roads and storm water management) shall be utilized efficiently. The phasing of proposed development shall be examined as a means of addressing significant impacts on existing infrastructure and services ("Public Services and Facilities," Objective 1).
- Q. Mixed use, higher density neighborhoods shall be designed to accommodate safe pedestrian access to mass transit, access to major streets and highways, public facilities, and parks ("Transportation," 1st Goal, Objective 9).
- R. Priority shall be given toward maintaining, protecting and improving the capacity and safety of the existing road system ("Transportation," 1st Goal, Objective 11).
- S. The local transportation system in Boone County shall be maintained and improved so that the overall safety and level of service will be enhanced. Inefficiencies in the

system will be identified and addressed. New land development shall be closely coordinated with the local transportation system to assure efficiency and continuity with the regional multimodal transportation system ("Transportation," 2nd Goal).

STAFF COMMENTS

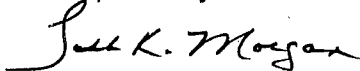
1. Greg Sketch, the County Engineer, furnished Staff with a memorandum which indicates that Boone County Public Works will not grant encroachment permits for the proposed two curb cuts on Weber Lane. However, emergency access with a locked gate would be permitted. The Memorandum also points out that the Boone County Administration supports industrial development along this section of U.S. 25 (see attachments).
2. Boone County Schools furnished Staff with a letter in regard to the proposed project (see attachments). The letter indicates that the project would "severely overcrowd" Collins Elementary and R.A. Jones Middle School.
3. The Kentucky Transportation Cabinet furnished Staff with a letter in regard to the proposed project (see attachments). This letter indicates that improvements are planned for Dixie Highway, which "will affect grading approximately 100 to 200 feet from the centerline of the roadway." The Concept Plan shows that the Community Building is 130 feet from the Dixie Highway centerline.
4. Staff talked with Gretchen Bartley, with the Division of Water, about the project. Ms. Bartley indicated that there is a pond on the property that flows into another pond at the end of Mikkelsen Drive. These ponds then discharge into South Fork Gunpowder Creek. Before any construction could occur, the applicant would need to contact the Division of Water in regard to filling the property, constructing along or across streams, and obtaining a Storm Water Construction Permit. In addition, the U.S. Army Corp. of Engineers would need to be contacted to see if a permit was necessary to drain and fill the lake.
5. Staff is concerned that the Concept Plan does not show any amenities, such as play ground equipment, open fields, or swimming facilities. If the project is approved, Staff recommends a condition requiring a playground, ball court, or park area.
6. Staff isn't sure if Building 24 is meeting the 30 foot setback requirement. The applicant needs to explain if this building has decks or balconies which go into the setback.
7. Staff is concerned that most of the trees on the site will need to be removed to accommodate the buildings and parking facilities. The 2000 Boone County Comprehensive Plan's Land Use Element states that developments 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, rather than leveling the entire site to meet a pre-conceived project design.

8. Staff is concerned about the impact the project will have on the residents on Mikkelsen Drive and Weber Lane. However, Staff believes that a permitted industrial use could also impact adjoining properties by way of noise and pollution. If the project is approved, Staff recommends that specific perimeter landscaping and maximum foot candle measurement conditions should be imposed.
9. Based on a current development trend analysis during the 2000 Boone County Comprehensive Plan update, the Planning Commission foresaw that there was generally enough planned industrial land in Boone County for the next 25 years. Beyond that planning horizon, however, additional future industrial development areas have not been identified. In addition, the area encompassing this site was rezoned from residential to industrial as a part of the 1986 Boone County Zoning update. Since this time, the majority of new development in the Sam Neace Drive/Weaver Road/Dixie Highway/Mt. Zion Road corridor has been predominately commercial and industrial. The Planning Commission and Fiscal Court need to consider the future need for industrial land.

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 need to be amended if this request is approved.

Respectfully submitted,

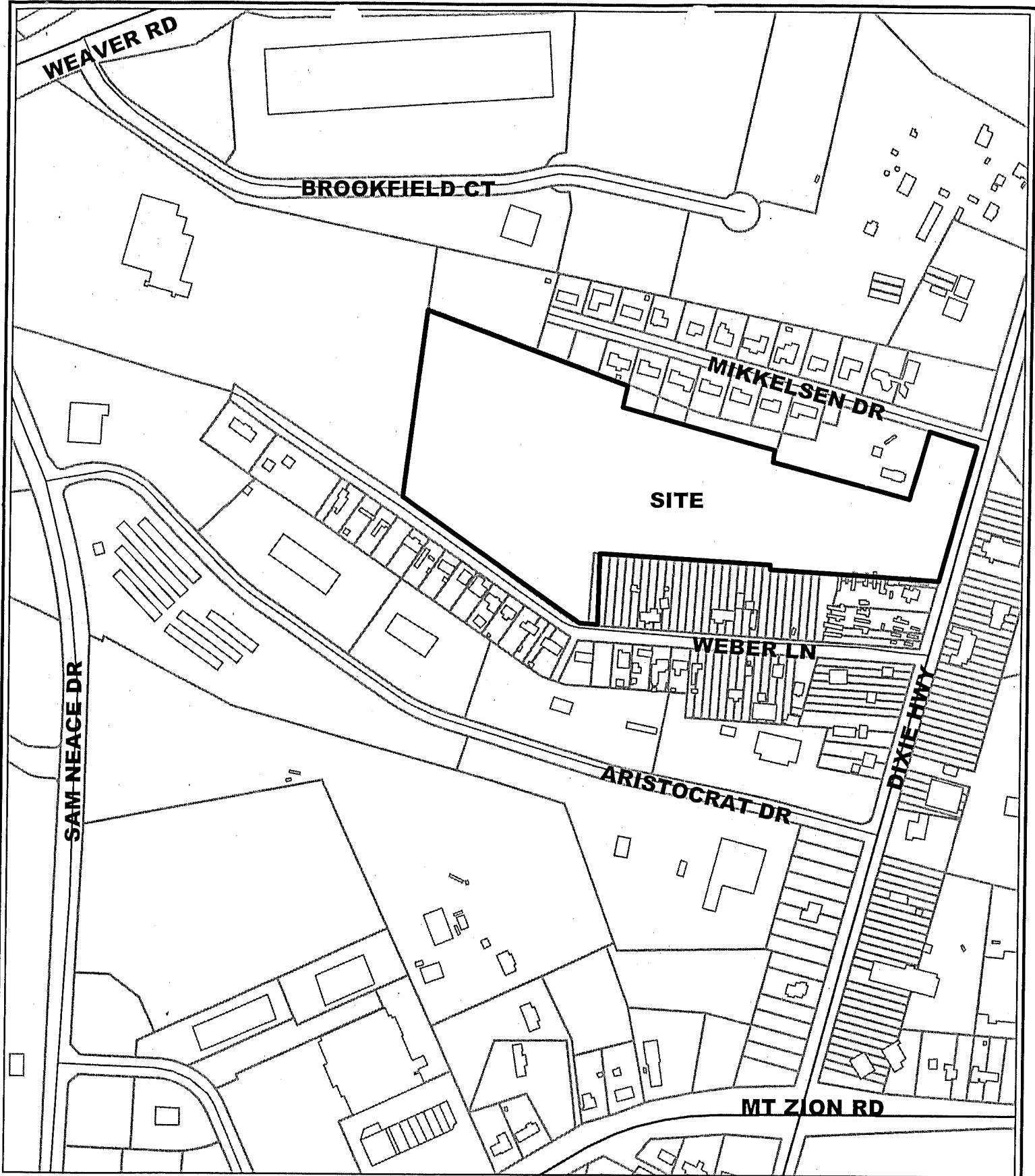


Todd K. Morgan, AICP
Planner, Zoning Services

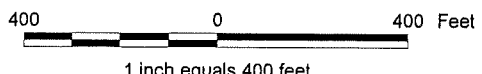
TKM\pr

attachments:

- Site Vicinity Map
- Concept Plans
- Topographical Map
- Zoning Map
- Future Land Use Map
- Aerial Map
- Memorandum From Greg Sketch
- Letter From Boone County Schools
- Letter From KY Transportation Cabinet
- Letter From Doug & Sandy Brinker
- Application



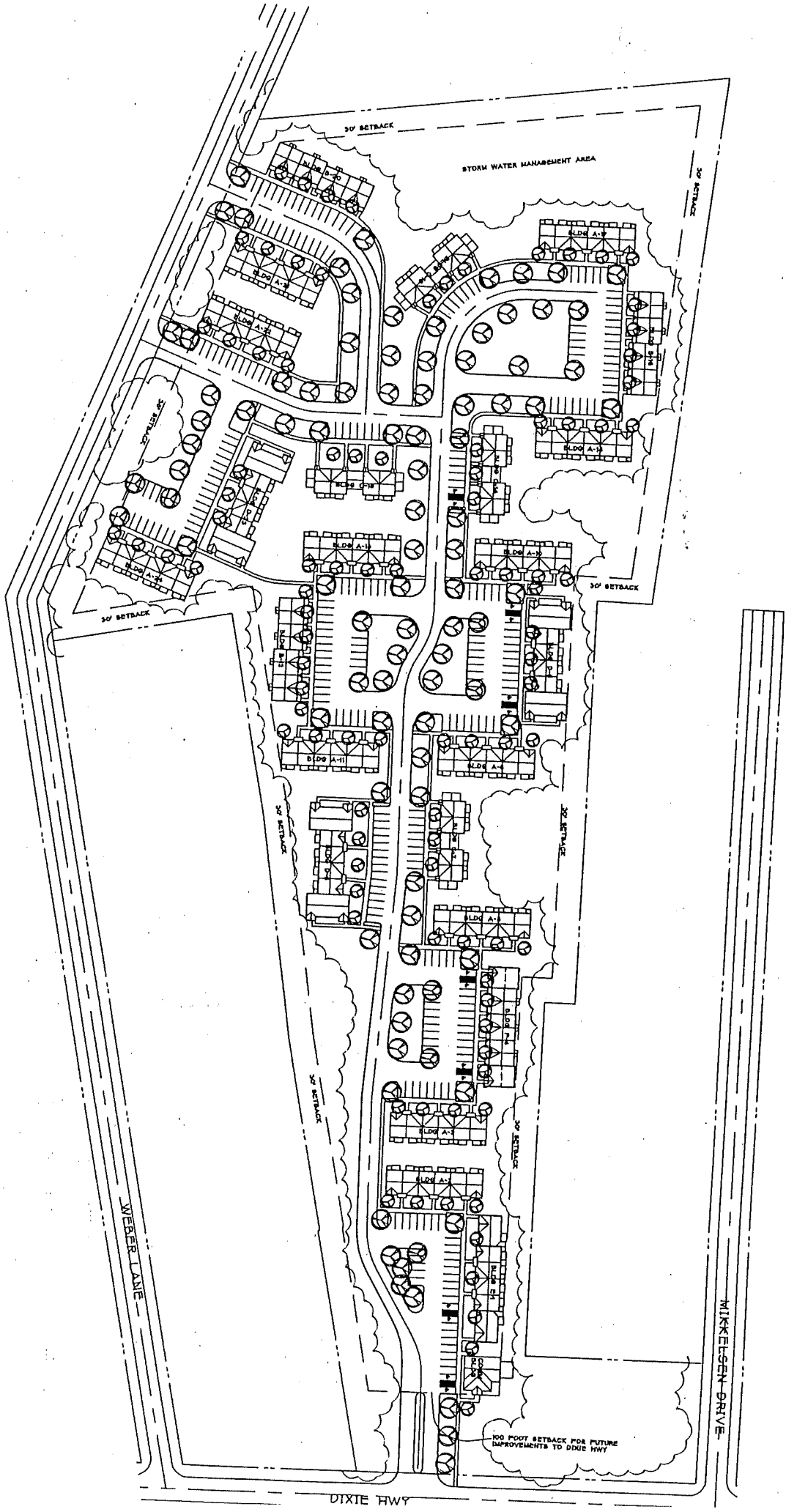
BELMONT GREENE SITE VICINITY MAP



1 inch equals 400 feet

Produced by the
Boone County Planning Commission
GIS Services Division
April 8, 2003





DIXIE HWY

WEBER LANE

MINKELSEN DRIVE

STORM WATER MANAGEMENT AREA

30' SETBACK

30' SETBACK

30' SETBACK

30' SETBACK

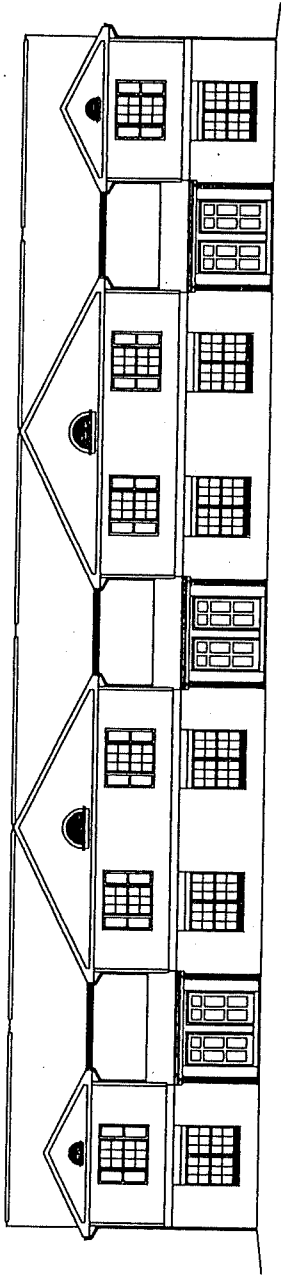
30' SETBACK

30' SETBACK

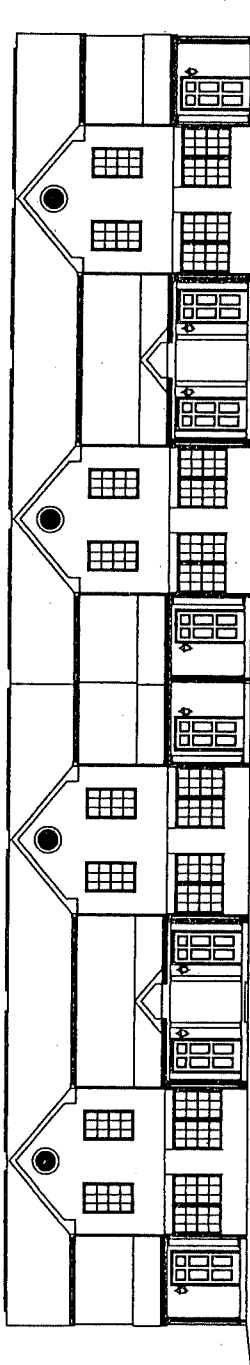
30' SETBACK

30' SETBACK

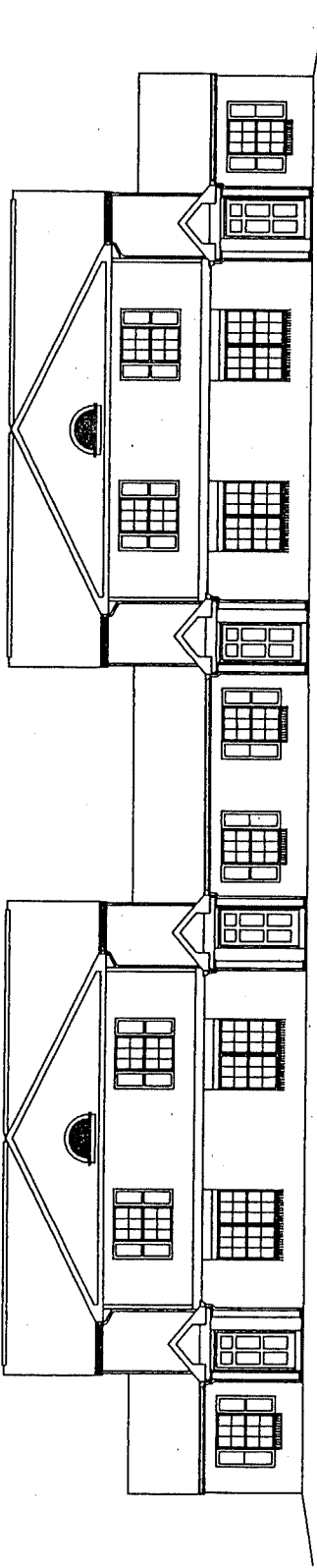
100 FOOT SETBACK FOR FUTURE IMPROVEMENTS TO DIXIE HWY



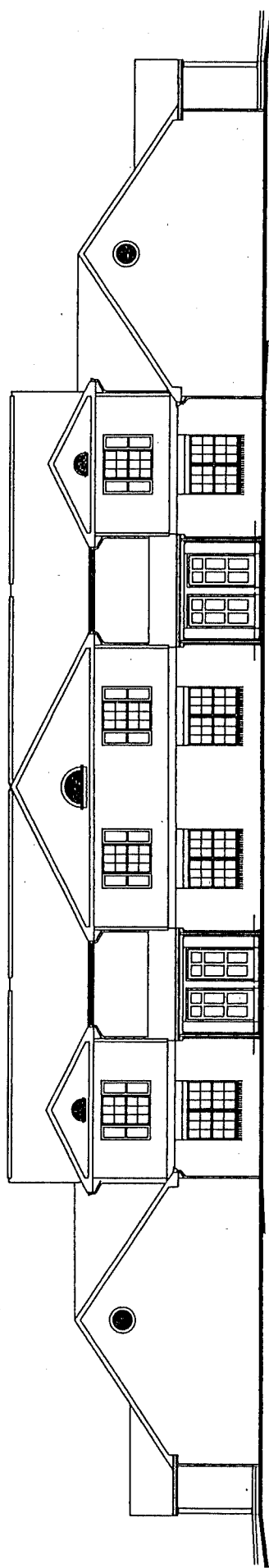
BUILDING A FRONT ELEVATION
SCALE 1/8" = 1'-0"



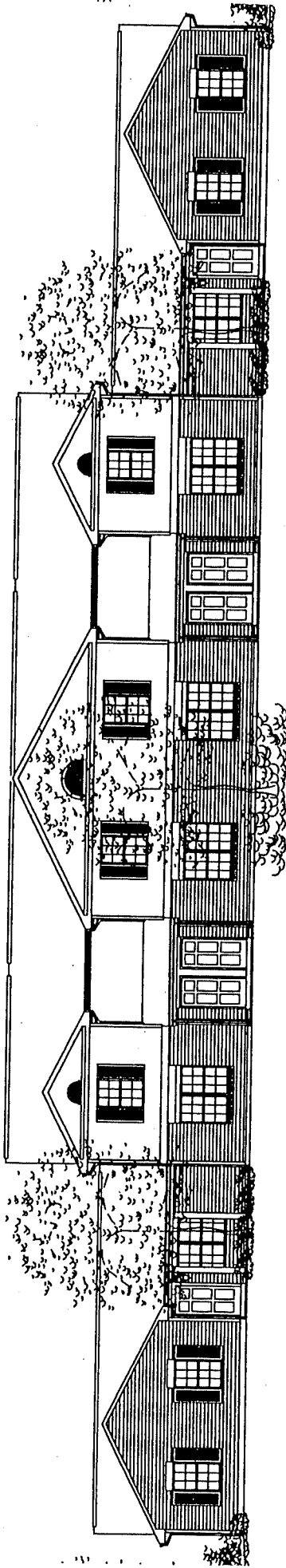
BUILDING B FRONT ELEVATION
SCALE 1/8" = 1'-0"



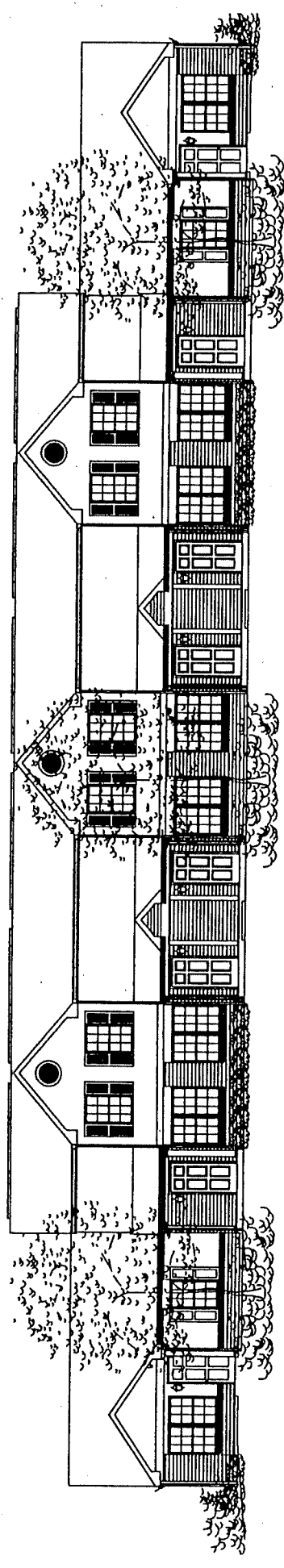
BUILDING C FRONT ELEVATION
SCALE 1/8"=1'-0"



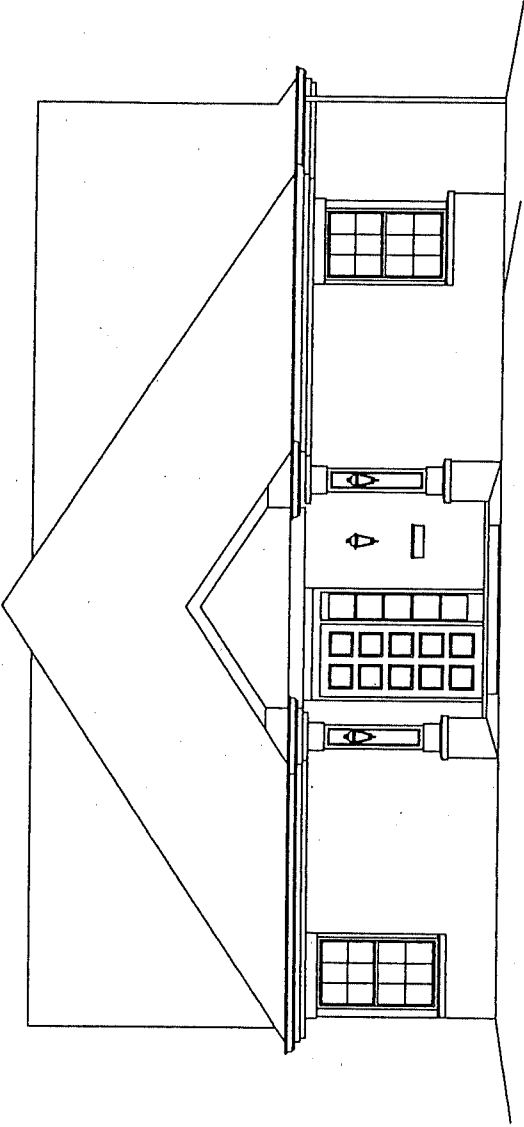
BUILDING D FRONT ELEVATION
SCALE 1/8"=1'-0"



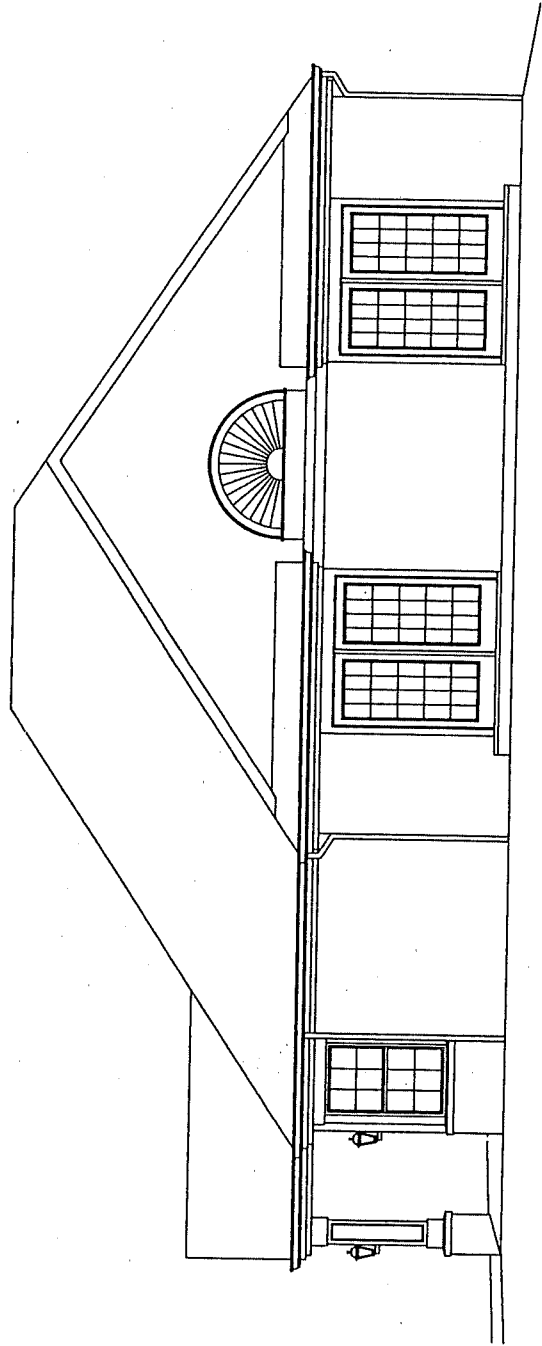
BLDG E FRONT ELEVATION
SCALE 1/8" = 1'-0"



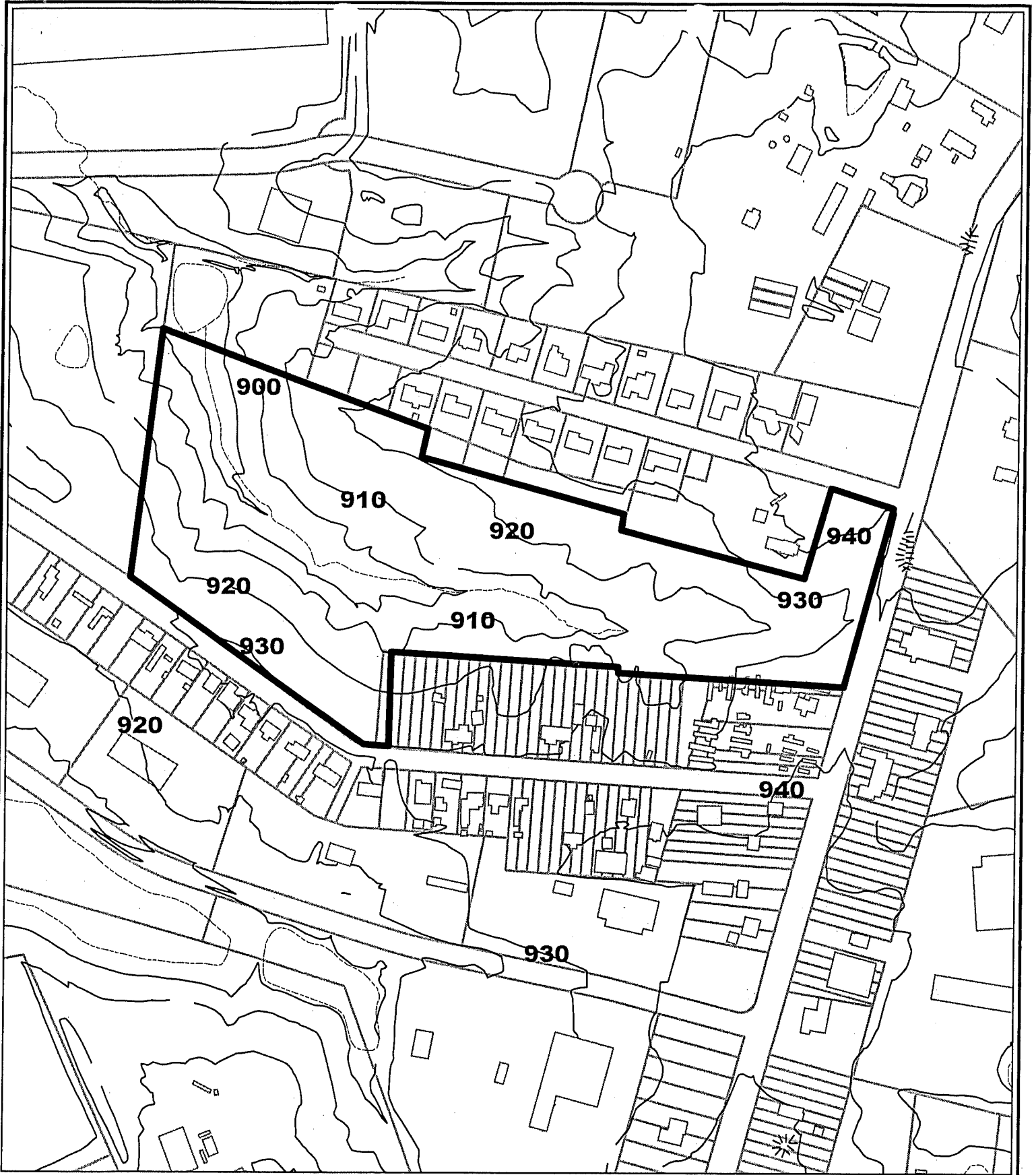
BLDG F FRONT ELEVATION
SCALE 1/8" = 1'-0"



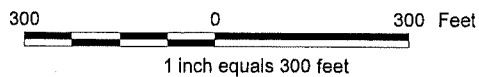
FRONT ELEVATION



RIGHT SIDE ELEVATION

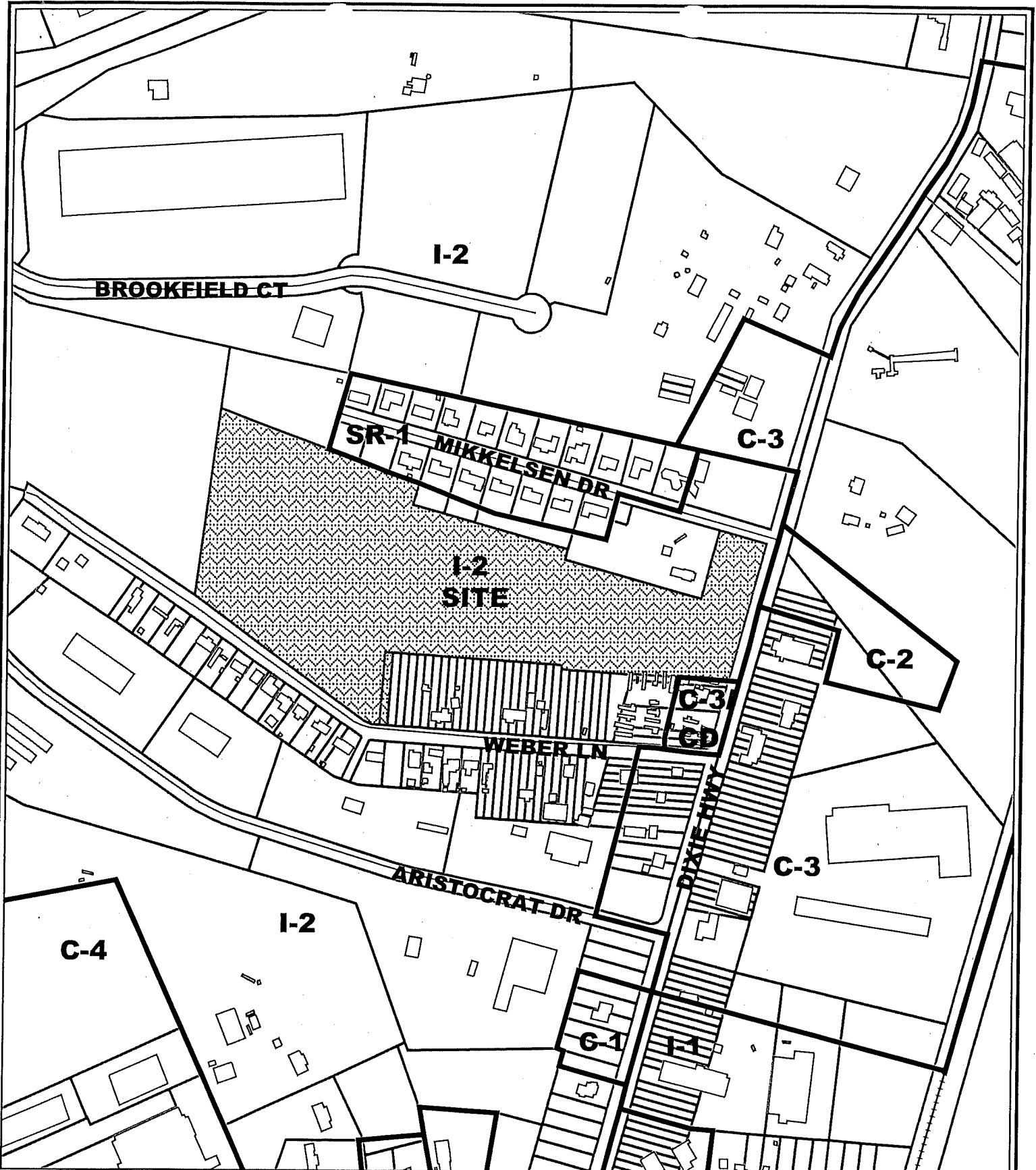


BELMONT GREENE TOPOGRAPHICAL MAP



Produced by the
Boone County Planning Commission
GIS Services Division
April 8, 2003





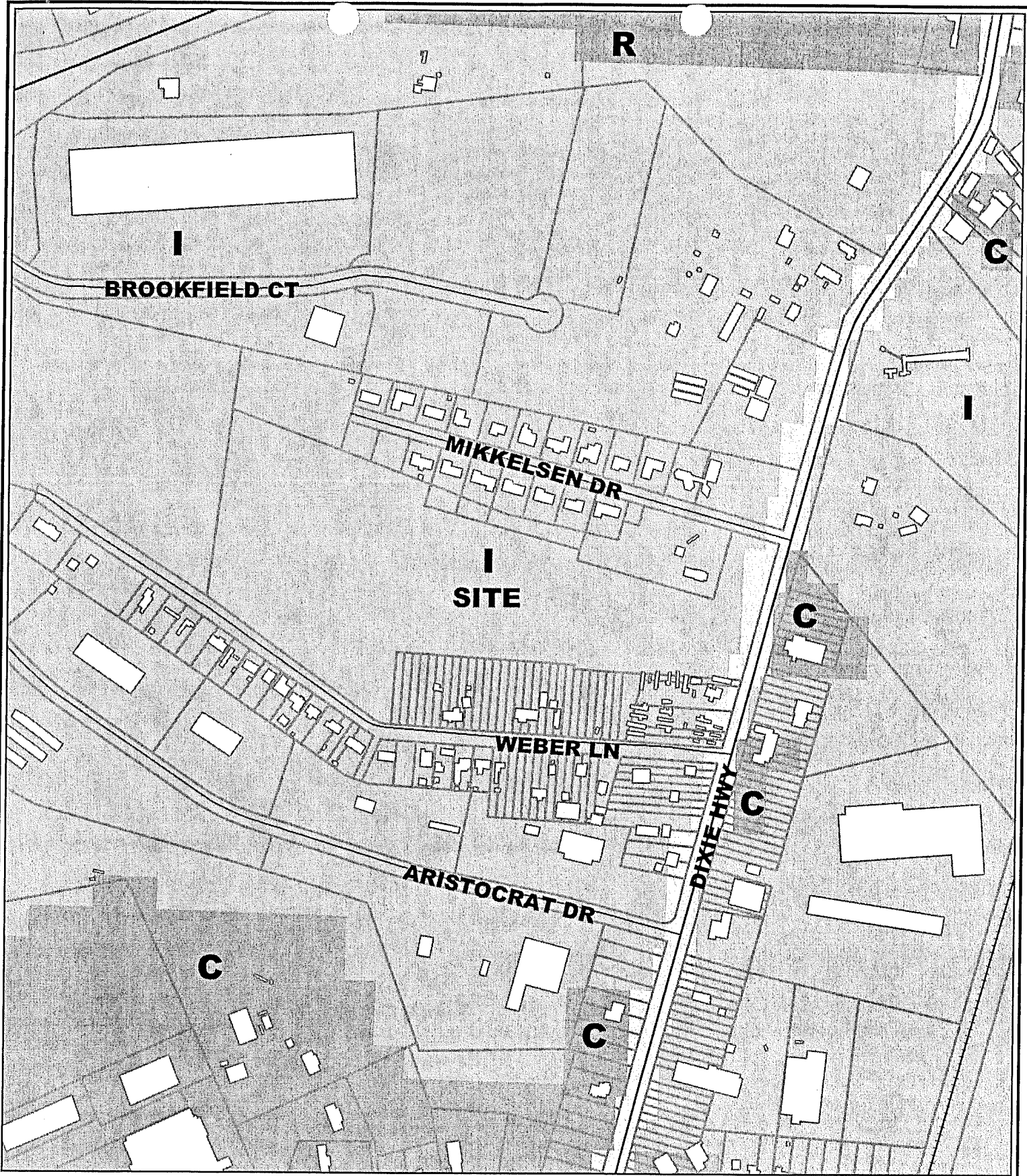
BELMONT GREENE ZONING MAP

400 0 400 Feet

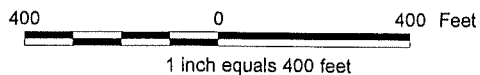
1 inch equals 400 feet

Produced by the
Boone County Planning Commission
GIS Services Division
April 8, 2003



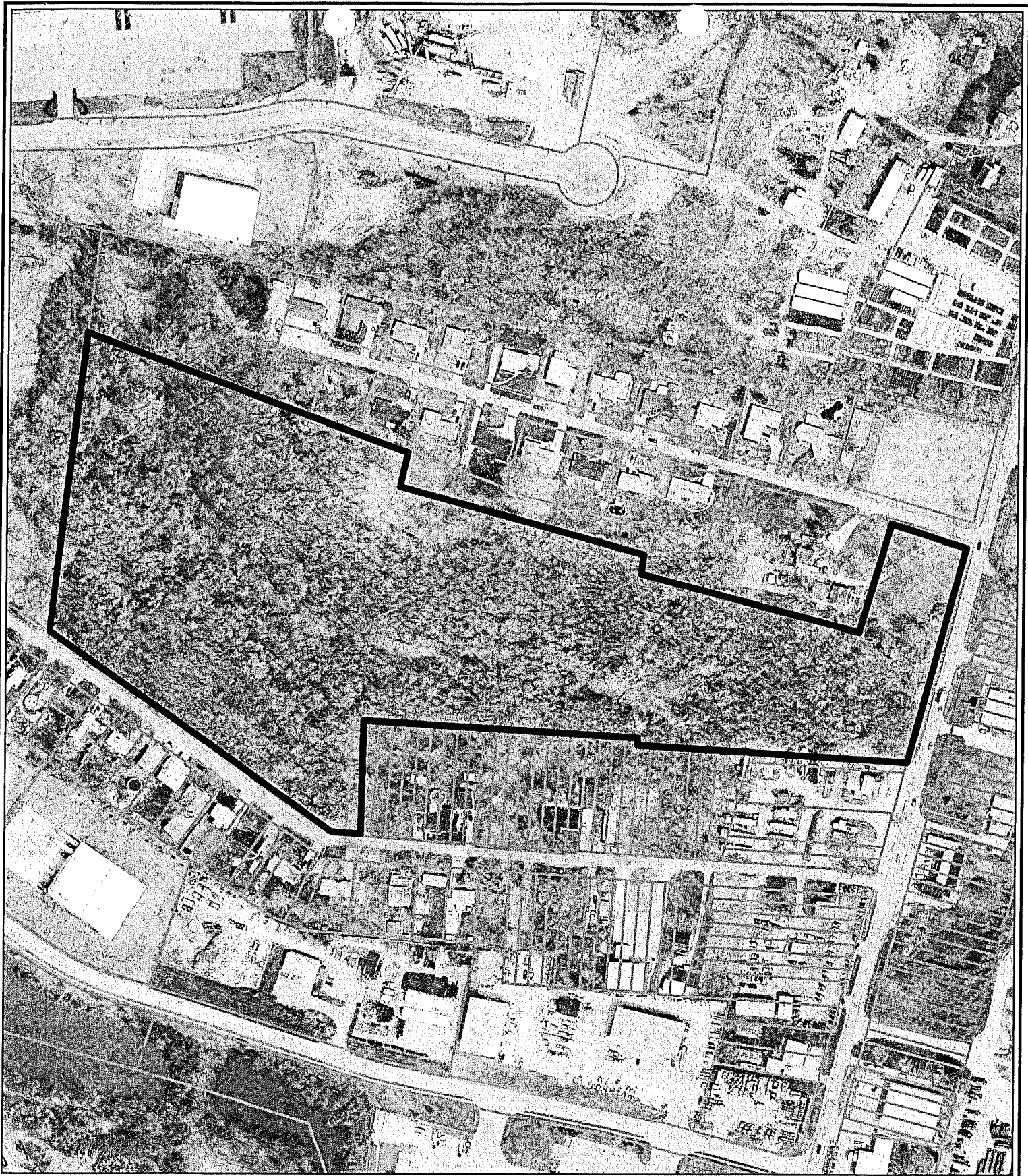


BELMONT GREENE FUTURE LAND USE MAP

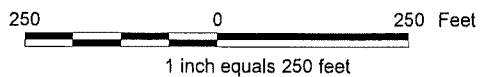


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GIS Services Division
April 8, 2003



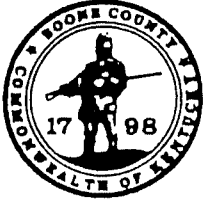


BELMONT GREENE AERIAL MAP



Produced by the
Boone County Planning Commission
GIS Services Division
April 8, 2003





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

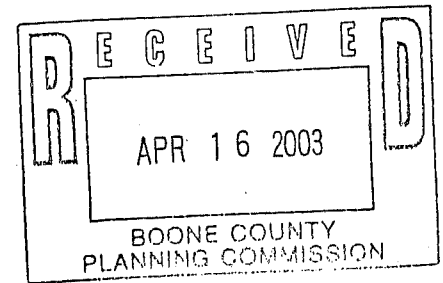
MEMORANDUM

TO: Todd Morgan, Planner, Zoning Services
Boone County Planning Commission

FROM: Greg Sketch, PE, PLS
Boone County Engineer

RE: **Belmont Greene Zone Change**

DATE: April 11, 2003



This is in response to your request for input concerning the request for a zone change of an 18.52 acre tract fronting US 25 and adjoining Weber Lane. The request is to change the zone from Industrial (I-2) to Urban Residential (UR-1) to allow development of a 150 apartment units. The proposal raises two concerns, one from my Department and the other from the Fiscal Court Administration.

My concern would be the access from the development to Weber Lane, a Boone County maintained road. The Concept Development Plan shows two accesses to the road. Given the width of the road, and the use of serving single family detached residents, this Department would not issue needed encroachment permits if the plan is approved. However emergency access with a locked gate would be allowed.

The second concern is from the Administration, in that they support industrial development along this corridor of US 25. Placing high density multi-family housing in this area does not represent this view

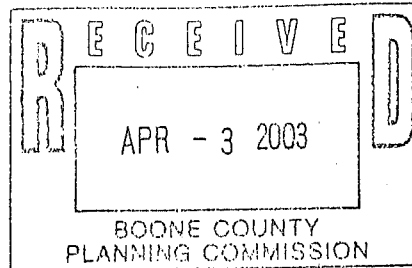
Thank you for the opportunity for input in this matter.

c: Jim Parsons, Boone County Administrator

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



April 1, 2003

Mr. Todd Morgan, Planner
Planning and Zoning
2995 Washington Street
Burlington, KY 41005

Dear Mr. Morgan:

I have reviewed the Concept Development Plan for Belmont Greene Apartment Complex and believe a problem would arise from this zone change.

This area is districted to Collins and R.A. Jones. This type of complex has traditionally produced a great number of students. The scenario would severely overcrowd these schools. The increase in student population and the limited access to building growth would cause problems for the Boone County Schools.

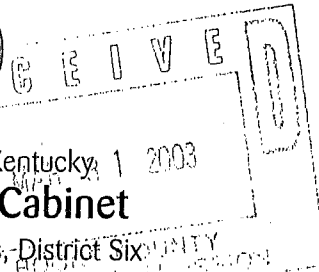
Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Bryan Blavatt".

Bryan Blavatt
Superintendent of Schools

BB/kt



Commonwealth of Kentucky, 1 2003
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

March 28, 2003

Boone County Planning Commission
2995 Washington Street
Burlington, Kentucky 41005

ATTENTION: Todd Morgan, Planner

Dear Sir,

RE: Belmont Greene Zone Change
US 25 – Dixie Highway
BOONE COUNTY

This letter is in response to your letter dated March 24th, 2003 regarding questions concerning the proposed zone change and access point for the above-mentioned project.

The Department has a future roadway project in the area that will affect grading approximately 100 to 120 feet from the centerline of roadway. While the plans for this roadway project are in the preliminary stage the Department would prefer to see that all structures be well out side the limits.

This is subject to the formal encroachment permitting application that is required to be forwarded to the Department for final review.

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

Sincerely yours,

Samuel H. Beverage, P. E.
CHIEF DISTRICT ENGINEER


William F. Madden, P. E.
TEBM FOR TRAFFIC

ECT/dlt

Cc: S. Beverage
Carol Callan-Ramler

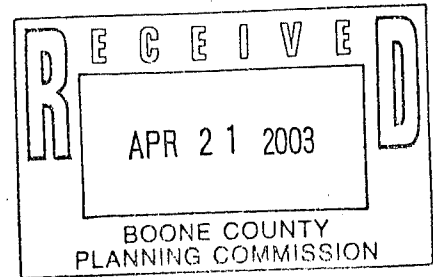


April 17, 2003

Mr. Todd Morgan
2995 Washington Street
Burlington, KY 41005

*Mailed
4/18/03*

Re: 185 Mikkelsen Dr.
Florence, KY 41042



Dear Mr. Morgan:

As per our conversation today we are writing you to voice our opinion/concerns about the proposed zoning change that would impact the property that we own at 185 Mikkelsen Dr., Florence, the request to change the zoning to allow multi-family dwelling units would greatly take away from this area; we are **strictly against** it and so is everyone else that we have spoken with around the area. We all feel the same and **do not want to see this change.**

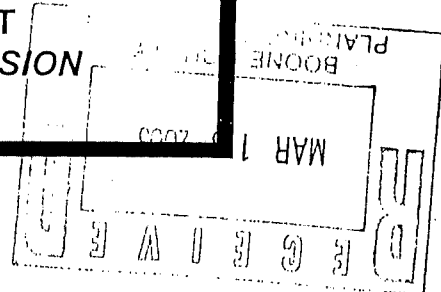
Thank you

A handwritten signature in cursive script that reads "Doug & Sandy Brinker".

Doug and Sandy Brinker
1015 Nancy Gamble Lane
Ellenton, FL 34222
941-722-8114
941-518-7253
941-739-6777 wk

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 Belmont Greene
- 2. Location of Project Off of Dixie Hwy between Weber & Mikkelsen
- 3. Total Acreage of Site 18.5
- 4. Current Zoning of Site Industrial #
- 5. Proposed Zoning (Classification being requested) URI
- 6. Proposed Uses (please specify each use) 150 unit apartment complex

- 7. Names of Applicant(s) Belmont Greene LLC
Phone Number 614-459-9632 Fax No. 614-459

- 8. Address of Applicant(s) 2000 W Henderson Rd.
Columbus Ohio 43220
City State Zip

- 9. Name of Property Owner(s) MARTHA ANDERSON
Phone Number 859-525-6595 Fax No.

- 10. Address of Property Owner(s) 951 WEDGEWOOD DR
INDEPENDENCE, Ky. 41051
City State Zip

- 11. Proposed Building Intensities (please specify) 5377.17 SF./unit - 8.01 U/A

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

- 13. Deed Book 291 Page No. 270 Group No. 2049B

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

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

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

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

- Boone County Water and Sewer District
- Florence Water and Sewer Commission
- Union Light Heat and Power
- Cincinnati Bell
- Owen County Rural Electric
- Boone County Public Works Department
- Kentucky Transportation Cabinet
- City of Florence Public Services Department
- Boone County Building Department

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

**April 23, 2003
7:30 P.M.**

PUBLIC HEARINGS

Commission Members Present: Mr. Bunger, Mr. Hicks - Chairman, Mrs. Kegley, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Schwenke, and Mrs. Wilson - Secretary/Treasurer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Todd Morgan, AICP, Planner; 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 7:38 PM and introduced the first item on the Agenda:

Applicant: Belmont Greene LLC for
Martha Anderson (owner)

Request: Zoning Map Amendment

The request of Belmont Greene LLC (applicant) for Martha Anderson (owner) for a Zoning Map Amendment from Industrial Two (I-2) to Urban Residential One (UR-1) for an approximate 18-acre tract on the west side of Dixie Highway, on the southwest corner of the Dixie Highway/Mikkelson Drive intersection and approximately 220 feet north of Dixie Highway/Weber Lane intersection, and along the north side of Weber Lane immediately west of the property at 180 Weber Lane, Boone County, Kentucky. The request is for a zone change to allow multi-family dwelling units.

Following an explanation of the Public Hearing process, the Chairman asked for the Staff presentation.

Staff Member Todd Morgan presented the Staff Report which included a Power Point presentation (see Staff Report). He noted the attachments to the Staff Report, and (1) a letter dated April 23, 2003 from Mr. Roland Hay with attached

petition (see Exhibit 1) and (2) letter date-stamped April 23, 2003 from Concerned Citizens Committee (see Exhibit 2).

The Chairman asked for the applicant's presentation.

Mr. Jeff Woda, 2000 Henderson Road, Columbus, Ohio with the Woda Company, stated that they have been developing property for over thirteen years and have constructed over 20,000 units in 44 communities. They currently manage over 1,700 units in Ohio and West Virginia. He stated that the existing zoning classification is inappropriate and the proposed zoning classification is appropriate.

Mr. Tom Simons with Woda Development, stated that under I-2 zoning, they could put a concrete plant, an asphalt batch plant, or a sawmill on the eighteen acres. There could be a blast furnace and heavy machinery going up and down the road. He stated that the present zoning classification is inappropriate and a zone change to multi-family is more appropriate in this area of single-family residential and scattered commercial uses.

Mr. Doug Weatherby, architect with PCI Design Group in Columbus, reviewed the Site Plan and Elevations. He stated that the Site Plan was developed to preserve as many of the trees as possible. The main drive will follow the existing swale and creek that goes down to an existing off-site pond. The idea is to follow the topography as much as possible and stair-step the development down to the lower elevations. The main entrance is off Dixie Highway. There will be emergency ingress/egress off Weber Lane, which could be blocked off as requested by the County Engineer. They will do a comprehensive survey to locate any significant trees and steer the development to save them. They will also provide new trees. He stated that one of the storage units on the back of Building #24 encroaches into the setback by three feet and the building will have to be moved forward. He stated that there is sufficient open space between the buildings and behind the buildings for recreational areas. Mr. Weatherby reviewed the elevations. He stated that the community building would face Dixie Highway. **Building A** will have six three-bedroom units; **Building B** will have eight two-bedroom units; **Building C** will have four four-bedroom units with the two-story townhouses in the center of the building; **Building D** will have four one-bedroom units and four three-bedroom units with the two-story three-bedroom units in the center and the one-story one-bedroom units on the ends; **Building E** will have six three-bedroom units with one-story three-bedroom units on the ends that are handicapped accessible; and **Building F** will have eight two-bedroom units with the end units being one-story handicapped accessible units. All of the units are broken up with gable roofs and varying facades and brick and vinyl siding that looks residential in character.

Mr. Woda stated that it has been their experience that the majority of their tenants are people who are already in the community and have school age children.

People do not move outside of the school district and they typically get their tenants from within the community. In regard to the traffic, he stated that there will be fewer traffic movements than from a commercial or industrial development. They have playground facilities in all of their communities and they will incorporate park areas and playground areas in this community. This is a treed site and putting trees back is expensive, so their goal is to save as many trees as possible. They did a complete survey and had every significant tree pointed out and they tried to develop around them. He stated that under the current zoning, there could be other uses that would be much worse for the neighbors to live next to than what is being proposed. This use acts as a transition from single-family residential to the industrial area. He does not think that some of the uses allowed in an industrial area are wanted next to a residential area. This completed the applicant's presentation.

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

Ms. Linda Berryman, 178 Mikkelson Drive, has heard that there will be Section 8 housing. She used to live in Beechgrove, and there was Section 8 housing and problems with being vandalized and robbed. She has no problems with the request if it is not Section 8 housing. Chairman Hicks advised that the Planning Commission cannot dictate what type of apartments they will be.

Ms. Lora Ward, 149 Mikkelson Drive, stated that these apartments would be right in her back hard and the backyards of most of the houses on Mikkelson Drive. She questioned where the children are going to play – and stated that there is no room for them to play. She stated that the development is supposed to conform with the rest of the houses in the area, which are single-family residences. She stated that they already have a concrete plants and now they have learned that trailer sales have been approved.

Mr. Paul Krummen, a resident of 216 Mikkelson Drive since 1959, stated that the applicant did not do his homework. He stated that they currently have three concrete plants and an asphalt plant and there are days when they emit offensive odors. People do not want their children exposed to that. He asked if an EPA study is required for the development. Mr. Costello responded "no". Mr. Krummen stated that their property has been depreciated and this development will not help the property values.

Mr. Wendell Hickman, 195 Weber Lane, stated that people take their lives in their hands now when they try to get out around US 25 and Weber Lane and even Mt. Zion Road between 4 PM and 6 PM. What will another one hundred units do to the traffic? He stated that most of the residents chose their homes for the country atmosphere near the city, but they have been industrialized up to their eyeballs.

This development will bring vandalism and robbery. The residents do not want this development.

Ms. Karla Coffey, 263 Weber Lane, stated that they have a business license and bring heavy equipment in and out of their property, which will be a dangerous situation for children going back and forth across the street. They are considering buying the lot next to their property and will also bring equipment in and out of that lot. She stated that three- and four-bedroom units will have more children and it will be dangerous for them with the heavy equipment.

Ms. Carol Nagle, a resident of 267 Weber Lane for twenty-three years, stated that this is a dead-end street. The street is not wide enough for two cars to pass. When a school bus comes down, people have to pull over and wait for it to pass. She questioned the children from the development congregating at the end of the street, parking and blocking the three residents there from getting in and out of their driveways. She would prefer a concrete plant. She questioned if the road would be widened. She stated that the trailer on the corner does not have electric and is not hooked up to a septic tank. She stated that the applicant does not have a picture of the finished apartment complex. She suggested that the applicant make each of the residents an offer and take the whole street. She stated that in new subdivisions, the apartments are on one side and the single-family homes are on the other side -- and you don't see a factory in the middle. This is an older street and they like where they live -- the Planning Commission should listen to the people who have lived here for years. She is the fourth house from the end of the street and when their families come over, they share parking because they have known each other for years -- but this apartment complex will be on Weber Lane where two cars barely fit.

Ms. Bonnie Hickman, 195 Weber Lane, stated that her house is right across from the proposed entrances and exits. If the entrance is gated, that will be a problem for the police and fire departments. She stated that someone will figure out how to unlock the gate. She stated that they have a fire station, but do not have a police department that will come if they need someone fast. She questioned increasing the number of police to serve their streets -- or she will have to lock up her shed and her house. She will feel unsafe knowing 150 families are living right across the street.

Mr. Brian Beach, a resident of 203 Mikkelson Drive since 1975, stated that he bought the house across the street from his parents because he loves the atmosphere there. Their taxes were recently raised and he wants to know what they get for that. This development will have a detrimental effect on their property value. There are new apartment complexes on Mt. Zion Road, Weaver Road, and Hopeful Road and they have vacancies. He does not see how the applicant can guarantee that the residents are already in the area. He is concerned about the noise -- workers from an industrial plant go home -- but when people live there, the noise will continue.

Mr. Raymond McGrath, 224 Mikkelson Drive, stated that the people who move to these apartments will be leaving other properties that will not stay empty so there is a problem regarding the schools. He stated that the garbage truck has to back in to pick up garbage because there is not enough room. Traffic is bumper to bumper and, if there is an accident on I-75, it is bumper to bumper for hours. Three hundred cars will really add to the traffic. He has paid thousands of dollars to take care of the water problem and keep it out of his house. The water from this development will be going to the second pond that is adjacent to his property, which used to be the septic sewer before they went to city sewers – how clean and safe is that? It will then go to Gunpowder and everyone knows all the problems it causes.

Mr. James Woodall, 167 and 173 Weber Lane, stated that the Planning Commission should be thinking about getting the residents out of there and away from the concrete plants and I-75. They are hauling chemicals and if there is a spill, the residents would have to evacuate. Art's Tool Rental is up to his property line.

Mr. Roland Hay, a resident of 175 Weber Lane since 1985, stated that this will be high-density, stripped down, no-frills Section 8 government subsidized apartments. There will be adverse impacts on the property values on Mikkelson Drive and Weber Lane. The last sale in the area was 127 Weber Lane, which was two lots and a small two-bedroom house that sold for \$170,000. The house was torn down. He stated that they have enjoyed property appreciation and his insurance cost has appreciated. This project will negatively impact the single-family houses. He stated that the scenario looks good on paper, but he has never seen a Section 8 project that is what they say the development will be. The density is packed in and there will be no room for recreation. The streets will have to be widened and there will have to be curbs and sidewalks. There will have to be another traffic signal at Weber Lane and at Mikkelson Drive on Dixie Highway in order for people to get in and out. This is urban blight. Elevated police protection and crime investigation will be a factor. The residents will be assessed for the electric lines and gas lines that are put in. The residents will pay for the project. They fear increased taxes and deflating values of their homes as a result of the high-density housing. Renters do not care about their homes like an owner would. Law enforcement burdens would be accelerated. The project will not be in harmony with the general objectives of the Comprehensive Plan and it is contrary to the zoning ordinance.

Mr. Krummen noted the two detention ponds and stated that it looks like the detention in on the adjoining property. He stated that there are eighteen nice homes on Mikkelson Drive and there is no reason for their properties to be depreciated any more than they have been by the concrete plants. He wants the Planning Commission to consider what the area looks like because people are living there.

Ms. Sandy Brock, 180 Weber Lane, stated that the proposed development is in her back yard and in her side yard. They have lived there thirty-two years and plan to retire there. They enjoy the deer and wild turkeys. Her property is 250' x 250' and she is concerned that it will become the playground. Her property is zoned industrial and there is commercial on the side – and now there will be UR-1 zoning. She is opposed to the proposed development.

Ms. Deborah Botts, Mikkelson Drive, agreed with the others. She stated that this is a nice quiet residential area. She moved there because she did not want her children in an apartment complex where they would be influenced by other children. She feels that her children will be impacted by this development, especially if it is a Section 8 environment. She is concerned about the trees being removed. This development will be detrimental to her view and to the property values. She asked that the request be denied.

Mr. Larry Beach, 206 Mikkelson Drive, stated that he talked to Boone County Water & Sewer and was told that there is a freeze on any more dwellings being built in Boone County because of the sewage problem. He stated that there is a sewage problem on Mikkelson Drive. Their front yard has caved in three times. Twenty-four feet of pipe was put in and it still looks bad. They had the pipe break on the street five times this winter. The pond has been drained, but they have not gotten the new sewers they were promised. The old sewers keep busting. He does not want the sewage from this development to come down the line.

The Chairman asked if there was anyone else present who wished to speak. There being no response, he asked the applicant to address the concerns.

Mr. Woda stated that there is no Section 8 financing anticipated. Section 8 is not in the financing plan. He stated that there will be extensive play areas -- they do tot lots and have fenced-in play areas, and for the older children they have things like tennis and basketball courts. They will put the recreational areas around the site in different locations. Chairman Hicks asked that the play areas be outlined for the Committee Meeting. Mr. Woda stated that all of their units are brick and vinyl siding. They have a lot of gables and cuts in the roofline to make the development aesthetically appealing. Chairman Hicks asked the applicant to provide the Committee with the percentages of vinyl and brick. He asked the applicant to address the detention ponds. Mr. Woda stated that Staff referred to two detention ponds, they did not. He stated that there may be another pond that they are not aware of, but they have planned an on-site detention area.

Mr. Costello asked the applicant to provide the Committee with a list of communities where their existing facilities are located in Ohio and West Virginia. Mrs. Wilson asked the applicant to bring to the Committee Meeting a survey showing all of the trees they can possibly retain. She stated that the application indicates that the Sanitation District was contacted, but she did not see a letter

from them regarding this application. She stated that in a previous project, there was discussion of a gate that would be closed off and the codes would only be available to emergency service personnel. Mr. Morgan agreed. Mr. Wall stated that there are a variety of ways it can be handled.

Mr. Woda stated that if they move to the next step in the process, they will get a detailed survey done that shows all of the trees of a certain size and they will try to design around them and save them. Mrs. Wilson asked that the applicant show the Committee which trees will be saved. She noted the information from the Transportation Cabinet and questioned the encroachment. Mr. Weatherby responded that he made an arbitrary setback line of 100 feet from Dixie Highway due to the anticipated improvements to the road. He was not aware that it would be greater than 100 feet. The 100-foot setback for property facing Mikkelson Drive is open because they cannot develop it and retain the setback. He stated that he tried to develop the frontage along Weber Lane so that all of the units fronted on Weber Lane or there was an end frontage so that there is a streetscape appearance. It could be redesigned and one exit eliminated. They could provide one emergency ingress/egress that would only be accessible to emergency vehicles. They can make adjustments as necessary for additional setback or eliminate the exits onto Weber Lane. The primary entrance is on Dixie Highway and the Weber Lane accesses were for emergency vehicles – but they could be blocked off and the area changed to a cul-de-sac so that the units would face Weber Lane.

Mr. Reynolds questioned the rents. Mr. Woda responded that the rents would be between \$500 - \$700 per month. He can get a complete rent schedule.

Mr. Reynolds asked if the applicant contacted engineering departments in Boone County as to availability of sewer and water. Mr. Woda responded “not at this point”.

Mrs. Poston questioned why the property was rezoned in the 1986 zoning update. Mr. Costello responded that it was rezoned as part of the county-wide update. The 1985 Comprehensive Plan was completed and the Future Land Use of the site was industrial. A large portion of the area was rezoned to industrial based on the planned industrial expansion of Northern Kentucky Industrial Park. There was very little land left to develop in the Boone County portion of the industrial park and the legislative unit and the Planning Commission decided to rezone much of the area to I-2 as part of the update.

Mrs. Poston questioned the Future Land Use designation for Mikkelson Drive. Mr. Costello noted that the Future Land Use Map is attached to the Staff Report, but it is not in color. Mrs. Poston reviewed the Future Land Use Map and stated that the Future Land Use for Mikkelson Drive is Industrial. Mr. Costello agreed. Mr. Morgan reviewed the Future Land Use Map noting that the area shown in blue is forecasted for Industrial and the area shown in red is forecasted for

Commercial. Mikkelson Drive and Weber Lane are forecasted for Industrial, and so is Aristocrat and the majority of Sam Neace.

Mr. McMillian asked if all of the proposed units are rental units. Mr. Woda responded "correct".

Mrs. Wilson noted the applicant's comment that they did not contact the engineering departments, but their application under #17 says that they did. Mr. Weatherby responded that they contacted the Sanitation Department and they sent them a map indicating where the sewer locations were, but they did not respond regarding capacity. Mrs. Wilson asked that written responses from the Sanitation Department and Boone County Water District be provided to the Committee. Mr. Morgan stated that as part of his review, he sent letters to the Sanitation District and Boone County Water District, but received no written comment. He does not believe there is any problem anticipated with the development as they normally send back a comment letter if there is a problem. He received telephone calls from both agencies saying "no comment".

Mr. Bunger stated that the applicant indicated that the proposed usage and zoning would be more appropriate based on the possibility of other industrial uses in the area. He asked the applicant to expand on that comment and explain why the proposed rentals in this location are better than the planned industrial uses. He asked if the applicant has surveyed the Florence area as to the number of apartments available and the current vacancy rates prior. Mr. Woda responded that there is existing residential housing in the area and additional housing is more conducive to what is there than some of the uses allowed under Industrial zoning. The single-family residential area is there and the proposed development could be a step into the commercial uses. Mr. Bunger asked if there is a need for these units and questioned the present inventory and availability in the market. Mr. Woda responded that they retained a professional market study and received a report that there is a demand. They can make that study available to the Committee. Mr. Bunger asked that the study be provided to the Committee. He questioned the response from the School Board that the proposed development would be a burden on the school system. Mr. Woda responded that they will pay taxes like everyone else. He stated that they have not investigated what they could do to alleviate that problem, but they are willing to talk to the School Board to see if there is something they can do.

Mr. Reynolds questioned professional traffic studies and the impact of this development. He asked that this information be provided to the Committee. Mr. Woda responded that they do not have professional traffic studies and asked for advice as to whom they should contact. Counselor Wilson advised them that it is their application.

Mr. Woda stated that there were many questions about security. He stated that they will have on-site security – possibly a local person in the business who is

given a free unit. He stated that they do a good background check on tenants including a police report, credit report, and prior landlord references – which cuts down on the number of bad tenants.

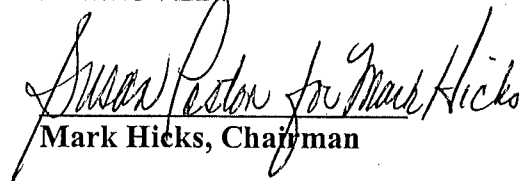
Mrs. Kegley stated that the biggest question is “is the existing zoning inappropriate and the proposed zoning more appropriate?”. She noted that the applicant is being asked to spend money on traffic studies. She questioned the Zone Change Committee meeting initially to decide that question before requesting additional information and the applicant spending more money.

Mr. Costello responded that in the past, there have been applicants who have done the studies in advance. It is the applicant’s call – if they think it is worth pursuing, they can make that decision. He stated that the traffic study is one of many issues regarding this application. He noted the requirements for a zone change application and stated that a traffic study is recommended, but the applicant chose not to submit one. He does not know if it came up in the pre-application meeting.


There being no further comments, the Chairman stated that the Committee Meeting for this item will be on May 7, 2003 at 5:00 PM in the Fiscal Courtroom on the second floor of this building. This item will be on the Agenda for the Business Meeting on May 21 , 2003 at 7:30.PM.

The Chairman closed this Public Hearing.

APPROVED:


Mark Hicks, Chairman

Attest:


Jan Hancock, Recording Secretary

Exhibits –

- 1 letter dated April 23, 2003 from Mr. Roland Hay with attached petition
- 2 letter date-stamped April 23, 2003 from Concerned Citizens Committee

Roland Hay - Boone County Planning Commission

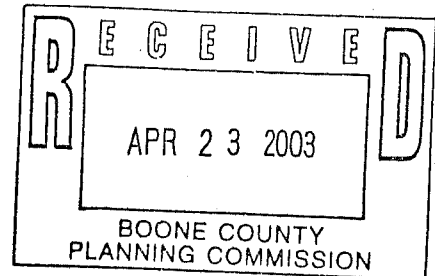
179 Weber Lane • Florence, KY 41042 • Telephone (859) 525-2681

Exhibit 1

— Public Hearing #1, April 23, 2003 —
petition/Mr. Roland Hay

April 23, 2003

Mr. Todd Morgan
Boone Count Planning and Zoning
2995 Washington Street
Burlington, KY 41005



Dear Mr. Morgan:

Please find attached Petitions to Boone County Planning & Zoning addressing our neighbors' objections to the rezoning application from I-2 to UR-1 of the Martha Anderson Parcel located between Mikkelson and Weber Lanes, Florence, KY.

Other than Martha Anderson and Belmont Green, the sentiment of this immediate adjacent neighborhood is overwhelmingly (100%) against creating an urban blight community. As a personal opinion, if this was a county-wide referendum, the entire county ratios would probably be much the same as the attached petitions.

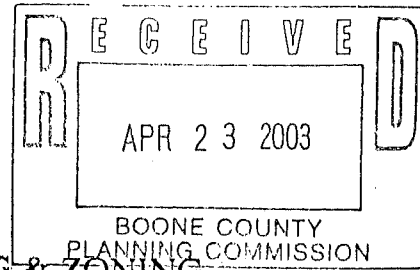
Sincerely,

Roland Hay

Roland Hay

Attachments

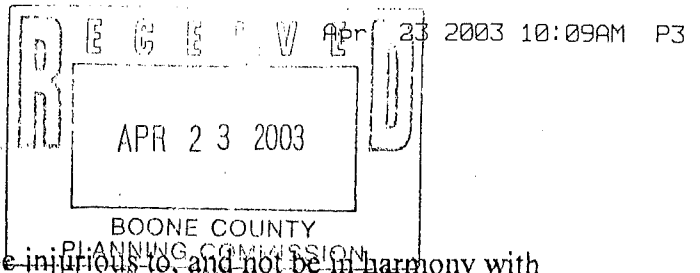
PETITION
TO
BOONE COUNTY PLANNING & ZONING



Reference: Rezoning of Martha Anderson Parcel from I-2 to UR.1 (Urban Residential 1).

The undersigned residents, in good faith, hereby object and are opposed to the above rezoning issue for the following reasons:

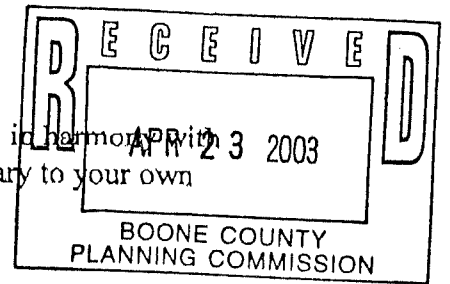
1. The area adjacent to target property has always been a country lane setting and the present owners wish to keep it that way.
2. We object to the "URBANIZING" of our homesteads which we have enjoyed for as long as 60 years.
3. The Belmont Greene LLC proposed project would have a negative effect on our property values and we would not be able to sustain our appreciation rate that we now are experiencing at the present.
4. The density of up to 216 living units will put an oppressive burden on the Boone County School system. Hence a tax burden on the property owners. Whereas our present I-2 zoning would have no effect on the school system. For the workers in the system would live in another area outside of the impacted target area.
5. The infrastructure in the area cannot sustain the impact of such a dense influx of people and the extra traffic. Our Country lane atmosphere would cease to exist. The need for storm sewers, curbs, wider streets and sidewalks would demand more taxes, and more taxes--and more taxes. The residents don't need all these extras with the present I-2 zoning.
6. The undersigned residents fear increased tax hikes and deflating valuations of our homes as a result of urban residential density. We have a better chance of sustaining our appreciation rate and less taxes with the present I-2 zoning.
7. Law enforcement burdens would automatically accelerate with an influx of hundreds of people and cars into such a small neighborhood area as Weber Lane and Mikkelson Drive.
8. Project will create excessive additional requirements at public cost for public facilities and services and be detrimental to the economic health of this community.
9. Traffic patterns and approaches to properties on surrounding public roadways will have to be re-assessed because of future heavier traffic involved.



10. The project will at the very least, be injurious to, and not be in harmony with the general objectives of the County's comprehensive plan and is contrary to your own zoning orders.

<u>NAME</u>	<u>ADDRESS</u>
Joyce Woodall	167 Weber Lane Flo
James Woodall	167 WEBER LANE
Billy Smith	167 Weber Ln
Jolie Prable	167 Weber Ln
Roland Day	179 Weber Lane
Barbara Talbott	173 Weber Lane
William Talbott	173 Weber Lane
Hollie Hay	179 Weber Lane
Sandra Baker	180 Weber Lane
Theresa Calrock	180 Weber Lane
Joseph J. Enda	301 Weber Ln
Janet Enda	301 Weber Ln
Sue Mays	275 Weber Ln. Florence
Walter Mays	275 Weber Ln Flo
Carol Mays	269 Weber Lane
Beverly Nagel	263 Weber Lane
Bill Swann	243 WEBER LANE
Sharon Christman	213 Weber Lane
Tom Little	207 Weber Lane
Randy Little	8514 Dixie Hwy
Pennie Grubbs	8485 Dixie Hwy
Tim Edward	131 Weber Lane

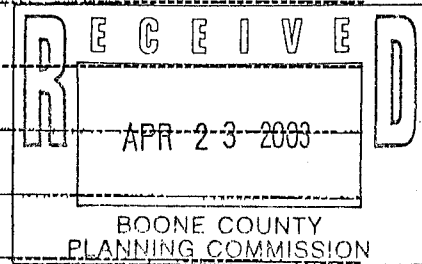
10. The project will at the very least, be injurious to, and not be in harmony with the general objectives of the County's comprehensive plan and is contrary to your own zoning orders.

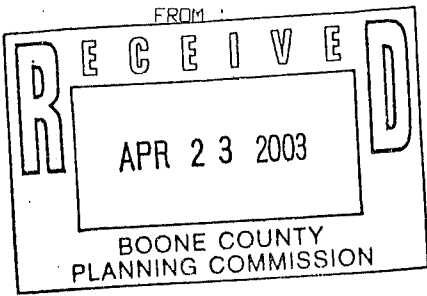


NAME	ADDRESS
Wanda Murray	8450 Dixie Hwy
Brett Murray	8450 Dixie Hwy
Randy Murray	8450 Dixie Hwy
Paul Krummen	216 MIKKELSEN
Deborah Bott	198 MIKKELSEN RD
Mark Bott	198 Mikkelsen Rd.
Brian & Tina Beach	203 Mikkelsen Dr.
Larry & Helen Beach	206 Mikkelsen Dr.
Evelyn Droganes	170 Mikkelsen Dr.
Jerry Hale	175 Mikkelsen Dr.
Corbra C. Eulankes	167 Mikkelsen Dr.
Mary Kohlman	161 Mikkelsen Dr.
Kenneth Kohlman	161 Mikkelsen Dr.
Cheryl Kohlman	161 Mikkelsen Dr.
Guth Miller	170 Mikkelsen Dr.
Danny Miller	149 Mikkelsen Dr.
Theresa	142 Mikkelsen
Theresa	142 Mikkelsen
Arlene Brown	146 MIKKELSEN DR.
Lue Brown	146 Mikkelsen Dr Florence, Ky
Arlene Pratt	188 Mikkelsen Florence Ky
Linda Berryman	178 Mikkelsen Florence, Ky.
Tom D. D.	188 MIKKELSEN DIXIE, KY

10. The project will at the very least, be injurious to, and not be in harmony with the general objectives of the County's comprehensive plan and is contrary to your own zoning orders.

NAME	ADDRESS
Caryl M. Dumble	201 Weber Lane - Fla. Key
Mae Hirsinger	2027 Weber Ln Fla Key
Ron Kissinger as owner	894 Chambers Rd
Kevin Nasif	263 - weber ln
Kathie Coffey	↓ ↓
Ben Nease	↓ ↓
Bonnie Hickman	195 Weber Lane
Wendell Hickman	195 Weber Lane





PETITION
TO
BOONE COUNTY PLANNING & ZONING

Reference: Rezoning of Martha Anderson Parcel from I-2 to UR.1 (Urban Residential 1).

The undersigned residents, in good faith, hereby object and are opposed to the above rezoning issue for the following reasons:

1. The area adjacent to target property has always been a country lane setting and the present owners wish to keep it that way.
2. We object to the "URBANIZING" of our homesteads which we have enjoyed for as long as 60 years.
3. The Belmont Greene LLC proposed project would have a negative effect on our property values and we would not be able to sustain our appreciation rate that we now are experiencing at the present.
4. The density of up to 216 living units will put an oppressive burden on the Boone County School system, Hence a tax burden on the property owners. Whereas our present I-2 zoning would have no effect on the school system. For the workers in the system would live in another area outside of the impacted target area.
5. The infrastructure in the area cannot sustain the impact of such a dense influx of people and the extra traffic. Our Country lane atmosphere would cease to exist. The need for storm sewers, curbs, wider streets and sidewalks would demand more taxes, and more taxes--and more taxes. The residents don't need all these extras with the present I-2 zoning.
6. The undersigned residents fear increased tax hikes and deflating valuations of our homes as a result of urban residential density. We have a better chance of sustaining our appreciation rate and less taxes with the present I-2 zoning.
7. Law enforcement burdens would automatically accelerate with an influx of hundreds of people and cars into such a small neighborhood area as Weber Lane and Mikkelson Drive.
8. Project will create excessive additional requirements at public cost for public facilities and services and be detrimental to the economic health of this community.
9. Traffic patterns and approaches to properties on surrounding public roadways will have to be re-assessed because of future heavier traffic involved.
10. The project will at the very least, be injurious to, and not be in harmony with the general objectives of the County's comprehensive plan and is contrary to your own zoning orders.

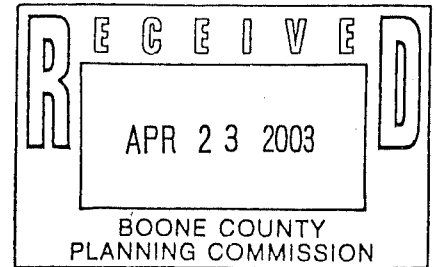
NAME
 Jeri Lentz
 Thomas Schuster

ADDRESS
 8560 Dupri Hawthorne Hwy
 8344 Weber
 FI Reg

FROM :

EXHIBIT #2
— Public Hearing #1, April 23, 2003
Letter from Concerned Citizens Comm.

Apr. 23 2003 02:40PM P1



TO: Todd Morgan
Boone County Planning & Zoning Commission

RE: Rezoning issue of 4/23/03

Has the members of the Board taken into consideration the following:

1. ...the adverse impact on property values for those living adjacent to Mikkelson and Weber Lanes?
2. ...the inherent substantive right of the people to feel secure in their homes and possessions?
3. ...the day-to-day cost of picking up litter and trash in the target area and surrounding areas?
4. ...the overall "trashing" of our community?
5. ...the never ending need for more and more taxes from the productive homeowners to give to the NON-PRODUCTIVE RESIDENTS?
6. ...the cost of major improvements to our infrastructure?
7. ...the fear of personal harm perpetrated by "bullies and punks"?
8. ...living with puns, such as, "little ENGLISH WOODS" and "OVER THE RHINE-SOUTH"?
9. ...elevated police protection and crime investigation problems?
10. ...the phrase, "enough is enough"?
11. ...the profound truth in: "if you don't know what your rights are, you don't have any"?

The Neighborhood Citizens who will be mostly affected by this zoning change deserve answers to all of these questions noted above.

CONCERNED CITIZENS COMMITTEE

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

Mr. Mark Hicks, Chairman, called the meeting to order at 7:35 PM.

COMMISSION MEMBERS PRESENT:

Mr. Randy Barlow
Mr. Greg Breetz
Mr. Kim Bunger
Mr. Mark Hicks, Chairman
Mrs. Janet Kegley
Mr. Richard Knock, Temporary Presiding Officer
Mr. Don McMillian
Mr. Robert Newman
Mr. Randy Poe
Mrs. Susan Poston, Vice Chairwoman
Mr. Bob Schwenke
Mrs. Lisa Wilson, Secretary/Treasurer

COMMISSION MEMBERS NOT PRESENT:

Mr. Arnold Caddell
Mr. Charlie Reynolds
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. Todd Morgan, AICP, Planner
Mr. Kevin Wall, AICP, CDT – Director, Zoning Services

ACTION ON PLAN REVIEWS:

Mr. Poe stated that he would not participate in regard to Agenda Item #1 due to his relationship with the applicant. He left the meeting room at this time.

The Chairman introduced the first item on the Agenda:

1. Zoning Map Amendment

The request of Belmont Greene LLC (applicant) for Martha Anderson (owner) for a Zoning Map Amendment from Industrial Two (I-2) to Urban Residential One (UR-1) for an approximate 18-acre tract on the west side of Dixie Highway, on the southwest corner of the Dixie Highway/Mikkelson Drive intersection and approximately 220 feet north of Dixie Highway/Weber Lane intersection, and along the north side of Weber Lane immediately west of the property at 180 Weber Lane, Boone County, Kentucky. The request is for a zone change to allow multi-family dwelling units.

Staff Member Todd Morgan presented the Committee Report which recommended denial of the request based on the Findings of Fact (see Committee Report).

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

Mrs. Kegley stated that the applicant attended the Committee Meeting and provided additional information regarding traffic and the trees that would be kept. The submitted information is available to anyone who wants to review it. The applicant was cooperative in providing the requested information, but the Committee did not review it because the request was made based on the applicant's finding that the existing zoning was inappropriate and the proposed zoning was appropriate – but since the applicant did not prove that finding to the Committee, the Committee did not feel that it was necessary to look at the traffic issues. She stated that it is clear in the Future Land Use Map that the area will be industrial. She stated that the current zoning is appropriate and the homes are being slowly converted to industrial uses – and that is the way we intend to keep it.

There being no further comments, the Chairman asked for a vote on the motion made by Mrs. Poston. **All Commissioners present voted in favor. Mr. Poe was not present and did not vote. The motion carried.**

Mr. Poe returned to the meeting at this time.

EXHIBIT
"B"

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: June 4, 2003

RE: Request of **Belmont Greene LLC (applicant)** for **Martha Anderson (owner)** for a Zoning Map Amendment from Industrial Two (I-2) to Urban Residential One (UR-1) for an approximate 18 acre tract located on the west side of Dixie Highway, on the southwest corner of the Dixie Highway/Mikkelsen Drive intersection and approximately 220 feet north of the Dixie Highway/Weber Lane intersection, and along the north side of Weber Lane immediately west of the property at 180 Weber Lane, Boone County, Kentucky. The request is for a zone change to allow multi-family dwelling units.

REMARKS:

We, the Committee, recommend denial of the above referenced Concept Development Plan application for a 150 unit apartment complex based on the following findings of fact.

FINDINGS OF FACT:

1. The Committee has concluded that the request is not in agreement with the following passages from the 2000 Boone County Comprehensive Plan:
 - a. The "2025 Future Land Use Plan" designates the site in question for "Industrial" uses. This designation is described as "manufacturing, wholesale, warehousing, distribution, assembly, mining, and terminal uses" (pg. 157).
 - b. The Land Use Element (Devon Area) states that "industrial uses, similar in nature to the Northern Kentucky Industrial Park, should expand southward to Mt. Zion Road, between I-75 and U.S. 25. To the east of U.S. 25 manufacturing and distribution uses should occur. Southward expansion of industry should be tempered by important locational factors, such as appropriate access to the interchange and connections to existing or planned industrial parks" (pg. 166).
 - c. The "Areas of Future Industrial and Office Activity" found in the Business Activity Element states that "the Northern Kentucky Industrial Park has the potential to expand along its southern boundary. The location of the county's population involved in manufacturing correlates well with this concentration of industry. The area southward to Mt. Zion Road should be reserved for the expansion of the Northern Kentucky Industrial Park" (pg. 73).

- d. The Housing Element states that "south of Florence to Mt. Zion Road, industrial development, associated with the Northern Kentucky Industrial Park, will be predominant. South of Mt. Zion Road, the expansion of existing and the building of new mobile home parks have constituted most of the housing units in this area. However, a recent apartment development on the northwest quadrant of the Mt. Zion interchange shows that residential development momentum is greater west of I-75" (pg. 88).
2. The Committee has concluded that the request is not in agreement with the following Goals and Objectives from the 2000 Boone County Comprehensive Plan:

- a. 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).

The Committee concluded that the proposed development did not meet this objective. The construction of the 150 unit apartment complex would require extensive grading and the clearing of the vast majority of the trees and vegetation on the site.

- b. Where existing infrastructure, services and the public schools system are not adequate, developers shall phase construction to facilitate the provision of these items to support their developments ("Housing," Objective 14).

The Committee concluded that the proposed 150 unit apartment complex would "severely overcrowd" Collins Elementary and R.A. Jones Middle School. This determination was based on the April 1, 2003 letter that the Boone County School District sent to the Boone County Planning Commission.

- c. 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).

Since 1986, when the property was rezoned to Industrial Two (I-2) the Sam Neace/Weaver Road/Dixie Highway/Mt. Zion Road corridor has been predominately developed with commercial and industrial uses. The Committee determined that the placement of a 150 unit apartment complex in this corridor would not enhance the physical or social environment or promote a better quality of life for the future residents.

3. The Committee did not find any facts which supported a finding that the existing zoning classification is inappropriate and the proposed zoning classification is appropriate. To the contrary, the Committee determined that the Sam Neace/Weaver Road/Dixie Highway/Mt. Zion Road corridor has been predominately developed with commercial and industrial uses since 1986 and should continue to develop as the 2000 Boone County Comprehensive Plan recommends.
4. The Committee did not find any facts which supported a finding that there have been major changes of an economic, physical, or social nature which were not anticipated in the recently adopted comprehensive plan.

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/Concept Plan Committee Vote.

BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
COURTROOM 3A
April 23, 2003
7:30 P.M.

PUBLIC HEARINGS

Commission Members Present: Mr. Bunger, Mr. Hicks - Chairman, Mrs. Kegley, Mr. McMillian, Mr. Poe, Mrs. Poston - Vice Chairperson, Mr. Reynolds, Mr. Schwenke, and Mrs. Wilson - Secretary/Treasurer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; Mr. Todd Morgan, AICP, Planner; 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 7:38 PM and introduced the first item on the Agenda:

Applicant: Belmont Greene LLC for
Martha Anderson (owner)

Request: Zoning Map Amendment

The request of Belmont Greene LLC (applicant) for Martha Anderson (owner) for a Zoning Map Amendment from Industrial Two (I-2) to Urban Residential One (UR-1) for an approximate 18-acre tract on the west side of Dixie Highway, on the southwest corner of the Dixie Highway/Mikkelson Drive intersection and approximately 220 feet north of Dixie Highway/Weber Lane intersection, and along the north side of Weber Lane immediately west of the property at 180 Weber Lane, Boone County, Kentucky. The request is for a zone change to allow multi-family dwelling units.

Following an explanation of the Public Hearing process, the Chairman asked for the Staff presentation.

Staff Member Todd Morgan presented the Staff Report which included a Power Point presentation (see Staff Report). He noted the attachments to the Staff Report, and (1) a letter dated April 23, 2003 from Mr. Roland Hay with attached

petition (see Exhibit 1) and (2) letter date-stamped April 23, 2003 from Concerned Citizens Committee (see Exhibit 2).

The Chairman asked for the applicant's presentation.

Mr. Jeff Woda, 2000 Henderson Road, Columbus, Ohio with the Woda Company, stated that they have been developing property for over thirteen years and have constructed over 20,000 units in 44 communities. They currently manage over 1,700 units in Ohio and West Virginia. He stated that the existing zoning classification is inappropriate and the proposed zoning classification is appropriate.

Mr. Tom Simons with Woda Development, stated that under I-2 zoning, they could put a concrete plant, an asphalt batch plant, or a sawmill on the eighteen acres. There could be a blast furnace and heavy machinery going up and down the road. He stated that the present zoning classification is inappropriate and a zone change to multi-family is more appropriate in this area of single-family residential and scattered commercial uses.

Mr. Doug Weatherby, architect with PCI Design Group in Columbus, reviewed the Site Plan and Elevations. He stated that the Site Plan was developed to preserve as many of the trees as possible. The main drive will follow the existing swale and creek that goes down to an existing off-site pond. The idea is to follow the topography as much as possible and stair-step the development down to the lower elevations. The main entrance is off Dixie Highway. There will be emergency ingress/egress off Weber Lane, which could be blocked off as requested by the County Engineer. They will do a comprehensive survey to locate any significant trees and steer the development to save them. They will also provide new trees. He stated that one of the storage units on the back of Building #24 encroaches into the setback by three feet and the building will have to be moved forward. He stated that there is sufficient open space between the buildings and behind the buildings for recreational areas. Mr. Weatherby reviewed the elevations. He stated that the community building would face Dixie Highway. **Building A** will have six three-bedroom units; **Building B** will have eight two-bedroom units; **Building C** will have four four-bedroom units with the two-story townhouses in the center of the building; **Building D** will have four one-bedroom units and four three-bedroom units with the two-story three-bedroom units in the center and the one-story one-bedroom units on the ends; **Building E** will have six three-bedroom units with one-story three-bedroom units on the ends that are handicapped accessible; and **Building F** will have eight two-bedroom units with the end units being one-story handicapped accessible units. All of the units are broken up with gable roofs and varying facades and brick and vinyl siding that looks residential in character.

Mr. Woda stated that it has been their experience that the majority of their tenants are people who are already in the community and have school age children.

People do not move outside of the school district and they typically get their tenants from within the community. In regard to the traffic, he stated that there will be fewer traffic movements than from a commercial or industrial development. They have playground facilities in all of their communities and they will incorporate park areas and playground areas in this community. This is a treed site and putting trees back is expensive, so their goal is to save as many trees as possible. They did a complete survey and had every significant tree pointed out and they tried to develop around them. He stated that under the current zoning, there could be other uses that would be much worse for the neighbors to live next to than what is being proposed. This use acts as a transition from single-family residential to the industrial area. He does not think that some of the uses allowed in an industrial area are wanted next to a residential area. This completed the applicant's presentation.

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

Ms. Linda Berryman, 178 Mikkelson Drive, has heard that there will be Section 8 housing. She used to live in Beechgrove, and there was Section 8 housing and problems with being vandalized and robbed. She has no problems with the request if it is not Section 8 housing. Chairman Hicks advised that the Planning Commission cannot dictate what type of apartments they will be.

Ms. Lora Ward, 149 Mikkelson Drive, stated that these apartments would be right in her back hard and the backyards of most of the houses on Mikkelson Drive. She questioned where the children are going to play – and stated that there is no room for them to play. She stated that the development is supposed to conform with the rest of the houses in the area, which are single-family residences. She stated that they already have a concrete plants and now they have learned that trailer sales have been approved.

Mr. Paul Krummen, a resident of 216 Mikkelson Drive since 1959, stated that the applicant did not do his homework. He stated that they currently have three concrete plants and an asphalt plant and there are days when they emit offensive odors. People do not want their children exposed to that. He asked if an EPA study is required for the development. Mr. Costello responded "no". Mr. Krummen stated that their property has been depreciated and this development will not help the property values.

Mr. Wendell Hickman, 195 Weber Lane, stated that people take their lives in their hands now when they try to get out around US 25 and Weber Lane and even Mt. Zion Road between 4 PM and 6 PM. What will another one hundred units do to the traffic? He stated that most of the residents chose their homes for the country atmosphere near the city, but they have been industrialized up to their eyeballs.

This development will bring vandalism and robbery. The residents do not want this development.

Ms. Karla Coffey, 263 Weber Lane, stated that they have a business license and bring heavy equipment in and out of their property, which will be a dangerous situation for children going back and forth across the street. They are considering buying the lot next to their property and will also bring equipment in and out of that lot. She stated that three- and four-bedroom units will have more children and it will be dangerous for them with the heavy equipment.

Ms. Carol Nagle, a resident of 267 Weber Lane for twenty-three years, stated that this is a dead-end street. The street is not wide enough for two cars to pass. When a school bus comes down, people have to pull over and wait for it to pass. She questioned the children from the development congregating at the end of the street, parking and blocking the three residents there from getting in and out of their driveways. She would prefer a concrete plant. She questioned if the road would be widened. She stated that the trailer on the corner does not have electric and is not hooked up to a septic tank. She stated that the applicant does not have a picture of the finished apartment complex. She suggested that the applicant make each of the residents an offer and take the whole street. She stated that in new subdivisions, the apartments are on one side and the single-family homes are on the other side – and you don't see a factory in the middle. This is an older street and they like where they live -- the Planning Commission should listen to the people who have lived here for years. She is the fourth house from the end of the street and when their families come over, they share parking because they have known each other for years – but this apartment complex will be on Weber Lane where two cars barely fit.

Ms. Bonnie Hickman, 195 Weber Lane, stated that her house is right across from the proposed entrances and exits. If the entrance is gated, that will be a problem for the police and fire departments. She stated that someone will figure out how to unlock the gate. She stated that they have a fire station, but do not have a police department that will come if they need someone fast. She questioned increasing the number of police to serve their streets – or she will have to lock up her shed and her house. She will feel unsafe knowing 150 families are living right across the street.

Mr. Brian Beach, a resident of 203 Mikkelson Drive since 1975, stated that he bought the house across the street from his parents because he loves the atmosphere there. Their taxes were recently raised and he wants to know what they get for that. This development will have a detrimental effect on their property value. There are new apartment complexes on Mt. Zion Road, Weaver Road, and Hopeful Road and they have vacancies. He does not see how the applicant can guarantee that the residents are already in the area. He is concerned about the noise -- workers from an industrial plant go home -- but when people live there, the noise will continue.

Mr. Raymond McGrath, 224 Mikkelson Drive, stated that the people who move to these apartments will be leaving other properties that will not stay empty so there is a problem regarding the schools. He stated that the garbage truck has to back in to pick up garbage because there is not enough room. Traffic is bumper to bumper and, if there is an accident on I-75, it is bumper to bumper for hours. Three hundred cars will really add to the traffic. He has paid thousands of dollars to take care of the water problem and keep it out of his house. The water from this development will be going to the second pond that is adjacent to his property, which used to be the septic sewer before they went to city sewers – how clean and safe is that? It will then go to Gunpowder and everyone knows all the problems it causes.

Mr. James Woodall, 167 and 173 Weber Lane, stated that the Planning Commission should be thinking about getting the residents out of there and away from the concrete plants and I-75. They are hauling chemicals and if there is a spill, the residents would have to evacuate. Art's Tool Rental is up to his property line.

Mr. Roland Hay, a resident of 175 Weber Lane since 1985, stated that this will be high-density, stripped down, no-frills Section 8 government subsidized apartments. There will be adverse impacts on the property values on Mikkelson Drive and Weber Lane. The last sale in the area was 127 Weber Lane, which was two lots and a small two-bedroom house that sold for \$170,000. The house was torn down. He stated that they have enjoyed property appreciation and his insurance cost has appreciated. This project will negatively impact the single-family houses. He stated that the scenario looks good on paper, but he has never seen a Section 8 project that is what they say the development will be. The density is packed in and there will be no room for recreation. The streets will have to be widened and there will have to be curbs and sidewalks. There will have to be another traffic signal at Weber Lane and at Mikkelson Drive on Dixie Highway in order for people to get in and out. This is urban blight. Elevated police protection and crime investigation will be a factor. The residents will be assessed for the electric lines and gas lines that are put in. The residents will pay for the project. They fear increased taxes and deflating values of their homes as a result of the high-density housing. Renters do not care about their homes like an owner would. Law enforcement burdens would be accelerated. The project will not be in harmony with the general objectives of the Comprehensive Plan and it is contrary to the zoning ordinance.

Mr. Krummen noted the two detention ponds and stated that it looks like the detention in on the adjoining property. He stated that there are eighteen nice homes on Mikkelson Drive and there is no reason for their properties to be depreciated any more than they have been by the concrete plants. He wants the Planning Commission to consider what the area looks like because people are living there.

Ms. Sandy Brock, 180 Weber Lane, stated that the proposed development is in her back yard and in her side yard. They have lived there thirty-two years and plan to retire there. They enjoy the deer and wild turkeys. Her property is 250' x 250' and she is concerned that it will become the playground. Her property is zoned industrial and there is commercial on the side – and now there will be UR-1 zoning. She is opposed to the proposed development.

Ms. Deborah Botts, Mikkelson Drive, agreed with the others. She stated that this is a nice quiet residential area. She moved there because she did not want her children in an apartment complex where they would be influenced by other children. She feels that her children will be impacted by this development, especially if it is a Section 8 environment. She is concerned about the trees being removed. This development will be detrimental to her view and to the property values. She asked that the request be denied.

Mr. Larry Beach, 206 Mikkelson Drive, stated that he talked to Boone County Water & Sewer and was told that there is a freeze on any more dwellings being built in Boone County because of the sewage problem. He stated that there is a sewage problem on Mikkelson Drive. Their front yard has caved in three times. Twenty-four feet of pipe was put in and it still looks bad. They had the pipe break on the street five times this winter. The pond has been drained, but they have not gotten the new sewers they were promised. The old sewers keep busting. He does not want the sewage from this development to come down the line.

The Chairman asked if there was anyone else present who wished to speak. There being no response, he asked the applicant to address the concerns.

Mr. Woda stated that there is no Section 8 financing anticipated. Section 8 is not in the financing plan. He stated that there will be extensive play areas -- they do tot lots and have fenced-in play areas, and for the older children they have things like tennis and basketball courts. They will put the recreational areas around the site in different locations. Chairman Hicks asked that the play areas be outlined for the Committee Meeting. Mr. Woda stated that all of their units are brick and vinyl siding. They have a lot of gables and cuts in the roofline to make the development aesthetically appealing. Chairman Hicks asked the applicant to provide the Committee with the percentages of vinyl and brick. He asked the applicant to address the detention ponds. Mr. Woda stated that Staff referred to two detention ponds, they did not. He stated that there may be another pond that they are not aware of, but they have planned an on-site detention area.

Mr. Costello asked the applicant to provide the Committee with a list of communities where their existing facilities are located in Ohio and West Virginia. Mrs. Wilson asked the applicant to bring to the Committee Meeting a survey showing all of the trees they can possibly retain. She stated that the application indicates that the Sanitation District was contacted, but she did not see a letter

from them regarding this application. She stated that in a previous project, there was discussion of a gate that would be closed off and the codes would only be available to emergency service personnel. Mr. Morgan agreed. Mr. Wall stated that there are a variety of ways it can be handled.

Mr. Woda stated that if they move to the next step in the process, they will get a detailed survey done that shows all of the trees of a certain size and they will try to design around them and save them. Mrs. Wilson asked that the applicant show the Committee which trees will be saved. She noted the information from the Transportation Cabinet and questioned the encroachment. Mr. Weatherby responded that he made an arbitrary setback line of 100 feet from Dixie Highway due to the anticipated improvements to the road. He was not aware that it would be greater than 100 feet. The 100-foot setback for property facing Mikkelson Drive is open because they cannot develop it and retain the setback. He stated that he tried to develop the frontage along Weber Lane so that all of the units fronted on Weber Lane or there was an end frontage so that there is a streetscape appearance. It could be redesigned and one exit eliminated. They could provide one emergency ingress/egress that would only be accessible to emergency vehicles. They can make adjustments as necessary for additional setback or eliminate the exits onto Weber Lane. The primary entrance is on Dixie Highway and the Weber Lane accesses were for emergency vehicles – but they could be blocked off and the area changed to a cul-de-sac so that the units would face Weber Lane.

Mr. Reynolds questioned the rents. Mr. Woda responded that the rents would be between \$500 - \$700 per month. He can get a complete rent schedule.

Mr. Reynolds asked if the applicant contacted engineering departments in Boone County as to availability of sewer and water. Mr. Woda responded “not at this point”.

Mrs. Poston questioned why the property was rezoned in the 1986 zoning update. Mr. Costello responded that it was rezoned as part of the county-wide update. The 1985 Comprehensive Plan was completed and the Future Land Use of the site was industrial. A large portion of the area was rezoned to industrial based on the planned industrial expansion of Northern Kentucky Industrial Park. There was very little land left to develop in the Boone County portion of the industrial park and the legislative unit and the Planning Commission decided to rezone much of the area to I-2 as part of the update.

Mrs. Poston questioned the Future Land Use designation for Mikkelson Drive. Mr. Costello noted that the Future Land Use Map is attached to the Staff Report, but it is not in color. Mrs. Poston reviewed the Future Land Use Map and stated that the Future Land Use for Mikkelson Drive is Industrial. Mr. Costello agreed. Mr. Morgan reviewed the Future Land Use Map noting that the area shown in blue is forecasted for Industrial and the area shown in red is forecasted for

Commercial. Mikkelson Drive and Weber Lane are forecasted for Industrial, and so is Aristocrat and the majority of Sam Neace.

Mr. McMillian asked if all of the proposed units are rental units. Mr. Woda responded "correct".

Mrs. Wilson noted the applicant's comment that they did not contact the engineering departments, but their application under #17 says that they did. Mr. Weatherby responded that they contacted the Sanitation Department and they sent them a map indicating where the sewer locations were, but they did not respond regarding capacity. Mrs. Wilson asked that written responses from the Sanitation Department and Boone County Water District be provided to the Committee. Mr. Morgan stated that as part of his review, he sent letters to the Sanitation District and Boone County Water District, but received no written comment. He does not believe there is any problem anticipated with the development as they normally send back a comment letter if there is a problem. He received telephone calls from both agencies saying "no comment".

Mr. Bunger stated that the applicant indicated that the proposed usage and zoning would be more appropriate based on the possibility of other industrial uses in the area. He asked the applicant to expand on that comment and explain why the proposed rentals in this location are better than the planned industrial uses. He asked if the applicant has surveyed the Florence area as to the number of apartments available and the current vacancy rates prior. Mr. Woda responded that there is existing residential housing in the area and additional housing is more conducive to what is there than some of the uses allowed under Industrial zoning. The single-family residential area is there and the proposed development could be a step into the commercial uses. Mr. Bunger asked if there is a need for these units and questioned the present inventory and availability in the market. Mr. Woda responded that they retained a professional market study and received a report that there is a demand. They can make that study available to the Committee. Mr. Bunger asked that the study be provided to the Committee. He questioned the response from the School Board that the proposed development would be a burden on the school system. Mr. Woda responded that they will pay taxes like everyone else. He stated that they have not investigated what they could do to alleviate that problem, but they are willing to talk to the School Board to see if there is something they can do.

Mr. Reynolds questioned professional traffic studies and the impact of this development. He asked that this information be provided to the Committee. Mr. Woda responded that they do not have professional traffic studies and asked for advice as to whom they should contact. Counselor Wilson advised them that it is their application.

Mr. Woda stated that there were many questions about security. He stated that they will have on-site security – possibly a local person in the business who is

given a free unit. He stated that they do a good background check on tenants including a police report, credit report, and prior landlord references – which cuts down on the number of bad tenants.

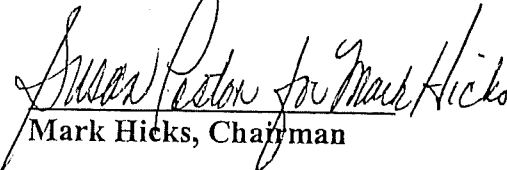
Mrs. Kegley stated that the biggest question is “is the existing zoning inappropriate and the proposed zoning more appropriate?”. She noted that the applicant is being asked to spend money on traffic studies. She questioned the Zone Change Committee meeting initially to decide that question before requesting additional information and the applicant spending more money.

Mr. Costello responded that in the past, there have been applicants who have done the studies in advance. It is the applicant’s call – if they think it is worth pursuing, they can make that decision. He stated that the traffic study is one of many issues regarding this application. He noted the requirements for a zone change application and stated that a traffic study is recommended, but the applicant chose not to submit one. He does not know if it came up in the pre-application meeting.

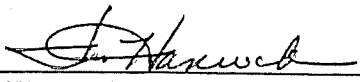
There being no further comments, the Chairman stated that the Committee Meeting for this item will be on May 7, 2003 at 5:00 PM in the Fiscal Courtroom on the second floor of this building. This item will be on the Agenda for the Business Meeting on May 21, 2003 at 7:30 PM.

The Chairman closed this Public Hearing.

APPROVED:


Mark Hicks, Chairman

Attest:


Jan Hancock, Recording Secretary

Exhibits –

- 1 letter dated April 23, 2003 from Mr. Roland Hay with attached petition
- 2 letter date-stamped April 23, 2003 from Concerned Citizens Committee

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Susan Poston, Chairwoman

DATE: May 21, 2003

RE: Request of **Belmont Greene LLC (applicant)** for **Martha Anderson (owner)** for a Zoning Map Amendment from Industrial Two (I-2) to Urban Residential One (UR-1) for an approximate 18 acre tract located on the west side of Dixie Highway, on the southwest corner of the Dixie Highway/Mikkelson Drive intersection and approximately 220 feet north of the Dixie Highway/Weber Lane intersection, and along the north side of Weber Lane immediately west of the property at 180 Weber Lane, 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.

May 21, 2003

Belmont Greene LLC/Martha Anderson

Dixie Hwy./Mikkelson Drive

Susan Poston

Susan Poston, Chairwoman

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Greg Breetz

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Kim Bunger

Kim Bunger

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Arnold Caddell

Arnold Caddell

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Janet Kegley

Janet Kegley

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Randy Barlow (Alternate)*

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

Charlie Reynolds (Alternate)*

For Project _____ Absent _____
 Against Project _____
 Abstain _____ Deferred _____

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

)

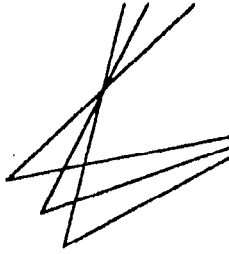
SUPPORTING INFORMATION

Agenda
Belmont Greene, Boone County, KY
05/21/03

- New and amended Site Plan
- Significant tree site plot
- Preliminary Market Study
- Traffic Study
- Letter regarding Tree Survey
- Letter regarding Sewage availability
- Letter regarding Tom's discussion with school superintendent
- Updated community list

Belmont Greene
Boone County, Kentucky
Site Plan Alterations
5/05/03

- Added 3 tot lot/playground areas
- Added 1 dual tennis court area
- Added 1 half-court basketball area
- Repositioned the community building further west within the development
- Included significant tree plots



NATIONAL LAND ADVISORY GROUP

208 EAST STATE STREET • COLUMBUS, OHIO 43215 • TELEPHONE: 614.228.5229 • FAX: 614.463.9642

PRELIMINARY MARKET ANALYSIS FLORENCE, KENTUCKY AREA APRIL 2003

PREPARED FOR: WODA GROUP

A. DEMOGRAPHICS AND ECONOMICS

- ◆ Total households in the City of Florence had an increase of 4.8%, from 9,640 in 2000 to 10,101 in 2002, a positive rate of growth. In 2007, households numbered 11,360, a 12.5% increase over 2002 levels. Households in the City of Florence Market Opportunity Tract had an increase of 4.0%, from 35,366 in 2000 to 36,779 in 2002, a positive rate of growth. In 2007, households numbered 40,586, a 10.4% increase over 2002 levels. Total households in Boone County increased, from 31,258 in 2000 to 33,306 in 2002, a 6.6% increase. In 2007, households numbered 38,649, a 16.0% increase over 2002 levels.
- ◆ The median per household income in 2002 was \$47,238 in the City of Florence and estimated at \$56,029 in 2007. The median per household income in 2002 was \$56,500 in the City of Florence Market Opportunity Tract and estimated at \$67,339 in 2007. The median income for Boone County in 2002 was \$54,555 compared to \$64,605 in 2007.
- ◆ The median per household net worth in 2002 was \$67,142 in the City of Florence and estimated at \$86,385 in 2007. The median per household net worth 2002 was \$112,539 in the City of Florence Market Opportunity Tract and estimated at \$149,530 in 2007. The median net worth for Boone County in 2002 was \$111,314 compared to \$147,867 in 2007.
- ◆ Employment in Boone County has had good growth, 9.9%, from 40,561 in 1997 to 44,562 in 2001. In recent years, the employment levels in Boone County/Florence areas have shown stability, around the 45,000 number, which is a positive attribute for today's economy. The most recent employment number for Boone County is 44,798 in November 2002, near the high for Boone County.
- ◆ Between 1997 and 2001, the unemployment rate has ranged from 2.7% to 4.1%. The State of Kentucky has averaged 4.1% to 5.5% for this same period. The most recent unemployment rate is lower for Boone County, at 3.4% for the month of November 2002.

- ◆ In a distribution of employment for the Second Quarter 2002 there were three prominent industries, the largest category was the Transportation, Utilities and Communication category accounting for 39.7% of the employment base, followed by Services at 25.8%. The third largest employer was the Manufacturing category at 15.0%. In 2000, the average median wage for Boone County was \$640.98 per week, a 14.1% increase over 1998.
- ◆ Major employers in the Florence, Kentucky (Northern Kentucky) area include: Delta Air Lines, Comair, Internal Revenue Service, Fidelity Investments, St. Elizabeth Medical Center, Kroger Company, Boone County Board of Education, Northern Kentucky University, Gap/Banana Republic Distribution Center and SSE Manufacturing, Inc. Regionally, major employers include: Procter & Gamble, General Electric, AK Steel, Hillenbrand Industries, U.S. Government, University of Cincinnati, Health Alliance of Greater Cincinnati and Mercy Health Partners.
- ◆ The greater the City of Florence area has a strong employment base, with the employment base able to support its own community. Additionally, the close proximity to several communities, including the Tri-State Market (Ohio, Indiana and Kentucky) is a positive advantage for the area. Any nominal decline of the employment base would have only a slight effect, maintaining the area as a viable housing market alternative.

B. HOUSING MARKET SUMMARY

- ◆ Since 2000, the overall housing units authorized in the City of Florence/Boone County area has averaged 1,654.3 units per year. Construction has been weighted with single-family activity, averaging 243.3 for multi-family units and 1,411.0 for single-family units per year. Since March 2003, 336 single-family permits have been approved and no multi-family permits.
- ◆ In 2000, approximately one-half (48.8%) of the total housing units in the City of Florence were rental units, offering an established base of rental units. The reported vacancy rate was 7.0% for all the rental units. In Boone County, multi-family units represented 25.7% of all the housing units in 2000, with a reported vacancy rate of 7.9%.
- ◆ The 2000 Census reports a median rent for the City of Florence was \$561., slightly lower than Boone County at \$596. The largest percentage of units was in the \$300.- \$499. price range, representing 41.1% of the units. According to the 2000 Census, over 35.0% of the households in the City of Florence pay over 27.1% of their household income to rent.
- ◆ Our rental survey of the greater City of Florence market area, totaled 2,325 market-rate apartment units in seventeen developments and 325 government subsidized apartment units in four developments. The greater City of Florence market area contains a well balanced ratio of one-bedroom, two-bedroom and three-bedroom units.
- ◆ Market rate units have vacancies that are low in the market area, 6.1% (142-units) and the market appears limited by supply rather than demand. Several of these vacancies are in development currently in the initial lease-up stages.

- ◆ In a review of the government subsidized rental units in the immediate market area, it was noted that vacancies are low at 1.5%. Typically, when vacancies become available, they are filled from a waiting list.
- ◆ The greater City of Florence rental market has been experiencing new apartment growth in the past several years. Since 2000, there have been four developments, consisting of 630 units added to the greater Florence rental market. An additional 102-units are proposed.
- ◆ In reference to tax credit developments, several developments are opened within the greater Florence market area having received LIHTC allocations since 1987.
- ◆ There will be some overlap of net rents between the overall developments, however, because of the current depth of households and the strong rental market, the market area can support these developments. Current market area demands will have no problem in absorbing any proposed product coming on-line in 2003.
- ◆ Additionally, the proposed rents need to be viewed as competitive or a value within the greater City of Florence rental market area in order to achieve an appropriate market penetration. Median rents are moderate to high, and there is a good base of higher-priced market-rate units in the greater City of Florence market area as follows:

	Proposed <u>Rents</u>	Median <u>Rents</u>	<u>Upper Quartile Rents</u>	
			<u>Rent Range</u>	<u>Number</u>
One-Bedroom	\$500.	\$499.	\$600.-\$720.	232
Two-Bedroom	\$590.	\$615.	\$740.-\$890.	608
Three-Bedroom	\$665.	\$694.	\$920.-\$995.	132
Four-Bedroom	\$800.	-	-	-

- ◆ The proposed net rents of \$500. for a one-bedroom, \$590. for a two-bedroom, \$665. for a three-bedroom and \$800. for a four-bedroom unit is placed appropriately in the market area.
- ◆ An interview with the area housing authority (administering for Boone County) indicated that they have a long waiting list for housing. As in previous experiences with local housing authorities, it is expected that additional support for the proposed development could be generated from these prospective tenants, as well as the tenants currently on area developments waiting lists.

C. MARKET SUPPORT

- ◆ The market opportunity support for units in the City of Florence are based on the number of households in the appropriate income ranges supporting the proposed rents.
- ◆ The adjusted annual income range specified appropriate for area households is \$24,000. (lower end of one-person household income) to \$44,760 (six-person household income) for the Florence MOT. In 2002, there was a total of 8,205 households in the Market Opportunity Tract of the proposed site within this income range.

- ◆ The following is a distribution of support (market penetration) by the number of proposed units within a specific program and the number of renter households in the appropriate income ranges.

2002

60% (150-units)/3,446
Market Opportunity Tract **4.4%**

- ◆ In 2002, the proposed 150-units of family housing represents 4.4% of the Market Opportunity Tract income range appropriate renter households for the proposed site.
- ◆ Combined with a sensitivity to market rents and quality construction, this percentage represents a good base of appropriate income households.
- ◆ Summarized below are the proposed net rents:

	Median Proposed <u>Net Rent</u>	Market <u>Rent</u>	Percentage of Median <u>Market Rent</u>
ONE-BEDROOM	\$500.	\$499.	99.8%
TWO-BEDROOM	\$590.	\$615.	95.9%
THREE-BEDROOM	\$665.	\$694.	95.8%
FOUR-BEDROOM	\$800.	-	-

- ◆ Based on the current rental market conditions, the proposed net rents and combined with a development of quality construction, the proposed development will be perceived as a value in the City of Florence market area.
- ◆ It is anticipated that support (80%) of the proposed units will be generated from the existing income appropriate Market Opportunity Tract households within the existing rental base.
- ◆ In addition, the depth of the Florence market area can support the existing and developments, while similar in nature but with different locations and product. Because of the strong depth and good occupancies in the Florence area, all of developments can co-exist in the market area.
- ◆ The development when up and operating under quality management, could be mutually beneficial in supplying leads for prospective tenants. The synergism effect created by the proposed development and combined with the existing apartment base, will help maintain the Florence area as a viable multi-family market for housing.

D. DEMAND ANALYSIS

- ◆ The following demand estimates are based on income, current households, proposed households, turnover ratios of units in the market area and the percent of renter qualified households within the Florence Market Opportunity Tract. Additionally, when needed, previous experiences and/or proprietary research completed by our organization was used in the calculation of appropriate Florence MOT demand analysis percentages.

FLORENCE MARKET OPPORTUNITY TRACT DEMAND FROM EXISTING AND PROJECTED HOUSEHOLDS:

Year	2002
Existing Households	36,779
Income Qualified Households (\$24,000-\$44,760)	8,205
Percent	22.3%
Renter Households - Percentage	42.0%
Total Qualified Renter Households	3,446
Turnover Rate/Pent-Up Demand	19.0%
Estimated Annual Demand	655

PROJECTED HOUSEHOLDS

Years	2002-2007
New Projected Households (2002-2007)	3,807
Annual Demand (average)	761
Income Qualified Households	170
Percent	22.3%
Renter Households - Percentage	42.0%
Total Qualified Renter Households	71

Total Estimated Annual Demand (existing + new) 726

- ◆ Based on the above analysis for 2002, the annual demand in households for the Market Opportunity Tract is estimated at 726 rental units per year. It is important to note, that the annual demand is expected to increase in the future, the actual number of households in the market area will be increasing by an average rate of 761 household per year, typically in the higher income ranges.
- ◆ Taking into account construction time periods, an appropriate demand time period should be calculated over eighteen months. Therefore, the Florence Market Opportunity Tract has an eighteen month demand of approximately 1,089 rental units.
- ◆ Based on the current rental market situation in the Florence Market Opportunity Tract concerning any existing vacant units (142) or proposed market-rate/LIHTC units (102), there is currently a deficit of 845-units.

- ◆ The proposed 150-units represents 17.8% of the current deficit within the Florence market area, an appropriate penetration rate.

E. DEVELOPMENT RECOMMENDATIONS

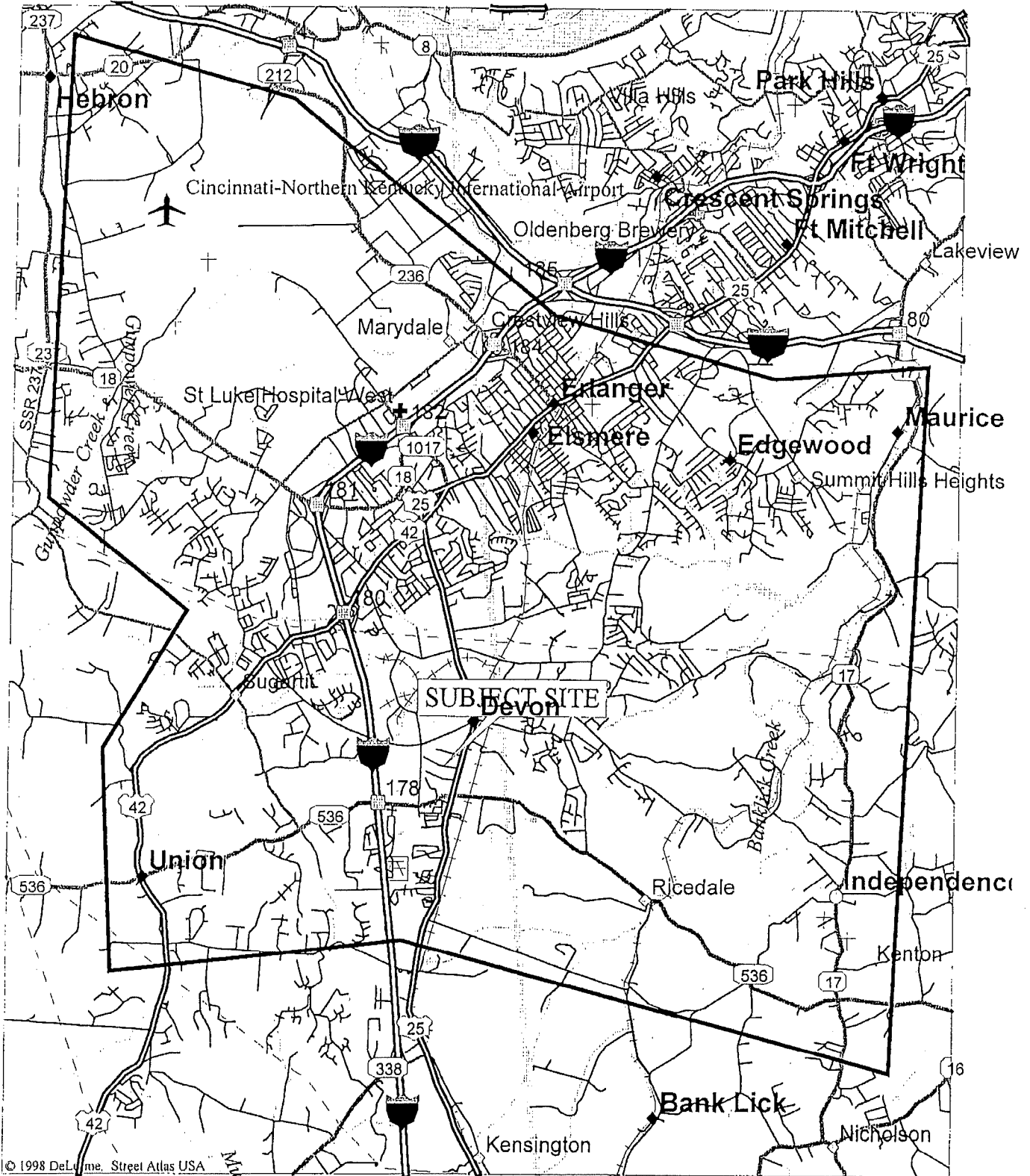
- ◆ Based on the development standards; economic and demographic statistics; area perception and growth; an analysis of supply and demand characteristics, absorption trends of residential construction; and a survey of the rental and apartment market in the greater City of Florence, Boone County, Kentucky area, this preliminary study has established that a market does exist for a 150-unit rental housing development, Belmont Greene.
- ◆ With the proposed plans to make all 150-units (100.0%) available to family households in the City of Florence, Kentucky area is proposed as follows:

BEDROOM	<u>UNIT BY TYPE AND BEDROOM</u>			
	One	Two	Three	Four
NUMBER OF UNITS				
LIHTC	12	32	90	16
SQUARE FEET	658	856-912	1,005-1,209	1,435
GROSS RENT	\$600.	\$720.	\$825.	\$960.
UTILITY ALLOWANCE*	\$100.	\$130.	\$160.	\$160.
LIHTC NET RENT	\$500.	\$590.	\$665.	\$800.

- ◆ The proposed 150-unit development is estimated to open in the Summer 2004.
- ◆ Within the development's net rent, tenants will be responsible for gas and electric. However, a utility allowance of \$100. per month for a one-bedroom, \$130. per month for a two-bedroom unit, \$160. for a three-bedroom unit and \$160. for a four-bedroom unit is estimated.
- ◆ Each unit in the proposed development would contain a range, refrigerator, dishwasher, disposal, blinds, air conditioning, and carpeting. The units will have one, one and one-half or two full bathrooms and come with additional storage features.
- ◆ Project amenities will include a rental office, playground/tot lot, laundry room and open recreational areas. The unit styles, specifically the design and square footage, will positively influence the absorption, offering a flexibility of living style for family occupants.
- ◆ The subject property is adequately located within three miles of all essential resident services, including but not limited to: governmental services, educational, shopping, employment and medical facilities.

- ◆ The step-up opportunity (\$50. or less than the proposed rent) for tenants in the City of Florence-area rental market, based on the proposed net rents is good. Additionally, there is an excellent base of market-rate units available in the rental market. When comparing the proposed family-orientated one-bedroom, two-bedroom and three-bedroom rents with the existing market rents, indicated a base of rents in appropriate step-up range not only in rents but type and size of units.
- ◆ The proposed rents combined with the current rental market absorption pattern would result in an overall vacancy rate of less than 4.5% for the proposed development.
- ◆ The absorption potential for tenants in the City of Florence rental market, based on the proposed net rent for a one-bedroom, two-bedroom, three-bedroom and four-bedroom unit is excellent. It is anticipated, because of the criteria set forth by the income and household size, the depth of the market demand, as well as the consideration of the unit design, absorption will be at an average of 9 to 12 units per month, resulting in a 12.5 to 16.7 month absorption period for the proposed development.

MARKET OPPORTUNITY TRACT





BELMONT GREENE MULTI-FAMILY DEVELOPMENT

TRIP GENERATION FORECAST

150 Apartment Units

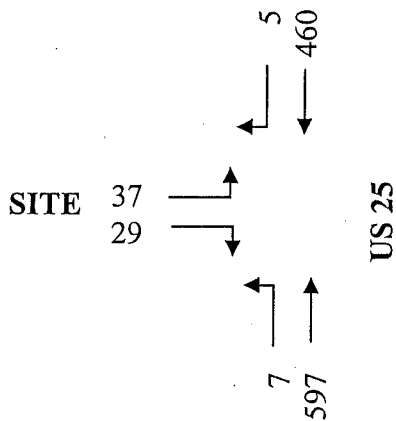
AM Peak Hour			PM Peak Hour		
<u>Enter</u>	<u>Exit</u>	<u>Total</u>	<u>Enter</u>	<u>Exit</u>	<u>Total</u>
12	66	78	67	33	100

EXISTING TRAFFIC VOLUMES

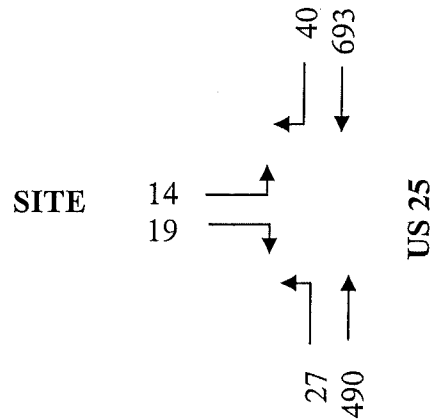
US 25 at Site

24-Hr. Volume	=	15,156
AM Peak Hour	=	1,057
PM Peak Hour	=	1,183

TRIP DISTRIBUTION



AM PEAK HOUR

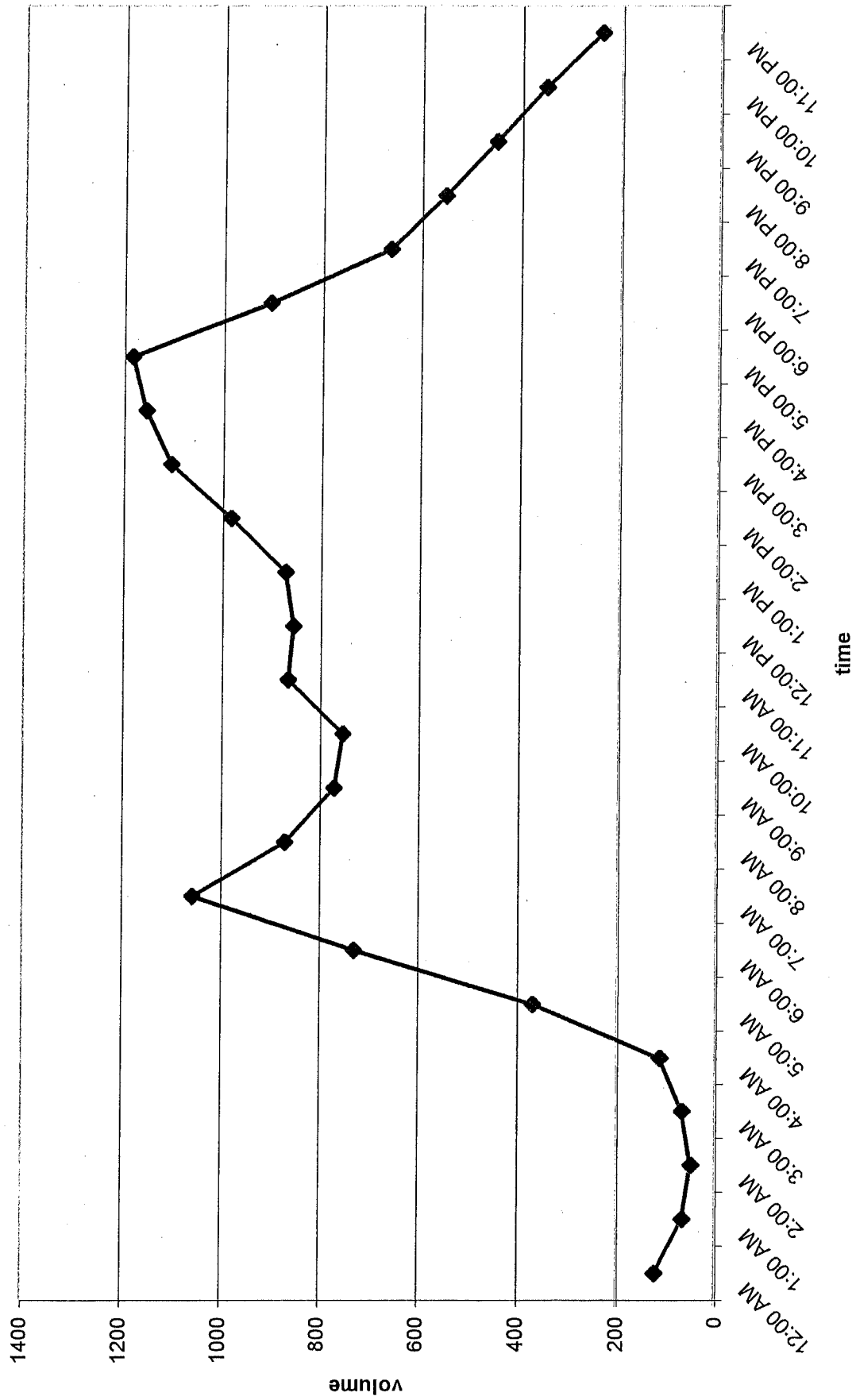


PM PEAK HOUR

LEVEL OF SERVICE

	AM Peak Hour	PM Peak Hour
US 25 Northbound	A 8.4 sec delay	A 9.5 sec delay
Site Eastbound	C 21.7 sec delay	C 32.1 sec delay

US 25 Daily Traffic Volume



Start: ON TUESDAY
 Tech.: MARK C. NIEHAUS
 Desc.: ON US ROUTE 25, BETWEEN WEBBER
 LANE AND MIKKELESEN DRIVE

EDWARDS & KELCEY CORPORATION
 5533 FAIR LANE
 CINCINNATI, OHIO 45227
 (513) 272-5533
 2-DIRECTION COUNT

Site Code : 03001400
 Start Date: 04/29/20
 File I.D. : MTZION01
 Page : 2

Begin Time	SOUTH		NORTH		Combined		Wednesday	
	A.M.	P.M.	A.M.	P.M.	A.M.	P.M.		
12:00 04/30	32	129	10	78	42	207		
12:15	13	120	13	103	26	223		
12:30	11	95	20	113	31	208		
12:45	10	66	13	56	119	413	23	122
01:00	15	100	7	104	22	204		
01:15	9	93	6	130	15	223		
01:30	7	103	11	118	18	221		
01:45	8	39	4	28	111	463	12	67
02:00	5	145	12	99	17	244		
02:15	4	114	7	101	11	215		
02:30	8	156	3	124	11	280		
02:45	4	21	6	28	96	420	10	49
03:00	8	162	8	125	16	287		
03:15	5	172	7	111	12	283		
03:30	5	181	16	113	21	294		
03:45	10	28	9	40	109	458	19	68
04:00	9	174	19	137	28	311		
04:15	6	136	14	120	20	256		
04:30	4	170	20	131	24	301		
04:45	11	30	30	83	116	504	41	113
05:00	10	169	21	123	31	292		
05:15	17	203	52	108	69	311		
05:30	24	166	109	137	133	303		
05:45	33	84	103	285	122	490	136	369
06:00	52	151	108	112	160	263		
06:15	49	133	92	101	141	234		
06:30	82	110	128	98	210	208		
06:45	80	263	139	467	91	402	219	730
07:00	118	104	100	83	218	187		
07:15	99	95	137	85	236	180		
07:30	131	92	174	67	305	159		
07:45	112	460	186	597	62	297	298	1057
08:00	94	86	136	69	230	155		
08:15	95	79	131	55	226	134		
08:30	88	79	121	52	209	131		
08:45	103	380	103	491	67	243	206	871
09:00	90	77	116	66	206	143		
09:15	89	50	96	71	185	121		
09:30	106	50	88	46	194	96		
09:45	93	378	94	394	52	235	187	772
10:00	91	53	89	43	180	96		
10:15	92	42	81	53	173	95		
10:30	92	34	87	55	179	89		
10:45	112	387	110	367	26	177	222	754
11:00	100	67	89	22	189	89		
11:15	109	33	98	22	207	55		
11:30	117	30	117	23	234	53		
11:45	134	460	102	406	18	85	236	866
Totals	2596	5131	3242	4187	5838	9318		
Day Totals		7727		7429		15156		
Split %	44.4%	55.0%	55.5%	44.9%				
Peak Hour	07:00	04:30	07:15	04:00	07:15	04:45		
Volume	460	714	633	504	1069	1194		
P.H.F.	.87	.87	.85	.91	.87	.95		

← PM PEAK

← AM PEAK

TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	<i>J Gehrum</i>	Intersection	<i>US25 & Site drive</i>
Agency/Co.	<i>Edwards & Kelcey</i>	Jurisdiction	<i>Boone County</i>
Date Performed	<i>5/5/03</i>	Analysis Year	<i>project Build-out</i>
Analysis Time Period	<i>AM Peak Hour</i>		
Project Description <i>Belmont Greene apartment development</i>			
East/West Street: <i>Site Drive</i>		North/South Street: <i>US 25</i>	
Intersection Orientation: <i>North-South</i>		Study Period (hrs): <i>0.25</i>	

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
	1	2	3	4	5	6
Movement	L	T	R	L	T	R
Volume	7	597	0	0	460	5
Peak-Hour Factor, PHF	0.90	0.90	0.90	0.90	0.90	0.90
Hourly Flow Rate, HFR	7	663	0	0	511	5
Percent Heavy Vehicles	0	--	--	0	--	--
Median Type	<i>Undivided</i>					
RT Channelized			0			0
Lanes	0	1	0	0	1	0
Configuration	LT					TR
Upstream Signal		0			0	

Minor Street	Westbound			Eastbound		
	7	8	9	10	11	12
Movement	L	T	R	L	T	R
Volume	0	0	0	37	0	29
Peak-Hour Factor, PHF	0.90	0.90	0.90	0.90	0.90	0.90
Hourly Flow Rate, HFR	0	0	0	41	0	32
Percent Heavy Vehicles	0	0	0	0	0	0
Percent Grade (%)	0			0		
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	0	0	0	0	0	0
Configuration					LR	

Delay, Queue Length, and Level of Service

Approach	NB	SB	Westbound			Eastbound		
	1	4	7	8	9	10	11	12
Movement	LT						LR	
v (vph)	7						73	
C (m) (vph)	1060						288	
v/c	0.01						0.25	
95% queue length	0.02						0.98	
Control Delay	8.4						21.7	
LOS	A						C	
Approach Delay	--	--					21.7	
Approach LOS	--	--					C	

>

TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	J Gehrum	Intersection	US25 & Site drive
Agency/Co.	Edwards & Kelcey	Jurisdiction	Boone County
Date Performed	5/5/03	Analysis Year	project Build-out
Analysis Time Period	PM Peak Hour		
Project Description Belmont Greene apartment development			
East/West Street: Site Drive		North/South Street: US 25	
Intersection Orientation: North-South		Study Period (hrs): 0.25	

Vehicle Volumes and Adjustments						
Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume	27	490	0	0	693	40
Peak-Hour Factor, PHF	0.90	0.90	0.90	0.90	0.90	0.90
Hourly Flow Rate, HFR	30	544	0	0	770	44
Percent Heavy Vehicles	0	--	--	0	--	--
Median Type	Undivided					
RT Channelized			0			0
Lanes	0	1	0	0	1	0
Configuration	LT					TR
Upstream Signal		0			0	
Minor Street	Westbound			Eastbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume	0	0	0	14	0	19
Peak-Hour Factor, PHF	0.90	0.90	0.90	0.90	0.90	0.90
Hourly Flow Rate, HFR	0	0	0	15	0	21
Percent Heavy Vehicles	0	0	0	0	0	0
Percent Grade (%)	0			0		
Flared Approach		N			N	
Storage		0			0	
RT Channelized			0			0
Lanes	0	0	0	0	0	0
Configuration					LR	

Delay, Queue Length, and Level of Service								
Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	LT						LR	
v (vph)	30						36	
C (m) (vph)	822						235	
v/c	0.04						0.15	
95% queue length	0.11						0.53	
Control Delay	9.5						23.1	
LOS	A						C	
Approach Delay	--	--					23.1	
Approach LOS	--	--					C	

>



CHADAN ENGINEERING, INC.

CIVIL ENGINEERING

MECHANICAL ENGINEERING

SURVEYING

Charles S. Garvick, PE, PS
Charles M. Garvick, PE
2 Ash Avenue
Moundsville, WV

PHONE: (304) 845-8480
FAX: (304) 845-8449
E-MAIL: chadan@worldnet.att.net

May 19, 2003

Mr. Jeff Woda
The Woda Group
2000 W. Henderson Road
Suite 450
Columbus, Ohio 43220

Re: Dixie Hwg Site
Boone County, Ky

Dear Jeff:

As requested, we did a location survey of the significant trees on the above site. The located trees were spotted on the site plan and emailed to Doug Weatherby at PCI Design Group.

The site is heavily wooded with various species and sizes of trees. Approximately 60 trees were located that were considered significant and desirable. Species included oak, maple, ash, and wild cherry. There were many more of these that were not located due to their being in some stage of decay or having damages such as broken tops, leaning trunks, split trunks, etc.

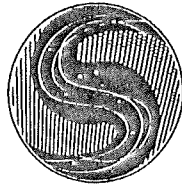
A large percentage of the trees were of the locust species, and some sycamore. These species would not be desirable in a completed housing development and were not located. All damaged and undesirable species should definitely be removed.

Should you attempt to salvage some of the trees, extreme caution should be exercised in the grading operations. Trees growing in the wild are not very tolerant to earth disturbance within the drip zone of their branches. Unlike trees grown in the nursery environment, the root system of wild trees is much more extensive, making it more difficult to protect.

If you have any questions, please call.

Yours truly,

Charles S. Garvick, PE



April 30, 2003

D. Mark Livingston
Development Specialist
Woda Development of Kentucky, LLC
2000 W. Henderson Road, Suite 450
Columbus, OH 43220

Re: Belmont Estates

Dear Mr. Livingston:

This letter will confirm sanitary sewer capacity is available to serve the proposed 150 multi-family unit complex as stated in your correspondence dated April 29, 2003. The developer/owner is responsible for the cost of connecting to the existing sanitary sewer and extending the on site sewers. Prior to connecting to the sanitary sewer, the appropriate capacity connection fee must be paid to Sanitation District No. 1. The flow from this project will be treated at the Dry Creek Wastewater Treatment Plant.

If you need additional information or have any questions, please do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script that reads "Gary Aman". The signature is written in dark ink and is positioned above the typed name and title.

Gary W. Aman
Project Manager

woda

Opening New Doors

*Development
Construction
Management*

Woda Development of Kentucky, LLC

**2000 West Henderson Road, Suite 450 • Columbus, OH 43220 • Tel: (614) 459-9632 • Fax: (614) 459-9665
213 Main Street • Bridgeport, OH 43912 • Tel: (740) 633-3035 • Fax: (740) 633-6007**

April 29, 2003

Jeff Woda
The Woda Group, LLC
2000 West Henderson Road, Suite 450
Columbus, Ohio 43220

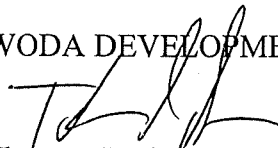
RE: Boone County

Dear Jeff,

I spoke with Bryan Blavatt, the Superintendent of Schools for Boone County, Kentucky. I called Mr. Blavatt to discuss his letter dated April 1, 2003, that he sent to Todd Morgan, Planner for Boone County. Mr. Blavatt informed me that his letter was not written because he is against development, but Mr. Blavatt said that at this time the school board has no money to improve or expand the schools in the Collins and R.A. Jones district. Mr. Blavatt would be against any type of residential development due to this fact. We did agree that if the zone change occurs and we develop our proposed community of Belmont Greene, that we would sit down with Mr. Blavatt and see if we could help in anyway to improve the school boards situation. He was very open to this idea.

Sincerely,

WODA DEVELOPMENT OF KY, LLC



Thomas S. Simons
Vice President



Opening New Doors

Development • Construction • Management

213 Main Street • Bridgeport, OH 43912 • Tel: (740) 633-3035 • Fax (740) 633-6007
2000 West Henderson Road, Suite 450 • Columbus, OH 43220 • Tel: (614) 459-3929 • Fax: (614) 459-7398

The Woda Group

May 13, 2003

The following is a list of communities that Woda Development of Ohio, LLC, Woda Development of WV, LLC, and Woda Development of KY, LLC, have developed. The following communities were constructed by Woda Construction, Inc., and are managed by Woda Management, LLC.

Ohio Communities

1. Laurelhurst – Clyde, Ohio, 42 units, currently under construction
2. Laurel Greene – Clyde, Ohio, 40 units, construction to commence summer of 2003
3. Leewood Place – Fremont, Ohio, 40 units, currently under construction
4. Devon House – Tiffin, Ohio, 40 units, construction to commence summer of 2003
5. Conventry House – Tiffin, Ohio, 30 units, historic rehabilitation to commence summer of 2003
6. Tremont Greene – Tiffin, Ohio, 40 units, construction to commence summer of 2003
7. Tall Trees – Tiffin, Ohio, 42 units in operations
8. Wellington Place, Ottawa, Ohio, 34 units in lease up
9. Woda Ottawa, Ottawa, Ohio, 8 units in lease up
10. Partridge Place, Paulding, Ohio, 42 units in operations
11. Apple Glen, Van Wert, Ohio, 40 units in operations
12. Meadow Glen, Carey, Ohio, 50 units rehabilitation to commence fall of 2003
13. Essex North, Sycamore, Ohio, 10 units in lease up
14. Essex Place, Upper Sandusky, Ohio, 42 units in lease up
15. Nantucket Greene, Upper Sandusky, Ohio, 40 units in lease up
16. Kensington Greene, Carrollton, Ohio, 41 units in operations
17. Briarwood, Wintersville, Ohio, 77 units in operations
18. St. Clairsville Courtyard, St. Clarisville, Ohio, 24 units in operations
19. Ashburn Greene, St. Clairsville, Ohio, 40 units, construction to commence fall of 2003
20. Woda Apartments, Powhatan Pointe, Ohio, 4 units in operations
21. Russell's Crossing, Barnesville, Ohio, 39 units in operations
22. Stoney Ridge, Cadiz, Ohio, 28 units, currently under construction
23. Lanning House, Dennison, Ohio, 30 units in operations
24. Junction City Apartments, Junction City, Ohio, 24 units in operations

25. Franklin's Crossing, Hilliard, Ohio, 61 units in operations
26. Summer Tree Terrace, Jeffersonville, Ohio, 24 units in operations
27. Jamestown Place, Jamestown, Ohio, 24 units, currently under rehabilitation
28. Glenview, Washington Court House, 56 units, rehabilitation pending
29. Ivy Glen, Washington Court House, 60 units, currently in lease up
30. Riverbirch Greene, Washington Court House, Ohio, 60 units, construction to commence fall of 2003
31. Clough Commons, Waverly, Ohio, 46 units in operations
32. Victoria Place, Waverly, Ohio, 30 units, currently under rehabilitation
33. Frankfort Place, Frankfort, Ohio, 20 units, rehabilitation to commence fall of 2003
34. Village Square, Peebles, Ohio, 30 units, currently in operations
35. Riverview Place, Ripley, Ohio, 33 units, rehabilitation to commence fall of 2003
36. Colonial Park, Pomeroy, Ohio, 48 units, currently in lease up
37. Ashburn Greene II, St. Clairsville, Ohio, 15 units, currently in development
38. Fox Run Crossing, Piketon, Ohio, 42 units, currently in development
39. Lexington Greene, Findlay, Ohio, 48 units, currently in development
40. Quail Meadow, Fostoria, Ohio, 50 units, currently in development
41. Troon Crossing, Zanesville, Ohio, 40 units, currently in development
42. Meridian Greene, Wintersville, Ohio, 66 units, currently in development
43. Paigelynn Place, Swanton, Ohio, 60 units, currently in development
44. Patrick Place, Paulding, Ohio, 24 units, currently in development
45. Aspen Greene, Byesville, Ohio, 48 units, currently in development
46. Stratford Greene, Calcutta, Ohio, 32 units, currently in development
47. Berkeley Greene, St. Clairsville, Ohio, 22 units, currently in development

West Virginia Communities

1. Heathermoor, Weirton, West Virginia, 50 units, currently under construction
2. Stone Brooke, Weirton, West Virginia, 43 units in operations
3. Greene Glen I, Morgantown, West Virginia, 48 units in operations
4. West Greene, Morgantown, West Virginia, 28 units in operations
5. Cedar Glen, Morgantown, West Virginia, 48 units in operations
6. Greene Gables, Short Gap, West Virginia, 51 units in operations
7. Catawba Club, Berkeley Springs, West Virginia, 64 units in operations
8. Polo Greene, Martinsburg, West Virginia, 64 units in operations
9. Bayberry Place, Keyser, West Virginia, 66 units in operations
10. Muirwood Greene, Romney, West Virginia, 50 units, currently under construction
11. Yellowbud Place, Moorefield, West Virginia, 50 units, currently under construction
12. Canterbury Place, Elkins, West Virginia, 50 units, construction to commence fall of 2003
13. Willow Greene, Anmoore, West Virginia, 50 units, currently in lease up
14. Terrapin Park, Parkersburg, West Virginia, 49 units in operations
15. Dutch Ridge, Parkersburg, West Virginia, 24 units in operations
16. St. Paul Terrace, Parkersburg, West Virginia, 44 units in operations
17. Joseph's Crossing, Summerville, West Virginia, 42 units in operations

18. Oakmont Greene, Beckley, West Virginia, 48 units, currently in lease up
19. Edward's Crossing, Beckley, West Virginia, 44 units, construction to commence fall of 2003
20. Victory Place, Barboursville, West Virginia, 50 units, currently in development
21. Bethany Greene, Guyandote, West Virginia, 50 units, currently in development
22. Oakmont Greene II, Beckley, West Virginia, 50 units, currently in development
23. Hilltop Greene, Clarksburg, West Virginia, 50 units, currently in development
24. Greene Glen II, Morgantown, West Virginia, 40 units, currently in development

Kentucky Communities

1. Arlington Greene, London, Kentucky, 40 units, construction to begin summer of 2003
2. Sawgrass Greene, Grayson, Kentucky, 54 units, finance pending
3. Belmont Greene, Boone County, Kentucky, 120 units, currently in development
4. Harvest Glen, Berea, Kentucky, 50 units, currently in development

Michigan Communities

1. Doranne Greene, Hartford, Michigan, 50 units, currently in development
2. Tibbits Greene, Coldwater, Michigan, 50 units, currently in development



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Belmont Greene

Net Rents:

1BR \$ 500

2BR \$ 590

3BR \$ 665

4BR \$ 800

Utility Allowance:

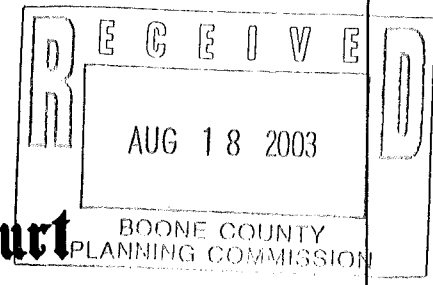
1BR \$ 100

2BR \$ 130

3BR \$ 160

4BR \$ 160

**Resolution
Of
The Boone County Fiscal Court**



Resolution No. 03-131

A RESOLUTION OF THE BOONE COUNTY FISCAL COURT DENYING A REQUEST OF BELMONT GREEN LLC (APPLICANT) FOR MARTHA ANDERSON (OWNER) FOR A ZONING MAP AMENDMENT, SUCH ZONING MAP AMENDMENT BEING A ZONE CHANGE FROM INDUSTRIAL TWO (I-2) TO URBAN RESIDENTIAL ONE (UR-1) ON AN APPROXIMATE 18 ACRE SITE GENERALLY LOCATED ON THE WEST SIDE OF DIXIE HIGHWAY, ON THE SOUTHWEST CORNER OF THE DIXIE HIGHWAY/MIKKELSON DRIVE INTERSECTION AND APPROXIMATELY 220 FEET NORTH OF THE DIXIE HIGHWAY/WEBER LANE INTERSECTION, AND ALONG THE NORTH SIDE OF WEBER LANE IMMEDIATELY WEST OF THE PROPERTY AT 180 WEBER LANE, BOONE COUNTY, KENTUCKY, AS RECOMMENDED BY THE BOONE COUNTY PLANNING COMMISSION (11-0, with 1 abstention), VIA RESOLUTION NO. R-03-011-D.

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 Industrial Two (I-2) to Urban Residential One (UR-1) on an approximate 18 acre site generally located on the west side of Dixie Highway, on the southwest corner of the Dixie Highway/Mikkelson Drive intersection and approximately 220 feet north of the Dixie Highway/Weber Lane intersection, and along the north side of Weber Lane immediately west of the property at 180 Weber Lane, 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 denial for the Zoning Map Amendment.

NOW, THEREFORE, BE IT RESOLVED 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 denied, this Zoning Map Amendment being a zone change from Industrial Two (I-2) to Urban Residential One (UR-1) on an approximate 18 acre site generally located on the west side of Dixie Highway, on the southwest corner of the Dixie Highway/Mikkelson Drive intersection and approximately 220 feet north of the Dixie Highway/Weber Lane intersection, and along the north side of Weber Lane immediately west of the property at 180 Weber Lane, Boone County, Kentucky. The real estate which is the subject of this request for a Zoning Map Amendment in an Industrial Two (I-2) zone is more particularly

**Resolution
Of
The Boone County Fiscal Court**

Resolution No. 03-131

described in DEED BOOK 291, PAGE NO. 270 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

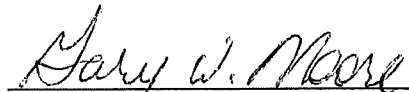
That as a basis for the recommendation of denial for a Zoning Map Amendment request are the findings of fact of the Boone County Planning Commission as set forth in its minutes and official records for this request shall be and are hereby incorporated by reference as if fully set out in this Resolution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

The Committee recommended denial for this request based on the findings of fact as set forth in the Committee Report and the Boone County Planning Commission Business Meeting minutes and marked as "Exhibit B".

SECTION III

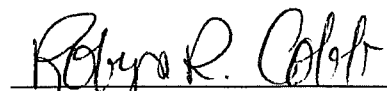
That this Resolution shall take effect and be in full force when passed and recorded according to law.

Adopted by the Fiscal Court of Boone County at a regular meeting on the 22nd day of July, 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

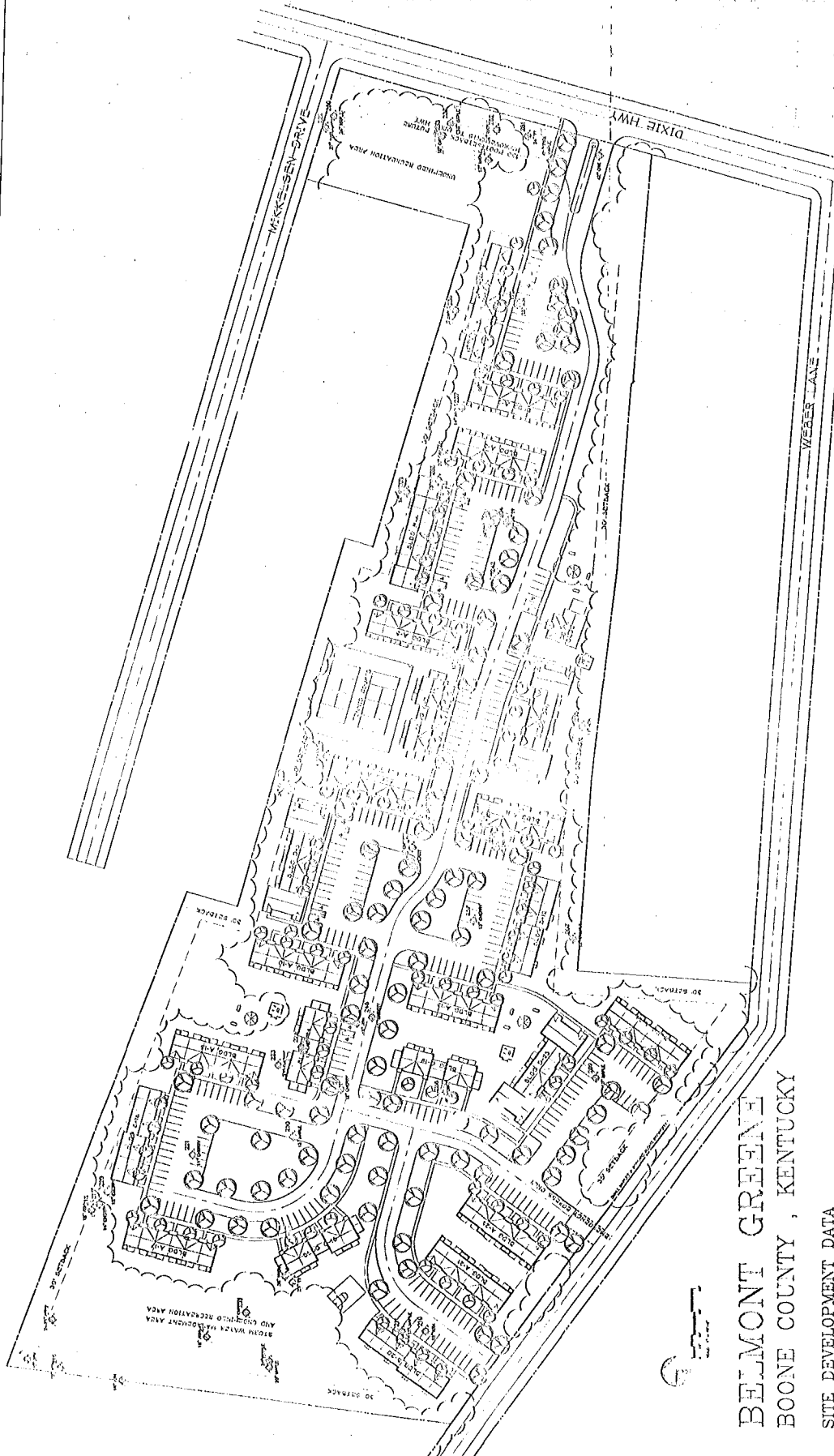
ATTEST:



ROBYN R. COBB
FISCAL COURT CLERK



JAMES R. SCHRAND II
BOONE COUNTY ATTORNEY



23 40% } 63%
 Conditional 13 23%
 Extract 21 37%
 57

DENSITY ZONING INDUSTRIAL II
 PROPOSED ZONING UN

BELMONT GREEN
BOONE COUNTY, KENTUCKY

SITE DEVELOPMENT DATA

BASE UNIT	1. 20'		2. 30'		3. 40'		4. 50'		5. 60'		6. 70'		7. 80'		8. 90'		TOTAL	
	NO.	AREA	NO.	AREA	NO.	AREA	NO.	AREA	NO.	AREA	NO.	AREA	NO.	AREA	NO.	AREA		
1	1	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	1	0.00
2	1	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	1	0.00
3	1	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	1	0.00
4	1	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	1	0.00
5	1	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	1	0.00
6	1	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	1	0.00
7	1	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	1	0.00
8	1	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	1	0.00
9	1	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	1	0.00
TOTAL	25	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	0	0.00	25	0.00

TOTAL UNITS = 150

LAND AREA: 150.00 ACRES
 TOTAL UNITS: 150
 DENSITY: 1.00 UNITS/ACRE
 TOTAL SPACES: 200 SPACES/UNIT
 CONSTRUCTION: 50% ON CRACK, 50% FLOOR W/ BACK VULNER
 AND WALL STRENGTH CONSTRUCTION PER 3-4
 OCCUPANCY: 100% OCCUPANCY PER 3-4