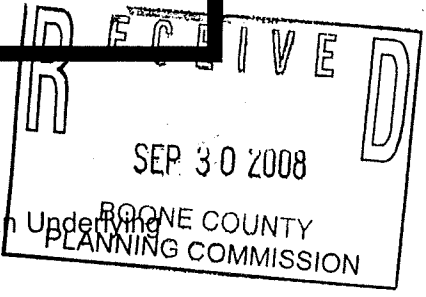


APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check One:

- Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
- Change in an Approved Concept Development Plan
- Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)
- Long Range Planning Committee Review (As stated in the Union Town Plan)
- Zone Change Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions

- 2. Name of Project Sherwood Lakes
- 3. Location of Project Sherwood Lakes Drive
- 4. Total Acreage of Site ~~13.67~~ 3.3 OF A 13.67 ACRE SITE
- 5. Current Zoning UR-1/CD
- 6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) 4/6/1988
- 7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) No
- 8. Proposed Uses (please specify each use) Multi-Family Buildings
- 9. Proposed Building Intensities (please specify) 12 dwelling units per acre (maximum)
- 10. Have you submitted a Concept Development Plan? to be submitted concurrently with this
- 11. Are you also applying for: application.
 Conditional Use Permit
 Dimensional Variance
- 12. Name of Applicant(s) Bayer Becker
 Phone Number (859)261-1113 Fax No. (859)261-1710
- 13. Address of Applicant(s) 209 Grandview Drive
Ft. Mitchell KY 41017
 City State Zip
- 14. Name of Property Owner(s) Sherwood Lakes, LLC
 Phone Number (513)575-0100 Fax No. (513)575-0692
- 15. Address of Property Owner(s) 1252 Goshen Pike
Milford OH 45150
 City State Zip
- 16. Are there any existing buildings on the site? No
 How many? _____
- 17. Deed Book 916 Page No. 10 Group No. 2058
- 18. Have you had a pre-application meeting with BCPC Staff? Yes

(over)

EXHIBIT

“A”

STAFF REPORT

Request of **Bayer Becker (applicant)** for **Sherwood Lakes, LLC (owner)** for a Change in an Approved Concept Development Plan in an Urban Residential One (UR-1) zone for an approximate 3.3 acre area which is currently part of a 13.67 acre tract. The property is located at the current terminus of Sherwood Lakes Drive and to the south of the condominiums and garage structures located at 624, 636, 648, and 660 Friars Lane, Boone County, Kentucky. The request is for a Change in Approved Concept Development Plan to allow a 58 unit multi-family residential building and a 48 unit multi-family residential building in addition to the previously approved residential condominiums.

November 5, 2008

REQUEST

The applicant has applied for a Change in Approved Concept Development Plan to allow two three-story apartment buildings to be constructed on an approximate 3.3 acre area within Sherwood Lakes Subdivision. The first apartment building contains 48 units (20 one bedroom units and 28 two bedroom units) and is 50,670 square feet in area. The second apartment building contains 58 units (20 one bedroom units and 38 two bedroom units) and is 77,342 square feet in area. The submitted drawings show that the buildings will be constructed predominately with hardi-plank siding and that each building will have an underground parking garage. Additional surface parking is being provided between the two apartment buildings. Access to the buildings is provided from Sherwood Lakes Drive, which is a private road.

The remaining 10.37 acres of the site are proposed to be developed per the August 28, 2006 Site Plan. A total of 92 ranch style condominiums will be constructed in 18 buildings. To date, 14 of the 92 condominiums have been constructed (Buildings 1, 5, and 6).

PERTINENT SITE HISTORY

- 1988 – The Boone County Planning Commission and Boone County Fiscal Court approved a Zoning Map Amendment request from Suburban Residential One (SR-1) to Commercial Services (C-3) and Urban Residential One (UR-1) for an approximate 58.27 acre site. The approved Concept Development Plan showed that the UR-1 zone was 48.24 acres in area and contained 24 apartment buildings. Each apartment building was shown with 24 units (576 total units).
- 2006 – The Zoning Administrator approves a minor change to the Concept Development Plan to allow ranch style condominiums. The ranch style condominium buildings are approved because they have smaller footprints and less units than the approved apartment buildings.

2006 – The Boone County Planning approves a Site Plan to allow the construction 123 ranch style condominiums in the rear of Sherwood Lakes Subdivision.

SITE CHARACTERISTICS

The 13.67 acre site is currently being graded. The approved August 28, 2006 Site Plan shows that the topography of the site will fall from approximately 937 feet above sea level at the northeast property boundary to approximately 906 feet above sea level at the southwest property boundary. Some mature vegetation is planned to be retained along the northern, southern, eastern, and western boundaries of the site. Water and sanitary sewer mains exist in the development. Access to the property is currently provided from Sherwood Lakes Drive, which is a private road.

ADJACENT LAND USES AND ZONING

- North: Condominiums and Garages Fronting on Friars Lane (UR-1)
- South: Single-Family Residential Dwellings on Remy Lane, Vineyard Court, Berry Path Court (SR-2), and Sunset Drive (SR-1)
- East: Duplexes Fronting on Deer Haven Court and an undeveloped Section of Wysteria Village Subdivision (SR-2)
- West: Ranch Style Condominiums in Sherwood Lakes (UR-1) and Single-Family Residential Dwellings on Cherry Lane (SR-1)

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2005 Boone County Comprehensive Plan's "2030 Land Use Plan" designates the site for "Urban Density Residential" uses. This designation is described as "attached housing, generally condominiums or apartments, of over 8 dwelling units per acre."

The Land Use Element (Devon Area, pp. 147-148) makes the following statements regarding the general area:

- A. Commercial activity associated with the interchange should be concentrated on the east side of the interstate. Access for these commercial uses should be coordinated so that all development can easily access traffic signals. All commercial development should be planned with attention to possible traffic impacts, because this interchange will serve an increasing volume of residential, commercial, and industrial traffic.

- B. South of the interchange, between the interstate and U.S. 25, should develop in a variety of residential uses. The undeveloped land south of Mt. Zion Road is appropriate for Urban Density residential development or attached affordable housing. Innovative design and affordable construction should provide a good alternative to the mobile home parks that dominate the area, and which create negative visual impacts on the U.S. 25 corridor. Permanent attached housing is also preferable to mobile home park development, because less site preparation is necessary and more open space can be retained.

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. True Open Space subdivision design should be considered to blend new subdivisions in with areas that have a rural character (Utilization of Existing Vegetation and Topography, pg. 140).
- 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. 141).
- 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 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. 141).

- D. Developments in Boone County should give consideration to the overall design of the area. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use (Designs, Signs, and Historic Preservation, pg. 160).

The Housing Element provides the following comment that relates to the area in question:

- A. Multi-family housing developments should have convenient access to commercial districts or should provide their own supporting commercial uses. The developments should be designed to offer the shortest trips to the most people. High density residential developments help to hold down the cost of individual units due to many variables including lower land cost per unit, lower land development cost and building unit costs per unit. Clustering of the dwelling units allows this by requiring less site work and utility construction. Better design can correlate with more density, and walkable, multi-modal communities. This also provides a supply of affordable housing for county residents (Housing Types, pg. 75).
- B. The previous section discussed the need for a variety of housing units for the special needs of specific demographic groups: young, unmarried adults, divorcees, and the elderly. A high percentage of these groups need truly affordable options other than traditional single-family homes (Affordable Housing/Homeless, pg. 76).
- C. 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 through creative development design, an appropriate and attractive visual transition should be achieved. This could include existing vegetation or new landscaping and/or fencing. Existing vegetation (such as wooded fence rows) should be retained as much as possible to provide buffer strips and stormwater filters. This serves a dual purpose in that woodland is becoming relatively scarce in the eastern uplands of the county, and these areas buffer different land uses. Housing that is proposed on smaller, remnant tracts need to be carefully designed (Housing Densities, pg. 76).

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

- A. The Transportation plan has served as a guide for long range transportation improvement decisions. The thoroughfare component has assisted in the preservation of right-of-ways for transportation facilities and established a consistent framework for the design of new transportation facilities (Boone County Transportation Plan, pg. 128).
- B. The Transportation Plan is not an amendment to the Comprehensive Plan. Rather, it is intended to be one of many planning tools utilized during the review of applications submitted for development in this county (Boone County Transportation Plan, pg. 128).

The 2005 Boone County Comprehensive Plan's Goals and Objectives include the following pertinent statements:

- A. Proper design principles shall be applied in development (Overall, Objective).
- B. Future growth shall be accompanied by adequate infrastructure and services. Existing infrastructure and services shall be maintained or improved as needed (Overall, Objective).
- 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).
- D. The incremental effects of development on the environment, including, but not limited to storm water, erosion, woodlands, streams, and views shall be evaluated and addressed (Environment, Objective).
- E. Existing vegetation shall be considered as both an important site characteristic and a community resource (Environment, Social Objective).
- F. Safe, environmentally sound, and sanitary housing exists for all Boone County residents (Housing, Goal).
- G. A broad range of housing opportunities shall be provided which meet the needs and desires for all household types (Housing, Objective).
- H. In order to offer the citizens of Boone County maximum choice in living environment, residential developments shall be judged primarily on the impact on infrastructure, buffering, and development design with only secondary consideration given to the type of dwelling units (Housing, Objective).
- I. 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).
- J. 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).
- K. Safe, efficient and environmentally sound public services and facilities shall exist for all development (Public Services and Facilities, Goal).
- L. Priority shall be given toward maintaining, protecting, and improving the capacity and safety of the existing road system (Transportation, Objective).

Relationship to the Boone County Transportation Plan 2030

- A. The current level of service (LOS) on Mt. Zion Road, between Highland Drive and Dixie Highway, is LOS F. The average daily trips on this section of road is 18,789 (Exhibit 2-7).
- B. The 2030 projected level of service (LOS) on Mt. Zion Road, between Highland Drive and Dixie Highway, is LOS C or D. The average daily trips on this section of road is projected to be between 25,355 and 34,694 (Exhibit 2-7).
- C. The widening of Mt. Zion Road to 5 lanes from the interchange to Dixie Highway and the reconstruction of the interchange are listed as Six Year Plan Transportation Projects (Exhibit 3-1).

Update - The reconstruction of the Mt. Zion interchange includes the 5 lane section of Mt. Zion Road from I-75 to Sam Neace Boulevard. Construction is planned for 2010 but there is currently no funding.

Update - The U.S. 25 project now includes the 5 lane section of Mt. Zion Road from Sam Neace Boulevard to Dixie Highway. Road design is planned for 2009 but there is currently no funding.

STAFF COMMENTS

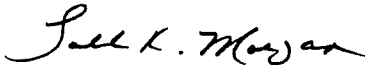
- 1. The Zoning Administrator determined that the Change of Concept Development Plan was required because the 1988 approval permitted 24 apartment buildings with 24 units in each building. The proposed apartment buildings have substantially larger footprints than the approved buildings and contain 58 and 48 units respectively.
- 2. There are currently 29 three-story condominium buildings and 3 ranch style condominium buildings in Sherwood Lakes Subdivision. Each of the three-story buildings contain 12 units.
- 3. The residential section of Sherwood Lakes was approved with an intensity of 11.94 dwellings units per acre (576 units/48.24 acres) in 1988. The intensity will be reduced to 11.39 dwelling units per acre (546 units/47.94 acres) if the application is approved.
- 4. The Planning Commission has allowed individual buildings in numerous condominium and apartment projects to be placed on separate lots of record for financing and platting purposes. Staff treats such projects as if they are one lot of record so that there are no building intensity and internal setback issues.
- 5. The developer informed Staff that 80% of the apartments will be leased to people that are over 55 years of age and that the remaining apartments will be leased to persons that are hearing impaired. All apartments will be equipped with amenities for the hearing impaired.

6. Staff would like the applicant to address the following issues:
- A. The proposed apartments are predominately constructed with constructed hardi plank siding. Staff would like to know if more brick and/or masonry could be added to the buildings to help break up the large facades.
 - B. There is a significant deciduous tree line to the north and west of the 48 unit apartment building. How much of the tree line can be preserved?
 - C. The submitted landscaping plan does not define the proposed trees and shrubs. The street frontages must meet the street frontage buffer requirements.
 - D. The zoning regulations require 192 parking spaces to be provided based on the number of 1 bedroom and 2 bedroom apartments that are proposed. How many parking spaces are being proposed in the underground parking garages?

CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and Boone County Fiscal Court in terms of Article 3 of the Boone County Zoning Regulations, the appropriate planning documents noted herein, and the potential impacts on existing and planned uses in the area. The Future Land Use Map will not need to be amended if the request is approved.

Respectfully submitted,



Todd K. Morgan, AICP
Senior Planner

TKM/pr

Attachments:

- *Site Vicinity Map
- *Concept Development Plan (Site Layout)
- *Concept Development Plan (Landscaping)
- *Concept Development Plan (Building Elevations)
- *Concept Development Plan (Floor Plans)
- *Flyer from Applicant
- *1988 Concept Development Plan
- *1988 Committee Report
- *2006 Site Plan
- *Aerial Map
- *Zoning Map
- *Future Land Use Map
- *Topographical Map
- *Application

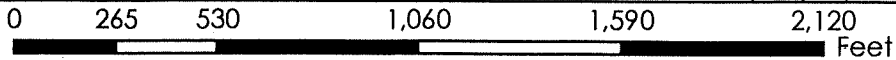
SITE VICINITY MAP

www.boonecountygis.com



Copyright 2008 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



1 inch equals 500 feet



Boone County GIS - Putting Northern Kentucky on the Map

NORTHERN KENTUCKY, BOONE COUNTY AREA

LUXIURIOUS AND AFFORDABLE APARTMENT LIVING FOR SENIORS **Planned Opening - Spring 2010**

FEATURES FOR PERSONS WHO ARE DEAF OR HARD OF HEARING
including a controlled entrance with Video and Voice Screening, Visual Signaler Alarm Systems in Units & Common Areas, and Assisted Listening Device in Club Room.

CLUB ROOM, FITNESS CENTER, BUSINESS CENTER & MORE
General amenities in this 1 and 2 bedroom apartment building includes a Club Room with kitchen and patio for residents and their guests, a resident Fitness Center, a Business Center with computer and internet access, and common laundry. The 3 story elevator building will have balconies / patios, kitchen appliances and w/d hookups in units, accessible design features, a secure lobby, storage lockers and underground parking. Staff, skilled in sign language and oral communication, will manage the building and oversee a variety of social activities.

Rent for a one bedroom, 660 plus sq. ft. unit, with appliances and laundry hookup, will be approximately \$550 to \$675*.

Rent for a two bedroom, 930 plus sq. ft. unit, with appliances and laundry hookup, will be approximately \$660 to \$790*.

** Some income restrictions apply.*

For further information, please contact:

Donna Ferency,
Horizon Development, 3900 S. Prairie Hill Ln., Greenfield, WI, 53228
Fax: 414-541-3100 / Email: d.ferency@horizondbm.com

Horizon Development information is available at www.horizondbm.com.

This housing is being developed in response to requests from residents of the Northern Kentucky and Cincinnati area.

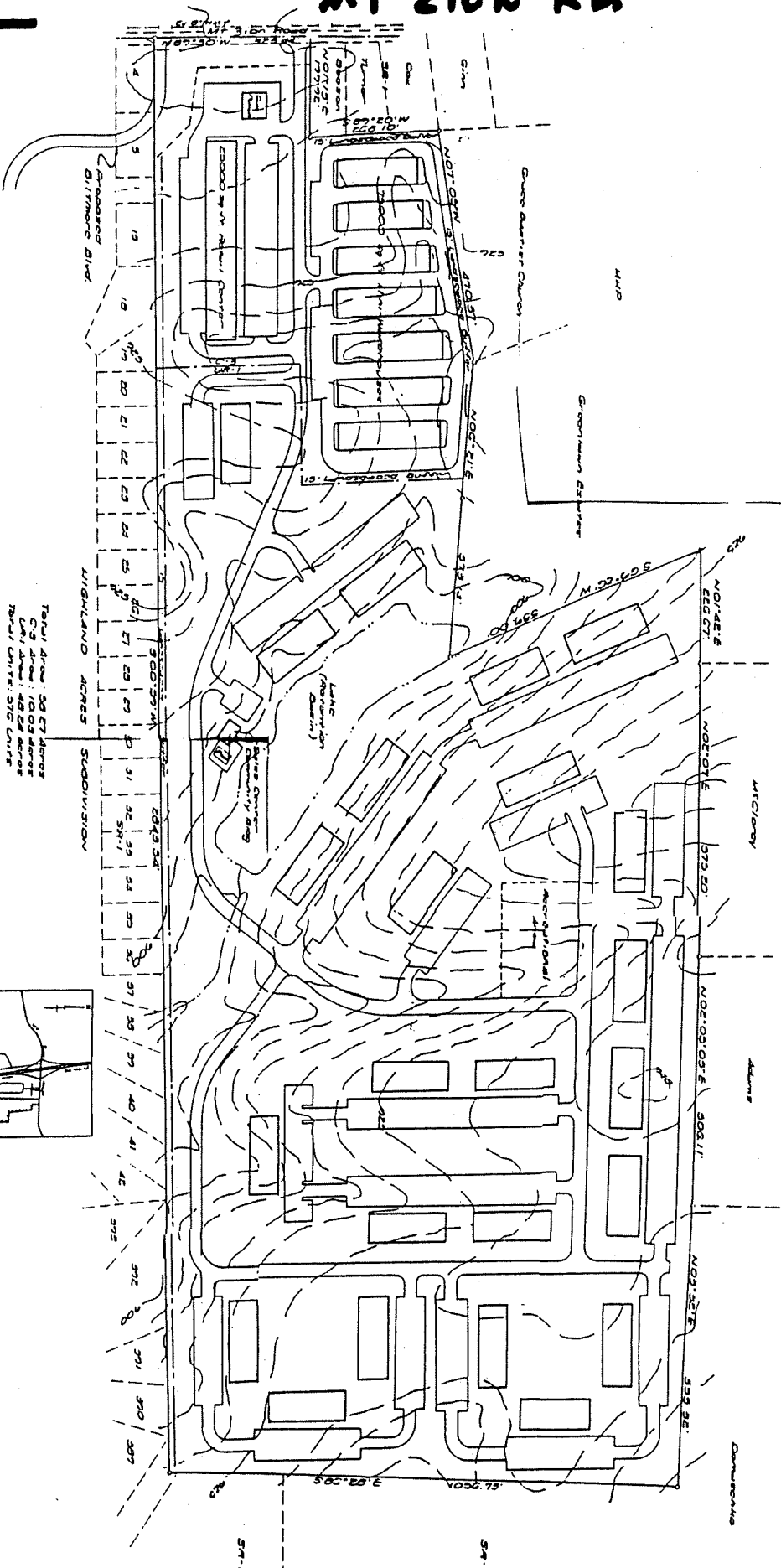
US 25



MT ZION RD

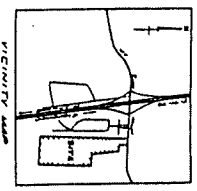


I-75



Total Area: 56.67 Acres
 C-9 Area: 10.05 Acres
 Total Area: 46.62 Acres
 Total Area: 51.58 Acres

Water and Sanitary Sewer to be provided by the Boone County Water and Sewer District



CONCEPT PLAN

PROPOSED ZONE CHANGE

DATE: 11/10/2010

PROJECT: 4605 OAK W/3700

OWNER: [Name]

DESIGNER: [Name]

SCALE: 1/8" = 1'-0"

DATE: 11/10/2010

COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Don McMillian, Chairman, Zone Change Committee

DATE: April 6, 1988

RE: Request of Martin J. Horwitz and William J. Kathman, Jr. (applicants) for Howard and Elaine Beeson (owners) for a Zoning Map Amendment on a +58 acre site located south of Mt. Zion Road and east of Highland Acres Subdivision, Boone County, Kentucky. The request is to rezone the site from Suburban Residential One (SR-1) to Commercial Services (C-3) and Urban Residential One (UR-1).

REMARKS:

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

Findings of Fact

1. In the Committee's opinion, the applicant has demonstrated that the existing zoning of Suburban Residential One (SR-1) is inappropriate for the site because of the combination of future accessibility of the area and adjacent mobile home park land uses. The Committee agrees with the applicant that this combination of factors makes development of the site under the existing zoning unlikely. The applicant has also demonstrated, in the Committee's opinion, that the requested zoning districts of Commercial Services (C-3) and Urban Residential One (UR-1) are appropriate to reflect the future increased accessibility of the site with the I-75 and Mt. Zion interchange, and to achieve a transition of housing types between the mobile home parks on the east to the single-family subdivision on the west. Although the Boone County Comprehensive Plan generally treats housing densities as more important than housing types, the Committee believes that this unique site between a mobile home park and single-family subdivision, and with its relation to planned transportation improvements, requires the attention to transition of housing types.

Conditions

The applicant is being asked to agree to include these items as part of the Concept Development Plan in order to clarify the plan presented at the 3/30/88 Public Hearing. Further, these conditions are intended to clarify the suitable uses and development for the presented plan.

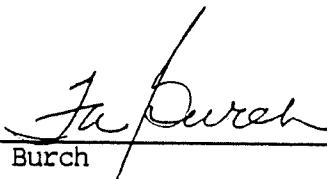
1. The developer shall work with the Kentucky Transportation Cabinet and Boone County Planning Commission in constructing an appropriate tee-intersection with the proposed, relocated Biltmore Boulevard in order to provide access to this 58 acre site. Should additional lanes be required on the relocated Biltmore Boulevard as a result of this development's traffic, the developers shall bear the financial costs.

The proposed access indicated on the submitted Concept Development Plan shall be utilized only as a Temporary Access Point in the case that the first phase of this development occurs before construction of the Mt. Zion interchange and Biltmore improvements. This temporary access point can be closed by the Planning Commission upon the availability of alternate access. In addition, the owner of the site shall participate in future frontage road or drive connections to properties to the east in order to achieve future access to Mt. Zion Road at the location of the proposed Mt. Zion Connector Road. The applicant shall submit traffic information as needed during subsequent reviews.

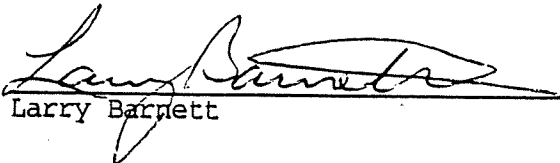
2. The proposed swimming pool and community building shall be constructed during the first phase of the development and shall be relocated to the point of entrance to the apartment uses and located near the center of the site away from Highland Acres Subdivision.
3. The developer shall sufficiently berm and landscape all areas visible to the public around the proposed mini-warehouses, as well as the rear of the proposed retail center where it is visible to residential properties or to motorists on Biltmore Boulevard.
4. The two acre recreation area indicated on the Concept Development Plan shall include a softball field, basketball court, and/or other facilities designed to serve the anticipated tenant mix. Full information regarding maintenance of these facilities shall be submitted during Preliminary Development Plan Review.
5. Detailed detention/retention plans shall be provided for the site to avoid adverse impacts on land uses downstream from the site.



Don McMillian, Chairman

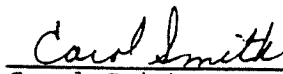


Fred Burch

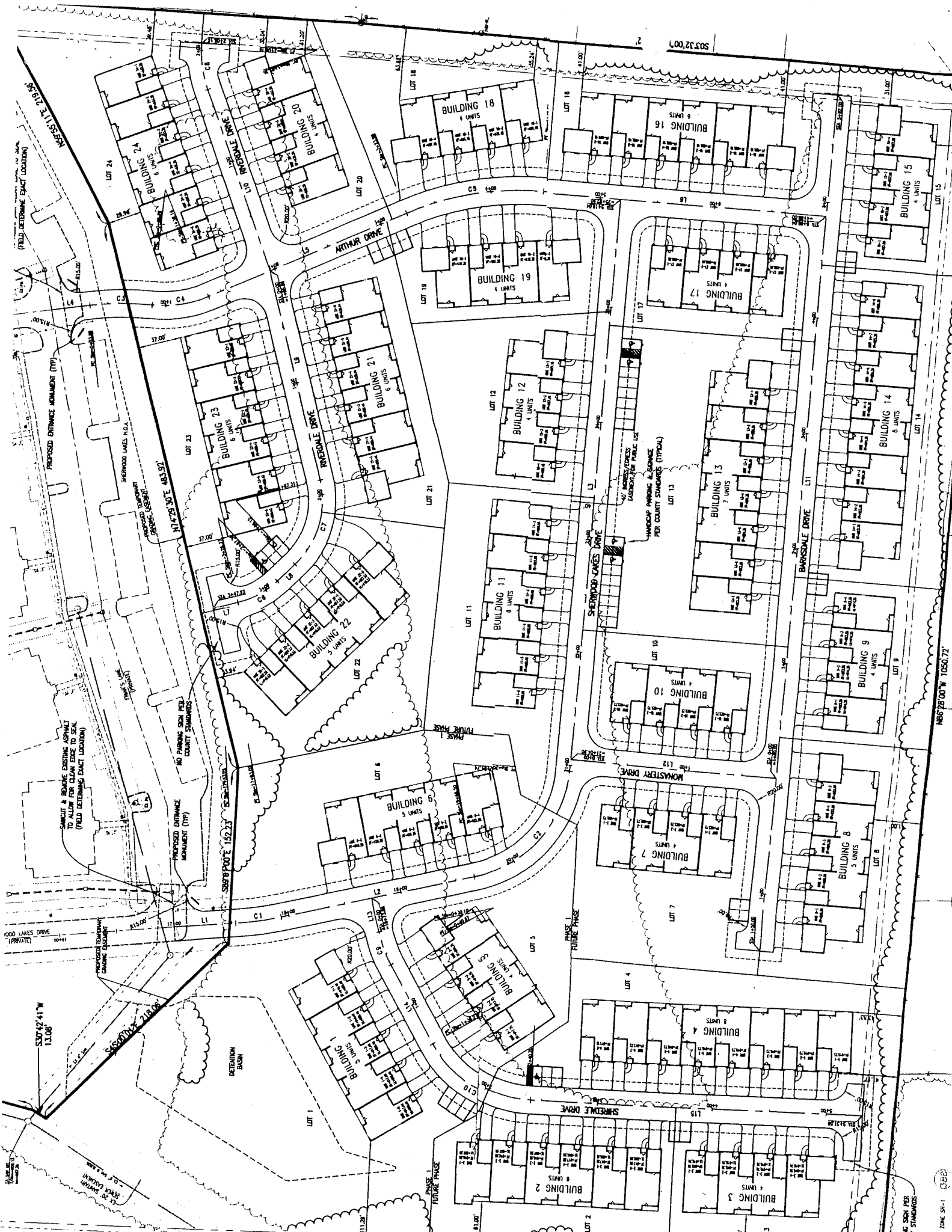


Larry Barnett

Rector Jones



Carol Smith



S0332'00"

S30°42'41"W
13.08'

ZONE DR-1

PARKING SIGN PER COUNTY STANDARDS

N86°29'00"W 10550.72'

40' MONUMENT/STRESS SIGNAGE FOR PUBLIC USE
HANDICAP PARKING SIGNAGE PER COUNTY STANDARDS (TYPICAL)

KESWICK 213.58'
(FIELD DETERMINE EXACT LOCATION)

PROPOSED ENTRANCE MONUMENT (TYP)

REMOVE & REPLACE EXISTING ASPHALT TO ALLOW FOR DRIVE TO SIGN (FIELD DETERMINE EXACT LOCATION)

PROPOSED TEMPORARY DRIVEWAY

PROPOSED TEMPORARY DRIVEWAY (ASBESTOS)

PROPOSED ENTRANCE MONUMENT (TYP)

NO PARKING SIGN PER COUNTY STANDARDS

SHREVE DRIVE

MONASTERY DRIVE

BARNSDALE DRIVE

REVEREND DRIVE

ARTHUR DRIVE

RIVERSIDE DRIVE

SHREVOOD LAKES HOA

EXTENSION BUS

PHASE 1 FUTURE PHASE

PHASE 2 FUTURE PHASE

PHASE 3 FUTURE PHASE

LOT 1

LOT 2

LOT 3

LOT 4

LOT 5

LOT 6

LOT 7

LOT 8

LOT 9

LOT 10

LOT 11

LOT 12

LOT 13

LOT 14

LOT 15

LOT 16

LOT 17

LOT 18

LOT 19

LOT 20

LOT 21

LOT 22

LOT 23

LOT 24

BUILDING 1

BUILDING 2

BUILDING 3

BUILDING 4

BUILDING 5

BUILDING 6

BUILDING 7

BUILDING 8

BUILDING 9

BUILDING 10

BUILDING 11

BUILDING 12

BUILDING 13

BUILDING 14

BUILDING 15

BUILDING 16

BUILDING 17

BUILDING 18

BUILDING 19

BUILDING 20

BUILDING 21

BUILDING 22

BUILDING 23

BUILDING 24

1 UNIT

2 UNITS

3 UNITS

4 UNITS

5 UNITS

6 UNITS

7 UNITS

8 UNITS

9 UNITS

10 UNITS

11 UNITS

12 UNITS

13 UNITS

14 UNITS

15 UNITS

16 UNITS

17 UNITS

18 UNITS

19 UNITS

20 UNITS

21 UNITS

22 UNITS

23 UNITS

24 UNITS

25 UNITS

26 UNITS

27 UNITS

28 UNITS

29 UNITS

30 UNITS

31 UNITS

32 UNITS

33 UNITS

34 UNITS

35 UNITS

36 UNITS

37 UNITS

38 UNITS

39 UNITS

40 UNITS

41 UNITS

42 UNITS

43 UNITS

44 UNITS

45 UNITS

46 UNITS

47 UNITS

48 UNITS

49 UNITS

50 UNITS

51 UNITS

52 UNITS

53 UNITS

54 UNITS

55 UNITS

56 UNITS

57 UNITS

58 UNITS

59 UNITS

60 UNITS

61 UNITS

62 UNITS

63 UNITS

64 UNITS

65 UNITS

66 UNITS

67 UNITS

68 UNITS

69 UNITS

70 UNITS

71 UNITS

72 UNITS

73 UNITS

74 UNITS

75 UNITS

76 UNITS

77 UNITS

78 UNITS

79 UNITS

80 UNITS

81 UNITS

82 UNITS

83 UNITS

84 UNITS

85 UNITS

86 UNITS

87 UNITS

88 UNITS

89 UNITS

90 UNITS

91 UNITS

92 UNITS

93 UNITS

94 UNITS

95 UNITS

96 UNITS

97 UNITS

98 UNITS

99 UNITS

100 UNITS

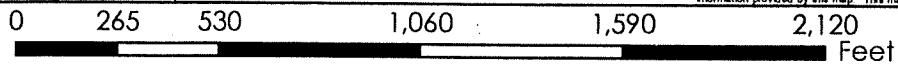
AERIAL MAP

www.boonecountygis.com



Copyright 2008 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

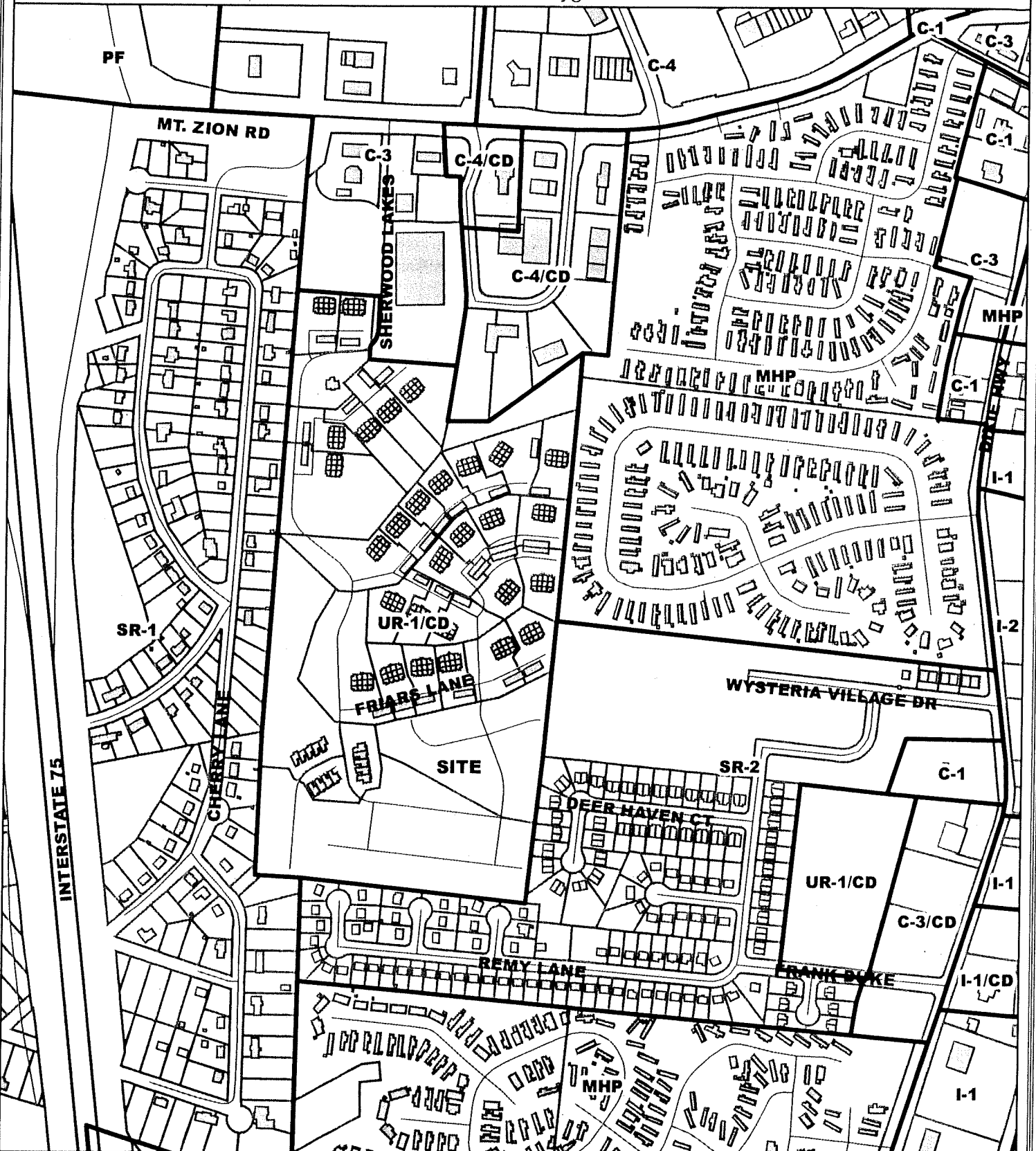
Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



Boone County GIS - Putting Northern Kentucky on the Map

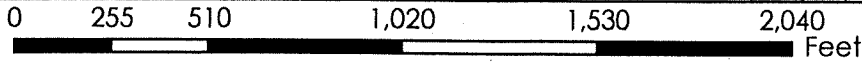
ZONING MAP

www.boonecountygis.com



Copyright 2008 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

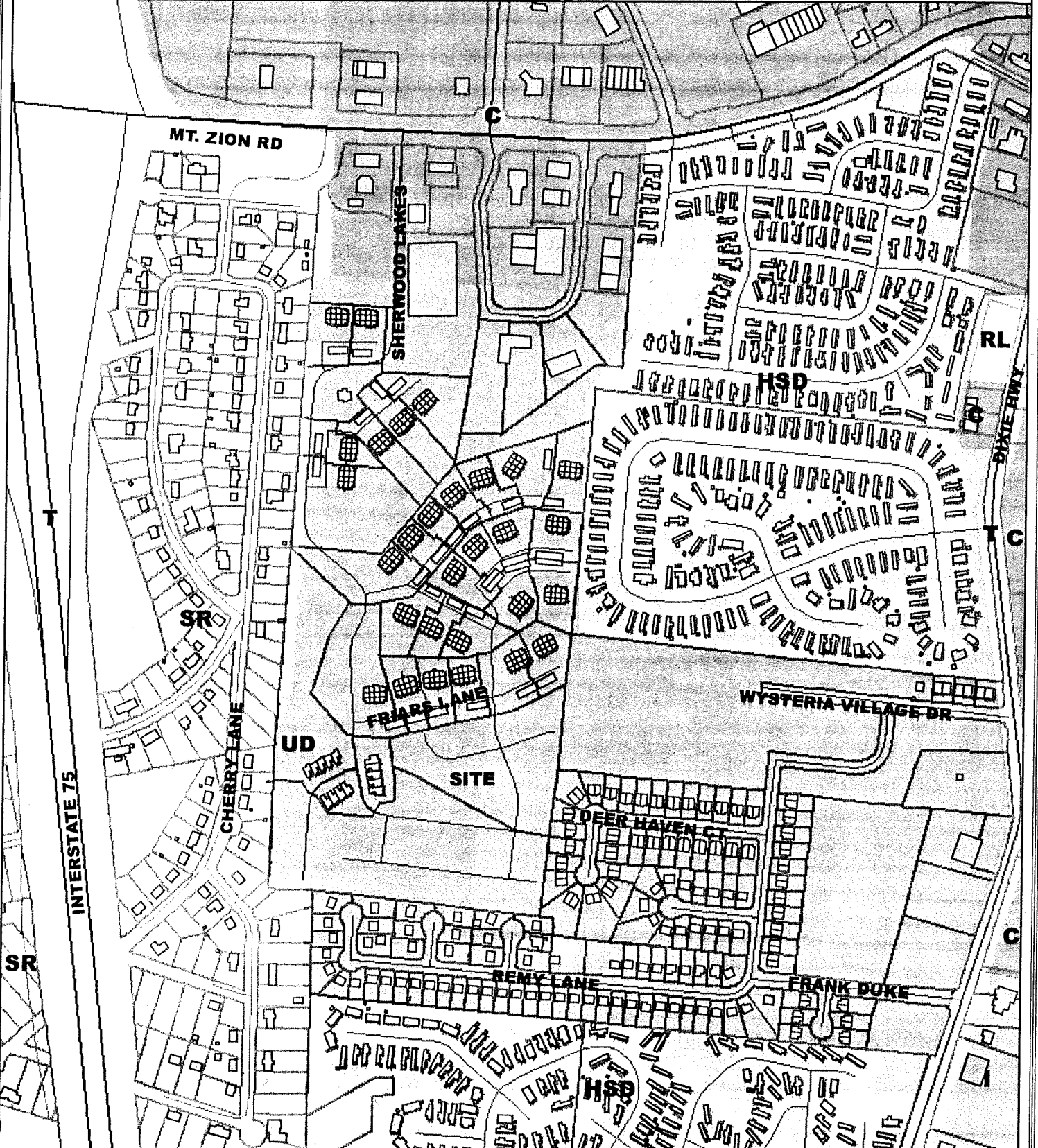
Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



Boone County GIS - Putting Northern Kentucky on the Map

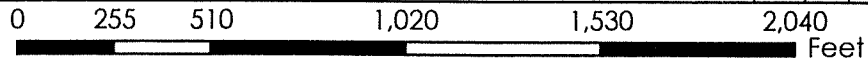
FUTURE LAND USE MAP

www.boonecountygis.com



Copyright 2008 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Data used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



Boone County GIS - Putting Northern Kentucky on the Map



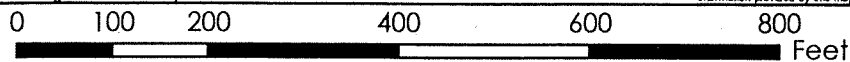
TOPOGRAPHICAL MAP

www.boonecountygis.com



Copyright 2008 Boone County GIS. Reproduction by any means without the express permission of the Boone County Planning Commission is prohibited.

Date used to create this map were compiled from sources that comply with National Map Accuracy Standards. Boone County GIS extends no warranty with respect to the accuracy or content of the information provided by this map. This map should be used for general planning purposes only.



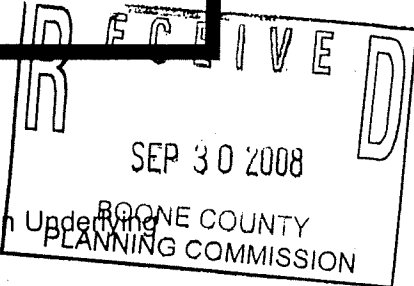
1 inch equals 200 feet



Boone County GIS - Putting Northern Kentucky on the Map

APPLICATION FORM

CONCEPT DEVELOPMENT PLAN
BOONE COUNTY PLANNING COMMISSION



(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Check One:

- Concept Development Plan (Includes Utilization of an Underlying Zone in a Planned Development)
Change in an Approved Concept Development Plan
Long Range Planning Committee Review (As stated in the Houston-Donaldson Study)
Long Range Planning Committee Review (As stated in the Union Town Plan)
Zone Change Committee Review of previously approved Concept Development Plan Conditions or Zoning Map Amendment Conditions

- 2. Name of Project Sherwood Lakes
3. Location of Project Sherwood Lakes Drive
4. Total Acreage of Site 13.67 Ac.
5. Current Zoning UR-1/CD
6. Date of Previous Zoning Map Amendment or Approved Concept Development Plan (if applicable) 4/6/1988
7. Is the site subject to a specialized Land Use Study approved by the Boone County Planning Commission? (If so, indicate the name of the Study) No
8. Proposed Uses (please specify each use) Multi-Family Buildings
9. Proposed Building Intensities (please specify) 12 dwelling units per acre (maximum)
10. Have you submitted a Concept Development Plan? to be submitted concurrently with this application.
11. Are you also applying for:
No Conditional Use Permit
No Dimensional Variance
12. Name of Applicant(s) Bayer Becker
Phone Number (859)261-1113 Fax No. (859)261-1710
13. Address of Applicant(s) 209 Grandview Drive
Ft. Mitchell KY 41017
City State Zip
14. Name of Property Owner(s) Sherwood Lakes, LLC
Phone Number (513)575-0100 Fax No. (513)575-0692
15. Address of Property Owner(s) 1252 Goshen Pike
Milford OH 45150
City State Zip
16. Are there any existing buildings on the site? No
How many?
17. Deed Book 916 Page No. 10 Group No. 2058
18. Have you had a pre-application meeting with BCPC Staff? Yes

(over)

GARY W. MOORE
County Judge/Executive
(859) 334-2242

JEFFERY S. EARLYWINE
County Administrator
(859) 334-2242



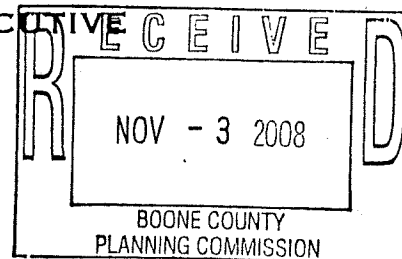
ROBIN D. CURRY
Asst. County Administrator
(859) 334-2245

M. TIMOTHY WILLIAMS
Asst. County Administrator
(859) 334-3509

OFFICES OF THE COUNTY JUDGE/EXECUTIVE

www.BooneCountyKy.org

P.O. Box 900
Burlington, KY 41005
FAX (859) 334-3105



October 15, 2008

Ms. Donna Ferency, Development Associate
Horizon Development Group
3900 S. Prairie Hill Ln.
Greenfield, WI 53228

Re: Village Apartments at Sherwood Lakes/Kentucky Housing Corporation-
Senior Housing Tax Credit Application

Dear Ms. Ferency,

The purpose of this letter is to acknowledge my support for the housing credit application being submitted to the Kentucky Housing Corporation for development of the Village Apartments at Sherwood Lakes, an independent senior housing development proposed by the Horizon Development Group, Inc.

As I understand, this project will be designed with numerous special features and amenities especially for seniors and those that may be hearing impaired. The targeted group will include residents age 55 and over with an income up to 60% of the county median. Each building will be staffed by a resident manager to serve residents and maintain property. The specific location and design of the project will be guided by the staff of the Planning Commission and local regulations. This letter should not be interpreted in any way as expressing an opinion regarding the development plan review and compliance process.

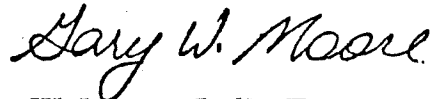
We have been informed that a Kentucky Housing Credit development similar to this, Franciscan Senior Estates, opening in Louisville later this year, was co-developed by Horizon Development Group. It has been represented to us



that this company, with over 25 years of successful senior housing projects, will own and operate the proposed project.

Based upon this information, and the need for quality senior housing within our county, I am pleased to offer my support for this tax credit application.

Sincerely,

A handwritten signature in cursive script that reads "Gary W. Moore".

Gary W. Moore, Judge Executive
Boone County

Cc: Jeffrey Earlywine, County Administrator

Public Hearing Item No. 2:

Commission Members Present: Mr. Ford, Mrs. Herald, Mr. Hicks, Mrs. Kegley, Mr. McMillian, Mrs. Poston - Chairwoman, Mr. Charlie Reynolds, Mr. Rolfsen – Vice Chairman, and Mr. Schwenke – Temporary Presiding Officer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; and Mr. Todd Morgan, AICP, Senior Planner.

Legal Counsel Present: Mr. Dale Wilson

2. **Applicant:** **Bayer Becker for**
 Sherwood Lakes, LLC (owner)

Request: **Change in Concept Development Plan**

The request of Bayer Becker (applicant) for Sherwood Lakes, LLC (owner) for a Change in an Approved Concept Development Plan in an Urban Residential One (UR-1) zone for an approximate 3.3 acre area which is currently part of a 13.67 acre tract. The property is located at the current terminus of Sherwood Lakes Drive and to the south of the condominiums and garage structures located at 624, 636, 648 and 660 Friars Lane, Boone County, Kentucky. The request is for a Change in Approved Concept Development Plan to allow a 58-unit multi-family residential building and a 48-unit multi-family residential building in addition to the previously approved residential condominiums.

Staff Member Todd Morgan presented the Staff Report which included a Power Point presentation (see Staff Report). He submitted a letter from Judge Executive Gary Moore addressed to Horizon Development Corporation in support of their housing credit application (see Exhibit 1). Mr. Morgan stated that the letter should not be interpreted as expressing an opinion on the Change in Concept Development Plan process.

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

Mr. Gil Whitacre with Bayer Becker Engineers stated that they have been involved with the development of Sherwood Lakes since construction began in the early 1990's. He introduced Paul Ritter, the current owner of the parcel and a member of the Villages of Sherwood Lakes LLC. He stated that they are also representing Horizon Development Group, which is the company requesting a Change in Concept Development Plan. Their representative, Donna Ferency, was

not able to be here this evening, and they will give her presentation. Mr. Whitacre stated that they are not here for a zone change -- the zoning accommodates the total number of units. They are asking for a Change in Concept Development Plan because the building has more than 24 units in it and the original plan outlined 24 units per building. Reviewing the Power Point presentation prepared by Horizon Development Group, he stated that they have over 24 years experience in senior housing development. They have 68 residential developments containing 3,465 units. They have 49 properties and 2,585 units currently managed. They have experience in affordable market-rate and non-profit markets. They have experience in apartment, condominium, duplex and single-family development. They recently completed a project in Louisville. He stated that a 48-unit building versus a 24-unit building would eliminate repetitive costs for secure entry systems, overhead doors for the underground parking garages in each building, heating/cooling systems, and common areas. These cost savings can be used to increase the quality of the larger building and help with rental affordability since the maintenance and utility costs are less. He stated that fewer natural resources would be used for a 48-unit building because there is less total exterior space than for two 24-unit buildings. A 48-unit building would be more energy efficient and result in more green space. Services of management staff would be more accessible and efficiently delivered, and there would be a larger club room and other common amenities. He presented a written description of the one- and two-bedroom apartments and interior pictures of a similar project in Wisconsin. He stated that the exterior of the proposed building is 100% hardi-plank and brick. They are willing to look at putting some brick on the building to match some of the existing architecture. They are willing to put some brick on the front and possibly some wrap around the side -- and the rest of the building would be hardi-plank. They have a secured entrance and 24-hour emergency maintenance. There is an on-site resident manager skilled in sign language. A portion of the residences will cater to the hearing impaired. There will be elevator service to all floors, as well as a club room, kitchen, exercise room, laundry facilities, and storage. There will be underground parking and additional surface parking. He presented photographs of a club room and common areas. For the hearing impaired, there will be a controlled entrance with video and voice screening, visual and audio signal alarms in the units and common areas, and assisted listening devices in the clubroom. Approximately 20% of the units will be targeted to persons who are deaf or hard of hearing, but the special amenities will be in all of the units. The Village Apartments would be developed in response to requests from deaf and hard of hearing residents of the Northern Kentucky and Cincinnati area. He stated that Horizons Development Group helped to develop similar housing in Louisville, Kentucky which will be owned and managed by the Franciscan Sisters of Chicago and will open in December 2008. Horizons Development Group has included amenities for deaf and hard of hearing persons in several recent developments. In response to the Staff Comment #6, Mr. Whitacre stated that they will bring to Committee additional details of the elevations and the brick wrap on the building. He stated that they want to preserve as many trees as they can in the tree line to the north of the

property. They will define to the Committee which trees they may be able to save and provide more detail on the Landscaping Plan. He stated that the parking is proposed to meet the Code requirements. He stated that the Goals and Objectives of the Comprehensive Plan call for a variety of housing types. This type of building meets the Goals and Objectives of the Comprehensive Plan. It is a tax credit development -- it is not Section 8 or government-subsidized housing. This concluded the applicant's presentation.

Mrs. Poston asked if there was anyone else present who wished to speak in favor of the project. There being no response, she asked if there was anyone present who wished to speak in opposition.

Ms. Nicki Culberson, 2199 Blue Yacht Lane in Union, owns a unit on Poinsettia Court and is a spokesperson for the community in regard to the on-going lawsuit. She stated that the Bylaws require the units to be owned and not rentals. She stated that this development could affect the resale value and loan options on the other units if there is a 49% to 51% ratio of rentals versus owned units. She stated that the whole community of Sherwood Lakes, including Mr. Ritter's land, is part of the Bylaws. She stated that there are two sets of Bylaws -- one from 1996 and one from 2007 when there was not an official vote -- and there is an issue of the old Bylaws versus the new Bylaws and how the rules have been changed.

Ms. Alice Laws, a resident of Friars Lane close to the proposed project, is concerned about the traffic. She stated that Sherwood Lakes Lane ends at Friars Lane and those people use their private road. She believes the traffic will be horrendous with the additional people in the proposed units. She asked if the new units will be included in the Sherwood Lakes Homeowners Association -- will they pay for the upkeep of the road, landscaping, clubhouse and pool? She stated that the proposed units have no road out to Mt. Zion Road or U.S. 25 and there will be a traffic problem. She does not object to the housing, but they need to have their own road.

Ms. Mary Ann Herman, 10284 Sunset Drive at the corner of Cherry, stated that she moved there in 1991 when it was a rural area --but Erpenbeck came in and started bulldozing and tearing up the property. She feels that the green space is being destroyed and the deer are gone. She can see condominiums out her back door in the winter. During a rainstorm in the summer, her neighbor's pool was slogged with mud. She is upset at the idea of looking out and seeing all of these buildings. She questioned fencing so that she does not see the buildings from her home. She questioned how many more units can be squeezed in -- there is not going to be any green space left.

Mr. Morgan reviewed the Power Point slide and indicated the location of Ms. Herman's house in relation to the condominiums. Mr. Costello stated that the property was rezoned for this use back in 1988, which is twenty years ago.

Ms. Barbara Russell, 10112 Carnation Court, lives in the first building that was built and it faces the only way in and out. She stated that ever since they started building in the back, there have been huge earthmovers and dump trucks coming through – they come in their private road, which has an immediate right turn that is very narrow, and they knock the curbs off. She did not hear anyone say that there would be another way out for these units.

Mr. Jeff Clothier, 413 Poinsettia Court, Sherwood Lakes, stated that the proposed buildings are toward the back and the only way to get out is to come to the front where the traffic is running over the curbs. He stated that when the traffic gets to Mt. Zion Road, there is nothing there but a stop sign and it is impossible to make a left turn in the AM and PM peak hours. He questioned what will be done about the traffic. They have tried to work with the builders behind them to get an exit out of the back of the property, but they have refused. He stated that the development was built by Erpenbeck – but they went into bankruptcy and left about 20% of it not completed. They had to use their Homeowners' fees to finish the roads. They have had problems for quite awhile. He stated that the Amendments to the Bylaws do not allow for rentals. They passed a specific Amendment due to problems with renters. There are lawsuits going on and it would be a disaster to put this project in until they are settled. He stated that they are removing two 12-unit buildings for a total of 24 units removed and putting in 96 units. He questioned how that is a lower density.

Mr. Morgan responded that it is a comparison of what was approved in 1988 to the total number of dwelling units if the apartments were approved. There would be less dwelling units with this plan versus the 1988 plan. Counselor Wilson advised that the calculation includes dwelling units approved in 1988 which have not been built yet. Mr. Morgan stated that 576 units were approved in 1988 (see Staff Comment #3), but if Sherwood Lakes is built out as proposed, there will be 546 units. He stated that they have the right to build out the 1988 plan.

Mr. Clothier stated that there is a traffic issue now with 348 units, and an additional 200+ units will create a massive traffic issue. He stated that the only real solution is to have a back exit – but they are landlocked behind them and none of the adjoining properties will allow them an exit at the back. He stated that the Bylaws say there can be no rentals and questioned if the Planning Commission can override the Bylaws.

Counselor Wilson advised that he would interpret the Homeowners rules to be like private deed restrictions – they are not public laws and zoning could not overrule them. He stated that the owners would have to abide by the zoning and the private deed restrictions if they are valid. Mr. Clothier asked if the residents of the new 106 units will pay the same Homeowners' fees. Counselor Wilson advised that the Planning Commission is not involved in private fees.

Ms. Dawn Hall, 10272 Crossbow, stated that she is President of Sherwood Lakes Homeowners Association and they are not in favor of this request. She stated that the original development was proposed as condominiums, not apartments. She stated that the people who bought into Sherwood Lakes community relied on it being an owner-occupied community.

Ms. Melanie West, 648 Friars Lane, is concerned about the parking. She stated that they planned one parking space per condominium, but these are two-bedroom units. There are garages directly across from the parking spaces and the road is not wide enough to back out of the parking spaces. The property values have gone down due to the negative publicity and the lawsuits. Her condominium is worth less than she paid for it. She walks the dirt paths in the green space every day and there are not many trees there – she can see all of the houses and roads and hear the traffic on the expressway. She stated that they cannot handle the traffic they have now. She stated that there will be no green space left. She is concerned about the property values.

Mr. Costello asked if Tim Reese bought the site and developed the project according to the product design. He questioned the reason for the proposed change in the product design.

Mr. Paul Ritter with Sherwood Lakes LLC responded that Holiday Homes, Dan Rolfes, Tim Reese, and he entered into a partnership to buy this property from the party who bought it as a distressed property from the Erpenbeck debacle. It was his understanding that it was nineteen 12-unit buildings and 228 units could be put in there. In order to cut down on the density and traffic, they got approval for 123 ranch-style condominium units. He agreed that there are lawsuits and the Bylaws were changed – but the lawsuits are for the courts to decide. He stated that they were contacted by Horizon Development in Wisconsin and they presented them with a contract to purchase approximately three acres and put in 106 units. They are affiliated with the hearing-impaired/deaf community and want to put in apartment-style buildings to accommodate the elderly and hearing-impaired. They have a waiting list of more than sixty people who want to move into this development. He stated that Horizon Development Group applied to the Kentucky Housing Corporation for a tax credit – it is not Section 8 or subsidized housing. That is the reason for this request.

Mr. Costello asked if the same partners currently own the property. Mr. Ritter responded that about 45 days ago, he and Dan Rolfes bought out Tim Reese. Mr. Costello asked for the reason for the request – not just because someone approached them with this concept. Mr. Ritter responded that they put in fifteen units – they have had them for about a year and have only sold five of them. Sales are slow and they do not feel that 123 of the units would sell in a reasonable amount of time. They are looking to build the project in a different way in order to complete it and move on.

Mr. Costello stated that this is a multi-story building versus the second product that was introduced to this site (the first product was Erpenbeck's multi-story buildings and the second product was the ranch-style buildings). He asked if the company has any concept other than the high-rise buildings. Mr. Ritter responded that they are not "high rise" buildings, they are the same height as the existing three-story buildings. His understanding is that Erpenbeck had 24-unit buildings approved and then they went to the ranch buildings. He believes zoning prohibits more than three stories. Mr. Costello requested a copy of the letter from the Zoning Administrator in order to see what was approved.

Mrs. Poston questioned public transportation in this area. Mr. Costello responded that there is a Park 'n Ride in front of Sports of All Sorts. Mrs. Poston commented that there is public transportation within walking distance. The audience disagreed that it is within walking distance.

Mr. Rolfsen asked if there is a connector road at Sports of All Sorts that the traffic could take to get to a traffic signal. Mr. Morgan responded that there is a cut through from Sports of All Sorts that goes out to Demia or Investment Way, which lines up with the signalized intersection at Sam Neace.


Mr. Rolfsen asked if the representative from Horizon Development Group will attend the Committee meeting. Mr. Whitacre responded "yes".

Mr. Morgan asked if the applicant could address the question raised regarding the new units paying into the Homeowners Association. Mr. Ritter responded that he has not been able to get in front of the current Homeowners Association. He stated that if rentals exceed 49%, they would lose their FHA financing eligibility. He stated that most of his customers would be FHA buyers. He stated that if he takes 106 rental positions, that prevents others from possibly renting their condominiums. He stated that whether the Bylaws are valid is part of the lawsuit. He wants to carve these three acres out of the Homeowners Association – he would not then impact their FHA eligibility – and he would pay a monthly fee for the water line and put in his own meter, and he would get an easement on the street to access the condominiums. He wants to get in front of the Homeowners Association to explain what he wants to do and they will not let him on the Agenda.

Counselor Wilson asked Mr. Ritter if he understands that anything the Planning Commission does either for or against the request has nothing to do with the lawsuits. The Planning Commission has no jurisdiction over the private restrictions whether they are valid or not. Mr. Ritter responded "I completely understand that" and stated that he was taking this opportunity to address the group since he has not been able to speak with the Homeowners Association.


There being no further comments, Mrs. Poston stated that the Committee Meeting for this item will be on November 19, 2008 at 5:00 PM in this room. The public is welcome to attend the Committee Meeting, but no new testimony will be taken. This item will be on the Agenda for the Business Meeting on December 3, 2008 at 7:00 PM. Mrs. Poston closed this Public Hearing at 9:45 PM.

APPROVED:



Susan Poston, Chairwoman

Attest:



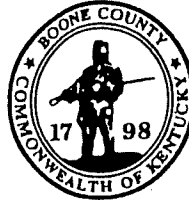
Jan Hancock, Recording Secretary

Exhibit –

1. Letter from Judge Executive Gary Moore addressed to Horizon Development Corporation, dated October 15, 2008, re: Village Apartments at Sherwood Lakes/Kentucky Housing Corporation Senior Housing Tax Credit Application, submitted by Staff

GARY W. MOORE
County Judge/Executive
(859) 334-2242

JEFFERY S. EARLYWINE
County Administrator
(859) 334-2242



BOONE COUNTY PLANNING COMMISSION

Date: 11/3/08 Public Hearing # 2 Exhibit # 1

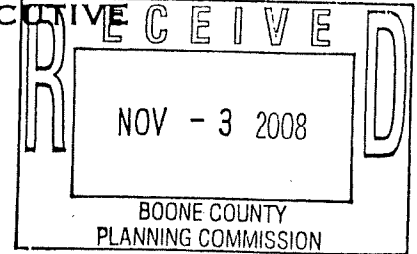
ROBIN D. CURRI
Asst. County Administrator
(859) 334-2245

M. TIMOTHY WILLIAMS
Asst. County Administrator
(859) 334-3509

OFFICES OF THE COUNTY JUDGE/EXECUTIVE

www.BooneCountyKy.org

P.O. Box 900
Burlington, KY 41005
FAX (859) 334-3105



October 15, 2008

Ms. Donna Ferency, Development Associate
Horizon Development Group
3900 S. Prairie Hill Ln.
Greenfield, WI 53228

Re: Village Apartments at Sherwood Lakes/Kentucky Housing Corporation-
Senior Housing Tax Credit Application

Dear Ms. Ferency,

The purpose of this letter is to acknowledge my support for the housing credit application being submitted to the Kentucky Housing Corporation for development of the Village Apartments at Sherwood Lakes, an independent senior housing development proposed by the Horizon Development Group, Inc.

As I understand, this project will be designed with numerous special features and amenities especially for seniors and those that may be hearing impaired. The targeted group will include residents age 55 and over with an income up to 60% of the county median. Each building will be staffed by a resident manager to serve residents and maintain property. The specific location and design of the project will be guided by the staff of the Planning Commission and local regulations. This letter should not be interpreted in any way as expressing an opinion regarding the development plan review and compliance process.

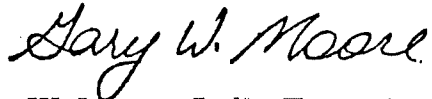
We have been informed that a Kentucky Housing Credit development similar to this, Franciscan Senior Estates, opening in Louisville later this year, was co-developed by Horizon Development Group. It has been represented to us



that this company, with over 25 years of successful senior housing projects, will own and operate the proposed project.

Based upon this information, and the need for quality senior housing within our county, I am pleased to offer my support for this tax credit application.

Sincerely,

A handwritten signature in cursive script that reads "Gary W. Moore".

Gary W. Moore, Judge Executive
Boone County

Cc: Jeffrey Earlywine, County Administrator

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
FIRST FLOOR FISCAL COURTROOM
BUSINESS MEETING
February 4, 2009
7:00 P.M.**

Mrs. Susan Poston, Chairwoman, called the meeting to order at 7:09 PM.

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer
Mr. Ben Brandstetter
Mr. Greg Breetz
Mr. Kim Bunger
Mr. Jim Carmichael
Mr. Mike Ford
Mr. Mark Hicks
Mr. Jim Longano
Mrs. Susan Poston, Chairwoman
Mr. Charlie Reynolds
Mr. Charlie Rolfsen, Vice Chairman
Mr. Bob Schwenke, Temporary Presiding Officer

COMMISSION MEMBERS NOT PRESENT:

Mrs. Linda Herald
Mrs. Janet Kegley
Mr. Don McMillian

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director
Ms. Jan Hancock, Secretary
Mr. Todd Morgan, AICP, Senior Planner
Mr. Kevin Wall, AICP, CDT – Director, Zoning Services

2. **Change in Concept Development Plan**

The request of **Bayer Becker (applicant)** for **Sherwood Lakes, LLC (owner)** for a Change in an Approved Concept Development Plan in an Urban Residential One (UR-1) zone for an approximate 3.3 acre area which is currently part of a 13.67 acre tract. The property is located at the current terminus of Sherwood Lakes Drive and to the south of the condominiums and garage structures located at 624, 636, 648 and 660 Friars Lane, Boone County, Kentucky. The request is for a Change in Approved Concept Development Plan to allow a 58-unit multi-family residential building and a 48-unit multi-family residential building in addition to the previously approved residential condominiums.

Staff Member Todd Morgan presented the Committee Report which recommended approval of the request based on the Findings of Fact, but subject to conditions (see Committee Report). The property owner has signed the letter agreeing to the conditions.

Mrs. Poston asked if the applicant wished to make a summary statement in regard to items raised at the Public Hearing or discussed in Committee before the Planning Commission takes action on this request.

Mr. Gil Whitacre with Bayer Becker was present, but had nothing to add to the Committee Report.

Mrs. Poston asked if there was anyone present who wished to make a summary statement in opposition. There was no response.

At this time, **Mr. Rolfsen moved by resolution to Boone County Fiscal Court that the request be approved based on the Committee Report with the conditions. Mr. Reynolds seconded the motion.**

Mrs. Poston questioned Condition #2. Mr. Morgan stated that it was discussed at the Public Hearing that there is a pending lawsuit regarding private deed restrictions which allow only so many units to be rented or leased. It is a private dispute to be resolved before the apartments can be constructed. All of the units in Sherwood Lakes are currently condominiums, but the original approval in 1988 was for apartments. Counselor Wilson advised that the condition is to encourage them to reach agreement and provide a copy to the Planning Commission. It would not be up to the Planning Commission to approve the agreement.

There being no further comments, Mrs. Poston asked for a vote on the motion made by Mr. Rolfsen **and it carried unanimously.**

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Charlie Rolfsen, Chairman

DATE: February 4, 2009

RE: Request of **Bayer Becker (applicant)** for **Sherwood Lakes, LLC (owner)** for a Change in an Approved Concept Development Plan in an Urban Residential One (UR-1) zone for an approximate 3.3 acre area which is currently part of a 13.67 acre tract. The property is located at the current terminus of Sherwood Lakes Drive and to the south of the condominiums and garage structures located at 624, 636, 648, and 660 Friars Lane, Boone County, Kentucky. The request is for a Change in Approved Concept Development Plan to allow a 58 unit multi-family residential building and a 48 unit multi-family residential building in addition to the previously approved residential condominiums.

REMARKS:

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

FINDINGS OF FACT

1. The Committee concluded that the request is in agreement with the 2005 Boone County Comprehensive Plan for the following reasons:
 - A. The 2005 Boone County Comprehensive Plan's "2030 Land Use Plan" designates the site for "Urban Density Residential" uses. This designation is described as "attached housing, generally condominiums or apartments, of over 8 dwelling units per acre."
 - B. The proposal is in general agreement with the following passage from the Land Use Element:

"South of the interchange, between the interstate and U.S. 25, should develop in a variety of residential uses. The undeveloped land south of Mt. Zion Road is appropriate for Urban Density residential development or attached affordable housing. Innovative design and affordable construction should provide a good alternative to the mobile home parks that dominate the area, and which create negative visual impacts on the U.S. 25 corridor. Permanent attached housing is also preferable to mobile home park development, because less site preparation is necessary and more open space can be retained" (Devon Area, pp. 147-148).

The Committee determined that the proposal was a minor change to the Zoning Map Amendment that was approved in 1988. This approval allowed 576 apartments (24 apartment buildings with 24 units) on a 48.24 acre lot. The approved intensity was 11.94 dwelling units per acre.

The current proposal would allow a 48 unit and 58 unit apartment building to be constructed within an approximate 3.3 acre area of the subdivision. The overall intensity will be reduced to 11.39 dwelling units per acre (546 units/47.94 acres) if the back of the subdivision is built out as shown on the Concept Development Plan.

C. The proposal is in agreement with the following passage from the Housing Element:

"Multi-family housing developments should have convenient access to commercial districts or should provide their own supporting commercial uses. The developments should be designed to offer the shortest trips to the most people. High density residential developments help to hold down the cost of individual units due to many variables including lower land cost per unit, lower land development cost and building unit costs per unit. Clustering of the dwelling units allows this by requiring less site work and utility construction. Better design can correlate with more density, and walkable, multi-modal communities. This also provides a supply of affordable housing for county residents" (Housing Types, pg. 75).

The development has convenient access to Interstate 71/75, Mt. Zion Road, commercial districts, and a park and ride.

D. The project is in agreement with the following Goals and Objectives:

- A broad range of housing opportunities shall be provided which meet the needs and desires for all household types (Housing, Objective).
- 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).

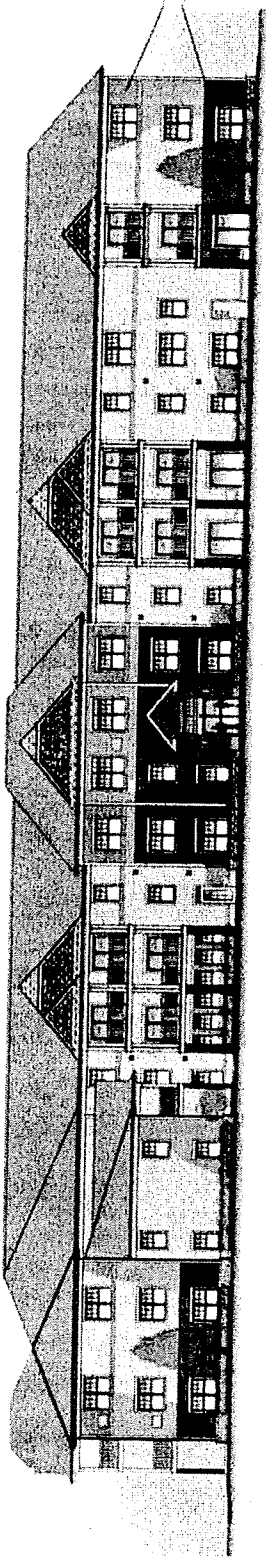
2. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2005 Boone County Comprehensive Plan. The Committee has also concluded that the attached conditions are necessary to mitigate any foreseeable community impacts that may be created by the development. The property owner has signed a letter demonstrating agreement with the conditions.

CONDITIONS

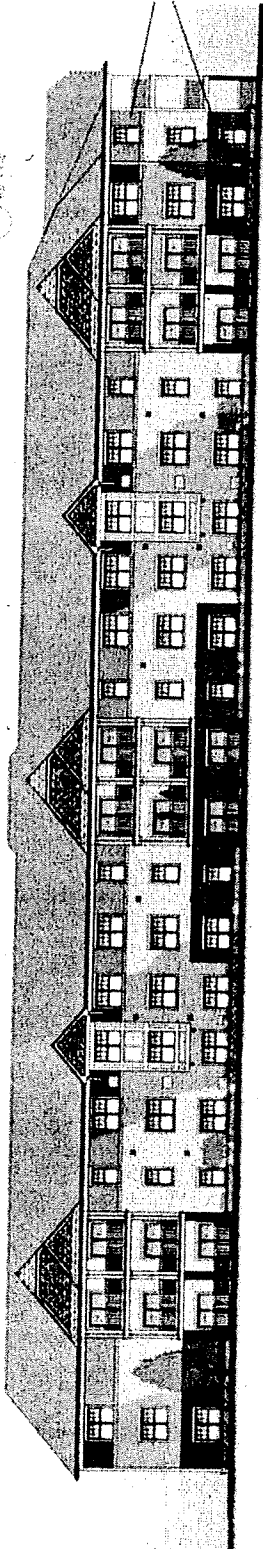
1. The apartment buildings shall be constructed per the attached elevation drawing.

2. A written copy of the Sherwood Lakes Home Owners Association action or agreement allowing the proposed apartments shall be furnished to the Boone County Planning Commission when a Major Site Plan application is submitted for review.
3. The following landscaping buffers shall be installed around the perimeter of the 3.3 acre site:
 - A. Northern property line - A 15' wide buffer with 3 large trees (Plant List A) and 3 evergreen trees (Plant List D) per 100 linear feet.
 - B. Southern and eastern property lines - Street frontage buffers per Section 3620 of the Boone County Zoning Regulations.
 - C. Western property line - Buffer Yard B per Section 3645 of the Boone County Zoning Regulations.

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 Concept Development Plan Committee Vote.



WEST ELEVATION



EAST ELEVATION



SOUTH ELEVATION

Public Hearing Item No. 2:

Commission Members Present: Mr. Ford, Mrs. Herald, Mr. Hicks, Mrs. Kegley, Mr. McMillian, Mrs. Poston - Chairwoman, Mr. Charlie Reynolds, Mr. Rolfsen - Vice Chairman, and Mr. Schwenke - Temporary Presiding Officer.

Staff Members Present: Mr. Kevin Costello, AICP, Executive Director; Ms. Jan Hancock, Secretary; and Mr. Todd Morgan, AICP, Senior Planner.

Legal Counsel Present: Mr. Dale Wilson

2. Applicant: **Bayer Becker for
Sherwood Lakes, LLC (owner)**

Request: **Change in Concept Development Plan**

The request of **Bayer Becker (applicant) for Sherwood Lakes, LLC (owner)** for a Change in an Approved Concept Development Plan in an Urban Residential One (UR-1) zone for an approximate 3.3 acre area which is currently part of a 13.67 acre tract. The property is located at the current terminus of Sherwood Lakes Drive and to the south of the condominiums and garage structures located at 624, 636, 648 and 660 Friars Lane, Boone County, Kentucky. The request is for a Change in Approved Concept Development Plan to allow a 58-unit multi-family residential building and a 48-unit multi-family residential building in addition to the previously approved residential condominiums.

Staff Member Todd Morgan presented the Staff Report which included a Power Point presentation (see Staff Report). He submitted a letter from Judge Executive Gary Moore addressed to Horizon Development Corporation in support of their housing credit application (see Exhibit 1). Mr. Morgan stated that the letter should not be interpreted as expressing an opinion on the Change in Concept Development Plan process.

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

Mr. Gil Whitacre with Bayer Becker Engineers stated that they have been involved with the development of Sherwood Lakes since construction began in the early 1990's. He introduced Paul Ritter, the current owner of the parcel and a member of the Villages of Sherwood Lakes LLC. He stated that they are also representing Horizon Development Group, which is the company requesting a Change in Concept Development Plan. Their representative, Donna Ferency, was

not able to be here this evening, and they will give her presentation. Mr. Whitacre stated that they are not here for a zone change -- the zoning accommodates the total number of units. They are asking for a Change in Concept Development Plan because the building has more than 24 units in it and the original plan outlined 24 units per building. Reviewing the Power Point presentation prepared by Horizon Development Group, he stated that they have over 24 years experience in senior housing development. They have 68 residential developments containing 3,465 units. They have 49 properties and 2,585 units currently managed. They have experience in affordable market-rate and non-profit markets. They have experience in apartment, condominium, duplex and single-family development. They recently completed a project in Louisville. He stated that a 48-unit building versus a 24-unit building would eliminate repetitive costs for secure entry systems, overhead doors for the underground parking garages in each building, heating/cooling systems, and common areas. These cost savings can be used to increase the quality of the larger building and help with rental affordability since the maintenance and utility costs are less. He stated that fewer natural resources would be used for a 48-unit building because there is less total exterior space than for two 24-unit buildings. A 48-unit building would be more energy efficient and result in more green space. Services of management staff would be more accessible and efficiently delivered, and there would be a larger club room and other common amenities. He presented a written description of the one- and two-bedroom apartments and interior pictures of a similar project in Wisconsin. He stated that the exterior of the proposed building is 100% hardi-plank and brick. They are willing to look at putting some brick on the building to match some of the existing architecture. They are willing to put some brick on the front and possibly some wrap around the side -- and the rest of the building would be hardi-plank. They have a secured entrance and 24-hour emergency maintenance. There is an on-site resident manager skilled in sign language. A portion of the residences will cater to the hearing impaired. There will be elevator service to all floors, as well as a club room, kitchen, exercise room, laundry facilities, and storage. There will be underground parking and additional surface parking. He presented photographs of a club room and common areas. For the hearing impaired, there will be a controlled entrance with video and voice screening, visual and audio signal alarms in the units and common areas, and assisted listening devices in the clubroom. Approximately 20% of the units will be targeted to persons who are deaf or hard of hearing, but the special amenities will be in all of the units. The Village Apartments would be developed in response to requests from deaf and hard of hearing residents of the Northern Kentucky and Cincinnati area. He stated that Horizons Development Group helped to develop similar housing in Louisville, Kentucky which will be owned and managed by the Franciscan Sisters of Chicago and will open in December 2008. Horizons Development Group has included amenities for deaf and hard of hearing persons in several recent developments. In response to the Staff Comment #6, Mr. Whitacre stated that they will bring to Committee additional details of the elevations and the brick wrap on the building. He stated that they want to preserve as many trees as they can in the tree line to the north of the

property. They will define to the Committee which trees they may be able to save and provide more detail on the Landscaping Plan. He stated that the parking is proposed to meet the Code requirements. He stated that the Goals and Objectives of the Comprehensive Plan call for a variety of housing types. This type of building meets the Goals and Objectives of the Comprehensive Plan. It is a tax credit development -- it is not Section 8 or government-subsidized housing. This concluded the applicant's presentation.

Mrs. Poston asked if there was anyone else present who wished to speak in favor of the project. There being no response, she asked if there was anyone present who wished to speak in opposition.

Ms. Nicki Culberson, 2199 Blue Yacht Lane in Union, owns a unit on Poinsettia Court and is a spokesperson for the community in regard to the on-going lawsuit. She stated that the Bylaws require the units to be owned and not rentals. She stated that this development could affect the resale value and loan options on the other units if there is a 49% to 51% ratio of rentals versus owned units. She stated that the whole community of Sherwood Lakes, including Mr. Ritter's land, is part of the Bylaws. She stated that there are two sets of Bylaws -- one from 1996 and one from 2007 when there was not an official vote -- and there is an issue of the old Bylaws versus the new Bylaws and how the rules have been changed.

Ms. Alice Laws, a resident of Friars Lane close to the proposed project, is concerned about the traffic. She stated that Sherwood Lakes Lane ends at Friars Lane and those people use their private road. She believes the traffic will be horrendous with the additional people in the proposed units. She asked if the new units will be included in the Sherwood Lakes Homeowners Association -- will they pay for the upkeep of the road, landscaping, clubhouse and pool? She stated that the proposed units have no road out to Mt. Zion Road or U.S. 25 and there will be a traffic problem. She does not object to the housing, but they need to have their own road.

Ms. Mary Ann Herman, 10284 Sunset Drive at the corner of Cherry, stated that she moved there in 1991 when it was a rural area --but Erpenbeck came in and started bulldozing and tearing up the property. She feels that the green space is being destroyed and the deer are gone. She can see condominiums out her back door in the winter. During a rainstorm in the summer, her neighbor's pool was slogged with mud. She is upset at the idea of looking out and seeing all of these buildings. She questioned fencing so that she does not see the buildings from her home. She questioned how many more units can be squeezed in -- there is not going to be any green space left.

Mr. Morgan reviewed the Power Point slide and indicated the location of Ms. Herman's house in relation to the condominiums. Mr. Costello stated that the property was rezoned for this use back in 1988, which is twenty years ago.

Ms. Barbara Russell, 10112 Carnation Court, lives in the first building that was built and it faces the only way in and out. She stated that ever since they started building in the back, there have been huge earthmovers and dump trucks coming through – they come in their private road, which has an immediate right turn that is very narrow, and they knock the curbs off. She did not hear anyone say that there would be another way out for these units.

Mr. Jeff Clothier, 413 Poinsettia Court, Sherwood Lakes, stated that the proposed buildings are toward the back and the only way to get out is to come to the front where the traffic is running over the curbs. He stated that when the traffic gets to Mt. Zion Road, there is nothing there but a stop sign and it is impossible to make a left turn in the AM and PM peak hours. He questioned what will be done about the traffic. They have tried to work with the builders behind them to get an exit out of the back of the property, but they have refused. He stated that the development was built by Erpenbeck – but they went into bankruptcy and left about 20% of it not completed. They had to use their Homeowners' fees to finish the roads. They have had problems for quite awhile. He stated that the Amendments to the Bylaws do not allow for rentals. They passed a specific Amendment due to problems with renters. There are lawsuits going on and it would be a disaster to put this project in until they are settled. He stated that they are removing two 12-unit buildings for a total of 24 units removed and putting in 96 units. He questioned how that is a lower density.

Mr. Morgan responded that it is a comparison of what was approved in 1988 to the total number of dwelling units if the apartments were approved. There would be less dwelling units with this plan versus the 1988 plan. Counselor Wilson advised that the calculation includes dwelling units approved in 1988 which have not been built yet. Mr. Morgan stated that 576 units were approved in 1988 (see Staff Comment #3), but if Sherwood Lakes is built out as proposed, there will be 546 units. He stated that they have the right to build out the 1988 plan.

Mr. Clothier stated that there is a traffic issue now with 348 units, and an additional 200+ units will create a massive traffic issue. He stated that the only real solution is to have a back exit – but they are landlocked behind them and none of the adjoining properties will allow them an exit at the back. He stated that the Bylaws say there can be no rentals and questioned if the Planning Commission can override the Bylaws.

Counselor Wilson advised that he would interpret the Homeowners rules to be like private deed restrictions – they are not public laws and zoning could not overrule them. He stated that the owners would have to abide by the zoning and the private deed restrictions if they are valid. Mr. Clothier asked if the residents of the new 106 units will pay the same Homeowners' fees. Counselor Wilson advised that the Planning Commission is not involved in private fees.

Ms. Dawn Hall, 10272 Crossbow, stated that she is President of Sherwood Lakes Homeowners Association and they are not in favor of this request. She stated that the original development was proposed as condominiums, not apartments. She stated that the people who bought into Sherwood Lakes community relied on it being an owner-occupied community.

Ms. Melanie West, 648 Friars Lane, is concerned about the parking. She stated that they planned one parking space per condominium, but these are two-bedroom units. There are garages directly across from the parking spaces and the road is not wide enough to back out of the parking spaces. The property values have gone down due to the negative publicity and the lawsuits. Her condominium is worth less than she paid for it. She walks the dirt paths in the green space every day and there are not many trees there – she can see all of the houses and roads and hear the traffic on the expressway. She stated that they cannot handle the traffic they have now. She stated that there will be no green space left. She is concerned about the property values.

Mr. Costello asked if Tim Reese bought the site and developed the project according to the product design. He questioned the reason for the proposed change in the product design.

Mr. Paul Ritter with Sherwood Lakes LLC responded that Holiday Homes, Dan Rolfes, Tim Reese, and he entered into a partnership to buy this property from the party who bought it as a distressed property from the Erpenbeck debacle. It was his understanding that it was nineteen 12-unit buildings and 228 units could be put in there. In order to cut down on the density and traffic, they got approval for 123 ranch-style condominium units. He agreed that there are lawsuits and the Bylaws were changed – but the lawsuits are for the courts to decide. He stated that they were contacted by Horizon Development in Wisconsin and they presented them with a contract to purchase approximately three acres and put in 106 units. They are affiliated with the hearing-impaired/deaf community and want to put in apartment-style buildings to accommodate the elderly and hearing-impaired. They have a waiting list of more than sixty people who want to move into this development. He stated that Horizon Development Group applied to the Kentucky Housing Corporation for a tax credit – it is not Section 8 or subsidized housing. That is the reason for this request.

Mr. Costello asked if the same partners currently own the property. Mr. Ritter responded that about 45 days ago, he and Dan Rolfes bought out Tim Reese. Mr. Costello asked for the reason for the request – not just because someone approached them with this concept. Mr. Ritter responded that they put in fifteen units – they have had them for about a year and have only sold five of them. Sales are slow and they do not feel that 123 of the units would sell in a reasonable amount of time. They are looking to build the project in a different way in order to complete it and move on.

Mr. Costello stated that this is a multi-story building versus the second product that was introduced to this site (the first product was Erpenbeck's multi-story buildings and the second product was the ranch-style buildings). He asked if the company has any concept other than the high-rise buildings. Mr. Ritter responded that they are not "high rise" buildings, they are the same height as the existing three-story buildings. His understanding is that Erpenbeck had 24-unit buildings approved and then they went to the ranch buildings. He believes zoning prohibits more than three stories. Mr. Costello requested a copy of the letter from the Zoning Administrator in order to see what was approved.

Mrs. Poston questioned public transportation in this area. Mr. Costello responded that there is a Park 'n Ride in front of Sports of All Sorts. Mrs. Poston commented that there is public transportation within walking distance. The audience disagreed that it is within walking distance.

Mr. Rolfsen asked if there is a connector road at Sports of All Sorts that the traffic could take to get to a traffic signal. Mr. Morgan responded that there is a cut through from Sports of All Sorts that goes out to Demia or Investment Way, which lines up with the signalized intersection at Sam Neace.


Mr. Rolfsen asked if the representative from Horizon Development Group will attend the Committee meeting. Mr. Whitacre responded "yes".

Mr. Morgan asked if the applicant could address the question raised regarding the new units paying into the Homeowners Association. Mr. Ritter responded that he has not been able to get in front of the current Homeowners Association. He stated that if rentals exceed 49%, they would lose their FHA financing eligibility. He stated that most of his customers would be FHA buyers. He stated that if he takes 106 rental positions, that prevents others from possibly renting their condominiums. He stated that whether the Bylaws are valid is part of the lawsuit. He wants to carve these three acres out of the Homeowners Association – he would not then impact their FHA eligibility – and he would pay a monthly fee for the water line and put in his own meter, and he would get an easement on the street to access the condominiums. He wants to get in front of the Homeowners Association to explain what he wants to do and they will not let him on the Agenda.

Counselor Wilson asked Mr. Ritter if he understands that anything the Planning Commission does either for or against the request has nothing to do with the lawsuits. The Planning Commission has no jurisdiction over the private restrictions whether they are valid or not. Mr. Ritter responded "I completely understand that" and stated that he was taking this opportunity to address the group since he has not been able to speak with the Homeowners Association.


There being no further comments, Mrs. Poston stated that the Committee Meeting for this item will be on November 19, 2008 at 5:00 PM in this room. The public is welcome to attend the Committee Meeting, but no new testimony will be taken. This item will be on the Agenda for the Business Meeting on December 3, 2008 at 7:00 PM. Mrs. Poston closed this Public Hearing at 9:45 PM.

APPROVED:



Susan Poston, Chairwoman

Attest:



Jan Hancock, Recording Secretary

Exhibit –

1. Letter from Judge Executive Gary Moore addressed to Horizon Development Corporation, dated October 15, 2008, re: Village Apartments at Sherwood Lakes/Kentucky Housing Corporation Senior Housing Tax Credit Application, submitted by Staff

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Charlie Rolfsen, Chairman

DATE: January 7, 2009

RE: Request of **Bayer Becker (applicant)** for **Sherwood Lakes, LLC (owner)** for a Change in an Approved Concept Development Plan in an Urban Residential One (UR-1) zone for an approximate 3.3 acre area which is currently part of a 13.67 acre tract. The property is located at the current terminus of Sherwood Lakes Drive and to the south of the condominiums and garage structures located at 624, 636, 648, and 660 Friars Lane, Boone County, Kentucky. The request is for a Change in Approved Concept Development Plan to allow a 58 unit multi-family residential building and a 48 unit multi-family residential building in addition to the previously approved residential condominiums.

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.

Bayer/Becker/Sherwood Lakes

January 7, 2009

Charlie Rolfsen
Charlie Rolfsen, Chairman
 For Project Absent
 Against Project
 Abstain Deferred

Judy Arnett
 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

Janet Kegley
Janet Kegley
 For Project Absent
 Against Project
 Abstain Deferred

Jim Carmichael
Jim Carmichael (Alternate)
 For Project Absent
 Against Project
 Abstain Deferred

Charlie Reynolds (Alternate)
 For Project Absent
 Against Project
 Abstain Deferred

Patrick Reynolds (Alternate)
 For Project Absent
 Against Project
 Abstain Deferred

Bob Schwenke (Alternate)
 For Project Absent
 Against Project
 Abstain Deferred

TOTAL: DEFERRED 4 FOR PROJECT ABSENT
 AGAINST PROJECT ABSTAIN

ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Charlie Rolfsen, Chairman

DATE: November 19, 2008

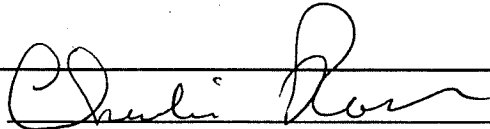
RE: Request of **Bayer Becker (applicant)** for **Sherwood Lakes, LLC (owner)** for a Change in an Approved Concept Development Plan in an Urban Residential One (UR-1) zone for an approximate 3.3 acre area which is currently part of a 13.67 acre tract. The property is located at the current terminus of Sherwood Lakes Drive and to the south of the condominiums and garage structures located at 624, 636, 648, and 660 Friars Lane, Boone County, Kentucky. The request is for a Change in Approved Concept Development Plan to allow a 58 unit multi-family residential building and a 48 unit multi-family residential building in addition to the previously approved residential condominiums.

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.

Bayer/Becker/Sherwood Lakes

November 19, 2008



Charlie Rolfsen, Chairman

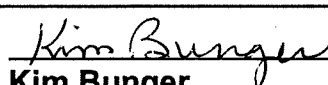
For Project ____ Absent ____
 Against Project ____
 Abstain ____ Deferred

Judy Arnett

For Project ____ Absent ____
 Against Project ____
 Abstain ____ Deferred ____

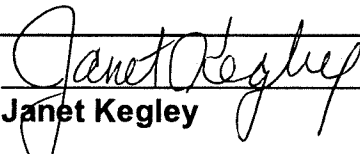
Greg Breetz

For Project ____ Absent ____
 Against Project ____
 Abstain ____ Deferred ____



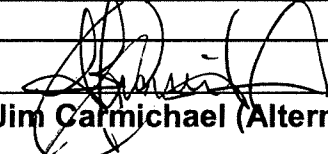
Kim Bunger

For Project ____ Absent ____
 Against Project ____
 Abstain ____ Deferred



Janet Kegley

For Project ____ Absent ____
 Against Project ____
 Abstain ____ Deferred



Jim Carmichael (Alternate)

For Project ____ Absent ____
 Against Project ____
 Abstain ____ Deferred

Charlie Reynolds (Alternate)

For Project ____ Absent ____
 Against Project ____
 Abstain ____ Deferred ____

Patrick Reynolds (Alternate)

For Project ____ Absent ____
 Against Project ____
 Abstain ____ Deferred ____

Bob Schwenke (Alternate)

For Project ____ Absent ____
 Against Project ____
 Abstain ____ Deferred ____

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

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

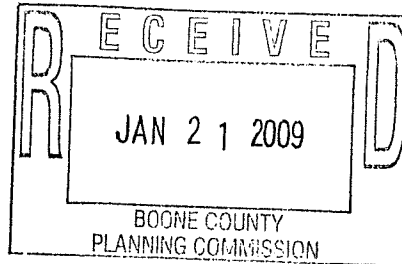
www.boonecountyky.org/pc
www.boonecountygis.com

Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, KY 41005

Phone (859) 334-2196; Fax (859) 334-2264
plancom@boonecountyky.org

January 15, 2009

Mr. Paul Ritter
Sherwood Lakes, LLC
1252 Goshen Pike
Milford, OH 45150



RE: Request of **Bayer Becker (applicant)** for **Sherwood Lakes, LLC (owner)** for a Change in an Approved Concept Development Plan in an Urban Residential One (UR-1) zone for an approximate 3.3 acre area which is currently part of a 13.67 acre tract. The property is located at the current terminus of Sherwood Lakes Drive and to the south of the condominiums and garage structures located at 624, 636, 648, and 660 Friars Lane, Boone County, Kentucky. The request is for a Change in Approved Concept Development Plan to allow a 58 unit multi-family residential building and a 48 unit multi-family residential building in addition to the previously approved residential condominiums.

Dear Mr. Ritter:

The following represents the conditions of approval for the above referenced application as discussed by the Planning Commission's Zone Change Committee at their January 7, 2009 meeting. Please sign the space provided at the end of this letter if you are in agreement with the conditions. Please return this original letter to the Boone County Planning Commission office by January 30, 2009.

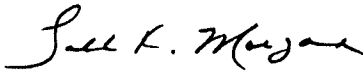
CONDITIONS

1. The apartment buildings shall be constructed per the attached elevation drawing.
2. A written copy of the Sherwood Lakes Home Owners Association action or agreement allowing the proposed apartments shall be furnished to the Boone County Planning Commission when a Major Site Plan application is submitted for review.
3. The following landscaping buffers shall be installed around the perimeter of the 3.3 acre site:

Mr. Paul Ritter
Sherwood Lakes, LLC
January 15, 2008
Page 2

- A. Northern property line - A 15' wide buffer with 3 large trees (Plant List A) and 3 evergreen trees (Plant List D) per 100 linear feet.
- B. Southern and eastern property lines - Street frontage buffers per Section 3620 of the Boone County Zoning Regulations.
- C. Western property line - Buffer Yard B per Section 3645 of the Boone County Zoning Regulations.

Sincerely,




Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM/pr

AGREEMENT

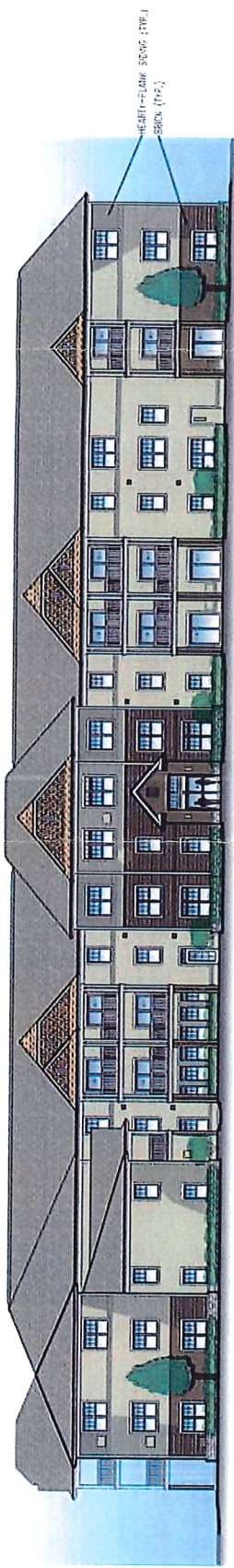
I, Paul Ritter, do hereby agree to the listed conditions of approval for the Change in Approved Concept Development Plan which is described on the first page of this letter.



Mr. Paul Ritter
Authorized Agent of Sherwood Lakes, LLC

1/19/09
Date

cc: Mr. Gil Whitacre, P.E., Bayer Becker



○ FRONT BUILDING ELEVATION
328' x 148'



○ REAR BUILDING ELEVATION
328' x 148'



○ SIDE BUILDING ELEVATION
(EAST ON 58-UNIT)

○ SIDE BUILDING ELEVATION
(WEST ON 56-UNIT)



209 Grandview Drive
Fort Mitchell, KY 41017
P 859.261.1113
F 859.261.1710
www.bayerbecker.com

DESCRIPTION: Villages of Sherwood Lakes
Revised Concept Development Plan -13.67 Acres

LOCATION: Villages of Sherwood Lakes Condominiums
Boone County, Kentucky

DATE: September 29, 2008

Situated in the County of Boone, Commonwealth of Kentucky, located on the South side of Mt. Zion Road and being part of 14.892 acre tract and part of an 8.8096 acre tract conveyed to Sherwood Lakes, LLC in Deed Book 916, Page 10 of the Boone County Clerk's Records at Burlington and more particularly described as follows:

Begin at the Northeast corner of Lot 6 of the Villages of Sherwood Lakes Subdivision, Section One, as recorded in Plat Cabinet 5, Page 387, said corner also on a Southeast corner of Lot 28 of Sherwood Lakes, Section 16, as recorded in Plat Slide 588A and the TRUE POINT OF BEGINNING.

thence from the TRUE POINT OF BEGINNING, with the South line of the above mentioned Lot 28 and the South line of Lots 26, 27, 28 and 29 of Sherwood Lakes, North 74°29'30" East, 483.92 feet;

thence with the South line of Lot 29 and Lot 30 of Sherwood Lakes, North 59°55'11" East, 219.56 feet to the West line of a tract conveyed to Highway 25, LLC in Deed Book 908, Page 496;

thence with the West line of the above mentioned Highway 25, LLC tract, South 02°05'00" West, 322.04 feet to the Northwest corner of Lot 29 of Richwood North Estates Subdivision, Section Three, as recorded in Plat Slide 452A;

thence with the West line of Lots 29 through 35 of the above mentioned Richwood North Estates Subdivision, Section Three, South 03°32'00" West, 555.32 feet to a point on the North line of Lot 76 of Richwood North Estates Subdivision, Section Four, as recorded in Plat Slide 485B;

thence with the North line of Lots 76, 77, 82, 83, 88 and 89 of Richwood North Estates, and the North line of Lot 388 and the unnamed right-of-way of the First Addition to the Highland Acres Subdivision, as recorded in Plat Book 3, Page 6, North 86°28'00" West, 1050.72 feet;

thence leaving the above mentioned Richwood North Estates Subdivision, and with the East line of Lots 389 through 392 of the above mentioned First Addition to Highland Acres Subdivision, North 00°59'00" East, 391.57 feet to the Southeast corner of Lot 1 of the above mentioned Villages of Sherwood Lakes Subdivision, Section One;

thence leaving the above mentioned First Addition to Highland Acres Subdivision, and with the South line of the above mentioned Villages of Sherwood Lakes Subdivision, Section One, South 89°01'00" East, 115.69 feet;

thence, continuing with the above mentioned Villages of Sherwood Lakes Subdivision, Section One, South 30°37'00" East, 42.83 feet;

thence South 67°48'09" East, 40.00 feet;

thence South 35°25'29" East, 72.88 feet;

thence South 89°01'00" East, 171.17 feet;

thence North 25°53'48" East, 56.20 feet;

thence South 77°00'50" East, 53.19 feet;

thence North 03°32'00" East, 73.27 feet;

thence North 12°59'10" West, 165.27 feet to the TRUE POINT OF BEGINNING.

Containing 13.67 acres and subject to all easements and rights-of-way of record. The reference meridian of record is based on Plat Cabinet 3, Page 588A

The above description was prepared for rezoning purposes only by Gil W. Whitacre, L.S. #3275 and is not a result of a field survey. No monumentation will be set.

Prior Instrument Reference: Deed Book 916, Page 10.

This instrument prepared
by Ziegler & Schneider, P.S.C.
Attorneys at Law
541 Buttermilk Pike, Suite 500
P.O. Box 175710
Covington, Kentucky 41017-5710
by Sharon Schneider Elliston, Attorney.
SHARON SCHNEIDER ELLISTON

RETURN TO:

DEED

KNOW ALL PERSONS BY THIS INSTRUMENT:

That NKY INVESTMENT, LLC, a Kentucky limited liability company,
the GRANTOR(S), for and in consideration of One (\$1.00) Dollar and
other good and valuable consideration as certified to below, paid
to the GRANTOR(S) by the GRANTEE(S) herein, the receipt of
which is hereby acknowledged, do(es) bargain, sell and convey
to the following named GRANTEE(S),

SHERWOOD LAKES, LLC, a Kentucky limited liability company, its
successors and assigns forever, the following described real
estate, in the county of BOONE, state of Kentucky, to wit:

Street Address: 18.7 ACRES SHERWOOD LAKES SUBDIVISION, FLORENCE, KY
41042

Grantee(s) Address: 1252 Goshen Pike, Milford, OH 45150

Grantor(s) Address: 11514 Fringe Tree Drive
Walton Ky 41094

Group No.: 2058

PIDN: _____

Plat No.: _____

Z06-205-BB

SEE LEGAL DESCRIPTION ON EXHIBIT "A" ATTACHED HERETO AND
MADE A PART HEREOF BY REFERENCE.

Being part of the same property conveyed to the Grantor(s) herein
by deed from PBNK, INC., a Kentucky corporation, acknowledged on
December 6, 2004, and recorded in Deed Book D887, page 132, of the
BOONE County Clerk's records at Burlington, Kentucky.

This conveyance has been authorized by Resolution of all of the
Members of Grantor and the person(s) signing on behalf of the
Grantor have been authorized to do so.

SUBJECT to conditions, restrictions and easements contained in
deeds and instruments of record.

Together with all the privileges and appurtenances to the same belonging. To have and to hold forever the same to the GRANTEE(S), in the fashion and manner stated above in the conveying clause, with covenants of general warranty, except all taxes and assessments due and payable in the year 2006 which are to be reasonably prorated as of the date of closing and which the GRANTEE(S) assume(s) and agree(s) to pay.

GRANTOR and GRANTEE both certify, under oath, that the consideration of \$1,200,000.00 is the full consideration paid for the property and GRANTEE joins in this deed for the sole purpose of making this certificate about the consideration.

Dated this 12TH day of MAY, 2006.

GRANTOR:

NKY INVESTMENT, LLC,
A KENTUCKY LIMITED LIABILITY COMPANY

BY: Alexander Daniel
NAME
TITLE: Member

GRANTEE:

SHERWOOD LAKES, LLC,
A KENTUCKY LIMITED LIABILITY COMPANY

BY: [Signature]
NAME
TITLE: V.P.

STATE OF KENTUCKY, COUNTY OF KENTON (GRANTOR)

The foregoing instrument was sworn to and acknowledged before me this 12TH day of MAY, 2006 by Alexander Daniel, the Member of NKY INVESTMENT, LLC, a Kentucky limited liability company, for and on its behalf.

[Signature]
Notary Public
My commission expires: 2/5/08
My jurisdiction is: STATE AT LARGE

STATE OF KENTUCKY, COUNTY OF KENTON (GRANTEE)

The statement about consideration in the foregoing instrument was sworn to and acknowledged before me this 12TH day of MAY, 2006, by Paul Ritter, the Vice President of SHERWOOD LAKES, LLC, a Kentucky limited liability company, for and on its behalf.

[Signature]
Notary Public
My commission expires: 2/5/08
My jurisdiction is: STATE AT LARGE

EXHIBIT A

Parcel I: 14.982 acres

DESCRIPTION: Sherwood Lakes Remainder
LOCATION: Boone County, Kentucky
DATE: April 8, 2002

Situated in the County of Boone, Commonwealth of Kentucky, and being part of a 37.9412 acre parcel conveyed in Deed Book 636, Page 136 of the Boone County Clerk's Records, lying to the South and East of Sherwood Lakes Drive (private) and being more particularly described as follows:

Begin by measuring from a found concrete right-of-way monument as the Northwest corner of a 1.2579 acre tract conveyed to the Waco Oil Company in Deed Book 495, Page 280 of the Boone County Clerk's Records at Burlington, Kentucky, said monument being 60' right of Mt. Zion Road Station 62+90; thence with the South right-of-way of Mt. Zion Road, South 08°37'32" West, 114.35 feet, thence South 45°22'52" West, 93.86 feet; thence leaving said right-of-way and with the East line of Highland Acres Subdivision (Plat Book 3, Page 2) South 00°59'00" West, 1332.26 feet to the Southwest corner of a 10.0005 acre tract conveyed in Deed Book 614, Page 109, the same being the Northwest corner of Sherwood Lakes Condominiums Section 5, Lot 9 (Plat Slide #463B) and the TRUE POINT OF BEGINNING.

thence from the TRUE POINT OF BEGINNING and with the South line of said Section 5, Lot 9 South 50°44'04" East, 305.65, feet to the Northwest corner of Sherwood Lakes Condominiums, Section 16, Lot 25 (Plat Cabinet 3, page 588A);

thence with the East line of said Section 16, Lot 25 South 28°35'42" West, 145.21 feet;

thence South 13°43'58" West, 211.56 feet;

thence South 30°42'41 West, 13.08 feet;

thence South 45°00'01" East, 218.06 feet to the Southwest corner of said Section 16;

thence with the South line of said Section 16, Lot 25, South 89°01'00" East, 152.23 feet to the Northwest corner of the property conveyed to Mt. Zion Real Estate Development, L.L.C. in D.B. 773, Pg. 721;

thence with the East line of said Mt. Zion Real Estate Development, L.L.C. South 00°59'00" West, 60.00 feet;

thence with the South line of said Mt. Zion Real Estate Development, L.L.C. South 75°43'39" East, 174.43 feet;

(1076)

Description: Sherwood Lakes Remainder
Location: Boone County, Kentucky
Date: April 8, 2002

thence South 67°48'00" East, 335.53 feet;

thence South 86°28'00" East, 156.50 feet to the Southeast corner of said Mt. Zion Real Estate Development, L.L.C. and in the West line of Frank & Mary Domaschko (D.B. 108, Pg. 62);

thence with the West line of Domaschko South 03°32'00" West, 398.00 feet to the Southeast corner of the 37.9412 acre parcel conveyed to Anthony W. Erpenbeck as recorded in D.B. 636, Pg. 136;

thence with the North line of Domaschko, the same being the South line of the 37.9412 acre parcel North 86°28'00" West, 1050.72 to the Southwest corner of said 37.9412 acre parcel and in the East line of the First Addition to Highland Subdivision (P.B. 3, Pg. 6);

thence with the West line of the 37.9412 acre parcel, the same being the East line of Lots 389-398 of said subdivision, and Lots 42-32 of Highland Acres Subdivision (P.B. 3, Pg. 2) North 00°59'00" East, 1266.61 feet to the TRUE POINT OF BEGINNING.

Containing 14.982 acres of land and subject to all legal easements and rights-of-way of record.

All set iron pins are 5/8" x 30" with plastic cap stamped 3275, 3292, 2916, 3387 unless otherwise noted. The reference meridian of record is Deed Book 636, Page 136.

The above description was prepared from a survey made on January 14, 2002 under the direction of David J. Kuethe, Licensed Professional Land Surveyor #3387 in the Commonwealth of Kentucky.

Prior Instrument Reference: Deed Book 636, Page 136.

(2 of 6)

Parcel II:

4.0726 ACRES

EXHIBIT "A"

Buildings: 31, 32, 33, 34, 35
Sherwood Lakes Condominiums
Boone County, Kentucky

Situated in the County of Boone, Commonwealth of Kentucky, and being part of a 37.9412 acre parcel conveyed in Deed Book 636, Page 136 of the Boone County Clerk's Records, lying to the East of Sherwood Lakes Drive (private) and being more particularly described as follows:

Begin by measuring from a found concrete right-of-way monument at the Northwest corner of a 1.2579 acre tract conveyed to the Waco Oil Company (Deed Book 495, Page 280) of the Boone County Clerk's Records at Burlington, Kentucky, said monument being 60' right of Mt. Zion Road Sta 62-1-90; thence with the South right-of-way of Mt. Zion Road, South 08° 37' 32" West, 114.35 feet thence South 45° 22' 52" West, 99.86 feet; thence leaving said right-of-way and with the East line of Highland Acres Subdivision (Plat Book 3, Page 2) South 00° 59' 00" West, 1332.26 feet to the Southwest corner of a 10.0005 acre tract conveyed in Deed Book 614, Page 109; thence with the South line of Sherwood Lakes Condominiums Section 5 (Plat Slide #463B) South 50° 44' 04" East, 319.77 feet; thence North 88° 49' 55" East, 62.00 feet; thence North 76° 16' 33" East, 49.82 feet to TRUE POINT OF BEGINNING;

Thence from the TRUE POINT OF BEGINNING and continuing with the South line of Sherwood Lakes Condominiums Section 5 North 76° 16' 33" East, 116.29 feet;

Thence North 37° 55' 00" East, 74.88 feet;

Thence with the Southwest line of a 0.7018 acre tract to be conveyed South 67° 13' 38" East, 245.89 feet;

Thence with the Southeast line of the above mentioned 0.7018 acre parcel North 39° 09' 19" East 103.58 feet;

Thence with the Northeast line of the above mentioned 0.7018 acre tract North 50° 50' 41" West, 44.41 feet;

Thence with the Southwest line of Sherwood Lakes Condominiums Section 14, North 39° 09' 19" East 69.72 feet;

Thence North 68° 35' 18" East, 2.96 feet;

Thence with the South line of Sherwood Lakes Condominiums Section 13 (Plat Slide #539B) and Sherwood Lakes Condominiums Section 12 (Plat Slide #531A) North 68° 29' 29" East, 109.98 feet;

(3 of 6)

BOONE COUNTY

D916

PG 14

Thence with the South line of Sherwood Lakes Condominiums Section 12 South 87° 53' 00" East, 166.02 feet to a point in the East line of the 37.9412 acre tract;

Thence with the East line of the 37.9412 acre tract South 02° 07' 00" West, 271.20 feet;

Thence South 02° 05' 00" West, 506.11 feet;

Thence South 03° 32' 00" West, 157.32 feet;

Thence with a new division line through the 37.9412 acre tract North 86° 28' 00" West, 156.50 feet;

Thence North 67° 48' 00" West, 335.53 feet;

Thence North 75° 43' 39" West, 174.43 feet;

Thence North 00° 50' 00" East, 60.00 feet to a point in the South line of a 3.3472 acre tract to be conveyed;

Thence North 74° 29' 30" East, 159.23 feet to the Southeast corner of the 3.3472 acre tract to be conveyed;

Thence with the East line of the 3.3472 acre tract to be conveyed North 14° 56' 56" West, 22.53 feet;

Thence with a new division line through the 37.9412 acre tract North 78° 01' 13" East, 226.72 feet;

Thence North 59° 55' 11" East, 126.89 feet;

Thence South 30° 04' 49" East, 11.50 feet;

Thence North 59° 55' 11" East, 82.38 feet;

Thence North 30° 04' 49" West, 47.00 feet;

Thence North 59° 55' 11" East, 31.05 feet;

Thence North 30° 04' 49" West, 157.73 feet;

Thence South 59° 55' 11" West, 130.08 feet;

Thence South 84° 52' 02" West, 289.26 feet to the Northeast corner of a 3.3472 acre tract to be conveyed;

Thence with the East line of the 3.3472 acre tract to be conveyed South 89° 04' 34" West, 135.34 feet;

Thence North 00° 55' 26" West, 199.43 feet;

Containing 8.8096 acres of land and subject to all legal easements and rights-of-ways of record.

The reference meridian of record is Deed Book 636, Page 136.

The above description was prepared for mortgage purposes from a survey made on March 12, 1996 under the direction of G.W. Whitacre, Registered Land Surveyor #3275 in the Commonwealth of Kentucky, Monuments will not be set.

Prior Instrument Reference: Deed Book 636, Page 136.

(4 of 6)

LESS AND EXCEPT THIS PARCEL

Mortgage Description (2.2818 Acres)
Buildings 22, 23, & 24
Sherwood Lakes Condominiums

LOCATION:

Boone County, Kentucky

DATE:

May 4, 2001

Situated in the County of Boone, Commonwealth of Kentucky, and being part of a 37.9412 acre parcel conveyed in Deed Book 636, Page 136 of the Boone County Clerk's Records, lying to the East of Sherwood Lakes Drive (private) and being more particularly described as follows:

Begin by measuring from a found concrete right-of-way monument at the Northwest corner of a 1.2579 acre tract conveyed to the Waco Oil Company in Deed Book 495, Page 280 of the Boone County Clerk's Records at Burlington, Kentucky, said monument being 60' right of Mt. Zion Road Station 62+90; thence with the South right-of-way of Mt. Zion Road, South 08°37'32" West, 114.35 feet; thence South 45°22'52" West, 93.86 feet; thence leaving said right-of-way and with the East line of Highland Acres Subdivision (Plat Book 3, Page 2) South 00°59'00" West, 1332.26 feet to the Southwest corner of a 10.0005 acre tract conveyed in Deed Book 614, Page 109; thence with the South line of Sherwood Lakes Condominiums Section 5 (Plat Slide # 463B) South 50°44'04" East, 319.77 feet; thence North 88°49'55" East, 62.00 feet; thence North 76°16'33" East, 49.82 feet to a set iron pin and the TRUE POINT OF BEGINNING;

thence from the TRUE POINT OF BEGINNING and continuing with the South line of Sherwood Lakes Condominiums Section 5 North 76°16'33" East, 116.29 feet to a set Mag-nail;

thence North 37°55'00" East, 74.88 feet to a set iron pin;

thence with the Southwest line of a 0.7018 acre tract (D.B. 752, Pg. 210) South 67°13'38" East, 245.89 feet to a set iron pin;

thence with a new division line through the above mentioned 37.9412 acre parcel South 56°15'33" East, 82.15 feet to a set iron pin;

thence South 68°38'04" East, 76.45 feet to a set iron pin at the Northeast corner of a 2.3633 acre tract (D.B. 773, Page 716);

thence with the North line of the 2.3633 acre tract South 51°04'19" West, 125.59 feet to a set Mag-nail;

thence South 73°36'20" West, 82.03 feet to a set iron pin;

thence South 81°53'29" West, 78.10 feet to a set iron pin;

thence South 89°04'34" West, passing the Northwest corner of the 2.3633 acre tract (Northeast corner of the 3.3472 acre tract) at 132.98 feet, a total distance of 268.32 feet;

thence with the East line of the 3.3472 acre tract North 00°55'26" West, 199.43 feet to the TRUE POINT OF BEGINNING;

Containing 2.2818 acres of land and subject to all legal easements and rights-of-ways of record.

All set iron pins are 5/8" x 30" with plastic cap stamped 3275, 3292, 2916, 3387 unless otherwise noted. The reference meridian of record is Deed Book 636, Page 136.

The above description was prepared from a survey made on March 12, 1996 under the direction of G.W. Whitacre, Licensed Professional Land Surveyor #3275 in the Commonwealth of Kentucky.

Prior Instrument Reference: Deed Book 636, Page 136.

(5 of 6)

LESS AND EXCEPT THIS PARCEL

GROUP NO. 2058

DESCRIPTION:

Buildings 20, 21, & 30
(2.4552 Acre Parcel)
Sherwood Lakes Condominiums

LOCATION:

Boone County, Kentucky

DATE:

November 01, 2000

Situated in the County of Boone, Commonwealth of Kentucky, and being part of a 37.9412 acre parcel conveyed in Deed Book 636, Page 136 of the Boone County Clerk's Records, lying to the East of Sherwood Lakes Drive (private) and being more particularly described as follows:

Begin at a set iron pin south by measuring from a concrete right-of-way monument set at the Northwest corner of a 1.2579 acre tract conveyed to the Waco Oil Company (Deed Book 493, Page 280) of the Boone County Clerk's Records at Burlington, Kentucky, said monument being 60' right of Mt. Zion Road S; 62+90; thence with the South right-of-way of Mt. Zion Road, South 08°37'32" West, 114.35 feet; thence South 43°22'52" West, 93.85 feet; thence leaving said right-of-way and with the East line of Highland Acre Subdivision (Plat Book 3, Page 2) South 00°39'00" West, 1532.25 feet to a set iron pin at the Southwest corner of a 10.005 acre tract conveyed in Deed Book 614, Page 109; thence South 30°44'04" East, 319.7 feet; thence North 88°49'55" East, 62.00 feet; thence North 76°16'33" East, 166.11 feet; thence North 37°55'00" East, 74.58 feet to a set iron pin; thence South 67°13'38" East, 245.69 feet to a set iron pin at the TRUE POINT OF BEGINNING;

thence from the TRUE POINT OF BEGINNING North 39°09'19" East, 103.58 feet to a found iron pin;

thence North 30°50'41" West, 44.41 feet to a set iron pin;

thence North 39°09'19" East, 69.72 feet to a set iron pin;

thence North 68°29'29" East, 112.84 feet to a set iron pin;

thence South 87°53'00" East, 166.02 feet to a set iron pin in the West line of White Pine Village (D.B. 402 Pg. 71)

thence with said West line South 02°07'00" West, 271.21 feet to a set iron pin;

thence with the West line of Leachette & Thomas McClurey (D.B. 471, Pg. 215) South 03°05'00" West 184.07 feet to a set iron pin;

thence with a new division line South 59°55'11" West, 108.60 feet to a set iron pin at the Southeast corner of a 2.3633 acre tract (D.B. 773, Pg. 716);

thence with the East line of said 2.3633 acre tract North 30°04'49" West, 113.50 feet to a set iron pin;

thence North 32°13'04" East, 41.24 feet to a set iron pin;

thence North 30°04'49" West, 121.47 feet to a set iron pin;

thence with a new division line North 38°14'07" West, 64.66 feet to a set iron pin;

thence South 82°58'46" West, 39.30 feet to a set iron pin;

thence North 67°13'38" West, 62.91 feet to the TRUE POINT OF BEGINNING.

Containing 2.4552 Acres of land and subject to all legal encumbrances and rights-of-ways of record.

All set iron pins are 5/8" x 30" with a plastic cap stamped 3275, 3292, 2916, & 3367 unless otherwise not. The reference meridian of record is Deed Book 676, Page 33.

The above description was prepared from a survey made on March 12, 1996 under the direction of Jay Hayer, Licensed Professional Surveyor #2916 in the Commonwealth of Kentucky.

Prior Instrument Reference: Deed Book 636, Page 136

(6 of 6)

BOONE COUNTY
D916 PG 17

DOCUMENT NO: 266100
RECORDED ON: MAY 16, 2006 10:51:23AM
TOTAL FEES: \$22.00
TRANSFER TAX: \$1200.00
GROUP: 2058
COUNTY CLERK: MARILYN K ROUSE
COUNTY: BOONE COUNTY CLERK
DEPUTY CLERK: ELIZABETH
BOOK 0916 PAGES 10 - 17

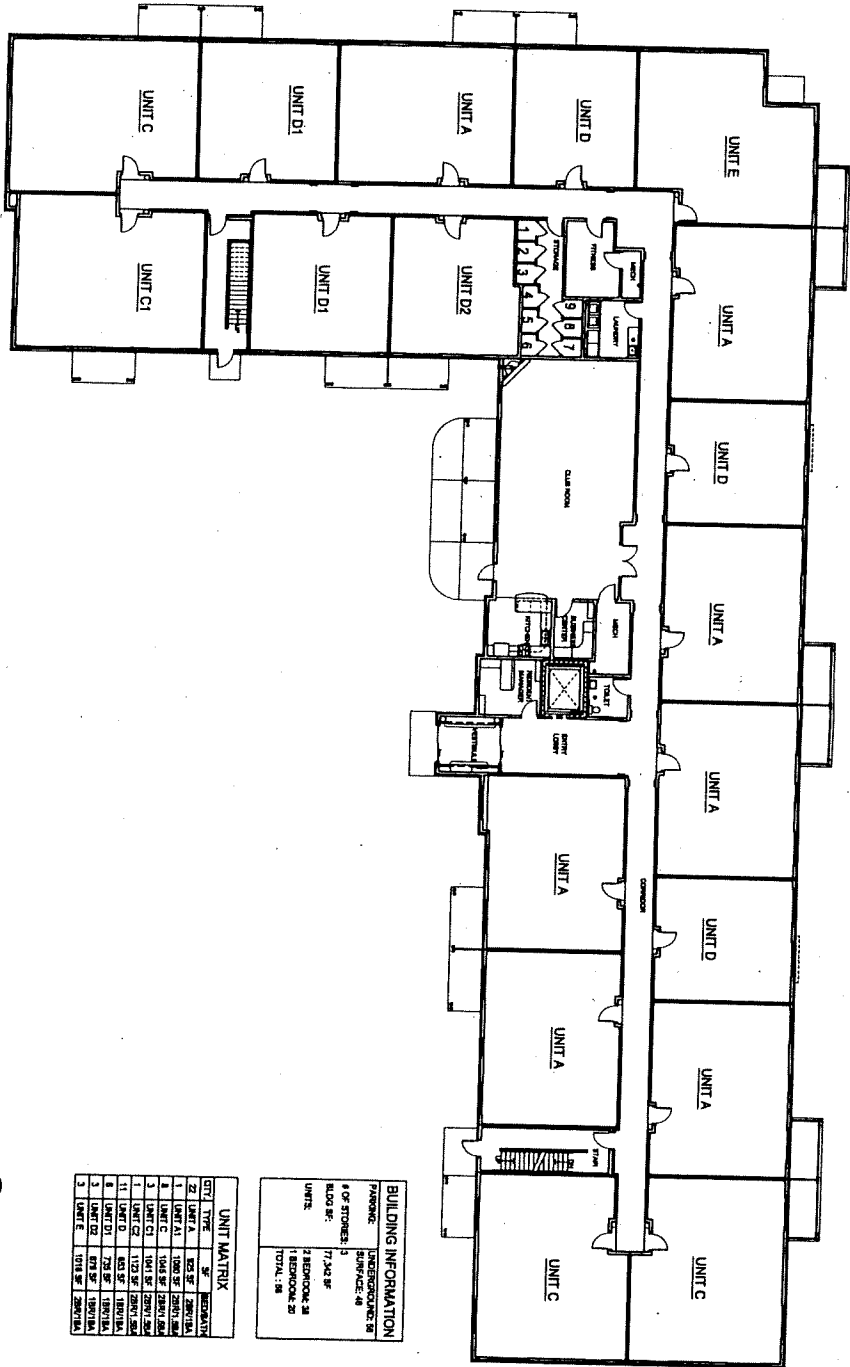
Pages 10-17



appstein uhlen : architects
 311 East Chicago Street
 Milwaukee, WI 53202
 414.224.4444
 222 West Wisconsin Ave., 5th Fl.
 Milwaukee, WI 53201
 414.224.4444



HORIZON
 DESIGN • BUILD • MANAGE
 VILLAGE APARTMENTS AT
 SHERWOOD LAKES
 50 UNIT BUILDING
 MEMPHIS



BUILDING INFORMATION

FLOORING	UNDERGROUND 20
FINISHES	BASEMENT 40
FLOOR STORIES	1
FLOOR SF.	17,342 SF
UNITS	2 BEDROOM 20
	1 BEDROOM 20
TOTAL	40

UNIT MATRIX

UNIT	TYPE	SF	REMARKS
1	UNIT A	1025 SF	2 BEDROOM
2	UNIT A	1025 SF	2 BEDROOM
3	UNIT C	1041 SF	2 BEDROOM
4	UNIT C	1041 SF	2 BEDROOM
5	UNIT D	1123 SF	2 BEDROOM
6	UNIT D	853 SF	1 BEDROOM
7	UNIT D	778 SF	1 BEDROOM
8	UNIT D	778 SF	1 BEDROOM
9	UNIT E	1078 SF	2 BEDROOM
10	UNIT E	1078 SF	2 BEDROOM

1 FIRST FLOOR PLAN

REVISIONS

NO.	DESCRIPTION

FIRST FLOOR PLAN

PROJECT NUMBER: 10435-02
 PROJECT NAME: Village Apartments at Sherwood Lakes
 DATE: October 14, 2008
 DRAWN BY: [Name]
 CHECKED BY: [Name]

A101

Ordinance 09-03

AN ORDINANCE OF THE BOONE COUNTY FISCAL COURT APPROVING, WITH CONDITIONS, FOR A REQUEST OF BAYER BECKER (APPLICANT) FOR SHERWOOD LAKES, LLC (OWNER) FOR A CHANGE IN AN APPROVED CONCEPT DEVELOPMENT PLAN IN AN URBAN RESIDENTIAL ONE (UR-1) ZONE FOR AN APPROXIMATE 3.3 ACRE AREA WHICH IS CURRENTLY PART OF A 13.67 ACRE TRACT AND GENERALLY LOCATED AT THE CURRENT TERMINUS OF SHERWOOD LAKES DRIVE AND TO THE SOUTH OF THE CONDOMINIUMS AND GARAGE STRUCTURES LOCATED AT 624, 636, 648 AND 660 FRIARS LANE, BOONE COUNTY, KENTUCKY.

WHEREAS, the Boone County Planning Commission received a request for a Change in an Approved Concept Development Plan in an Urban Residential One (UR-1) zone for a 3.3 acre area which is currently part of a 13.67 acre tract. The site is generally located at the current terminus of Sherwood Lakes Drive and to the south of the condominiums and garage structures located at 624, 636, 648 and 660 Friars 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 approval, with conditions, for a Change in an Approved Concept Development Plan in an Urban Residential One (UR-1) zone for a 3.3 acre area which is currently part of a 13.67 acre tract. The site is generally located at the current terminus of Sherwood Lakes Drive and to the south of the condominiums and garage structures located at 624, 636, 648 and 660 Friars Lane, Boone County, Kentucky.

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

SECTION I

That the request for a Change in an Approved Concept Development Plan for the real estate which is more particularly described below shall be and is hereby recommended for approval, with conditions, in an Urban Residential One (UR-1) zone for a 3.3 acre area which is currently part of a 13.67 acre tract. The site is generally located at the current terminus of Sherwood Lakes Drive and to the south of the condominiums and garage structures located at 624, 636, 648 and 660 Friars Lane, Boone County, Kentucky. The real estate which is the subject of this request for a Change in an Approved Concept Development Plan in an Urban Residential One (UR-1) zone is more particularly described in DEED BOOK 916, PAGE NO. 10 (as supplied by the applicant) as recorded in the Boone County Clerk's office.

SECTION II

That as a basis for the recommendation of approval, with conditions, for a Change in an Approved Concept Development Plan in an Urban Residential One (UR-1) zone for a 3.3 acre area which is currently part of a 13.67 acre tract, generally located at the current terminus of Sherwood Lakes Drive and to the south of the condominiums and garage structures located at 624, 636, 648 and 660 Friars Lane, Boone County, Kentucky, 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 approval for this request based on the findings of fact and conditions as set forth in the Committee Report and marked as "Exhibit B."

SECTION III

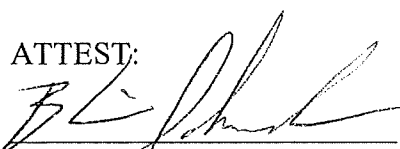
That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

Introduced and given First Reading on the 17th day of March, 2009.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 21st day of April, 2008⁹ and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested under seal by the County Fiscal Court Clerk and declared to be in full force and effect.



GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:


BLAIR SCHROEDER
FISCAL COURT CLERK



ROBERT NEACE
COUNTY ATTORNEY

4.30.09
DATE PUBLISHED

