

zoning- brings me here tonight. I have new information on an old topic.

In February of this year when sign placement rules were being ignored, I read about Ms. Wolff's resolve to have zoning regulations enforced, and the expectation for adults to play by the rules. I'm here tonight for the same reasons.

I've learned, a District Zone change request must be for a specific use with a specific plan. With an accurate site concept plan, evaluation of a proposed zoning change can be made.

On May 6, 2003, a District Zone Change was granted to the Philcon Group to develop Middleton Oaks. It included: the placement of office/retail along Branch Hill, coupled with a residential plan. The residential plan called for a total of 24 residential units. Eight single-family homes, plus, 16 condo units in 3 condo buildings. Two of the condo buildings to contain 6 units each, one to contain 424 units.

An application was filed, to the board of Zoning Appeals May 15, 2003. Here, the project was described, as having 26 residential units when it actually had only 24. Nine days after approval of the

District Zone Change, condo numbers began to transform. The June 18, 2003 Zoning Staff Report, described case #668, as a Conditional Use Request to subdivide acreage into 8 lots. It listed 18 condos instead of the accepted 16. From this point, Mr's; Fronk and Philpot omit using the concept plan numbers in their planning.

July 7, 2003, Case #668 was heard. The Zoning Board of Appeals, approved the R-2 Conditional Use, to subdivide *the* lots. The Board's decision contains no mention of discussing a request for increasing the number of units.

Mr. Fronk independently accomplished that task on Jan 8, 2004. He documented that he was approving the residence numbers from 6/6/4 to 10/ 10/6. With Mr. Fronk's approval, the 3 condo buildings went from 16 units to 26. The residential units for the subdivision now totaled 34. The office/retail, continued to remain the same.

Months later, when the Clermont County Planning Commission, received Philcon's Subdivision Plan for Review, it was designed to accommodate -n-q the 24 units the Trustees approved or Mr. Fronk's approved number of 34. The dwelling units had swelled to 38. Now, thirty condos were planned to be built instead of sixteen. Four condo units had been added to one of the office buildings. Condo numbers changed from sixteen, eighteen, twenty-six, now thirtyPhilcon's plan in March 2004 for county review, was for 38 units, or 9% more, than even Mr. Fronk ended up granting. It was That number, that was approved-38.

Mr. Philpot did not have, any *authorization on Dec. 15, 2003* to increase the condo numbers like he did. Mr. Fronk wrote his approval, after the fact, 24 days later.

I remain convinced, the decision to increase the subdivision's numbers, was a zoning board decision.

Was Philcon's concept plan done in good faith? Was it an accurate reflection of their plan? I don't think so.

The alteration of the condo numbers, laid the groundwork for Philcon's next step-- Their second District Zone Change Request in 3 years. It was Last year's Zoning case, #515.

The county planners should have seen the new request as: 24 dwellings, requesting 40 a 60% increase. Instead they saw 38 dwellings, requesting 40.

I spoke before you Mar 6, 2007 about Zoning case #515. That meeting date is not listed on the Township Web-site.

The case was met with much opposition and was denied on Apr. 16, 2007

This 2003 project has continued to veer from its plan to the community:

- The acre buffer zone, became the detention pond. No buffering exists from B - 1 to the adjacent R- 1 subdivision.

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On July 19, 2004 Mr. Philpot explained his buffering plan in writing. He said the detention pond created landscaped, and open ground between the adjacent property owners.

Jan 4th of last year, the zoning commission disagreed, and also saw the detention pond plan as an insufficient buffer. * Mr. Philpot's stated intent to integrate existing topographic features, in his May 15, 2003 letter, belies the fact that the original slope of lot 11 has been filled in and drainage which used to flow into an intermittent creek now runs along the lot line. * Multi-family housing is presently being marketed for Middleton Oaks single-family lots. Thirteen homes are being offered for eight home-sites. Consequently, a report on Middleton Oaks with more thorough documentation, has been mailed out for review and validation.

So Where Do We Go From Here?

The site concept plan needs to regain its intended place in our zoning process. Please Return the development to the original site concept numbers of 16 and 8.

Our zoning process, needs to be both respected and enforced. Stop the zone violation and Impose stiff consequences for those involved in marketing multi-family homes on single family lots

Public Trust needs to be regained

Enforce the Construction of an earthen buffer between B- 1 from R- 1

Finally, I stand with you tonight, in the belief that we need to play by the rules and demand zoning be enforced equally, for all.