

APPLICATION FORM

ZONING MAP AMENDMENT BOONE COUNTY PLANNING COMMISSION

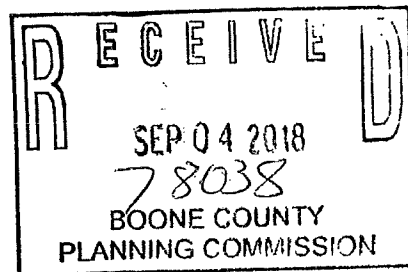
FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project Legacy Living of Florence
2. Location of Project 8756 - 8798 Gunpowder Rd Florence Ky
3. Total Acreage of Site 14.86 Acres
4. Current Zoning of Site SR-1
5. Proposed Zoning (Classification being requested) PF Public Facilities
6. Proposed Uses (please specify each use) memory care, Assitant Living
+ Senior Housing
7. Names of Applicant(s) Steven Berling
Phone No. 859-331-9191 Fax No. 859-344-7422 E-Mail Steve.Berling@fuss.net
8. Address of Applicant(s) 1671 Park Rd Suite one
Ft. Wright Ky 41011
City State Zip
9. Name of Property Owner(s) See Attached
Phone No. Fax No. E-Mail
10. Address of Property Owner(s)
City State Zip
11. Proposed Building Intensities (please specify) 8.6 Units Per Acre
12. Are there any existing buildings on the site? Yes
How many? Two
13. Deed Book see attached Page No. Group No. 2048A
14. Are you also applying for:
N/A Conditional Use Permit
N/A Dimensional Variance
15. Have you submitted a Concept Development Plan? No
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- ☒ Boone County Water District
- ☒ Florence Public Services Dept.
- ☐ Duke Energy
- ☐ Sanitation District #1
- ☐ Cincinnati Bell
- ☒ Owen Electric Cooperative, Inc.
- ☐ Boone County Public Works Department
- ☒ Kentucky Transportation Cabinet
- ☐ Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)



(over)

ZONING MAP AMENDMENT
APPLICATION
PAGE 2

- _____ Boone County Building Department
_____ Northern Kentucky Health District
_____ USDA NRCS/Boone County Conservation District
_____ KY Division of Water
☒ Local School District
_____ Local Fire District
_____ Other: _____

DB 936 PG ~~449~~ 449
PIDN 062.00-00-112.00
Mailing 67866 Marilyn circle
Cathedral city Ca. 92234

18. Project Jurisdiction/Location
☒ Unincorporated Boone County
_____ Florence

_____ Walton
_____ Union

Annexation into
City of Florence
Pending

19. ORIGINAL Property Owner's Signature James H. H. H. Jerry Inskeop
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature [Signature]
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

SECTION B (To be completed by BCPC Staff)

1. Date Received 9-4-18
2. Review Fee \$2,204.90 R# 78038
3. Check what has been submitted:
☒ Application
☒ Fee
☒ Legal Description
☒ Concept Development Plan
☒ Address of Adjoining Property Owners
_____ Number of Copies of Plan Received**
4. _____ Date Application is **Administratively Complete** as Defined in KRS 100.211
5. Staff Reviewer _____
6. Committee Chairman _____
7. Scheduled Public Hearing Date 10/3/18
8. Boone County Planning Commission Action:
11/7/18 Approval
11/7/18 Approval with Conditions
_____ Denial
9. Other: _____ Resolution # _____

Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page

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

**ZONING MAP AMENDMENT
APPLICATION
PAGE 2**

HD 20 Pg 423
062.00-00-113.01
mailing 10124 Carnation ct
Unit 6
Florence Ky 41042

- ☐ Boone County Building Department
☐ Northern Kentucky Health District
☐ USDA NRCS/Boone County Conservation District
☐ KY Division of Water
☐ Local School District
☒ Local Fire District
☐ Other: _____

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

19. ORIGINAL Property Owner's Signature John Dryden
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

dotloop verified
08/27/18 8:13AM EDT
008X-ZMHW-OBUS-XZ1P

8/31/18

- ORIGINAL Applicant's Signature [Signature]
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

1:20P

SECTION B (To be completed by BCPC Staff)

1. Date Received 9-4-18
2. Review Fee \$2,204.90 0478038
3. Check what has been submitted:
☒ Application
☒ Fee
☒ Legal Description
☐ Concept Development Plan
☐ Address of Adjoining Property Owners
☐ Number of Copies of Plan Received**
4. Date Application is **Administratively Complete** as Defined in KRS 100.211
5. Staff Reviewer _____
6. Committee Chairman _____
7. Scheduled Public Hearing Date _____
8. Boone County Planning Commission Action:
☐ Approval
☐ Approval with Conditions
☐ Denial
9. Other: _____ Resolution # _____

Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountyky.org - E-mail
www.boonecountyky.org - Web Page

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**ZONING MAP AMENDMENT
APPLICATION
PAGE 2**

WB 78 Pg 923
Mailing PID# 062.00-00-113.00
10129 carnation ct
Unit 6
Florence Ky 41042

- ☐ Boone County Building Department
☐ Northern Kentucky Health District
☐ USDA NRCS/Boone County Conservation District
☐ KY Division of Water
☐ Local School District
☒ Local Fire District
☐ Other: _____

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

- * 19. ^{Applicant} **ORIGINAL Property Owner's Signature** _____
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)
^{Property owners} **ORIGINAL Applicant's Signature** _____
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

SECTION B (To be completed by BCPC Staff)

1. Date Received 9-4-18
2. Review Fee \$2,204.90 R# 78038
3. Check what has been submitted:
☒ Application
☒ Fee
☒ Legal Description
☒ Concept Development Plan
☐ Address of Adjoining Property Owners
☐ Number of Copies of Plan Received**
4. Date Application is **Administratively Complete** as Defined in KRS 100.211
5. Staff Reviewer TODD MORGAN
6. Committee Chairman _____
7. Scheduled Public Hearing Date _____
8. Boone County Planning Commission Action:
☐ Approval
☐ Approval with Conditions
☐ Denial _____ Resolution # _____
9. Other: _____

Boone County Planning Commission
Boone County Administration Building
2950 Washington Street, Room 317
P.O. Box 958
Burlington, Kentucky 41005
(859) 334-2196 - Phone
(859) 334-2264 - Fax
plancom@boonecountkyky.org - E-mail
www.boonecountkyky.org - Web Page

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

**ZONING MAP AMENDMENT
APPLICATION
PAGE 2**

_____ Boone County Building Department
_____ Northern Kentucky Health District
_____ USDA NRCS/Boone County Conservation District
_____ KY Division of Water
_____ Local School District
☒ Local Fire District
_____ Other: _____

DB 786, PG 581
PIDN 062.00-00-114.00
mailing
559 Palmer Ct.
Crestview Hills KY 41017

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

19. **ORIGINAL Property Owner's Signature** Cynthia Ann Schroder
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

ORIGINAL Applicant's Signature [Signature]
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

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_____ **Approval**
_____ **Approval with Conditions**
_____ **Denial**
_____ Resolution # _____
9. Other: _____

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

**ADDENDUM TO ZONING MAP AMENDMENT OR
CONCEPT DEVELOPMENT PLAN APPLICATION
CURRENTLY UNDER REVIEW BY THE BOONE COUNTY PLANNING COMMISSION**

**Waiver of 60 Day Time Requirement by Originator
for Final Planning Commission Action**

1. Name of Project Legacy Living of Florence
2. Location of Project 8758 Overlander Rd Florence Ky
3. Names of Applicant(s) Steven Berling
Phone No. 859-331-9191 Fax No. 859-344-7422 E-Mail Steve.berling@fuse.net
4. Address of Applicant(s) 1671 Park Rd Suite One
Ft. Wright Ky 41011
City State Zip
5. Name of Property Owner(s) Cynthia Schroeder ~~Cynthia Sch.~~

In accordance with the provisions in KRS 100.211, the applicant(s) and property owner(s) or originators above, hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment and/or Concept Development Plan* application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on _____.

6. **ORIGINAL Property Owner's Signature** _____
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

ORIGINAL Applicant's Signature Stacy
(Faxed, Photocopied or Scanned Signatures will **NOT** be Accepted)

Note:

*The 60-day time limit applies to Concept Development Plan applications if the site was originally subject to a Zoning Map Amendment request as part of an individual request, county-wide Zoning Update or a land use/zoning study or plan.

ADDENDUM TO ZONING MAP AMENDMENT OR
CONCEPT DEVELOPMENT PLAN APPLICATION
CURRENTLY UNDER REVIEW BY THE BOONE COUNTY PLANNING COMMISSION

Waiver of 60 Day Time Requirement by Originator
for Final Planning Commission Action

1. Name of Project Legacy Living of Florence
2. Location of Project 8756, 8798 Gunpowder Rd Florence Ky
3. Names of Applicant(s) Steven Berling
Phone No. 859-331-9191 Fax No. 859-344-1422 E-Mail stberling@fuse.net
4. Address of Applicant(s) 1671 Park Rd
FL. Wright Ky 41011
City State Zip
5. Name of Property Owner(s) Jerry Tuskeep

In accordance with the provisions in KRS 100.211, the applicant(s) and property owner(s) or originators above, hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment and/or Concept Development Plan* application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on _____.

6. ^{Applicant}
~~ORIGINAL Property Owner's~~ Signature St. O. Bary
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)
- ^{Property Owner's}
~~ORIGINAL Applicant's~~ Signature Jerry Tuskeep
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

Note:

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ADDENDUM TO ZONING MAP AMENDMENT OR
CONCEPT DEVELOPMENT PLAN APPLICATION
CURRENTLY UNDER REVIEW BY THE BOONE COUNTY PLANNING COMMISSION

*Waiver of 60 Day Time Requirement by Originator
for Final Planning Commission Action*

1. Name of Project Legacy Living of Florence
2. Location of Project 8756 Gumpowder Rd Florence Ky
3. Names of Applicant(s) Steven Berling
Phone No. 859-331-9191 Fax No. 859-344-7422 E-Mail Steveberling@fuse.net
4. Address of Applicant(s) 1671 Park Rd suite one
Fl Wright Ky 41011
City State Zip
5. Name of Property Owner(s) John Dryden

In accordance with the provisions in KRS 100.211, the applicant(s) and property owner(s) or originators above, hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment and/or Concept Development Plan* application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on _____.

6. ORIGINAL Property Owner's Signature John Dryden
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

dotloop verified
08/27/18 8:13AM EDT
PQ00-BBHF-9RHN-AEDX

8/31/18
1:20p

ORIGINAL Applicant's Signature Steve Berling
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

Note:

*The 60-day time limit applies to Concept Development Plan applications if the site was originally subject to a Zoning Map Amendment request as part of an individual request, county-wide Zoning Update or a land use/zoning study or plan.

ADDENDUM TO ZONING MAP AMENDMENT OR
CONCEPT DEVELOPMENT PLAN APPLICATION
CURRENTLY UNDER REVIEW BY THE BOONE COUNTY PLANNING COMMISSION

Waiver of 60 Day Time Requirement by Originator
for Final Planning Commission Action

1. Name of Project Legacy Living of Florence
2. Location of Project 8836 Gumpardon Rd Florence Ky
3. Names of Applicant(s) Steven Berlin
Phone No. 859-331-9191 Fax No 859-344-7422 E-Mail Steveberlin@fuse.net
4. Address of Applicant(s) 1671 Park Rd Suite one
Ft Wright Ky 41011
City State Zip
5. Name of Property Owner(s) Cathy Dryden

In accordance with the provisions in KRS 100.211, the applicant(s) and property owner(s) or originators above, hereby waive the 60 day time limit for the Boone County Planning Commission to take final action on my (our) Zoning Map Amendment and/or Concept Development Plan* application. This time limit waiver is considered effective immediately upon receipt by the Boone County Planning Commission and expires on _____.

* 6. ORIGINAL Property Owner's Signature Cathy Dryden
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

ORIGINAL Applicant's Signature Steve Berlin
(Faxed, Photocopied or Scanned Signatures will NOT be Accepted)

Note:

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EXHIBIT

“A”

STAFF REPORT

Request of Steven Berling (applicant) for Cathy Dryden, John Dryden, Cynthia Schroeder, and Jerry Inskeep (owners) for a Zoning Map Amendment from Suburban Residential One (SR-1) to Public Facilities (PF) for a 14.86 acre site located on the east side of Gunpowder Road, approximately 40 feet north of the Gunpowder Road/Ridgeview Drive intersection, approximately 25 feet south of the Gunpowder Road/Bill Wentz Drive intersection, and including the property at 8756 Gunpowder Road, Boone County, Kentucky (annexation into the City of Florence pending). The request is for a zone change to permit memory care, assisted living, and senior housing.

October 3, 2018

REQUEST

The applicant submitted a Zoning Map Amendment application to rezone the 14.86 acre site referenced above from Suburban Residential One (SR-1) to Public Facilities (PF) to allow an elderly housing facility with memory care, assisted living, and senior housing. The submitted Concept Development Plan shows a 93,754 square foot assisted living and memory care building and seven (7) independent living townhouses (each building is 5,740 square feet in area). The proposed building intensity is 9,013 square feet of building per acre of land. The assisted living and memory care building would contain 106 beds (29 memory care and 77 assisted living) and each townhouse building would contain four (4) two-bedroom units. Access to the development is proposed from an access point on Gunpowder Road. The plan also shows that all perimeter buffer yard requirements will be met or exceeded.

The submitted building elevations and perspectives show the memory care wing (western side) of the building would be one-story tall and the assisted living wing (eastern side) of the building would be three-stories tall (43'-11 $\frac{7}{8}$ " to the highest roof peak. The front of the building contains a porte cochere and two open air courtyards, with walking and seating areas, are shown in the central area of the building. The townhouses are single-story buildings with basements. Each unit is shown with a front porch, garage, elevated deck, and walkout basement. The dominant construction material on the buildings are cement siding and dimensional asphalt shingles. Some stone veneer is shown on the south and east elevations (3 story portions of the building) of the assisted living/memory care building.

SITE CHARACTERISTICS

The 14.86 acre site is located on the east side of Gunpowder Road and has 766.97' of street frontage. The site is currently comprised of four lots of record. The only structures located on site are a vacant house and accessory structures located at 8756 Gunpowder Road. Boone County GIS shows the topography of the site falls from 858' above sea level at the northeast property line to 784' above sea level at the southwest property corner, where a perennial blue line stream (tributary stream to Gunpowder Creek) runs through the site. Overhead utility poles run through the north central portion of the site and also exist in a portion of the Gunpowder Road frontage (area near the proposed access point). A sanitary sewer main runs through the southern portion of the site. The site is heavily wooded with deciduous trees.

ADJACENT LAND USES AND ZONING

North: An undeveloped property fronting on Gunpowder Road and Bill Wentz Drive (UR-2/C-2/PD) and a storage garage fronting on Bill Wentz Drive (SR-1 and C-2/PD)

South: Single-family residential dwellings fronting on Ridgeview Drive (SR-1)

East: Auto and truck repair businesses fronting on US 42 (I-1) and a duplex fronting on Ridgeview Drive (SR-1)

West: Gunpowder Road, Gunpowder Creek, and Open Space Owned by Boone County (SR-1)

RELATIONSHIP TO COMPREHENSIVE PLAN

The 2010 Boone County Comprehensive Plan's "2035 Land Use Plan" designates the overall site for "Suburban Residential", "Rural Lands", and "Developmentally Sensitive" uses. These designations are described as follows:

Suburban Residential - "single family housing of up to four units per acre. This classification does not preclude low density or estate residential developed as a formal subdivision."

Rural Lands - "Wooded, agricultural, recreational, or low density residential uses of up to one dwelling unit per two acres for the 25 year land use plan. Residential construction in Rural Lands does not occur in a formal subdivision."

Developmentally Sensitive - "Areas that have an existing slope of twenty percent or greater for a height of 20 meters (67.6 feet), or have unique soil or flooding characteristics which limit the ability of an area to support urban development, or contain significant wooded areas, creeks, wildlife habitat, or other natural features that are important to a site's stability and visual character. In addition, developmentally sensitive areas may, in the future, be defined and protected due to historical or visual importance. Any development on land identified as Developmentally Sensitive must be carefully assessed by the developer and the Planning Commission to determine the ability of the land to support the proposed project..."

The Boone County Comprehensive Plan states the Future Land Use Map is intended to be used in tandem with the Land Use Element text and that the future land use boundaries are approximate and subject to refinement and interpretation by the Planning Commission and county legislative bodies (Land Use Maps, pg. 164).

The Land Use Element makes the following statements regarding the general area:

- A. The U.S. 42 corridor between the Weaver Road/Hopeful Church intersection and the newly rebuilt Pleasant Valley/Gunpowder intersection has developed commercially over the last decade. Vehicle stacking problems during rush hours and conflicting left turn movements have become significant problems on this section of roadway. Frontage road and interconnecting parking lots are necessary here to allow vehicles to access existing and future traffic signals. Through redevelopment of the former Boone Kenton Warehouse site and adjacent parcels, access to Weaver Road should be implemented, as well as well-planned access to U.S. 42. If improvements are made to Gunpowder Road from U.S. 42 to Mt. Zion Road, more intense land uses could be examined for the property behind Wentz Drive as well as the possibility of having access to Gunpowder Road. If commercial development occurs in this area, it should primarily be accessed from U.S. 42 (Gunpowder, pg 169).

- B. Access Management at the intersection of U.S. 42 and Pleasant Valley should include access roads to serve commercial developments. Mixed-use development, that has commercial uses focused along U.S. 42 and that has varying types of residential uses, should occur to the southwest of this intersection on both sides of U.S. 42. The intensities of these commercial uses, in terms of building intensities, the size and style of individual structures, and the range of uses permitted, should begin with a broader range of commercial uses near the intersection and gradually decline to smaller-scaled office and institutional uses in the vicinity of Farmview Subdivision and the Florence/Union corporate boundary. Creative building layout and orientation should be used in lieu of strip-style commercial development, and Planned Development Overlay Districts should be utilized. All development in this area should be viewed as part of an entryway to both the Cities of Florence and Union (Pleasant Valley/Oakbrook, pg. 168).

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, pp. 161-162).
- B. As described in the Goals and Objectives, different development densities can occur in Boone County as long as the development is designed in a proper manner and the infrastructure exists or is planned to support the development. The Goals and Objectives also acknowledge that fluctuations in the economy and housing market should be considered when evaluating the uses and design of developments.

Business, commercial, or industrial parks should be designed and developed to allow future residential or other uses to access through them where the corridor may extend to large developable tracts or may provide a future road connection. A roadway that is suitable for mixed use development should serve side streets for businesses rather than serving individual businesses directly, include an urban curb and gutter design, and provide pedestrian amenities and green space along the right-of-way. In this way, future residential development could be developed beyond the initial development, but be readily marketed.

Sanitary sewer issues have larger impact on where development occurs than do the other types of infrastructure in Boone County. The presence of sanitary sewer has a direct impact on the lot sizes of residential development in particular. Most residential development in outlying areas without access to sewer service typically develops on lots that are larger than an acre. In fact, septic system permits almost always require residential lots of greater than one acre to accommodate leach areas. On the other hand, the presence of public sanitary sewer facilities have normally resulted an increased demand for more dense single-family residential development. This development often occurs roughly in the range of three dwelling units per acre - which typifies single family projects in Boone County at this time. There is little development occurring in Boone County between these two general density levels. As pointed out in the Housing Element, this phenomenon often results in different housing and lot characteristics

adjacent to each other. In these conditions, proposed residential developments that have smaller lot sizes than surrounding land uses are recommended to utilize the following design mechanisms to address the impacts on existing development.

The proposed development should consider in its design a band of larger lots and setbacks along the affected perimeter of the site adjacent to existing development to provide an adequate transition.

The proposed development should consider a band of development along the existing main roadway in which the houses face the main road to appear rural, and where the lots in this band are larger than those in the balance of the proposed development. Building setbacks and lot frontages should imitate existing setbacks along the road.

Highly visible portions of the proposed development site should consider green space. The style of green space, including tree types, fencing or other similar features should imitate the existing road corridor views. Grandiose subdivision entryways may not be appropriate depending on existing conditions in the corridor .

These recommendations are site specific and should be evaluated on a case-by-case basis. There may be other design mechanisms not identified here that may work in some instances Development Layout, Lot Sizes, and Setbacks, pg. 162).

- C. 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 open space within developments and between developments. Developments proposed adjacent to planned or established open spaces should provide pedestrian access where appropriate. Natural green space benefits the community as well as encourages developers to create innovative development designs through clustering of buildings and impermeable area. Typically, buffering is required and provided between unlike land uses; however, as the development of Boone County fills in previously rural areas, different lot size and designs of residential development sometimes impact each other. Where an appropriate gradation of lot size and setbacks cannot be designed into a proposed residential subdivision development of a significantly higher density than existing adjacent residential uses, deliberate vegetation buffering may need to be incorporated into the design to help protect low density residential areas. Buffer areas should use and supplement existing site features where possible (Buffering, pp. 162-163).
- D. Developments in Boone County must include landscaping to accompany the proposed project. Retention of existing healthy vegetation is considered a component of landscaping and is encouraged. 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. The amount of heat absorbed by impervious cover from sun radiation is decreased by landscaping, which reduces energy costs. Landscaping helps purify the air of harmful pollutants, thus reducing health impacts. It also helps reduce the quantity and improve the quality of storm water runoff, including temperature. The use of bioretention islands (water filtering basins) and grass swales should be used where possible in place of raised islands. Native species are often heartier than nursery stock and should be

used wherever possible to minimize pesticides and other high impact forms of maintenance. 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. 163).

- E. Developments in Boone County must recognize the potential impacts of stormwater runoff. Developments must design and incorporate adequate provisions for the channelization and control of the rate of stormwater flow on and from the site. One goal of local storm water programs should be to minimize the amount of storm water generated by decreasing the amount of pavement and encouraging green rooftops. Creating less runoff by increasing on-site infiltration is a method of managing runoff.

Control and mitigation practices for erosion associated with developments must be provided. At a minimum, developments must seed and mulch all graded areas and provide siltation controls. Stormwater management and erosion control measures must be concurrent with site work in order to be effective. Stormwater management officials must also consider the cumulative effects of increased development runoff in watersheds (Stormwater Management and Erosion Control, pg. 163).

- F. Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems. The need exists to protect the capacity of the existing roadway network, and to plan improvements to accommodate new development and travel patterns. Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, provisions for access connections to adjoining properties, and dedication of public right-of-way. In subdividing property, arterials or collectors should not be used for direct access to lots, rather a system of local streets should feed into the collector and arterial system. Connections between and within commercial and industrial developments allow for more efficient provision of transit service (Access Management, pg. 163).
- G. Developments in Boone County must be designed, where appropriate, to improve the County's transportation network system of roadways, and functional classifications must be used in the planning for and designing of new developments. Collector roadways should be extended and developed to provide for the safe movement of traffic through and between subdivisions. Development along existing arterials and collector roadways should not have direct driveway access, but be served by a local street. Appropriate road connections should be constructed to provide alternate routes for traffic to and through specific projects and to enhance the capacity of existing streets. The traditional grid system can provide an alternative to typical suburban design. Parallel and frontage roads should be used to minimize impacts of individual sites on collector and arterial roadways. Appropriate pedestrian networks should be incorporated into the design of developments which will generate or experience significant pedestrian use. These networks should not only provide internal paths, but should provide connections to adjoining uses where appropriate. Public open space and recreation sites should be connected to each other by bicycle and pedestrian paths where appropriate. Transit Oriented Development (TOD) is discussed in detail in the Transportation Element, and should be examined as a future direction in Boone County development patterns (Transportation and Pedestrian Network, pp. 163-164).
- H. Developments in Boone County should give consideration to the overall design of the area. Site, landscape, and building design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention. The objective is to avoid the confusion and/or distraction of motorists, and to avoid the potential negative impacts of signs on the visual

appearance of a development or corridor. Overhead utility lines should be placed underground wherever possible, and junction boxes screened from public view. Neo-traditional residential and commercial development should be encouraged to provide quality development that blends with the natural or historic character of parts of Boone County. This Comprehensive Plan encourages the restoration, renovation and/or adaptive re-use of historically significant structures in Boone County (Design, Signs, and Historic Preservation, pg. 164).

The Population Element contains the following passages which relate to the request:

- A. Boone County's median age in 2010 was 35.7 which is younger than the Kentucky median age of 38.1. Over time, the older age groups have increased their proportion of the total population. Table 2.8 indicates that the 45-64 and 65+ age groups have increased in percentage in Boone County since 2000 while the younger age groups have decreased. As is the case nationwide, people are generally having fewer children while living longer (Age and Sex Distribution, pp. 18-19).

Table 2.8 - Age of Boone County Population

Age	2000		2010	
	Number	Percent	Number	Percent
0-4	6,849	8.0	9,019	7.6
5-19	20,011	23.3	27,225	22.9
20-44	33,872	39.3	40,342	34.0
45-64	18,318	21.3	30,912	26.0
65+	6,941	8.1	11,313	9.5

Source: 2010 U.S. Census

- B. The Population Element outlines population estimates based on OKI transportation analysis zone "regions." The site is located on the boarder of the Florence and Union regions. The population of the Florence region is estimated to change to 32,385 in 2020, and to 34,153 in 2030. The population of the Union region is estimated to change to 33,568 in 2020, and to 41,886 in 2030 (OKI Traffic Zone Forecast, pp. 20-21).

The Housing Element contains the following passages and tables which relate to the request:

Table 6.1 Boone County Population and Households

	1980	1990	2000	2010	2020	2030
Population	45,842	57,589	85,991	118,811	153,933	190,270
Households	14,848	20,127	31,258	43,216	57,870	71,530
People/H.H.	3.09	2.85	2.73	2.73	2.66	2.66

Source: U.S. Census; KY State Data Center estimate (University of Louisville)

- A. Table 6.1 reveals an important trend where household sizes are continuing to decrease, but are expected to level off by 2020. The household projections are used as a general guideline for future housing need. Because they represent occupied housing units, the total number of housing units for any given year will be greater by the amount of the vacancy rate. Household

characteristics also change as evidenced by the increase in single-parent families. The resulting housing needs impact the size, type, and location of units demanded by the population. Multi-family units near commercial areas often constitute the demand of singles or single-parent families and 'empty nesters'.

The demand for more affordable single-family and multi-family residences, generated by the commercial and industrial employment growth centers, has helped generate the development of many new subdivisions and apartment developments. New subdivision and apartment design has been uniform in suburban areas and has in the past offered little variation or innovation from one development to another. Recent development proposals have contained concepts that include landominiums, neotraditional single-family, and a greater variety of attached housing. Mixed-use, planned developments that provide a mix of housing options, commercial, office, and public uses with multiple transportation options (i.e. transit, pedestrian, park-and-ride) could be one strategy for meeting this demand (see Housing Densities in this element and the Land Use/Transportation Connection section in the Transportation Element). The local development community should be encouraged to examine other markets around the nation to uncover new trends that may be beneficial in Boone County (Housing Demand, Population Trends, pg. 73-74).

- B. With the exception of Walton, the County's incorporated areas and the unincorporated area, as a whole, have higher percentages of young and middle aged persons than Kentucky. Union has the highest youth and the lowest elderly percentages. Walton displays the lowest youth and the highest elderly percentages. Table 2.10, which appears in the Population Element, further shows the percentages for the remainder of the county and Kentucky. Boone County's population is becoming more elderly in proportion. This "graying" of the population will have an impact on housing demand. Many of these "empty nesters" will want to move out of their high-maintenance, large lot single-family homes and into condominiums, landominiums, or small lot single-family homes. This demographic shift, in part, engendered the recent development of the Elmcroft Senior Living center on Main St., in Florence, on the former site of the Florence YMCA (Housing Demand, Age Composition, pg. 74).
- C. Demand for multi-family housing has historically been in, or around Florence. The emphasis on new construction, however, has shifted to the unincorporated county. The continuing in-migration of a young, professional population combined with the increased growth of single-parent families and the overall graying of the population, means the demand for various multi-family housing options will continue in the future for Boone County (Housing Demand, pg. 75).

Table 6.2 Housing Unit Types by Jurisdiction

Single-Family				Multi-Family & SF Attached			Mobile Homes			Totals		
	1990	2000	2010	1990	2000	2010	1990	2000	2010	1990	2000	2010
Flor.	4,209 30.2%	4,808 22.2%	N/A	3,060 56.4%	5,399 58.4%	N/A	31 1.6%	45 1.9%	N/A	7,300 21.9%	10252 30.7%	N/A
Union	307 2.2%	867 4%	N/A	3 <0.1%	5 <0.1%	N/A	2 0.1%	2 <0.1%	N/A	312 1.5%	874 2.6%	N/A
Walt.	548 3.7%	751 3.5%	N/A	240 4.4%	542 5.9%	N/A	12 0.6%	7 0.3%	N/A	800 3.8%	1,006 3.5%	N/A
Uninc. B.C.	8,846 63.9%	15260 70.4%	N/A	2,122 39.1%	3,593 38.9%	N/A	1,860 97.6%	2,351 97.8%	N/A	12828 60.4%	21219 63.6%	N/A
Total	13910	21686	33307	5,425	9,239	11056	1,905	2,405	1,897	21240	33351	46260

Source: Boone County Building Inspection Data & U.S. Census

Table 6.3 Percent Housing Unit Types by Jurisdiction

	Single-Family			Multi-Family			Mobile Homes		
	1990	2000	2010	1990	2000	2010	1990	2000	2010
Flor.	57.7	46.9	N/A	41.9	52.7	N/A	0.4	0.4	N/A
Union	98.4	99.2	N/A	1.0	0.6	N/A	0.6	0.2	N/A
Walt.	68.5	74.7	N/A	30.0	24.1	N/A	1.5	0.7	N/A
Uninc.	68.9	71.9	N/A	16.5	16.9	N/A	14.5	11.1	N/A
B.C.	65.5	65.0	72.0	25.5	27.7	23.9	9.0	7.2	4.1

Source: Boone County, Florence & Walton Building Inspection Data & U.S. Census

- D. It should be noted that the number of housing units increased in all the major housing construction types for each municipality, except multi-family units in the City of Union. County-wide, the percentage of total housing units that are single-family detached units, has decreased while multi-family units have increased in percentage. The City of Florence has a lower percentage of single-family units than other areas of the county.

In 1980, multi-family housing comprised 20.9% of the total housing units in Boone County. This percentage continued to rise as the county urbanized and stood at 25.5% in 1990 and 27.7 in 2000 (see Table 6.3). This was during a time of enormous growth in single-family housing development. This increase in multi-family housing happened primarily in the unincorporated part of Boone County. Since 2000, the percentage of multi-family decreased to 23.9. The percentage of mobile homes throughout the county has decreased steadily since 1990 and now stands at 4.1% of the total 46,260 housing units in the county in 2010 (Housing Supply, Housing Type by Municipality, pg. 76).

- E. The major reason for Boone County's rapid population growth is in-migration. Often the higher income families (or new population) locate in the developing rural areas of the county. While this is practical because they can afford the estate lifestyle and cost of transportation over greater distances, this spatial phenomenon separates people of different income levels. A variety of housing opportunities within the established urban areas and within developing areas would encourage some of the higher income residents to reside there and thus encourage mixing of different income levels. Therefore, single-family housing should remain an ingredient of the urban areas instead of being targeted only for rural or suburban areas. Large, left-over parcels in urban service areas are well suited for planned residential development that includes high density housing. However, established single-family housing areas in urban settings should not experience an influx of multi-family or duplex construction unless adequate buffering or proper development design can be provided. Housing for the elderly population or for those who are handicapped needs to be located near public transit, commercial areas, and public facilities (Meeting Housing Needs, Population Needs, Pg. 79).
- F. 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 (Meeting Housing Needs, Housing Types, pp. 79-80).

- G. During the last decade, housing construction in Boone County has occurred mainly in the mid-value range, with some high-end for both single-family and multi-family housing. However, attempts at more affordable single-family or apartment construction often meet with localized hostility. Creative site design and architecture can help overcome some of this resistance (Affordable Housing and Homelessness, pg. 80).
- H. 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 needs to be carefully designed (Housing Densities, pg. 81).

The following Goals and Objectives from the 2017 Boone County Comprehensive Plan are pertinent to the application:

- A. Mixing of residential and other land uses shall be encouraged where appropriate (Overall, Objective 2).
- B. Boone County shall strive to achieve diversity and balance in land use while protecting natural resources and natural systems (Overall, Objective 3).
- C. Land uses and zoning decisions shall strive to balance the rights of landowners with the rights of neighbors and the community (Overall, Objective 4).
- D. The needs of an aging population (e.g., access to services, transportation, and support networks) shall be acknowledged and addressed (Demographics, Goal A, Objective 2).
- E. Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics, Goal A, Objective 4).
- F. A broad range of housing opportunities shall be provided to meet the needs and desires of all household types and shall be balanced with affordability, employment centers, commercial areas, and educational needs. The City of Florence acknowledges the need for affordable housing opportunities, but also desires an equal balance of housing options to maintain a diverse city (Demographics, Goal B, Objective 1).
- G. Residential developments shall be evaluated for impact on infrastructure, environment, health and safety considerations, buffering, and design with secondary consideration given to dwelling unit type and density (Demographics, Goal B, Objective 4).
- H. Residential developments shall be encouraged to plan and build in a manner compatible with the general housing density and design planned for the area, with the existing conditions of the site, and significant site features (Demographics, Goal B, Objective 8).
- I. Land use planning should recognize and protect natural systems (streams, wetlands, forests, etc.) essential to safety, health, economic stability, and overall quality of life (Environment, Goal A).

- J. Developmentally Sensitive hillsides in Boone County must be given special consideration. Any proposed development on hillsides designated as such shall be reviewed and monitored to maintain the environmental and structural integrity of the hillsides (Environment, Goal A, Objective 4).
- K. Development shall utilize existing topography and vegetation (including mature trees) and preserve the existing character of the land (Environment, Goal A, Objective 7).
- L. Existing infrastructure and services such as water, stormwater, wastewater, gas, electric, communication lines, and emergency and municipal services shall be utilized efficiently. The phasing of proposed development may be one way of addressing significant impacts on existing infrastructure and services (Public Facilities, Goal A, Objective 1).
- M. Priority shall be given towards maintaining, protecting, and improving the capacity and safety of the existing road system across jurisdictions (Transportation, Goal A, Objective 1).
- N. The local transportation system in Boone County shall be maintained and improved to enhance the overall safety and level of service (Transportation, Goal B).
- O. Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops (Transportation, Goal B, Objective 6).
- P. Mixed use, higher density neighborhoods shall be designed to accommodate safe pedestrian access to mass transit, major streets and interstates, public facilities, and parks (Transportation, Goal B, Objective 8).
- Q. Traffic impact analysis should be used as a tool to address impacts to the existing transportation system (Transportation, Goal C, Objective 3).
- R. Redevelopable and infill sites shall be encouraged to develop as walkable, mixed-use districts (Transportation, Goal C, Objective 7).

STAFF COMMENTS

- 1. Elderly housing facilities are principally permitted in Public Facilities (PF) zoning districts. Article 40 of the Boone County Zoning Regulations define an elderly housing facility as "a residential building or complex with multiple units, suites, or rooms for senior citizens. A elderly housing facility shall primarily consist of independent living units and/or assisted living units, and may secondarily include congregate care, skilled or nursing care, Alzheimer's units, hospice, and/or comparable arrangements. It may include customary accessory services for residents such as dining, recreation and entertainment, beauty and barber services, laundry, chapel, convenience shopping, and routine day-to-day medical care. This definition does not include standard attached or multi-family residential structures, hospitals, nursing homes, or any type of clinic".
- 2. Staff would like the applicant to address the following questions regarding the proposed facility:
 - A. Are residents required to be a certain age before they can live in the facility? If so, how is this enforced?
 - B. Have trip generation figures for the proposed facility been prepared and submitted to Kentucky Transportation Cabinet for review? If so, can these figures be submitted to the Planning Commission?

- C. Have sight distances from the proposed access point been analyzed? Section 3217 of the Boone County Zoning Regulations requires minimum sight distances to meet specifications of the Kentucky Transportation Cabinet Highway Design Manual.
 - D. Are sidewalks or a bicycle/pedestrian path being proposed along the Gunpowder Road frontage? Staff would like to note that a bicycle/pedestrian path exists between Bill Wentz Drive and US 42 and that sidewalks exist on the west side of Bill Wentz Drive.
 - E. Overhead utility lines will need to be relocated before some of the buildings can be constructed. Has this been coordinated with the utility company?
 - F. Could a masonry knee wall be added to the south elevation of the building (memory care wing area)?
 - G. Has exterior lighting been analyzed (heights of light poles and fixtures and location of any spot lights)?
 - H. Staff would like the applicant to revise the plan and show all striped parking and garage spaces. The following parking will be required unless a Waiver is approved:
 - One space per two assisted living, memory care, or dementia care beds
 - Two spaces for every 2 bedroom apartment
 - One space for every company vehicle that is kept on site
 - I. Two different Concept Development Plan options have been approved for the adjoining property to the north. One of the options allow a 3-story senior apartment building and the other allows two multi-tenant office/commercial buildings. Staff would like the applicant to address if they would be willing to connect the two parking lots if the apartment option is constructed on the adjoining property.
3. Staff sent an agency memo and received comments back from Florence Public Services, Florence, Florence Fire/EMS, and Kentucky Transportation Cabinet. These comments are attached to the Staff Report.
4. Staff has attached a chart of all the senior housing facilities in Boone County. Notes have been added if the facility is still under construction or approved and not constructed.
5. Section 308 of the Boone County Zoning Regulations states that before any map amendment is granted, the Planning Commission and legislative body shall use the following criteria:
- A. The map amendment is in agreement with the adopted comprehensive plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or
 - B. The existing zoning classification is inappropriate and that the proposed zoning classification is appropriate; or
 - C. There have been major changes of an economic, physical, or social nature not anticipated in the adopted comprehensive plan that substantially alter the area's character.

CONCLUSION

The Zoning Map Amendment request needs to be evaluated by the Boone County Planning Commission

and the appropriate legislative bodies in terms of Article 3 of the Boone County Zoning Regulations and potential impacts on existing and planned uses in the area. The 2035 Future Land Use Map will need to be amended if the request is approved.

Respectfully Submitted,

Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM/ss

Attachments:

- *Site Vicinity Map
- *Narrative Description Submitted by Applicant's Team
- *Concept Development Plans
- *Zoning Map
- *2035 Future Land Use Map
- *Topographical Map
- *2016 Aerial Map
- *Agency Memo
- *9/21/18 Comments From Tom Gagnon
- *9/24/18 Comments From Fire Marshal Vogelpohl
- *9/26/18 Email from Linzy Brefeld
- *Boone County Senior Housing Chart
- *Approved Concept Development Plan Options for Adjoining Property
- *Application

SITE VICINITY MAP

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LEGACY LIVING OF FLORENCE SENIOR LIVING FACILITY

NARRATIVE DESCRIPTION

As indicated on the submitted Concept Development Plan, this Legacy Living Senior Living Facility is an integrated, self-sustaining residential community consisting of a central Assisted Living/Memory Care Building with ancillary support facilities (offices, common areas, food service, medical support, etc.) surrounded by traditional residential housing, being Independent Living four-unit townhomes around the perimeter of the property.

The proposed development meets all criteria of the requested Public Facilities zone.

The property will be annexed into the City of Florence contingent on approval of this zone map amendment by the City. Initial meetings with the City administration and fire department have been very enthusiastic.

Legacy Living of Florence provides its residents concierge level of services built on choices and experiences. This site provides scenic views of the southwest side of Florence, companionship with friends and family, eating a home cooked meal, and convenient access to all the essential services of its residents: grocery, medical, transportation, recreation and worship.

The townhomes provide views of rolling fields and wooded tree lines, a custom kitchen, living or sun room and porch, and amenities offered by the Legacy Living community. These include restaurant style meals, planned activities, outings, housekeeping and a campus wide emergency response system.

Independent and Assisted Living residents preferring the convenience and comfort of an apartment also enjoy concierge services, offering multiple choices of floor plans and bringing services to each unit upon request.

Health and wellness is emphasized. Legacy Living professional staff meets with each resident and their family, assessing the resident's needs and develops an individualized service plan that fosters independence and self-esteem. Expert caregivers are available 24/7 to assist with personal care such as dressing, bathing, grooming and assistance with medication administration. Of course, the facility will be Certified Assisted Living by the State of Kentucky.

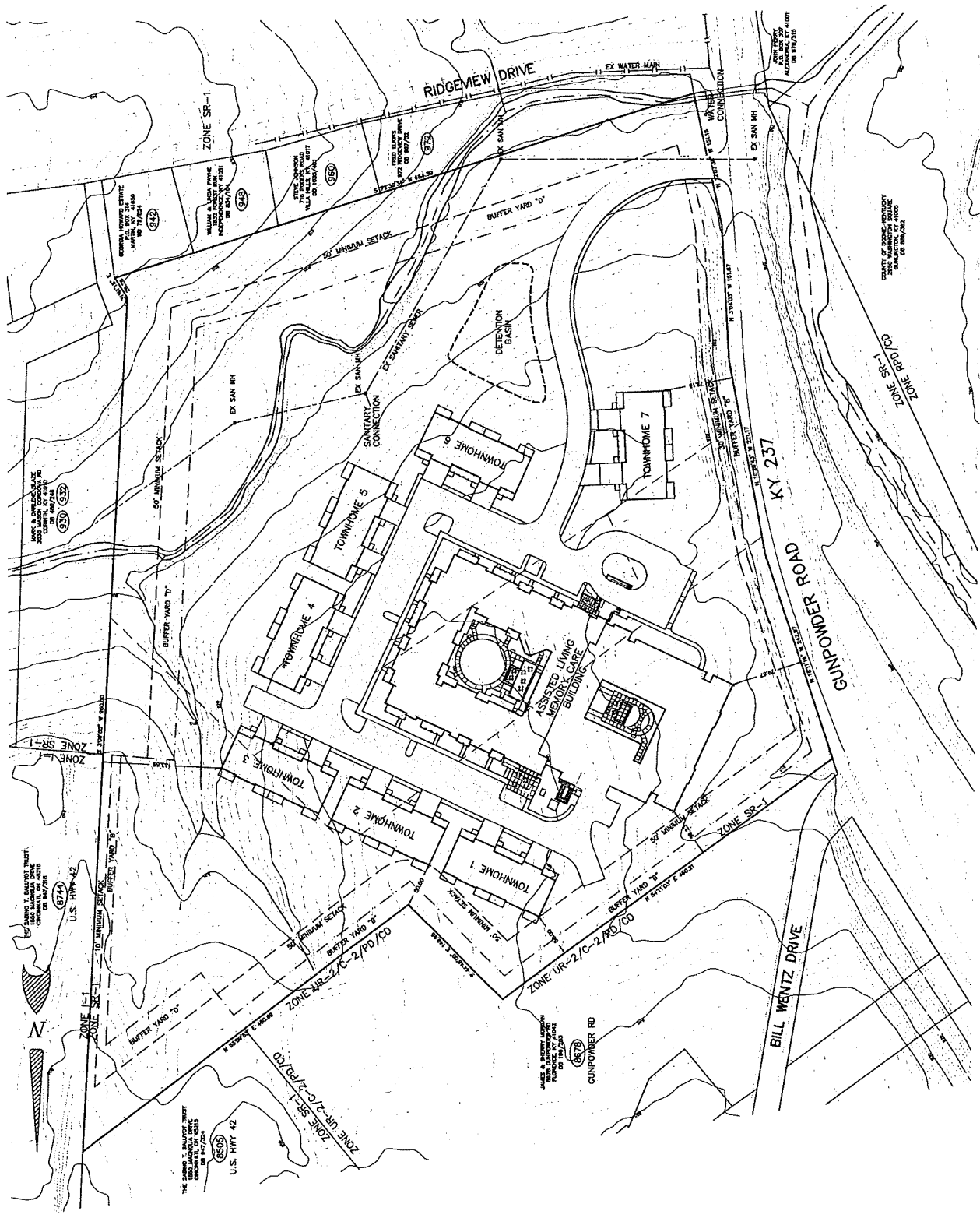
The Memory and Dementia Care Unit serves family members who exhibit various forms of memory loss and cognitive decline. Legacy Living embraces Teepa Snow's philosophy of the person-centered approach to meet the complex and unique needs of a family member using effective and structured techniques. The memory and dementia care area is specifically designed to keep its residents active including an open kitchen design, activity and hobby areas, and enclosed courtyard for relaxing and gardening. It is secure. Most importantly, Legacy Living includes the family in its training so as to become one large extension of the resident's family.

Fairly unique to Legacy Living, open dining means conformance to each resident's individual schedule and preference, with breakfast served all day. A variety of seating options allows a casual or fine dining experience. The open kitchen floor plan allows residents to interact with the Culinary Team while sitting at a bar area.

Legacy Living has a similar development in Jasper, Indiana. Tony Schantz, Partner, has similar developments in McCordsville, Indiana, Clarksville, Indiana, and Beavercreek, Ohio. You are encouraged to visit them for a first-hand experience of the quality of the Legacy Living environment.

This Legacy Living development provides an opportunity for families of the Florence/Union area to stay close to home in the communities they love, close to their friends, doctors, pharmacies, social activities, and places of worship.

It should be noted that Legacy Living is a for-profit enterprise, meaning the project will generate significant tax revenue to the city, county and schools, without adding any school children or any burden to public services.



USE STATISTICS

ASSISTED LIVING/MEMORY CARE BUILDING
 93,784 GROSS SQ FT
 3 STORY ASSISTED LIVING
 1 STORY MEMORY CARE
 29 MEMORY CARE BEDS
 71 STUDIO UNITS - 77 BEDS
 25 LARGEST SHIFT STAFF
 INDEPENDENT LIVING TOWNHOME BUILDINGS
 7 BUILDINGS - LIVING 2 BEDROOMS
 5,740 SQ FT PER BUILDING

PARKING REQUIREMENTS

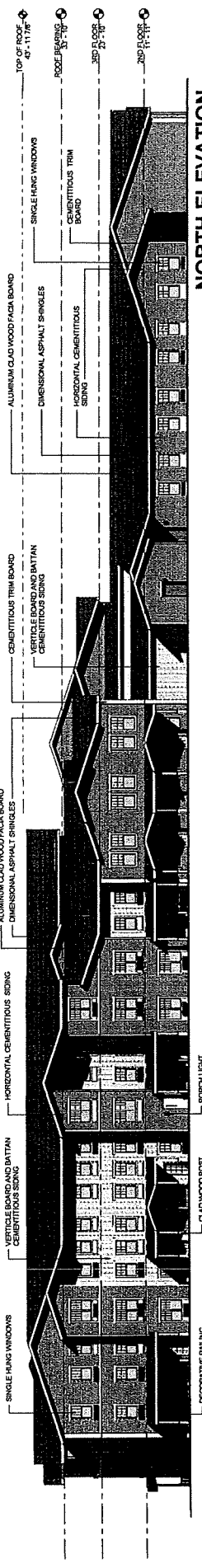
ASSISTED LIVING/MEMORY CARE BUILDING
 1 SPACE PER EACH EMPLOYEE - 25 SPACES
 1 SPACE PER EVERY 2 BEDS - 39 SPACES
 * MEMORY CARE RESIDENTS CANNOT DRIVE
 TOTAL PROVIDED: 64 SPACES
 INDEPENDENT LIVING TOWNHOME BUILDINGS
 1 SPACE PER EVERY 2 BEDS - 56 SPACES
 TOTAL PROVIDED: 56 SPACES
 1 SPACE IN GARAGE
 1 SPACE IN DRIVEWAY

INTENSITY CALCULATION
 133,934 SQ FT / 14.86 ACRES = 9,013 SQ FT/AC

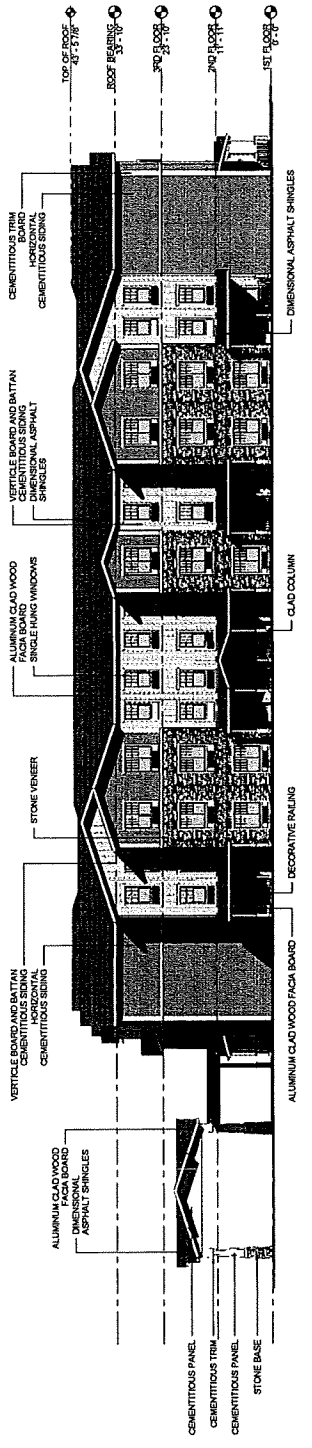
CONCEPT DEVELOPMENT PLAN

LEGACY LIVING OF FLORENCE

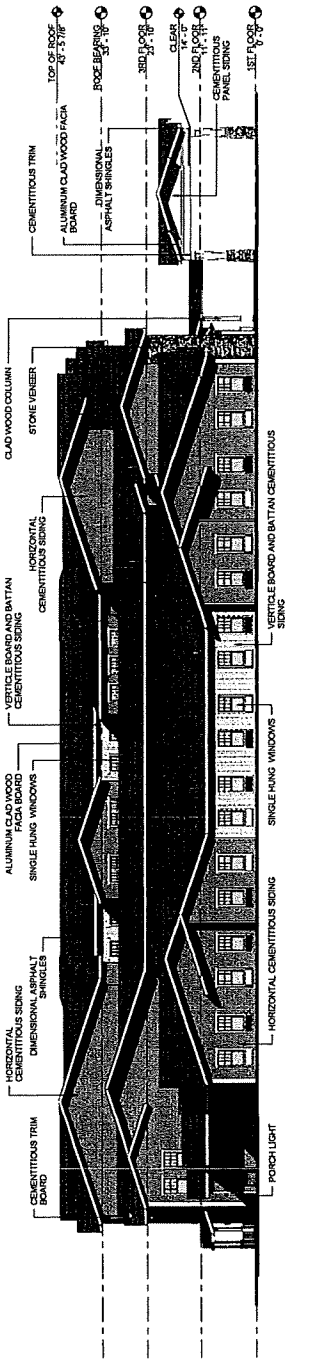
JAMES W. BERLING	DATE	1-1-20
KY ENGINEER STAFF	BY	James W. Berling
8756 GUNPOWDER ROAD - FLORENCE, KY	PROJECT	
6/29/18	SCALE	



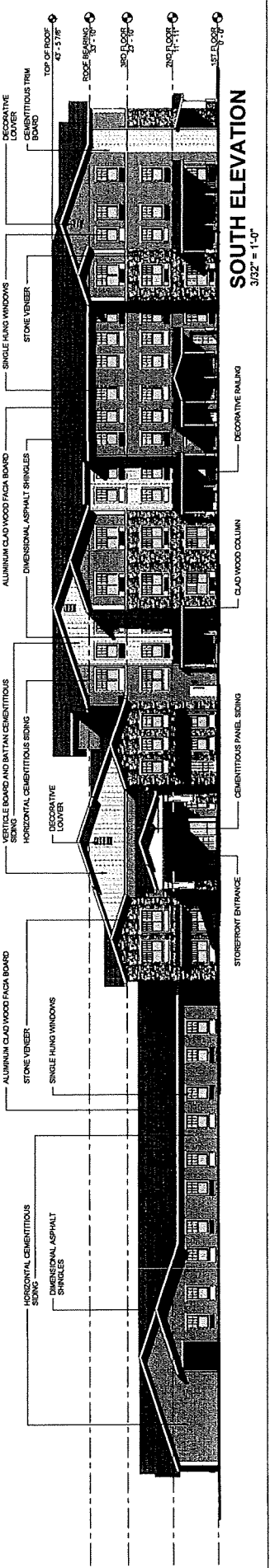
NORTH ELEVATION
3/32" = 1'-0"



EAST ELEVATION
3/32" = 1'-0"



WEST ELEVATION
3/32" = 1'-0"



SOUTH ELEVATION
3/32" = 1'-0"

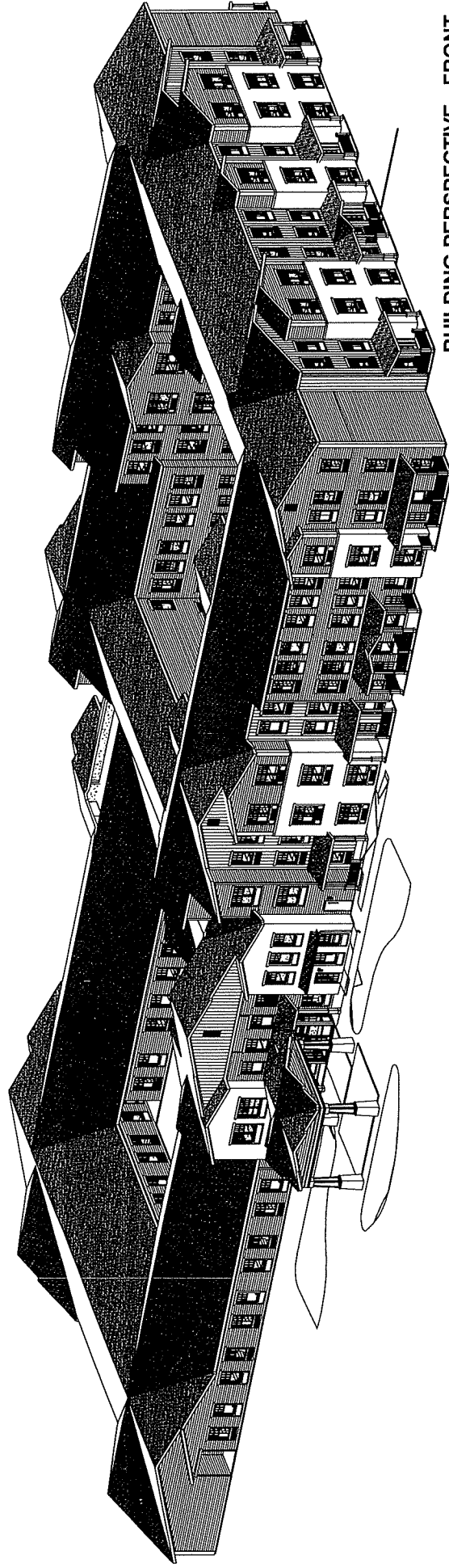
LEGACY LIVING OF FLORENCE, KY
BUILDING ELEVATIONS



ONS PROJECT # 18077
08/20/13



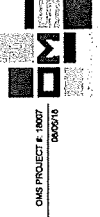
ENTRY PERSPECTIVE



BUILDING PERSPECTIVE - FRONT

LEGACY LIVING OF FLORENCE, KY

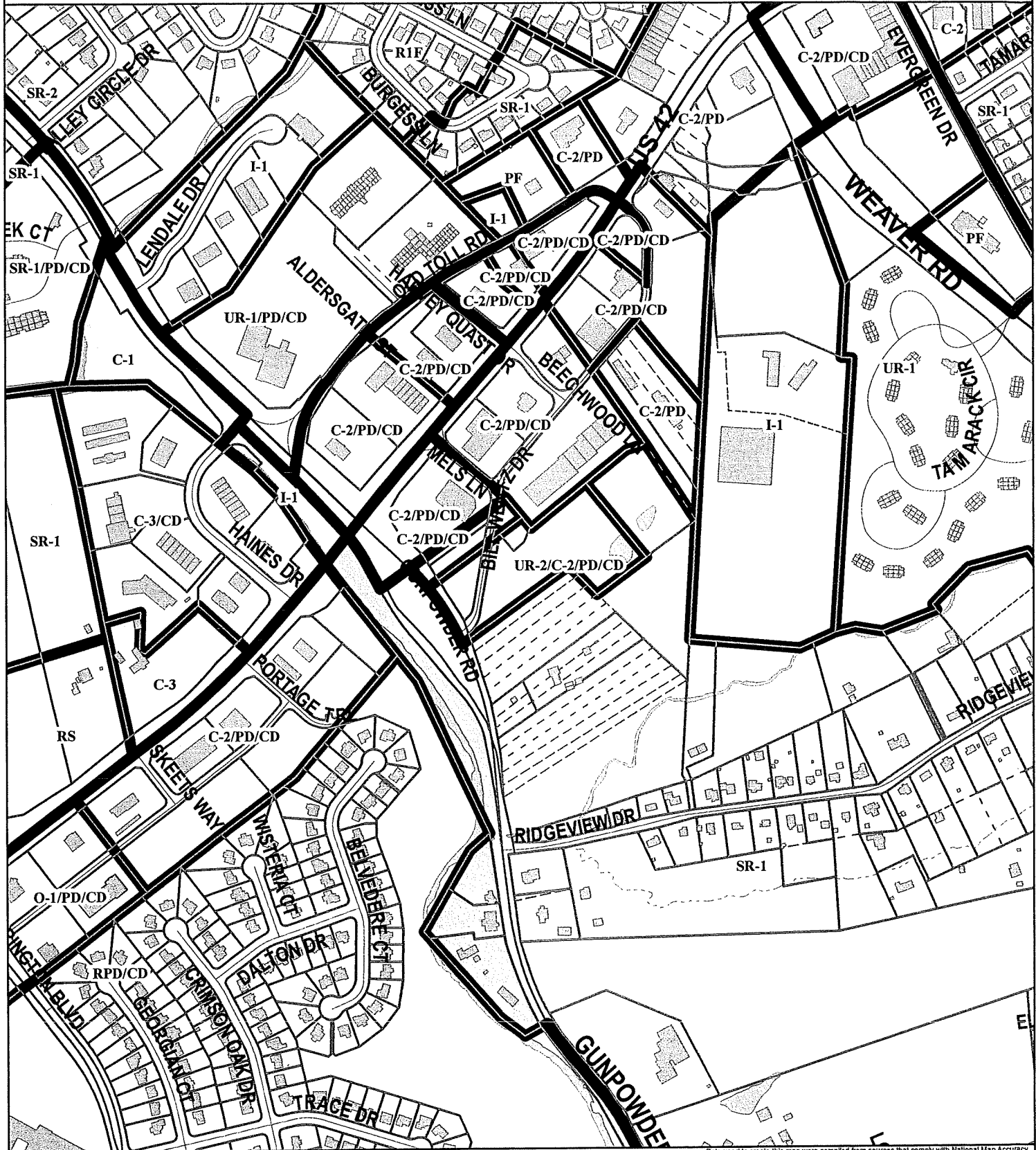
BUILDING PERSPECTIVES



OMS PROJECT # 1807
06/05/15

ZONING MAI

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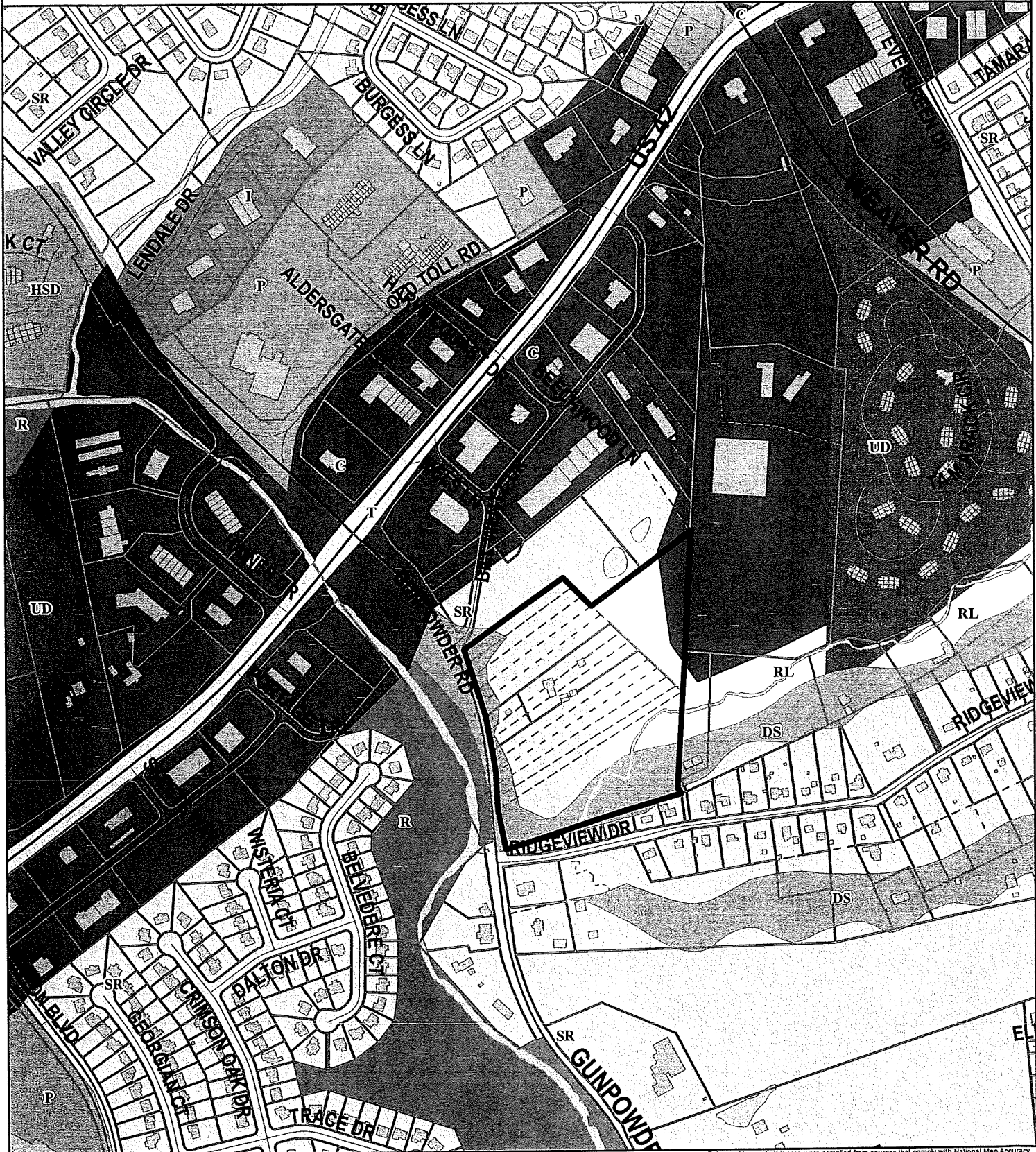
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2035 FUTURE LAND USE MAP

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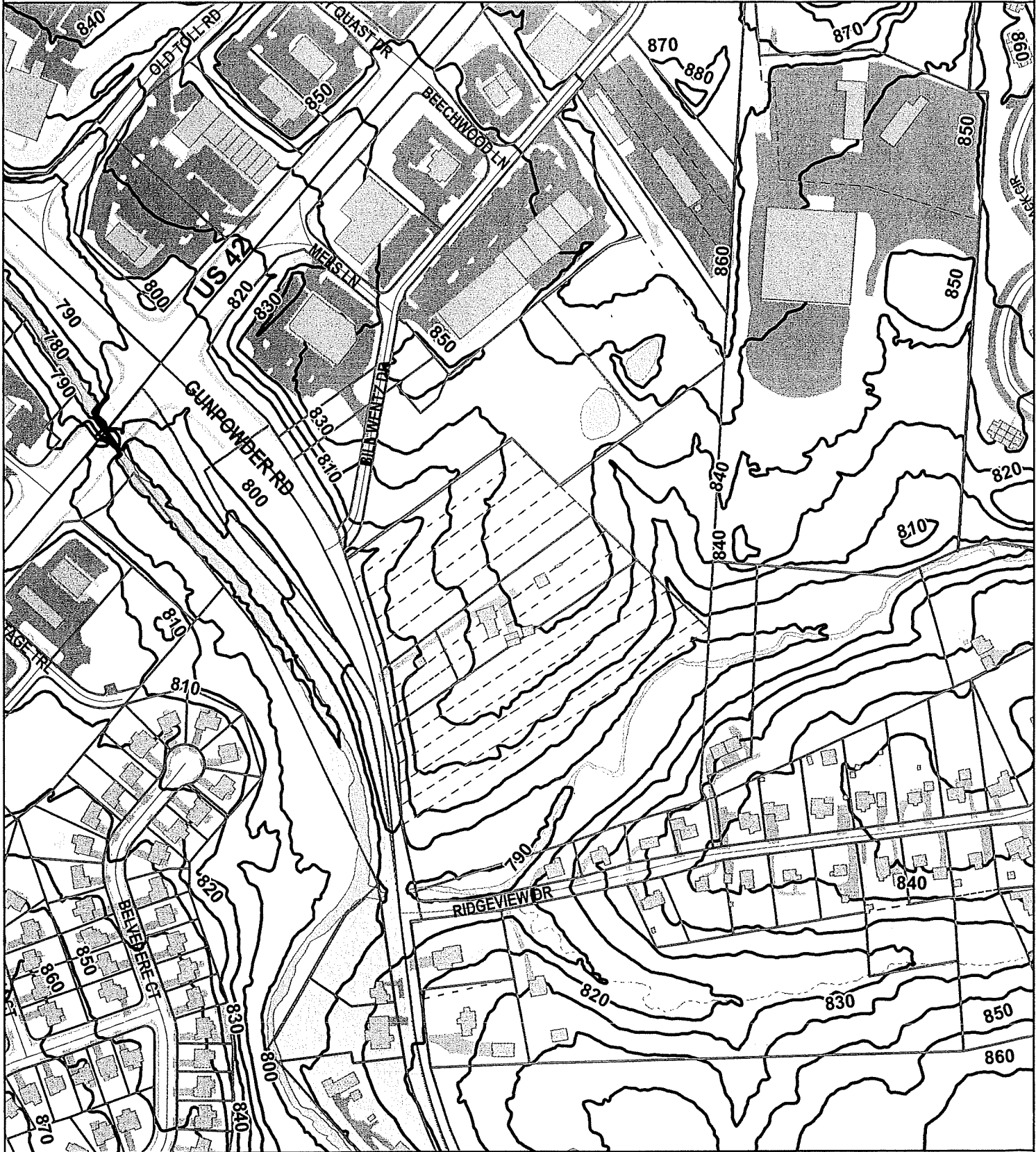
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TOPOGRAPHICAL MAP

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2016 AERIAL MAP

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0 150 300 600 900 1,200 Feet

1 inch = 300 feet



Boone County GIS - Putting Northern Kentucky on the Map

Map Created: 07/01/2013

Boone County GIS
ArcMap Document: BooneMap (lite).mxd



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

TO: Linzy Brefeld, Kentucky Transportation Cabinet
Tom Gagnon, Florence Public Services
Josh Hunt, City of Florence
Kevin Vogelpohl, Florence Fire/EMS

FROM: Todd K. Morgan, AICP, Senior Planner, Zoning Services

DATE: September 10, 2018

RE: Request of **Steven Berling (applicant)** for **Cathy Dryden, John Dryden, Cynthia Schroeder, and Jerry Inskeep (owners)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Public Facilities (PF) for a 14.86 acre site located on the east side of Gunpowder Road, approximately 40 feet north of the Gunpowder Road/Ridgeview Drive intersection, approximately 25 feet south of the Gunpowder Road/Bill Wentz Drive intersection, and including the property at 8756 Gunpowder Road, Boone County, Kentucky. The request is for a zone change to permit memory care, assisted living, and senior housing.

I have enclosed copies of the Concept Development Plans and narrative description for the above referenced request. The plans shows a 93,754 square foot assisted living and memory care facility and seven (7) independent living townhouses would be located on the site. The assisted living and memory care facility would contain 100 beds (29 memory care and 77 assisted living) and each townhouse building would contain four (4) two-bedroom units. Access to the development is proposed from an access point on Gunpowder Road. The applicant's narrative description indicates the property will be annexed into the City of Florence if the Zoning Map Amendment application is approved.

The public hearing for this request has been scheduled for October 3, 2018, at 7:30 P.M.

Please review the request relative to your agency's policies and service abilities and provide any comments to me in writing by September 24, 2018. Please provide a written response, even if your agency has no comments on the proposal. Comments can be e-mailed to tmorgan@boonecountyky.org. Your feedback is greatly appreciated.

Todd Morgan

From: Tom Gagnon <Tom.Gagnon@Florence-KY.gov>
Sent: Friday, September 21, 2018 11:19 AM
To: Todd Morgan; Linzy.Brefeld@ky.gov; Joshua Hunt; Kevin Vogelpohl
Subject: RE: Legacy Living of Florence - Zoning Map Amendment Application to allow an Assisted Living/Memory Care Facility and Independent Living Townhouses

Todd,

My only comments at this point would be how do they plan on getting water to the site? And what is there plans for sewer connections?

Have a nice weekend.

Sincerely,

Tom Gagnon
Project Manager

City of Florence
Public Services
Infrastructure Support Services
8100 Ewing Boulevard
Florence, Kentucky 41042-7588
Phone: (859) 647-5416
Fax: (859) 647-5438
tom.gagnon@florence-ky.gov

From: Todd Morgan [<mailto:TMorgan@boonecountyky.org>]
Sent: Monday, September 10, 2018 11:22 AM
To: Linzy.Brefeld@ky.gov; Tom Gagnon; Joshua Hunt; Kevin Vogelpohl
Subject: Legacy Living of Florence - Zoning Map Amendment Application to allow an Assisted Living/Memory Care Facility and Independent Living Townhouses

Linzy, Tom, Josh, and Kevin,

Please see the attached memo and plans.

Thank you,

Todd K. Morgan, AICP
Senior Planner, Zoning Services
Boone County Planning Commission
(859) 334-2196

Todd Morgan

From: Kevin Vogelpohl <Kevin.Vogelpohl@Florence-KY.gov>
Sent: Monday, September 24, 2018 1:27 PM
To: Todd Morgan
Subject: Senior Housing on Gunpowder

Todd,

Sorry about that, I thought I had sent something. My only comments at this time are similar to Tom Gagnon's. Where are they accessing water from? And, ensuring there is an adequate sized fire water line in place (at least 8").

Thanks,

Kevin R. Vogelpohl

Battalion Chief/Fire Marshal

Florence Fire/EMS

1152 Weaver Rd

Florence, KY 41042

kevin.vogelpohl@florence-ky.gov

O: (859) 647-5660 F: (859)647-5670



Todd Morgan

From: Brefeld, Linzy M (KYTC-D06) <Linzy.Brefeld@ky.gov>
Sent: Wednesday, September 26, 2018 12:24 PM
To: Todd Morgan
Subject: FW: Legacy Living of Florence

Todd,

Got your voicemail, tried to call you back but you're at lunch.
Here is the last email I have from Greg Sketch about this development.

I checked with my staff member (Mark Brannon) that's handling this one and he said we are still waiting on trip generations to determine if a TIS will be needed.

I should be in the office until 3PM today, so feel free to call back.

Thanks,

Linzy Brefeld, P.E.

Transportation Engineer Supervisor
Permits Section
KYTC, District 6
421 Buttermilk Pike
Covington, KY 41017
859-341-2700 ext. 248
Linzy.Brefeld@ky.gov

From: Greg Sketch [<mailto:gsketch@twc.com>]
Sent: Monday, September 10, 2018 8:58 AM
To: Brannon, Mark K (KYTC-D06) <Mark.Brannon@ky.gov>
Cc: Brefeld, Linzy M (KYTC-D06) <Linzy.Brefeld@ky.gov>; 'Steve Berling PE, PLS' <steveberling@fuse.net>; 'Ben Rawlins' <brawlins@omscorp.net>
Subject: RE: Legacy Living of Florence

Mark

Thanks for the reply. The following are our responses to your questions.

1. Because of the topography of the site, the entrance needed to be placed as shown. At that location, a driveway of over 8% is still required to get to the building site.
2. The developer does not own the property that adjoins Bill Wentz Drive, therefore cannot access the road.

We will have the developer prepare a memo stating the potential trip generations from the use and submit it to you for review.

Thanks

Greg

Greg Sketch, PE, PLS
James W. Berling Engineering, PLLC
859-331-9191
gsketch@twc.com

From: Brannon, Mark K (KYTC-D06) [<mailto:Mark.Brannon@ky.gov>]
Sent: Monday, September 10, 2018 7:33 AM
To: Greg Sketch <gsketch@twc.com>
Cc: Brefeld, Linzy M (KYTC-D06) <Linzy.Brefeld@ky.gov>; 'Steve Berling PE, PLS' <steveberling@fuse.net>
Subject: RE: Legacy Living of Florence

Greg,
Good morning,
After I meet with Linzy and James we have a couple of questions for you.

- 1) Why is the entrance location right next to Ridgeview and not split the difference between Bill Wentz Road and Ridgeview?
- 2) Can you come off Bill Wentz Road? Do they own the parcel between Bill Wentz Road and the development?

The Department would like you to prepare a memo detailing the land use codes and trip generation to determine if a TIS is required.
After you answer these questions and prepare the memo, we can give you more detail of the requirements that the Department will require.

Thanks,
Mark

From: Greg Sketch <gsketch@twc.com>
Sent: Wednesday, August 29, 2018 3:37 PM
To: Brannon, Mark K (KYTC-D06) <Mark.Brannon@ky.gov>
Cc: Brefeld, Linzy M (KYTC-D06) <Linzy.Brefeld@ky.gov>; 'Steve Berling PE, PLS' <steveberling@fuse.net>
Subject: Legacy Living of Florence

Mark

Legacy Living of Florence is a proposed senior assisted and independent living development seeking a zone change on Gunpowder Road near U.S. 42 in Florence. Attached is a PDF of the Concept Development Plan. Could you please let me know if District 6 has a problem with the location of the driveway entrance and will a sidewalk or path be required along Gunpowder Road. I would really appreciate your input.

Thanks

Greg

Greg Sketch, PE, PLS
James W. Berling Engineering, PLLC
859-331-9191
gsketch@twc.com

RECEIVED
OCT 7 2014
BOONE COUNTY
PLANNING COMMISSION

CONCEPT PLAN
MORGAN PROPERTY
BOONE COUNTY, KENTUCKY

DEVELOP:

ECE
Experienced
Consulting
Engineers, Inc.
Civil Engineers
Load Engineers
Planners
Traffic Engineers
The McGraw-Hill
Construction Information Group
1221 Avenue of the Americas
New York, NY 10020-1298
Tel: (212) 512-2000
Fax: (212) 512-2001
E-mail: eceltr@mcgraw-hill.com
Web: www.eceltr.com

DATE	24 SEP 1979
7/25/81	ADDED BUILDING SKETCH
10/10/84	revised entrance/walks &
3042 G	PL
1"=50'	see sketch 18-25-14
DATE	24 OCT 80
SEP., 2014	0841
	GRAPHIC NO.
	2550
DATE	0'

PROVED *Change in Approved Concept Plan
AND Zoning Map Amendment
With Conditions*

Staff James M. O'Shea
 Date 10/5/14
 one County
 Commissioner

one County

Senior Housing in Boone County as of September 2018

PIDN	NAME	TYPE	ADDRESS	POST	UNITS	SITE ACRES	BLDG SQFT	NOTES
061.05-26-001.04	FLORENCE PARK	SKILLED	6975 BURLINGTON PIKE	FLORENCE	157	4.69	50,865	
061.00-00-021.04	BRIDGE POINT	SKILLED	7300 WOODSPOINT DR	FLORENCE	83	8.31	70,646	
062.00-00-008.16	PANORAMA PLUS	APARTMENT	8510 OLD TOLL RD	FLORENCE	60	2.95	48,360	
062.00-00-008.15	ALDERSGATE	APARTMENT	8551 ALDERSGATE DR	FLORENCE	39	3.05	26,812	
061.01-26-026.02	ARCADIA PARK	APARTMENT	100 CHRISTIAN DR	FLORENCE	199	5.33	190,014	
061.09-26-003.00	ELMCROFT	SKILLED	121 MAIN ST	FLORENCE	100	11.85	103,455	
061.09-22-001.00	MAGNOLIA SPRINGS	ASSISTED	7665 EWING BLVD	FLORENCE	119	7.47	116,262	
063.00-00-044.00	BOONESPRING	SKILLED	10250 US 42 HWY	UNION	143	10.71	86,866	UNDER CONSTRUCTION
027.00-00-025.13	GRIESSER FARM	APARTMENT	GRIESSER FARM RD	BURLINGTON	12	45.56	18,328	
061.00-00-102.00	COLONIAL HEIGHTS	ASSISTED	6900 HOPEFUL RD	FLORENCE	166	16.44	275,045	
061.00-00-102.00	COLONIAL GARDENS	INDEPENDENT	6900 HOPEFUL RD	FLORENCE	66	16.44	72,014	
047.00-11-011.00	COUNTRY PLACE	APARTMENT	3023 COUNTRY PLACE CT	HEBRON	14	14.91	185,977	
078.00-00-048.01	WALTON VILLAGE	APARTMENT	35 SCHOOL RD	WALTON	47	2.11	16,944	
078.00-00-052.00	WALTON HEIGHTS	APARTMENT	TOWNE CENTER DR	WALTON	45	3.49	52,109	NOT CONSTRUCTED. CUP APPROVED 12/7/15. FUTURE LOT LOCATED TO SOUTH OF LOT 23 OF WALTON TOWNE CENTER SUBDIVISION.
061.00-18-010.00	DOMINION SENIOR LIVING	ASSISTED	SELIGMAN DR	FLORENCE	84	4.14	46,700	UNDER CONSTRUCTION
062.00-40-009.00	EPISCOPAL RETIREMENT	APARTMENT	BILL WENTZ DR	FLORENCE	48	3.66	49,800	NOT CONSTRUCTED
063.00-00-001.00	STORYPOINT OF UNION	INDEPENDENT	US 42	UNION	120	14.10		UNDER CONSTRUCTION
063.00-00-001.00	STORYPOINT OF UNION	ENHANCED	US 42	UNION	42	14.10		UNDER CONSTRUCTION

APPLICATION FORM

ZONING MAP AMENDMENT BOONE COUNTY PLANNING COMMISSION

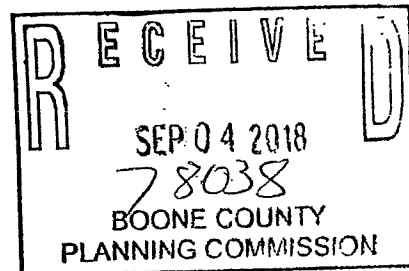
FIVE (5) COPIES OF SUBMITTED DRAWINGS ARE REQUIRED

(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project Legacy Living of Florence
2. Location of Project 8756 - 8798 Gunpowder Rd Florence Ky
3. Total Acreage of Site 14.86 Acres
4. Current Zoning of Site SR-1
5. Proposed Zoning (Classification being requested) PF Public Facilities
6. Proposed Uses (please specify each use) memory care, Assisted Living
+ Senior Housing
7. Names of Applicant(s) Steven Berlin
- Phone No. 859-331-9191 Fax No. 859-344-7422 E-Mail Steve.Berlin@Susc.net
8. Address of Applicant(s) 1671 Park Rd Suite one
Et. Wright Ky 41011
City State Zip
9. Name of Property Owner(s) See Attached
- Phone No. Fax No. E-Mail
10. Address of Property Owner(s)
- City State Zip
11. Proposed Building Intensities (please specify) 8.6 units per acre
12. Are there any existing buildings on the site? Yes
How many? two
13. Deed Book see attached Page No. Group No.
14. Are you also applying for:
N/A Conditional Use Permit
N/A Dimensional Variance
15. Have you submitted a Concept Development Plan? No
16. Have you had a pre-application meeting with BCPC Staff? Yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months:

- ☒ Boone County Water District
- ☒ Florence Public Services Dept.
- ☐ Duke Energy
- ☐ Sanitation District #1
- ☐ Cincinnati Bell
- ☒ Owen Electric Cooperative, Inc.
- ☐ Boone County Public Works Department
- ☒ Kentucky Transportation Cabinet
- ☐ Cincinnati/N. KY International Airport (KY Airport Zoning Commission for height restrictions near the airport)



(over)

EXHIBIT

“B”

ZONE CHANGE/CONCEPT PLAN COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

DATE: November 7, 2018

RE: Request of Steven Berling (applicant) for Cathy Dryden, John Dryden, Cynthia Schroeder, and Jerry Inskeep (owners) for a Zoning Map Amendment from Suburban Residential One (SR-1) to Public Facilities (PF) for a 14.86 acre site located on the east side of Gunpowder Road, approximately 40 feet north of the Gunpowder Road/Ridgeview Drive intersection, approximately 25 feet south of the Gunpowder Road/Bill Wentz Drive intersection, and including the property at 8756 Gunpowder Road, Boone County, Kentucky (annexation into the City of Florence pending). The request is for a zone change to permit memory care, assisted living, and senior housing.

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 the request is in general agreement with the Boone County Comprehensive Plan for the following reasons:

A. The 2035 Future Land Use Map forecasts the site for Suburban Residential, Rural Lands, and Developmentally Sensitive uses. The Boone County Comprehensive Plan states the Future Land Use Map is intended to be used in tandem with the Land Use Element text and that the future land use boundaries are approximate and subject to refinement and interpretation by the Planning Commission and county legislative bodies (Land Use Maps, pg. 164).

B. The proposal is in general agreement with the following passage from the Land Use Element:

The U.S. 42 corridor between the Weaver Road/Hopeful Church intersection and the newly rebuilt Pleasant Valley/Gunpowder intersection has developed commercially over the last decade. Vehicle stacking problems during rush hours and conflicting left turn movements have become significant problems on this section of roadway. Frontage road and interconnecting parking lots are necessary here to allow vehicles to access existing and future traffic signals. Through redevelopment of the former Boone Kenton Warehouse site and adjacent parcels, access to Weaver Road should be implemented, as well as well-planned access to U.S. 42. If improvements are made to Gunpowder Road from U.S. 42 to Mt. Zion Road, more intense land uses could be examined for the property behind Wentz Drive as well as the possibility of having access to Gunpowder Road. If commercial development occurs in this area, it should primarily be accessed from U.S. 42 (Gunpowder, pg 169).

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

Boone County's median age in 2010 was 35.7 which is younger than the Kentucky median age of 38.1. Over time, the older age groups have increased their proportion of the total population. Table 2.8 indicates that the 45-64 and 65+ age groups have increased in percentage in Boone County since 2000 while the younger age groups have decreased. As is the case nationwide, people are generally having fewer children while living longer (Age and Sex Distribution, pp. 18-19).

Table 2.8 - Age of Boone County Population (Source: 2010 U.S. Census)

	2000		2010	
Age	Number	Percent	Number	Percent
0-4	6,849	8.0	9,019	7.6
5-19	20,011	23.3	27,225	22.9
20-44	33,872	39.3	40,342	34.0
45-64	18,318	21.3	30,912	26.0
65+	6,941	8.1	11,313	9.5

- D. The proposal is in agreement with the following passages from the Housing Element:

Demand for multi-family housing has historically been in, or around Florence. The emphasis on new construction, however, has shifted to the unincorporated county. The continuing in-migration of a young, professional population combined with the increased growth of single-parent families and the overall graying of the population, means the demand for various multi-family housing options will continue in the future for Boone County (Housing Demand, pg. 75).

High density residential areas should be located sufficiently near 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 (Housing Densities, pg. 81).

- E. The proposal is in agreement with the following Goals and Objectives:

- The needs of an aging population (e.g., access to services, transportation, and support networks) shall be acknowledged and addressed (Demographics, Goal A, Objective 2).
- Provide appropriate services, housing, employment, and shopping opportunities in order to meet the needs of the population in all geographic areas of the County (Demographics, Goal A, Objective 4).
- The local transportation system in Boone County shall be maintained and improved to enhance the overall safety and level of service (Transportation, Goal B).

- Proper vehicular and pedestrian access to adjoining property shall be provided and/or retained when a property develops or redevelops (Transportation, Goal B, Objective 6).

The Committee reviewed the passages and Goals and Objectives above and concluded:

- The proposed elderly housing facility will contain an assisted living/memory care building with 106 beds and 28 independent living apartments. The development will serve Boone County's growing senior population and generate minimal traffic, mainly at off-peak times.
- The development is a transitional use between a commercial area and single-family residential neighborhood.
- The development is located in close proximity to major streets, shopping, and public facilities.
- The development will be well screened with street frontage landscaping and existing vegetation.
- Conditions are being imposed that require the possibility of gated emergency access to the undeveloped property to the north and further study of road improvements on Gunpowder Road by Kentucky Transportation Cabinet.

2. The Committee has concluded that the attached conditions are necessary to achieve consistency with the specific goals, objectives, and policies of the 2010 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 applicant and property owners have signed a letter demonstrating agreement with the conditions.

CONDITIONS

1. The approval is based on the submitted Concept Development Plan, building elevations, and building perspectives unless modified by other conditions below.
2. The access point on Gunpowder Road shall be moved approximately 135 feet to the north. The final placement shall be determined by Kentucky Transportation Cabinet and they will determine all sight distance requirements are met.
3. A Traffic Impact Study shall be submitted to Kentucky Transportation Cabinet and they will determine if a center turn lane is warranted on Gunpowder Road.
4. The driveway located immediately to the west of "Townhome 1" shall be gated and extended to the property line to allow for future emergency access to the adjoining property to the north.
5. The following pedestrian improvements shall be required:
 - A. Sidewalks or a bicycle/pedestrian path shall be required along the Gunpowder Road frontage of the subject 14.86 acre property.
 - B. The internal sidewalk network shown on the Concept Development Plan.
6. The following lighting conditions shall apply to the development:

- A. All light poles and associated fixtures shall be limited to 15 feet in height. All fixtures shall be downcast oriented.
 - B. Wallpacks shall not be oriented towards Gunpowder Road or adjoining residentially zoned properties. Low wattage wall scones shall be permitted on these building facades.
7. The development shall comply with the parking requirements found in the Boone County Zoning Regulations.
8. Additional stone veneer shall be required on the south and west building elevations of the assisted living/memory care building. See the attached drawing that was marked up at the October 17, 2018 Zone Change Committee meeting.

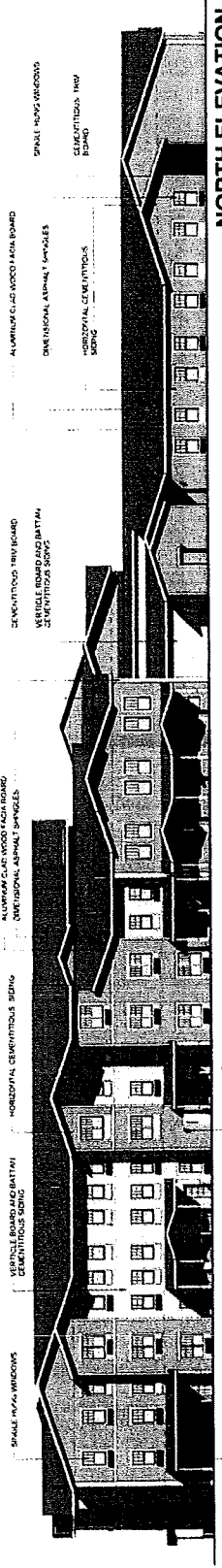
A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request. Attached is the signature page for the Zone Change/Concept Development Plan Committee Vote.

TOP OF ROOF
42' - 11.5"

MAJOR BEARING
21' - 10"

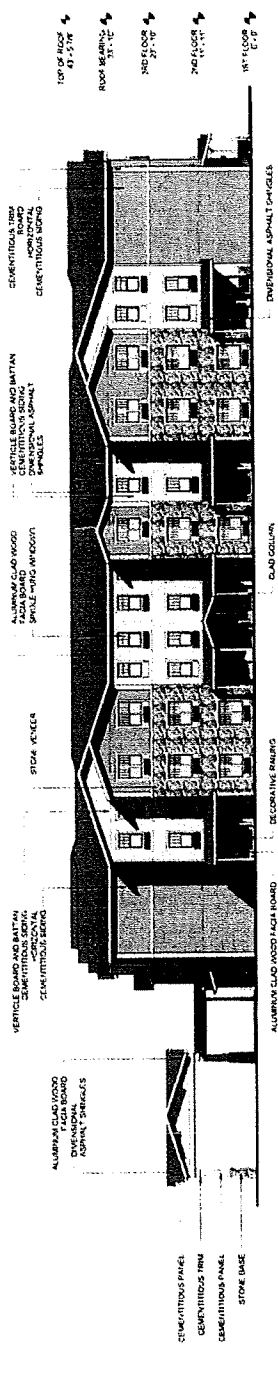
2ND FLOOR
21' - 10"

3RD FLOOR
21' - 10"

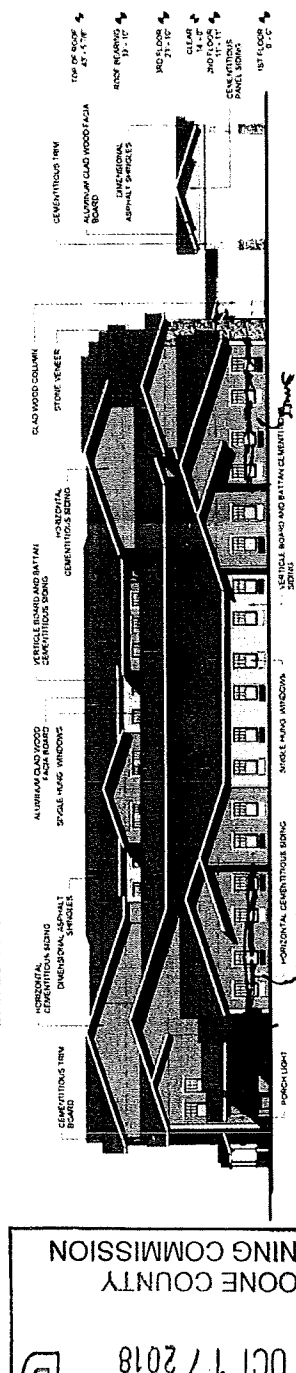


NORTH ELEVATION
3/32" = 1'-0"

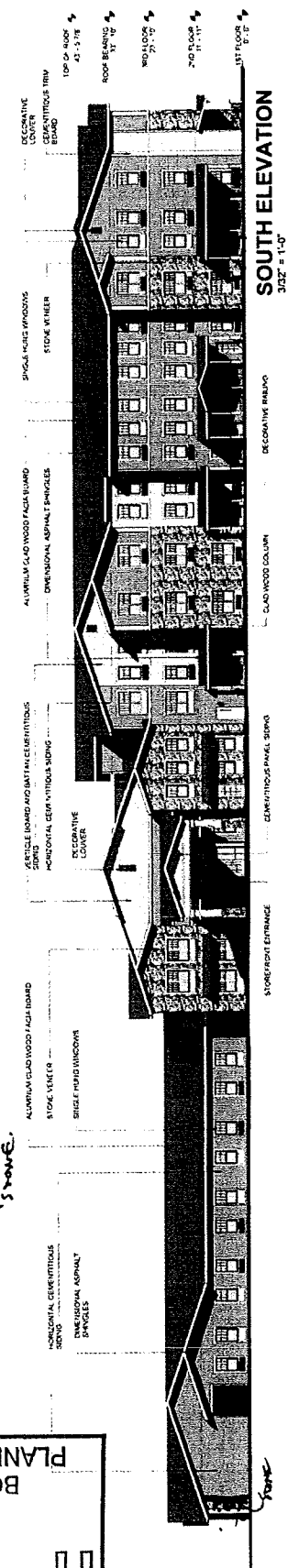
EAST ELEVATION
3/32" = 1'-0"



WEST ELEVATION
3/32" = 1'-0"



SOUTH ELEVATION
3/32" = 1'-0"



RECEIVED
OCT 17 2018
BOONE COUNTY
PLANNING COMMISSION

LEGACY LIVING OF FLORENCE, KY
BUILDING ELEVATIONS



ZONE CHANGE/CONCEPT PLAN COMMITTEE VOTE

TO: Boone County Planning Commission

FROM: Kim Bunger, Chairman

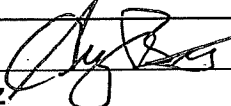
DATE: October 17, 2018

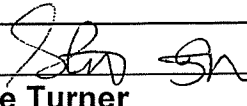
ZONING MAP AMENDMENT - Kim Bunger, Chairman, Todd Morgan, Staff

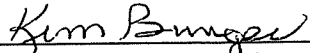
1. Request of Steven Berling (applicant) for Cathy Dryden, John Dryden, Cynthia Schroeder, and Jerry Inskeep (owners) for a Zoning Map Amendment from Suburban Residential One (SR-1) to Public Facilities (PF) for a 14.86 acre site located on the east side of Gunpowder Road, approximately 40 feet north of the Gunpowder Road/Ridgeview Drive intersection, approximately 25 feet south of the Gunpowder Road/Bill Wentz Drive intersection, and including the property at 8756 Gunpowder Road, Boone County, Kentucky (annexation into the City of Florence pending). The request is for a zone change to permit memory care, assisted living, and senior housing.

REMARKS:

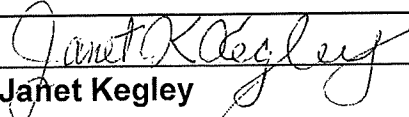
We, the Committee Members were present at the Committee Meeting and voted on the above request or else were absent from voting. Further, based upon the vote, the Committee directs the Staff to draft the findings of fact and conditions if deemed necessary in order to complete the Committee Report.


Greg Breetz
For Project ☒ Absent ____
Against Project ____
Abstain ____ Deferred ____

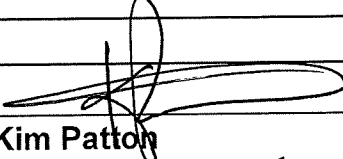

Steve Turner
For Project ☒ Absent ____
Against Project ____
Abstain ____ Deferred ____


Kim Bunger, Chairman
For Project ☒ Absent ____
Against Project ____
Abstain ____ Deferred ____

Randy Bessler (Alternate)
For Project ____ Absent ____
Against Project ____


Janet Kegley
For Project ☒ Absent ____
Against Project ____
Abstain ____ Deferred ____

Lisa Heilman, (Alternate)
For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____


Kim Patton
For Project ☒ Absent ____
Against Project ____
Abstain ____ Deferred ____

Mark Hicks (Alternate)
For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____

Richard Lunnemann (Alternate)
For Project ____ Absent ____
Against Project ____
Abstain ____ Deferred ____

TOTAL: ____ DEFERRED 5 FOR PROJECT ____ ABSENT
____ AGAINST PROJECT ____ ABSTAIN

**BOONE COUNTY PLANNING COMMISSION
BOONE COUNTY ADMINISTRATION BUILDING
BOONE COUNTY FISCAL COURTROOM
PUBLIC HEARING
OCTOBER 3, 2018
7:30 P.M.**

COMMISSION MEMBERS PRESENT:

Mr. Greg Breetz
Mr. Kim Bunger, Secretary/Treasurer
Mrs. Lori Heilman
Mrs. Janet Kegley
Mr. Don McMillian
Mr. Kim Patton
Mr. Charlie Rolfsen, Chairman
Mr. Brad Shipe
Mr. Steve Turner, Temporary Presiding Officer
Mr. Kenny Vaught

COMMISSION MEMBERS NOT PRESENT:

Mr. Randy Bessler
Mr. Steve Harper
Mr. Mark Hicks
Mr. Rick Lunnemann
Mr. Bob Schwenke

LEGAL COUNSEL PRESENT:

Mr. Dale T. Wilson

STAFF MEMBERS PRESENT:

Kevin P. Costello, AICP, Executive Director
Mr. Todd K. Morgan, AICP, Senior Planner

Chairman Rolfsen called the Public Hearing to order at 8:12 P.M. and introduced the first item on the Agenda:

ZONING MAP AMENDMENT - Todd Morgan, Staff

1. Request of **Steven Berling (applicant)** for **Cathy Dryden, John Dryden, Cynthia Schroeder, and Jerry Inskeep (owners)** for a Zoning Map Amendment from Suburban Residential One (SR-1) to Public Facilities (PF) for a 14.86 acre site located on the east side of Gunpowder Road, approximately 40 feet north of the Gunpowder Road/Ridgeview Drive intersection, approximately 25 feet south of the Gunpowder Road/Bill Wentz Drive intersection, and including the property at 8756 Gunpowder Road, Boone County, Kentucky (annexation into the City of Florence pending). The request is for a zone change to permit memory care, assisted living, and senior housing.

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation (see Staff Report). The 14.86 acre site is located off Gunpowder Road. The request involves changing the current zoning of Suburban Residential One (SR-1) to Public Facilities (PF) to allow an elderly housing facility. The site is currently located in unincorporated Boone County and the applicant is pursuing annexation into the City of Florence. The Concept Development Plan shows a 93,754 square foot assisted living and memory care building with 106 beds (77 assisted living and 29 memory care). The memory care wing will be single story and will be located on the western side of the building. The assisted living wing will be 3 stories in height and will be located on the eastern side. There will also be 7 independent living townhouses on the site. Each building contains 4 two bedroom units. Access to the site will be from Gunpowder Road - close to Ridgeview Drive. The proposed building also has 2 courtyards. Mr. Morgan showed elevations or perspectives of the memory care and assisted living units. The maximum height of the proposed building is 43' - 11 7/8". Building materials include cement siding and stone veneer. The proposed townhouse buildings will utilize the same building materials and have garages. The site drops from the middle of the property to Gunpowder Road. A creek runs through the site. Mr. Morgan described the surrounding zoning and land uses. It includes senior housing zoning and commercial zoning.

The site is currently heavily wooded and has a residence on it. He showed photographs of the site and surrounding properties. The site has several overhead utility lines that will have to be relocated. Mr. Morgan expressed a concern for sight distance due to the elevation of Gunpowder Road. He asked the Kentucky Transportation Cabinet to provide comments on the application. The proposed access is located close to Ridgeview Drive. The Future Land Use Map designates the site as Suburban Residential (SR), Rural Lands (RL) and Developmentally Sensitive (DS). Mr. Morgan stated that references to the Comprehensive Plan are stated on pages 2-10 of the Staff Report.

In terms of Staff Comments, elderly housing facilities are defined in Article 40 of the Boone County Zoning Regulations. Staff would like the applicant to address the following questions regarding the proposed facility:

1. Are residents required to be a certain age before they can live in the facility? If so, how is this enforced?
2. Have trip generation figures for the proposed facility been prepared and submitted

to the Kentucky Transportation Cabinet for review? If so, can these figures be submitted to the Planning Commission?

3. Have sight distances from the proposed access point been analyzed? Section 3217 of the Boone County Zoning Regulations requires minimum sight distances to meet specifications of the Kentucky Transportation Cabinet Highway Design Manual.
4. Are sidewalks or a bicycle/pedestrian path being proposed along the Gunpowder Road frontage? Staff would like to note that a bicycle/pedestrian path exists between Bill Wentz Drive and US 42 and that sidewalks exist on the west side of Bill Wentz Drive.
5. Could a masonry knee wall be added to the south elevation of the building (memory care wing area)? Can masonry also be added to the townhouse buildings because they are highly visible from Gunpowder Road (Buildings 6 & 7)?
6. Has exterior lighting been analyzed (heights of light poles and fixtures and location of any spot lights)?
7. Staff would like the applicant to revise the plan and show all striped parking and garage spaces to meet the zoning code.
8. Two different Concept Development Plan options have been approved for the adjoining property to the north. One of the options allow a 3-story senior apartment building and the other allows two multi-tenant office/commercial buildings. Staff would like the applicant to address if they would be willing to connect the two parking lots if the apartment option is constructed on the adjoining property.
9. The applicant needs to assess whether they meet the 50 foot setback requirement in the townhouse area due to the construction of decks. It needs to be verified.
10. Staff sent an agency memo and received comments back from Florence Public Services, Florence, Florence Fire/EMS, and Kentucky Transportation Cabinet. These comments are attached to the Staff Report.
11. Staff has attached a chart of all the senior housing facilities in Boone County. Notes have been added if the facility is still under construction or approved and not constructed.

In conclusion, Mr. Morgan included the criteria for approving or denying a Zoning Map Amendment request in the Staff Report.

At this time, Chairman Rolfsen asked if the applicant was present and wanted to proceed with their presentation?

Mr. Tony Schautz, Legacy Living, stated that his company is proposing a senior living facility with 3 components - assisted living, independent living and memory care. His company has developed these types of facilities in the Tri-State area and offered references. They would like to bring their services to the Florence area, which is badly needed. He noted that the company's age requirement is at least 55 years old. The average age for independent living is 77-79 years old. The average age for assisted living is 83 years old. The average age for memory care is just over 90 years old. They confirm the age requirement with background checks - birth date, social security number, etc. There will be no kids.

Mr. Al Wurster is a partner with Legacy Living and a contractor based out of Indianapolis. His company primarily builds hospitals and buildings for the health care industry and senior living. They have a similar project under construction in Jasper, Indiana.

Mr. Ben Rawlins, OMS Architects, stated that the townhomes, and main building, are clustered on the site for 2 reasons: 1) provides easy access for the residents to obtain services and 2) minimizes the grading work on the site. They want to keep as many trees as possible.

Mr. Steve Berling, engineer for the project, stated the site is nice but challenging. It is tight. The property is located off Gunpowder Road in the transition area of many lanes to 2 lanes. There is a 7 foot pipe culvert in the area. He offered to look into the sidewalks/bike paths. An Owen Electric line runs through the site and it will have to be rerouted. He noted that he is within a foot of adequate sight distance for the entrance of Gunpowder Road. The entrance may have to be shifted a little bit to the north to obtain adequate sight distance. The main reason why the proposed entrance is located towards the south is because of the vertical slope. To get the site to balance, it is recommended to keep the site as high as possible so they don't have to haul dirt from the site. The grade of the driveway is about 7-8 %.

Mr. Costello inquired about extending the southbound left turn lane? Mr. Berling replied that he didn't think it would be necessary. Mr. Costello emphasized the amount of traffic on Gunpowder Road. A lot of traffic uses Ridgeview as a cut through to Evergreen Drive. Mr. Berling responded that their traffic is not during peak times. The shift changes occur during off-peak times and most people who live there don't drive. No comments have been received by the Kentucky Transportation Cabinet. Mr. Costello stated that it is a busy travel corridor. Gunpowder Road will be widened in the future but there is no construction funding in the 6 year plan.

Mr. Dusing mentioned that they will be providing additional trip generation data to the State. Gunpowder Road is a busy road during peak hours. There are 28 independent living units with 56 trips per day plus workers and visitors. He stated the site is located far out for a turn area. Mr. Dusing encouraged the Board to review the project narrative. The project is unique in that the independent living has emergency capability with access to help that is already provided to the assisted living residents. The proposed use is a transition from the commercial along US 42 and the single family residential located along Ridgeview Drive. The layout of the site preserves some of the trees that will serve as a natural buffer. The site is no longer rural with commercial, industrial and urban residential next to it. The project is unique because the company is doing it for profit and the site will be annexed by the City of Florence. The City of Florence would like the bike path and the layout is adequate for the fire department. The project will serve people who have lived in

Boone County all their lives so they can stay in Boone County.

At this time Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request?

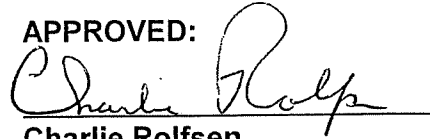
Seeing no one, Chairman Rolfsen asked if the other 13 facilities are identical to the one proposed? Mr. Tony Schautz replied that the one facility in Jasper, Indiana is a bit smaller. It is 113 units versus 128 units. The layout is almost identical. The other facilities in Ft. Wayne, Louisville, Lexington, Georgetown and Cincinnati are similar. Mr. Rolfsen asked what was the distance between the proposed entrance and Ridgeview Drive? Mr. Berling responded about 150 feet. What about entering the property from Bill Wentz Drive? Mr. Berling replied that the empty parcel is currently not available to them. They are interested in acquiring the adjacent property. It could provide a safer entrance and they wouldn't have to build a long and steep driveway. The realtor for the adjoining property owner is aware of their interest.

Mr. Bunker asked the applicant to explain the single family units. Mr. Schautz replied that the townhomes are 4-plexes and about 50% of their people will have a car and will drive that car to the grocery store one day a week. The townhomes are connected with the main building by phone and wi-fi. They have a zone system to help monitor emergency responses. They manage the medical needs of their residents. Individual and group transportation will also be available for the residents living in the townhomes. They would also be entitled to one meal a day while living in the independent living. Mr. Bunker asked what medical services are offered on site? Mr. Schautz responded that they will have a wellness department with a registered nurse or a licensed practical nurse and certified nursing assistants primarily to assist with taking medications. The first shift will have 15 employees working at the same time 7 days a week. A similar amount of employees will work both the second and third shifts.

Mr. McMillian inquired about having 2 access roads? Mr. Schautz replied that they have one off Gunpowder Road. They have 2 stubs planned for fire truck turnarounds. McMillian stated that one can get in but there is only one way out. If the entrance is blocked due to an accident what happens if there is another emergency at the facility? Mr. Schautz explained that the Fire Department was pleased with the design. He noted there is a stub on the north side of the site and it could be extended dependent on what is developed next door. It could happen if the adjacent property develops in accordance with the approved plans. It would be nice for the residents to walk to the CVS store and retail center without having to walk along Gunpowder Road. Mr. Morgan showed the approved plans for the adjacent property and noted that it would be easy to extend the driveway through both properties. It is uncertain whether the project on the adjacent parcel will be built since it is a tax credit project.

Seeing no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on October 17, 2018 at 5:00 P.M. in the Fiscal Courtroom. This item will be on the Agenda for the Business Meeting on November 7, 2018 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:55 P.M.

APPROVED:

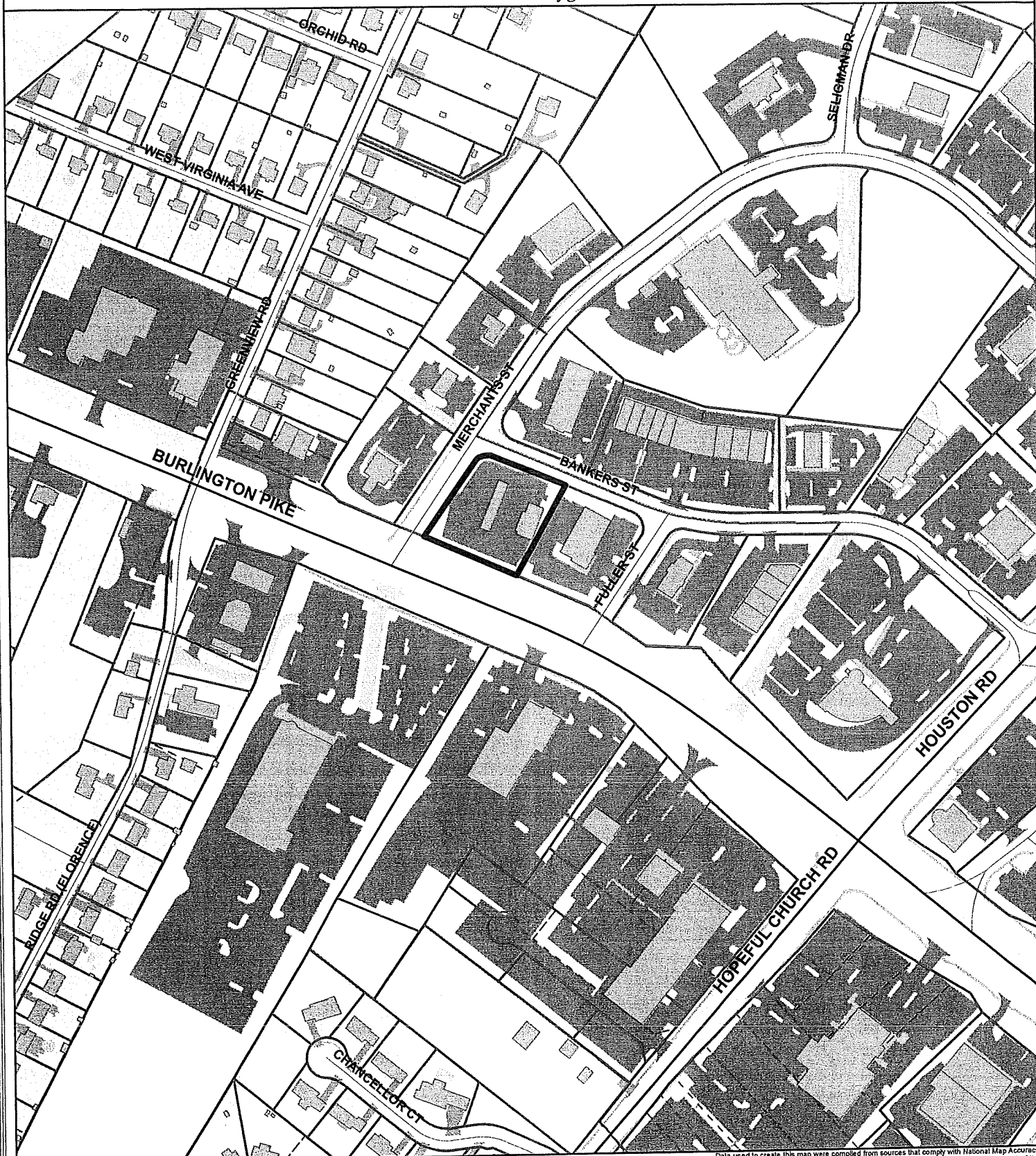
A handwritten signature in cursive script, appearing to read "Charlie Rolfsen", written over a horizontal line.

Charlie Rolfsen
Chairman

Attest:

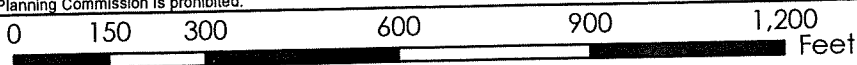
A handwritten signature in cursive script, appearing to read "Kevin P. Costello", written over a horizontal line.

Kevin P. Costello, AICP
Executive Director



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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



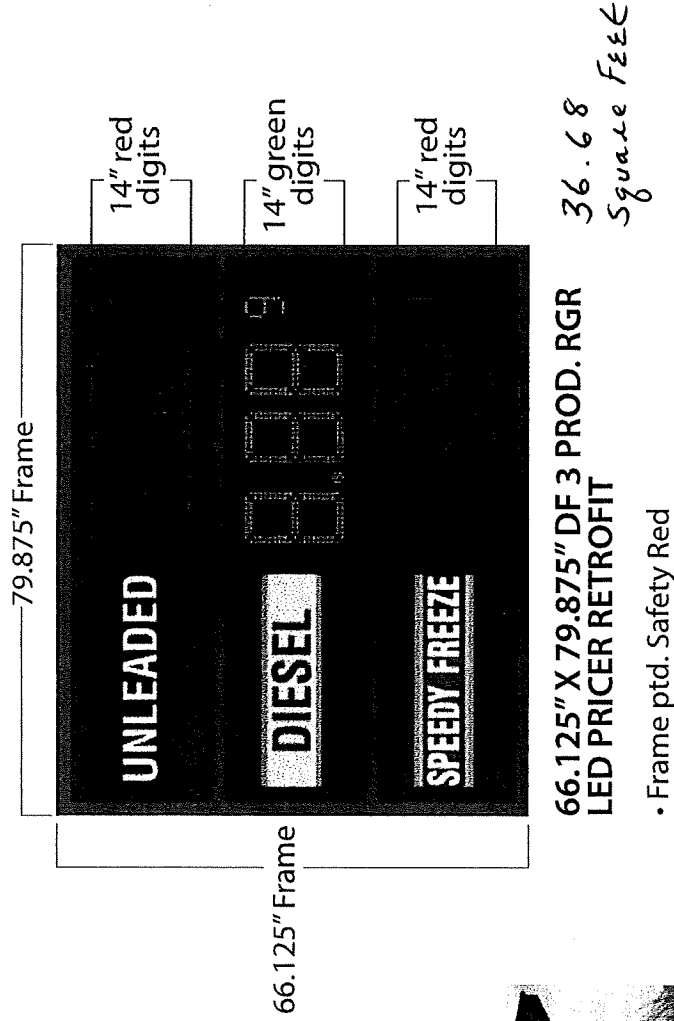
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EXISTING



PROPOSED



66.125" X 79.875" DF 3 PROD. RGR
LED PRICER RETROFIT

• Frame ptd. Safety Red

36.68
Square Feet

		DISCLAIMER: Renderings are for graphic purposes only and not intended for actual construction dimensions. For windload requirements, actual dimensions and mounting detail, please refer to engineering specifications and install drawings. These drawings and designs are the exclusive property of Everbrite LLC Use of, or duplication in any manner without express written permission of Everbrite LLC is prohibited.	
Customer: SPEEDWAY LLC	Description: 66.125" X 79.875" DF 3		
Project No: 389578	Scale:	Prod. RGR LED Pricer Retrofit	
Date: 09/04/18	Drawn By: KRW	Revised:	
Location & Site No: 5992 Merchants St Florence, KY		SPDY9727-1	Revised:
CUSTOMER SIGNATURE		DATE	DATE
LANDLORD SIGNATURE		DATE	DATE

**BOONE COUNTY PLANNING COMMISSION
SIGN PERMIT**

****NOTE:** *Prior to the placement of any approved sign, a building permit may be required from the Boone County Building Inspector - contact at 334-2218 for requirements.*

A Sign Permit is hereby granted to ABC Signs for Speedway
for property located at 5992 Merchant Street, Florence, Kentucky
and zoned C-2/PD, for the purpose of erecting signage in accordance with Article
34, Section 3413 of the Boone County Zoning Order (Ordinance), subject to the
following special conditions/descriptions:

Change of face for following signs:

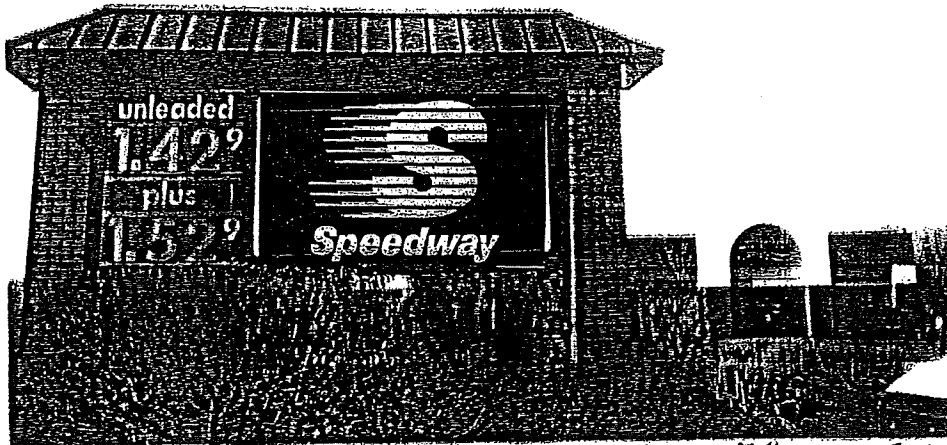
1. 55 square foot panel on freestanding sign;
2. 15 square foot building mounted sign on north facade and 15 square foot
building mounted sign on south facade.
3. 27 square foot building mounted sign on front facade
4. 27 square foot canopy sign on east side of canopy and 27 square foot sign on
west side of canopy.

Failure to comply with the above cited Zoning Regulations and special conditions, shall render this permit null and void and to no effect.

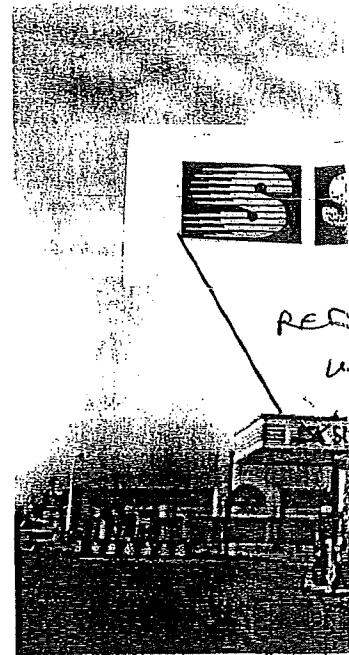
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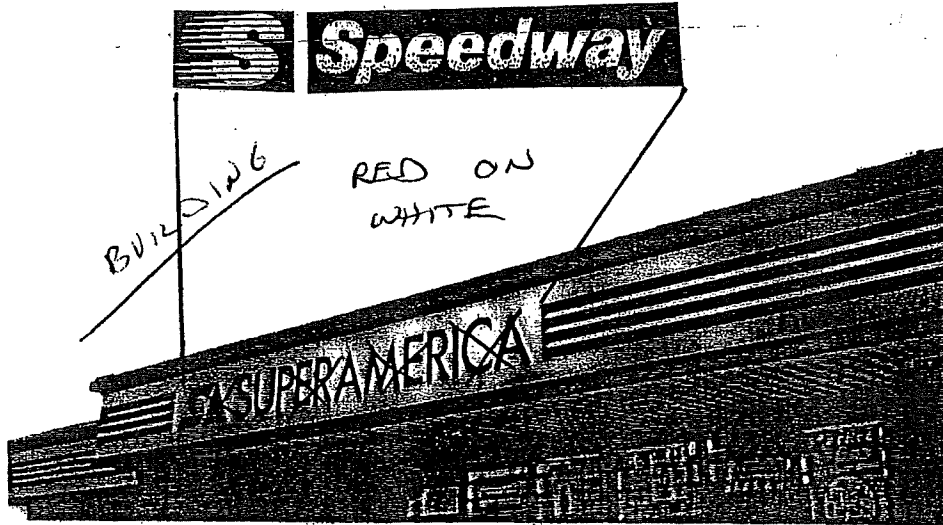
Kevin T. Wall, AICP CDT
Director, Zoning Services



D/S FACE CHANGE ~~2.5' X 11.5'~~ 69" X 115" = 55.1 SQ FT



GAS CANOPY / 13
2.5' X



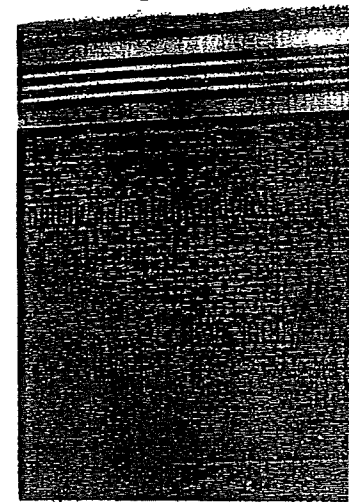
BUILDING

RED ON WHITE

STORE FRONT ~~48.75~~ SQ FT

VINYL GRAPHICS ~~2.5' X 19.5'~~

1.5' X 18' 27 SF



WALL SIGN,

5792 MEADOWS SQUARE

Chapter Two – Existing Conditions

Subarea One – South Entrance

Boundaries

Subarea One represents the entryway into the Houston – Donaldson Study Area and is the first thing a traveler sees when entering the Study Area from the south (Figure 2.1). It is bounded by KY 18 on the south, the I-75 entrance ramp and the City of Florence's World of Golf facility on the east, Ted Bushelman Boulevard on the north, and Airport property and the residential subdivision to the west. Subarea One is 178 acres in size.

Existing Conditions

Subarea One is characterized by a mix of large commercial, small commercial, and office uses. There are no residential uses in Subarea One and none are planned in the future, partially due to the lack of available vacant land and to the proximity of the CVG Airport and its associated noise. The entire Subarea is zoned for either commercial or office uses and shown in the Comprehensive Plan's Future Land Use map as Commercial.

Subarea One is divided laterally by Houston Road, the main north-south thoroughway in the Study Area. Houston Road at this point is a five lane road with bike lanes and sidewalks on both sides. Overall, the Subarea is anchored by three entities; Walmart to the north, Fifth Third Bank to the south, and the Morris Home Center on the eastern portion of the Subarea.

The Subarea is characterized by the use of brick on the exterior of buildings, exceptional internal connectivity, and larger businesses that anchor smaller ones. It contains two named developments, Fuller Square and Merchants Square. Fuller Square includes the Fifth Third Bank building and Merchants Square includes Walmart. These two buildings serve to anchor the north and south end of the Subarea.

The use of masonry on building exteriors is evident as one looks at development in the Subarea since the 1992 Houston – Donaldson Study. The reason becomes evident when the Architectural Design Review standards are reviewed. Criteria 4 – Relationship of Materials requires that the front at least thirty percent of industrial buildings and at least sixty percent of office and commercial buildings consist of, "non-metal material such as but not limited to brick, refined stone, stucco, wood, decorative masonry, or architectural concrete." This standard has contributed to consistency in the outward appearance of the developments in the area over the last twenty years.

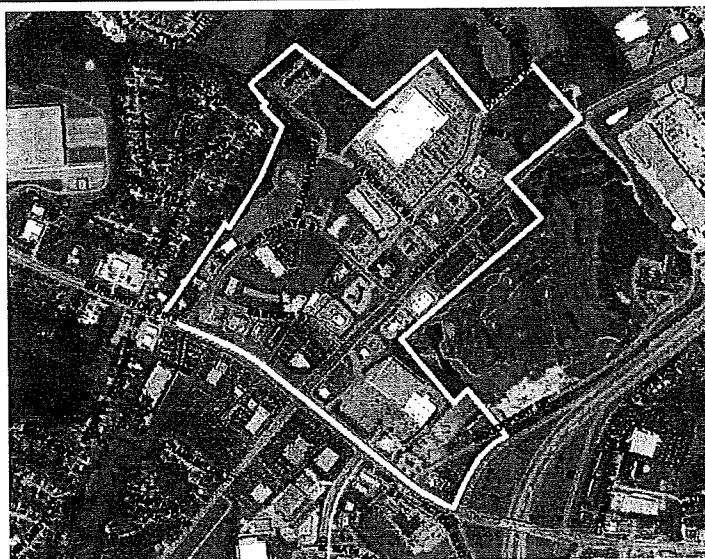


Figure 2.1 – Subarea One

Up to 50% of the sign area may be used as manually changeable copy display. Any proposed manually changeable copy display(s) shall be located beneath fixed copy signs.

Monument Signs

The base and sides of the sign shall use construction materials and design details that match the dominant construction material of the principal building.

The top of the sign shall have an architectural feature or finish, such as a gable, arch, or pediment. Single panel plexi-faced cabinets shall not be permitted.

2. INDIVIDUAL TENANT SPACES WITHIN COMMERCIAL/RETAIL/SHOPPING CENTERS

Anchor tenants over 40,000 square feet in area shall be permitted one building mounted sign on each facade that faces a public street or main development driveway. However, no more than two such signs shall be permitted. The permitted size of the building mounted signs shall be two square feet for each lineal foot of tenant space width on which the sign is mounted but shall not exceed two hundred and fifty (250) square feet.

Individual tenants spaces that are 40,000 square feet in area or smaller are permitted one building mounted sign. The permitted size of the building mounted sign shall be two square feet per each lineal foot of tenant space width on which the sign is mounted but shall not exceed one hundred (100) square feet in area. Corner tenant spaces can break their permitted square footage up and display it on the front and side facades if the side facade is visible from a public street or main development driveway. In such a case, the permitted signage can be broken into one sign area on the front facade and one sign area on the side facade.

Construction Standards

Building Mounted Signs

Channel letters, sandblasted redwood, individual pin mounted letters, neon copy, neon or L.E.D. accent bands, fabric awnings, and similar signs as determined by the Zoning Administrator shall be permitted. Manually changeable copy, electronically changeable copy, plexi-faced panels, internally illuminated awnings, firmly structured awnings with an "inflated" or plastic appearance, and similar signs shall not be permitted unless specifically approved through a Design Review, Concept Development Plan, or Special Sign District application.



3. FREESTANDING COMMERCIAL LOTS AND OUTLOTS WITHIN COMMERCIAL/RETAIL/SHOPPING CENTERS

One building mounted sign shall be permitted on each facade that faces a public street or main development driveway. However, no more than two such signs shall be permitted. The permitted size of the building mounted signs shall be two square feet per each lineal foot of building or tenant space width on which the sign is mounted but shall not exceed two hundred (200) square feet in area. One monument sign shall also be permitted at maximum of eight (8) feet tall and twenty-four (24) square feet in area.

Construction Standards

Monument Signs

The base and sides of the sign shall use construction materials and design details that match the dominant construction materials of the principal building.

The top of the sign shall have an architectural feature or finish, such as a gable, arch, or pediment. Single panel plexi-faced cabinets shall not be permitted.

Building Mounted Signs

Channel letters, sandblasted redwood, individual pin mounted letters, neon copy, neon or L.E.D. accent bands, fabric awnings, and similar signs as determined by the Zoning Administrator shall be permitted. Board signs, graphics painted directly on the building, manually changeable copy, electronically changeable copy, plexi-faced panels, internally illuminated awnings, firmly structured awnings with an "inflated" or plastic appearance, and similar signs shall not be permitted unless specifically approved through a Design Review, Concept Development Plan, or Special Sign District application.

(B) OFFICE/INDUSTRIAL DEVELOPMENTS

1. OFFICE AND INDUSTRIAL PARKS

One (1) entrance monument sign that is up to ten (10) feet in height (measured from the grade of the street centerline) and one hundred (100) square feet at each entrance to the park from a public street are permitted. Such monument signs shall only announce the name of the subdivision or park.

Construction Standards

The base and sides of the sign shall be constructed with a masonry product (excluding smooth or textured concrete block).

The top of the sign shall have an architectural feature or finish, such as a gable, arch, or pediment. Single panel plexi-faced cabinets shall not be permitted.

2. INDIVIDUAL LOTS WITHIN OFFICE OR INDUSTRIAL PARKS OR FREESTANDING LOTS WITHIN EMPLOYMENT ZONES

One (1) monument sign shall be permitted at maximum of eight (8) feet tall and forty-eight (48) square feet in area.

The amount of permitted building mounted signage shall be determined by the area of the building or tenant space.

Over 40,000 square feet: Individual building users or tenant spaces shall be permitted one building mounted sign on each facade that faces a public street or main development driveway. However, no more than two such signs shall be permitted. The permitted size of the building mounted signs shall be two square feet for each lineal foot of building or tenant space width on which the sign is mounted but shall not exceed two hundred and fifty (250) square feet.

40,000 square feet in area or smaller: Individual buildings users or tenants spaces shall be permitted one building mounted sign for each facade that faces a public street or main development driveway. However, no more than two such sign shall be permitted. The permitted size of the building mounted sign shall be two square feet per each lineal foot of building or tenant space width on which the sign is mounted but shall not exceed one hundred fifty (150) square feet in area.

Construction Standards

Monument Signs

The base and sides of the sign shall be constructed with a masonry product (excluding smooth or textured concrete block).

The top of the sign shall have an architectural feature or finish, such as a gable, arch, or pediment. Single panel plexi-faced cabinets shall not be permitted.

Building Mounted Signs

Board signs, graphics painted directly on the building, manually changeable copy, electronically changeable copy, plexi-faced panels, internally illuminated awnings, firmly structured awnings with an "inflated" or plastic appearance, and similar signs shall not be permitted unless specifically approved through a Design Review, Concept Development Plan, or Special Sign District application.

(C) RESIDENTIAL USES

Refer to Sections 3410 and 3411 of the Boone County Zoning Regulations.

ADMINISTRATION

As stated previously, all proposals that meet the Special Sign Regulations can proceed directly to the Sign Permit Review Process listed in Section 3405 of the Boone County Zoning Regulations. Proposals that do not meet the Special Sign Regulations shall be reviewed in one of the following manners as determined by the Zoning Administrator:



1. Design Review Application - Applicant seeking minor changes to the sign code. Any proposal for infrequently changing electronic signs, such as gas prices and hotel room rates, shall be reviewed under this application. Boone County Planning Commission takes final action on Design Review applications.
2. Variance Application - Applicant seeking relief from dimensional requirements of the sign code. Variances cannot be sought for design requirements. The appropriate Board of Adjustment would take final action on a Variance application.
3. Concept Development Plan - An applicant can ask for modifications to the sign code as part of a Concept Development Plan or Change in Approved Concept Development application. Such applications are reviewed by the Planning Commission and a recommendation is made to the appropriate legislative body.
4. Special Sign District - An applicant is seeking major changes to the sign code. Any proposal for a frequently changing electronic message center will be viewed as a major change. Such applications are reviewed by the Planning Commission and a recommendation is made to the appropriate legislative body.

Previous Design Review, Variance, Concept Development Plan, or Special Sign District approvals that meet or do not meet the current requirements are still valid and in effect. A property owner can continue to utilize their prior approval(s) or bring their site in compliance with the current requirements.

SUPPORTING INFORMATION



BOONE COUNTY PLANNING COMMISSION

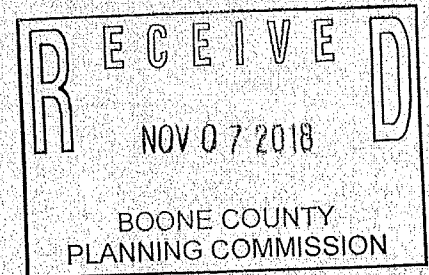
www.boonecountyky.org/pc
www.boonecountygis.com

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

October 26, 2018

Mr. Steve Berling
Berling Engineering
1671 Park Road, Suite One
Ft. Wright, KY 41011



RE: Request of Steven Berling (applicant) for Cathy Dryden, John Dryden, Cynthia Schroeder, and Jerry Inskeep (owners) for a Zoning Map Amendment from Suburban Residential One (SR-1) to Public Facilities (PF) for a 14.86 acre site located on the east side of Gunpowder Road, approximately 40 feet north of the Gunpowder Road/Ridgeview Drive intersection, approximately 25 feet south of the Gunpowder Road/Bill Wentz Drive intersection, and including the property at 8756 Gunpowder Road, Boone County, Kentucky (annexation into the City of Florence pending). The request is for a zone change to permit memory care, assisted living, and senior housing.

Dear Mr. Berling,

The following represents the conditions of approval for the above referenced Zoning Map Amendment, as agreed to by the applicant's team and Boone County Planning Commission's Zone Change Committee. Please have the property owners sign the signature lines on the last page of this letter if you agree to the listed conditions. Please return this original letter to the Boone County Planning Commission office by November 5, 2018.

CONDITIONS

1. The approval is based on the submitted Concept Development Plan, building elevations, and building perspectives unless modified by other conditions below.
2. The access point on Gunpowder Road shall be moved approximately 135 feet to the north. The final placement shall be determined by Kentucky Transportation Cabinet and they will determine all sight distance requirements are met.
3. A Traffic Impact Study shall be submitted to Kentucky Transportation Cabinet and they will determine if a center turn lane is warranted on Gunpowder Road.

Mr. Steve Berling
October 26, 2018
Page 2

4. The driveway located immediately to the west of "Townhome 1" shall be gated and extended to the property line to allow for future emergency access to the adjoining property to the north.
5. The following pedestrian improvements shall be required:
 - A. Sidewalks or a bicycle/pedestrian path shall be required along the Gunpowder Road frontage of the subject 14.86 acre property.
 - B. The internal sidewalk network shown on the Concept Development Plan.
6. The following lighting conditions shall apply to the development:
 - A. All light poles and associated fixtures shall be limited to 15 feet in height. All fixtures shall be downcast oriented.
 - B. Wallpacks shall not be oriented towards Gunpowder Road or adjoining residentially zoned properties. Low wattage wall scones shall be permitted on these building facades.
7. The development shall comply with the parking requirements found in the Boone County Zoning Regulations.
8. Additional stone veneer shall be required on the south and west building elevations of the assisted living/memory care building. See the attached drawing that was marked up at the October 17, 2018 Zone Change Committee meeting.

Sincerely,



Todd K. Morgan, AICP
Senior Planner, Zoning Services

TKM:ss

attachment

Mr. Steve Berling
October 26, 2018
Page 3

AGREEMENT

I, Cathy Dryden, do hereby agree to the listed conditions of approval for the Zoning Map Amendment application, which is described on the first page of this letter.


Cathy Dryden

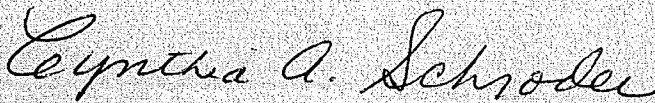
11/06/2018
Date

I, John Dryden, do hereby agree to the listed conditions of approval for the Zoning Map Amendment application, which is described on the first page of this letter.

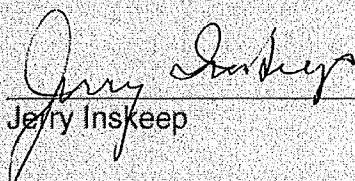

John Dryden

11/7/18

I, Cynthia Schroeder, do hereby agree to the listed conditions of approval for the Zoning Map Amendment application, which is described on the first page of this letter.


Cynthia Schroeder

I, Jerry Inskeep, do hereby agree to the listed conditions of approval for the Zoning Map Amendment application, which is described on the first page of this letter.

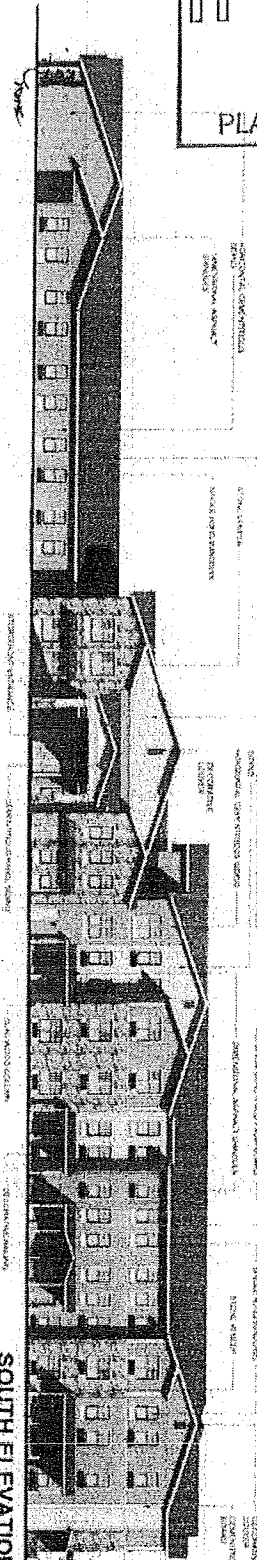
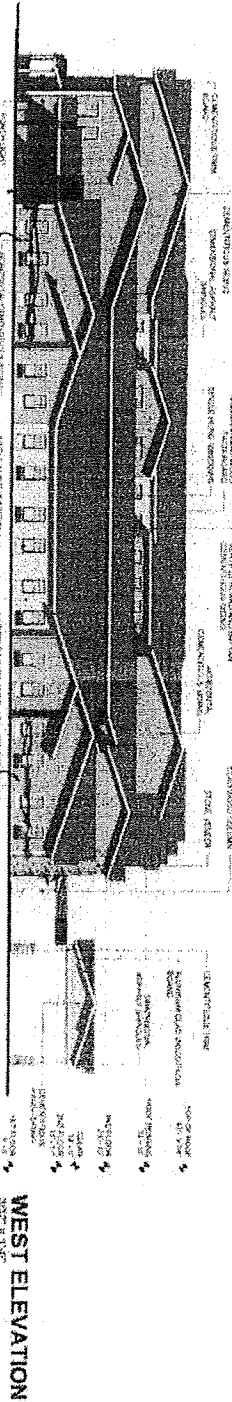
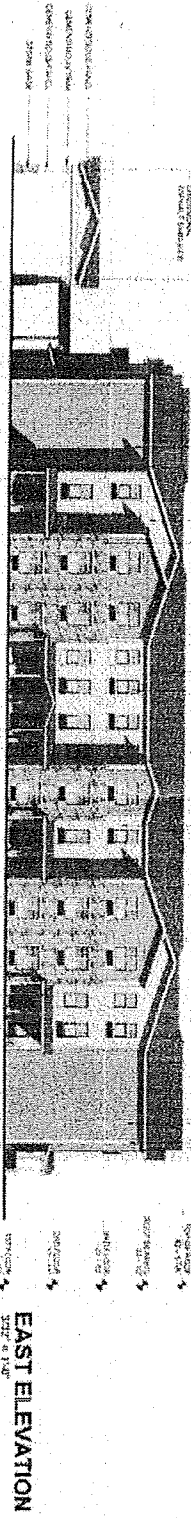
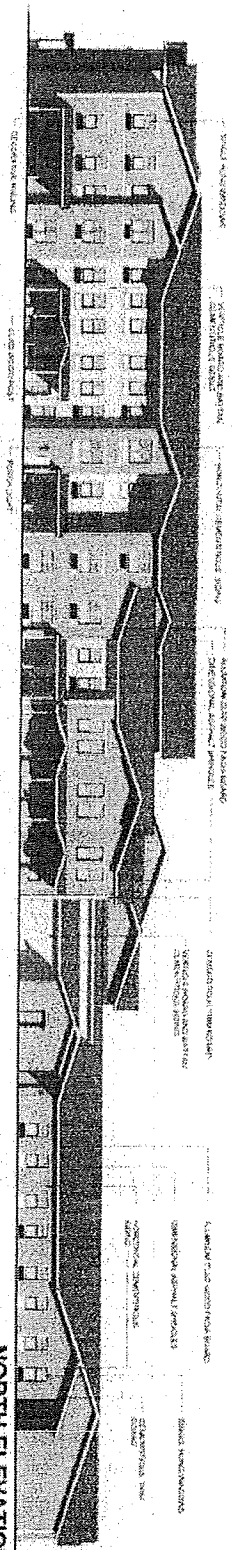

Jerry Inskeep

10/31/18
Date

RECEIVED
OCT 17 2018
BOONE COUNTY
PLANNING COMMISSION



LEGACY LIVING OF FLORENCE, KY
BUILDING ELEVATIONS



LEGAL DESCRIPTION
8756 Gunpowder Road
Boone County, Kentucky

Beginning at a point in the east right-of-way line of Gunpowder Road (Kentucky State Route 237) in Un-Incorporated Boone County, Kentucky, said point being the northwest corner of the Fred Elkins property as described in Deed Book 967 at Page 52 of the Boone County Clerk's Records at Burlington, Kentucky; thence along the said east right-of-way line N 12°-07'-38" W a distance of 151.16 feet, N 03°-04'-03" W a distance of 151.67 feet, N 10°-26'-43" W a distance of 221.17 feet, and N 18°-11'-16" W a distance of 242.97 feet to a point at the southwest corner of the James and Sherry Morgan property as described in Deed Book 196 at Page 283 of said Records; thence leaving said east right-of-way line and along the south line of said Morgan property N 54°-11'-03" E a distance of 460.21 feet, and S 44°-46'-00" E a distance of 149.98 feet to a point; thence N 53°-09'-53" E continuing along said Morgan south line and along the south line of the Sabino T. Baluyot Trust property as described in Deed Book 947 at Page 324 of said Records 460.69 feet to a point in the west line of the Sabin Baluyot Trust property as described in Deed Book 947 at Page 318 of said Records; thence S 03°-09'-00" W along said Baluyot Trust west line and along the west line of the Mark and Darlene Blaze property as described in Deed Book 480 at Page 246 of said Records 960.00 feet to point; thence S 31°-41'-15" E continuing along said Blaze west line 26.26 feet to a point at the northeast corner of the Georgia Howard Estate property as described in Will Book 79 at Page 824 of said Records; thence along the north line of said Howard Estate property, the north line of the William and Linda Payne property as described in Deed Book 834 at Page 104 of said Records, the north line of the Steve Johnson property as described in Deed Book 1035 at Page 461 of said Records, the north line of the said Fred Elkins property S 72°-30'-34" W a distance of 684.39 feet to the place of beginning.

Containing 14.86 Acres

8/29/2018

SUBJECT PARCEL

062.00-06-112.00

LOTS 26-30, 43

Exempt from Transfer Tax
Pursuant to K.R.S. 142.050 (7)(d)

Return to:
Strauss & Troy, LPA
50 E. RiverCenter Blvd., Suite 1400
Covington, Kentucky 41011

DEED OF CORRECTION

KNOW ALL MEN BY THESE PRESENTS:

That **Jerry L. Inskeep**, unmarried, and **Jerry L. Inskeep**, Trustee of The Gallagher-Inskeep Trust u/a dtd June 14, 2000, for which a Memorandum of Trust entitled a Trustee's Certification of Trust is recorded in Miscellaneous Book 927, Page 286, of the Boone County Clerk's records at Burlington, Kentucky, for and in consideration of **One Dollar (\$1.00)** and other valuable considerations to them paid by the Grantee herein, the receipt of which is hereby acknowledged, do hereby bargain, sell, and convey to the Grantee, **Jerry L. Inskeep**, unmarried, the following described Real Estate, County of Boone and Commonwealth of Kentucky, to-wit:

PROPERTY ADDRESS: Lot No. 26, 27, 28, 29, 30 and 43 of the Sugar Tit Subdivision
fronting on Gunpowder Road

MAILING ADDRESS: 69771 Camino Pacifico, Rancho Mirage, CA 92270-1817

Group 172

Beings Lots Numbered Twenty-six (26), Twenty-seven (27), Twenty-eight (28) and Twenty-nine (29) as shown on Rel C. Wayman's Plat of Sugar Tit Subdivision located on U.S. Highway #42, southwest of Florence, dated, acknowledged and recorded February 23rd, 1943, and recorded in Plat Book 1, page 102, of the Boone County Records at Burlington; said lots fronting Fifty (50) feet each on the northeast side of Gunpowder Road and extending back northeastwardly between parallel lines of the depths shown on said plat.

Group 172

Being Lot Number Thirty (30) as shown on Rel C. Wayman's Plat of Sugar Tit Subdivision located southwest of Florence, dated, acknowledged and recorded February 23, 1943, and recorded in Plat Book 1, page 102 of the Boone County Records at Burlington; said lot fronting Fifty (50) feet on the northeast side of Gunpowder Road and extending back northeastwardly between parallel lines to Lot Forty-three (43) in said subdivision.

Group 173

Also: All of Lot Forty-three (43) as shown on Rel C. Wayman's Plat of Sugar Tit Subdivision located southwest of Florence, dated, acknowledged and recorded February 23rd, 1943, and recorded in Plat Book 1, page 102 of the Boone County Records at Burlington, consisting of four and 6/10 (4.6) acres and described as follows: Beginning at the common corner of Lots 28, 29, 41 and 43; thence N. 57° 30' E. 463 feet to a corner of Lot 42 in the line of said subdivision; thence with the line of said subdivision S. 3° 45' W. 600 feet to the common corner of Lots 38, 39 and 43; thence N. 44° 10' W 481 feet, more or less, to the place of beginning.

PRIOR REFERENCE

Being the same property conveyed to Norval F. Inskeep and Helen M. Inskeep, his wife, by Deeds recorded in Deed Book 80, Page 273, and Deed Book 80, Page 288, of the Boone County Clerk's records at Burlington, Kentucky. Norval F. Inskeep is now deceased and by right of survivorship the property was vested in Helen M. Inskeep. Helen M. Inskeep is now deceased and by virtue of her Last Will & Testament recorded in Will Book 39, Page 251 in the Boone County Clerk's records at Burlington, Kentucky, Jerry L. Inskeep was devised the five lots being numbered 26-30 inclusive and Lot 43 at or near the intersection of Gunpowder Road on U.S. Highway 42 in Boone County, Kentucky.

✓ Also being the same property that Jerry L. Inskeep conveyed to Jerry L. Inskeep, Trustee of The Gallagher-Inskeep Trust u/a dtd June 14, 2000, by Deed recorded in Deed Book 840, Page 274, of the Boone County Clerk's records at Burlington, Kentucky, provided that in said Deed there exists a scrivener's error regarding the title of "trustee" assigned to the Grantor in the signature block, and this Deed is to correct said matter and to place title to the property in Jerry L. Inskeep, individually.

**THE PURPOSE OF THIS DEED IS TO CORRECT A SCRIVENER'S ERROR.
THIS IS A CORRECTIVE DEED AND THEREFORE PURSUANT TO KRS
142.050 (7) (d) IS NOT SUBJECT TO TRANSFER TAX.**

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging. TO HAVE AND TO HOLD the same to the said Jerry L. Inskeep, an unmarried individual, his heirs and assigns forever, the Grantors, their heirs, successors, executors and administrators, HEREBY COVENANTING with the Grantee, his heirs, executors and administrators, that the TITLE so conveyed is CLEAR, FREE AND UNENCUMBERED, and that they will WARRANT AND DEFEND the same against all legal claims whatsoever.

CERTIFICATION

Jerry L. Inskeep, unmarried, Grantor and Grantee, whose address is 69771 Camino Pacifico, Rancho Mirage, CA 92270-1817, and Jerry L. Inskeep, Trustee of The Gallagher-Inskeep Trust u/a dtd June 14, 2000, Grantor herein, whose address is 69771 Camino Pacifico, Rancho Mirage, CA 92270-1817, does hereby certify, pursuant to KRS 382.135, that the above-stated consideration in the amount of \$1.00 is the true, correct and full consideration paid in connection with the corrective Deed for the property herein conveyed. We further certify our understanding that falsification of the state consideration or sale price of the property is a Class D Felony, subject to one to five years imprisonment and fines up to \$10,000.00. The fair market value of the property at the time of its original conveyance was \$50,000.00.

Grantor and Grantee:

Jerry L. Inskeep
Jerry L. Inskeep

Grantor:

Jerry L. Inskeep, Trustee
Jerry L. Inskeep, Trustee

STATE OF KENTUCKY)
)SS:
COUNTY OF KENTON)

The foregoing Certification was acknowledged and sworn to before me this 20th day of June, 2007, by Jerry L. Inskeep, unmarried, as Grantor and Grantee, to be his free and voluntary act and deed.



MARSHALL K. DOSKER
Notary Public, Kentucky
State At Large
My Commission Expires
March 1, 2010

Marshall K. Dosker
Notary Public
My Commission Expires: _____

STATE OF KENTUCKY)
)SS:
COUNTY OF KENTON)

The foregoing Certification was acknowledged and sworn to before me this 20th day of June, 2007, by Jerry L. Inskeep, Trustee, as Grantor, to be his free and voluntary act and deed.

Marshall K. Dosker
Notary Public
My Commission Expires: _____

This instrument prepared by:

Marshall K. Dosker
Marshall K. Dosker
STRAUSS & TROY, L.P.A.
Suite 1400
50 East Rivercenter Boulevard
Covington, Kentucky 41011
(513) 621-8900



MARSHALL K. DOSKER
Notary Public, Kentucky
State At Large
My Commission Expires
March 1, 2010

DOCUMENT NO: 429997
RECORDED ON: JUNE 20, 2007 01:24:38PM
TOTAL FEES: \$15.00
GROUP : 172
COUNTY CLERK: RENA' PING
COUNTY: BOONE COUNTY CLERK
DEPUTY CLERK: STACY
BOOK 0936 PAGES 449 - 452

⊗ RETURN TO:

James Brannon
Kentucky Transportation Cab
P.O. Box 17130
Covington, Ky 41017

Exempt from Transfer tax: KRS 142.050(7)(b)

DEED OF CONVEYANCE

THIS DEED, between **JERRY L. INSKEEP, unmarried**, 69771 Camino Pacifico, Rancho Mirage, California 92270, party of the first part, (in whose care the state and county tax bill for the aforesaid calendar year may be sent) and the Commonwealth of Kentucky for the use and benefit of the Transportation Cabinet, Department of Highways, Frankfort, Kentucky 40622, party of the second part.

WITNESSETH: That the said party of the first part, in consideration of One Hundred Forty-two Thousand Dollars (\$142,000.00) cash in hand paid, the receipt of which is hereby acknowledged, does hereby sell, grant, assign, and convey to the party of the second part, its successors and assigns forever, the following described property, viz:

Parcel No. 9
Tract A

Group 172
Group 178

PIDN 062.00-00-112.00
PIDN 062.00-00-112.00

Being a tract of land located in Boone County, Kentucky along KY 237 (Pleasant Valley Road), approximately 860 feet south of the intersection of KY 237 and US 42, and more particularly described as follows:

Beginning at a point in the East existing right of way line of KY 237, said point being 13.95 feet right of KY 237 Station 28+78.07, said point also being in the property line of said tract; thence with said existing right of way line North 14 degrees 30 minutes 43 seconds West, 44.11 feet to a point 14.78 feet right of KY 237 Station 29+21.65; thence North 44 degrees 20 minutes 19 seconds West, 206.41 feet, crossing the centerline of KY 237 at Station 29+50.47, to a point 66.34 feet left of KY 237 Station 31+15.94, said point being in the property line of said tract; thence with said property line North 54 degrees 40 minutes 19 seconds East, 110.28 feet, crossing the centerline of KY 237 at Station 31+26.93, to a point 42.58 feet right of KY 237 Station 31+33.36, said point being in the East proposed right of way line of KY 237; thence with said proposed right of way line South 18 degrees 11 minutes 16 seconds East, 240.36 feet to a point 30.00 feet right of KY 237 Station 29+00.00; thence South 10 degrees 26 minutes 43 seconds East, 17.23 feet to a point 28.57 feet right of KY 237 Station 28+83.23, said point being in the property line of said tract; thence with said property line South 55 degrees 32 minutes 04 seconds West, 15.54 feet to the point of beginning.

The above described parcel contains 0.309 acre (13,444 square feet).

It is understood between the parties hereto and made a covenant herein that Parcel No. 9 Tract A described above is hereby conveyed in fee simple.

**Parcel No. 9
Tract B**

**Group 172
Group 173**

**PIDN 062.00-00-112.00
PIDN 062.00-00-112.00**

Being a tract of land located in Boone County, Kentucky along KY 237 (Pleasant Valley Road), approximately 625 feet south of the intersection of KY 237 and US 42, and more particularly described as follows:

Beginning at a point in the East proposed right of way line of KY 237, said point being 39.87 feet right of KY 237 Station 31+15.00; thence with said proposed right of way line North 18 degrees 11 minutes 16 seconds West, 19.18 feet to a point 42.58 feet right of KY 237 Station 31+33.36, said point being in the property line of said tract; thence with said property line North 54 degrees 40 minutes 19 seconds East, 27.69 feet to a point 69.97 feet right of KY 237 Station 31+37.26, said point being in the proposed permanent drainage easement line; thence with said proposed permanent drainage easement line South 26 degrees 27 minutes 57 seconds East, 23.56 feet to a point 70.00 feet right of KY 237 Station 31+15.00; thence South 64 degrees 07 minutes 52 seconds West, 30.13 feet to the point of beginning.

The above described parcel contains 0.014 acre (609 square feet).

It is the specific intention of the parties of the first part to convey a permanent easement in and to the property described above and designated as Parcel No. 9 Tract B for the purposes of constructing and perpetually maintaining 18" storm pipe and inlet structure.

**Parcel No. 9
Tract C**

**Group 172
Group 173**

**PIDN 062.00-00-112.00
PIDN 062.00-00-112.00**

Being a tract of land located in Boone County, Kentucky along KY 237 (Pleasant Valley Road), approximately 855 feet south of the intersection of KY 237 and US 42, and more particularly described as follows:

Beginning at a point in the East proposed right of way line of KY 237, said point being 28.57 feet right of KY 237 Station 28+83.23, said point also being in the property line of said tract; thence with said proposed right of way line North 10 degrees 26 minutes 43 seconds West, 17.23 feet to a point 30.00 feet right of KY 237 Station 29+00.00; thence North 18 degrees 11 minutes 16 seconds West, 221.18 feet to a point 39.87 feet right of KY 237 Station 31+15.00, said point being in a proposed permanent drainage easement line; thence with said proposed permanent drainage easement line North 64 degrees 07 minutes 52 seconds East, 30.13 feet to a point 70.00 feet right of KY 237 Station 31+15.00; thence North 26 degrees 27 minutes 57 seconds West, 23.56 feet to a point 69.97 feet right of KY 237 Station 31+37.26, said point being in the property line of said tract; thence with said property line North 54 degrees 40 minutes 19 seconds East, 15.19 feet to a point 85.00 feet right of KY 237 Station 31+39.33, said point being in the proposed temporary easement line; thence with said proposed temporary easement line South 22 degrees 30 minutes 39 seconds East, 202.53 feet to a point 85.00 feet right of KY 237 Station 29+50.00; thence South 2 degrees 09 minutes 40 seconds East, 38.65 feet to a point 75.00 feet right of

KY 237 Station 29+15.00; thence North 71 degrees 17 minutes 28 seconds West, 60.05 feet to a point 135.00 feet right of KY 237 Station 29+17.25, said point being in the property line of said tract; thence with said property line South 55 degrees 32 minutes 04 seconds West, 112.45 feet to the point of beginning.

The above described parcel contains 0.286 acre (12,447 square feet).

It is the specific intention of the parties of the first part to hereby convey as a temporary easement in and to the property described above and designated as Parcel No. 9 Tract C for the purpose of constructing roadway slopes and said easement terminates and reverts upon completion of same.

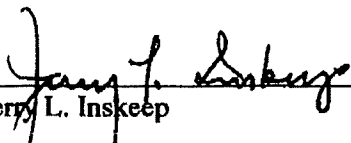
Being a part of the same property conveyed to JERRY L. INSKEEP, unmarried, from JERRY L. INSKEEP, unmarried, and JERRY L. INSKEEP, Trustee of The Gallagher-Inskeep Trust u/a dtd June 14, 2000, by deed dated June 20, 2007 and recorded June 20, 2007, of record in Deed Book 936, Page 449 in the office of the County Clerk of Boone County, Kentucky. Ann Gallagher and Jerry L. Inskeep were Co-Trustees of The Gallagher-Inskeep Trust, however by virtue of Ann Gallagher's death on April 25, 2001, Jerry L. Inskeep became the sole Trustee of the Trust with full power to, among others, convey real estate. Ann Gallagher who was married to Jerry Inskeep at her death was also known as Ann Inskeep. See her death certificate attached hereto.

This proposed public highway improvement for which the above described property is being acquired is identified as KY 237 (Camp Ernst-Pleasant Valley) FD 04 C008 6979201R the plans for which are on file in the Office of the Transportation Cabinet in Frankfort, Kentucky.

The acquisition of the right of way for this project was authorized by the Kentucky Department of Highways Official Order No. 103826. The control of access on this project and access to the remaining property of the Party of the First Part shall be by permit, as required to be set forth in Section 6 of the Kentucky Administrative Regulations (603 KAR 5:120).

TO HAVE AND TO HOLD said property unto the party of the second part, its successors and assigns, with all the rights and privileges thereunto belonging with covenants of General Warranty.

IN TESTIMONY WHEREOF the party of the first part executed this deed on this, the _____ day of 8/06/08, 2008.



Jerry L. Inskeep

BOONE COUNTY
HD20 Pg 459

STATE OF ARIZONA

STATE OF ARIZONA DEPARTMENT OF HEALTH SERVICES OFFICE OF VITAL RECORDS CERTIFICATE OF DEATH

DEATH NO.
D1102-

NAME OF DECEASED ANN MARI INSKEEP		SEX FEMALE		DATE OF DEATH APRIL 15, 2001	
RACE (e.g. white, black, American Indian, etc.) WHITE		PRECEDENT OF DEATH (If any, specify) NO		WAS DECEASED EVER IN U.S. ARMED FORCES? (If yes, specify branch) NO	
PLACE OF DEATH MARICOPA		CITY OR TOWN SCOTTSDALE		IF IN HOME, OF THE STREET ADDRESS MAYO CLINIC HOSPITAL	
DATE OF BIRTH SEPTEMBER 21, 1938		AGE (YEARS, MONTHS, DAYS) 62		MARRIED (Specify) JERRY INSKEEP	
STATE AND CITY OF BIRTH CINCINNATI, OHIO		CITIZENSHIP USA		SPECIAL SECURITY NO. 289-34-3026	
USUAL RESIDENCE CALIFORNIA		CITY OR TOWN PALM SPRINGS		ZIP CODE 92264	
STREET ADDRESS OR R.F.D. 1441 SAN MATEO DRIVE		INSIDE CITY LIMITS? YES		PREVIOUS STATE OF RESIDENCE CALIFORNIA	
FATHER'S NAME PAUL GALLAGHER		MOTHER'S NAME IDA MAE SULLIVAN		EDUCATION HIGHEST GRADE COMPLETED COLLEGE (1-4 or 5+)	
INFORMANT'S SIGNATURE <i>[Signature]</i>		RELATIONSHIP TO DECEASED HUSBAND		ADDRESS 1441 SAN MATEO DRIVE, PALM SPRINGS, CA 92264	
BURIAL, CREMATION, REMOVAL, OTHER (Specify) REM/BURIAL		DATE 04/27/01		FURNER'S SIGNATURE <i>[Signature]</i>	
FURNER'S NAME UNIVERSAL MEMORIAL CENTER		STREET ADDRESS 1100 E. JEFFERSON ST, PHX, AZ		CITY AND STATE PHOENIX, AZ	
TO THE BEST OF MY KNOWLEDGE DEATH OCCURRED AT THE TIME, DATE AND PLACE AND DUE TO THE CAUSE(S) STATED.		SIGNATURE <i>[Signature]</i>		DATE SIGNED (Mo., Day, Year) APRIL 27, 2001	
DATE SIGNED (Mo., Day, Year) APRIL 27, 2001		HOUR OF DEATH 0900		PRONOUNCED DEAD (Mo., Day, Year) ON APRIL 25, 2001	
NAME AND ADDRESS OF CERTIFIER, PHYSICIAN, MEDICAL EXAMINER OR TRIBAL LAW ENFORCEMENT AUTHORITY MARCO ROSS, MD, 120 S. SIXTH AVE., PHOENIX, AZ		AUTHORIZED FOR CREATION (Specify) Yes		MEDICAL EXAMINER'S SIGNATURE <i>[Signature]</i>	
DATE REGISTERED MAY 09 2001		REG. FILE NO. 9003		DATE RECD. IN STATE OFFICE 0705	
A. IMMEDIATE CAUSE (FINAL DISEASE OR CONDITION RESULTING IN DEATH) ENTER ONLY ONE CAUSE ON EACH LINE HYPERTENSIVE AND ATHEROSCLEROTIC CARDIOVASCULAR DISEASE		B. DUE TO OR AS A CONSEQUENCE OF		C. DUE TO OR AS A CONSEQUENCE OF	
PART M. Other significant conditions contributing to death but not resulting in the underlying cause given in Part I.		AUTOPSY (Specify Yes or No) NO		WAS CASE REFERRED TO MEDICAL EXAMINER (Specify Yes or No) YES	
MANNER OF DEATH ☒ NATURAL CAUSE ☐ ACCIDENT ☐ SUICIDE		DATE OF INJURY 02		INJURY AT HOME? (Specify Yes or No) NO	
PLACE OF INJURY (At home, farm, street, factory, place of work, etc.) SCOTTSDALE		WHERE LOCATED? STREET ADDRESS		CITY OR TOWN STATE	
SUPPLEMENTARY ENTRIES					

CERTIFIED COPY OF VITAL RECORDS

STATE OF ARIZONA } 85
COUNTY OF MARICOPA

DATE ISSUED

May 14, 2001

This is a true and exact reproduction of the document officially registered and placed on file in the VITAL RECORDS SECTION, DEPARTMENT OF HEALTH SERVICES, PHOENIX, ARIZONA issued under the authority of A.R.S. §1341, and by direction of

[Signature]
John B. Melnick, M.D.
County Registrar
Director, Maricopa County Department
of Public Health Services



This copy not valid unless prepared on engraved border displaying county seal in color and raised seal of issuing agency.

SUBJECT PARCEL

062.00 - 00 - 114.00

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS:

That ROBERT SCHRODER, a single person,
for and in consideration of \$1.00 and other consideration and
pursuant to a Decree of Dissolution entered in Kenton Circuit Court
Case #00-CI-1160, does bargain, release, quit claim and convey to:

CYNTHIA A. SCHRODER, a single person,
her heirs and assigns forever, all of Grantor's right, title and
interest in and to the following described Real Estate located in
the County of Boone and Commonwealth of Kentucky, to-wit:

Property Address: 8796-8798 Gunpowder Road, Florence, Ky 41042

LEGAL DESCRIPTION OF 8796-8798 GUNPOWDER ROAD, FLORENCE, KY 41042

Group 2047 and 173

Being Lots Numbered Thirty-four (34), Thirty-five (35), Thirty-six
(36), Thirty-seven (37), Thirty-eight (38) and Thirty-nine (39) and
a small tract on the west side of Gunpowder Road, as shown on Rel.
C. Wayman's Plat of Sugar Tit Subdivision, located on U. S. Highway
42, southwest of Florence, dated and acknowledged February 23rd,
1943, and recorded in Plat Book 1, page 102 of the Boone County
Records at Burlington, all of which is described as follows:

Beginning at an iron pin, a corner to Lots Thirty-three (33) and
Thirty-four (34), and in a line of the 2.25 acre tract; thence with
said tract S. 44 degrees 10' E. 231 feet to a stake; thence S. 3
degrees 45' W. 371 feet to a stake; thence S. 71 degrees W. 750
feet to a point in Gunpowder Creek; thence down same N. 7 degrees
E. 125 feet; thence N. 24 degrees W. 195 feet to a point in said
Creek; thence with R. C. Wayman's land and Lot Thirty-three (33)
N. 53 degrees E. 800 feet to the place of beginning, containing
7.74 acres.

Subject to easements of record.

Being the same property conveyed to Grantor and Grantee by deed
dated August 13, 1997, recorded in Deed Book 661, page 224, and
rerecorded in Deed Book 675, page 295, of the Boone County Clerk's
records at Burlington, Kentucky. On December 18, 2000, the parties
were divorced in Kenton Circuit Court, case number 00-CI-1160, and
this deed is made pursuant to the terms of that decree.

Together with all the Privileges and Appurtenances to the same
belonging. To Have and To Hold the same to the said

CYNTHIA A. SCHRODER, a single person,
her heirs and assigns forever, with no warranty.

RETURN TO:

Cynthia Schroder
P.O. Box 17106 Ft. Russell Ky 41017

The Grantor is ROBERT SCHRODER
whose mailing address is 3093 Sentry, Edgewood, Ky 41017

The Grantee is CYNTHIA A. SCHRODER
whose mailing address is 2478 Stonewell Trail, Ft. Wright, Ky 41017

The Consideration Statement is not required Pursuant to KRS 382.135
(2) (b).

No transfer tax is owed pursuant to KRS 142.050 (7)(e).

IN WITNESS WHEREOF, the said grantor ROBERT SCHRODER hereunto sets
his hand on this 18 day of January, 2001.

Robert Schroder
ROBERT SCHRODER

State of Kentucky
County of Kenton

The foregoing instrument was subscribed, acknowledged and sworn to
before me this 18 day of January, 2001 by ROBERT SCHRODER.

Lisa Updegraff
Notary Public Ky State at Large
My Commission expires: 7-1-2004

Prepared by:

Robert Schroder
Robert Schroder Attorney
1105 O'Banion Ln, Owenton, Ky 40359

The Foregoing INSTRUMENT was subscribed,
Acknowledged and sworn to before me this
19TH day OF January, 2001 by Cynthia A. Schroder

Cynthia A. Schroder
CYNTHIA A. SCHRODER

By: Marilyn K Rouse Clerk

By: Lisa L. Lammert Clerk of Office

DOCUMENT NO: 46985
RECORDED ON: JANUARY 19, 2001 02:45:00PM
TOTAL FEES: \$12.00
GROUP : 2847
COUNTY CLERK: MARILYN K ROUSE
COUNTY: BOONE
DEPUTY CLERK: ELIZABETH PAYNE
BOOK D796 PAGES 581 - 582

BOONE COUNTY
D796 Pg 582

SUBJECT

RETURN TO:

Payee: Hank German
Ky Transp. Cabinet
PO Box 17130
Covington, Ky 41017

Exempt from Transfer tax: KRS 142.050(7)(b)

DEED OF CONVEYANCE

THIS DEED, between CYNTHIA A. SCHRODER, a single person, 2478 Stonewell Trail, Ft. Wright, Kentucky 41017, party of the first part, and the Commonwealth of Kentucky for the use and benefit of the Transportation Cabinet, Department of Highways, Frankfort, Kentucky 40622, party of the second part.

WITNESSETH: That the said party of the first part, in consideration of Six Thousand Nine Hundred Dollars (\$6,900.00) cash in hand paid, the receipt of which is hereby acknowledged, does hereby sell, grant, assign, and convey to the party of the second part, its successors and assigns forever, the following described property, viz:

Parcel No. 6
Tract A

Group No. 2047 and 173

PIDN 062.00-00-114.00

Being a tract of land located in Boone County, Kentucky along KY 237 (Pleasant Valley Road), approximately 1,210 feet south of the intersection of KY 237 and US 42, and more particularly described as follows:

Beginning at a point in the East existing and proposed right of way line of KY 237, said point being 30.30 feet right of KY 237 Station 25+26.23; thence with said existing right of way line along an arc 49.13 feet to the left, having a radius of 602.96 feet, the chord of which is North 7 degrees 43 minutes 27 seconds West, 49.11 feet, to a point 28.21 feet right of KY 237 Station 25+75.29; thence North 10 degrees 03 minutes 27 seconds West, 106.09 feet to a point 19.39 feet right of KY 237 Station 26+81.01; thence along an arc 36.46 feet to the left, having a radius of 602.96 feet, the chord of which is North 11 degrees 51 minutes 24 seconds West, 36.45 feet, to a point 15.68 feet right of KY 237 Station 27+16.80, said point being in the property line of said tract; thence with said property line North 55 degrees 21 minutes 17 seconds East, 12.86 feet to a point 27.06 feet right of KY 237 Station 27+22.66, said point being in the East proposed right of way line of KY 237; thence with said proposed right of way line South 10 degrees 26 minutes 43 seconds East, 39.75 feet to a point 30.00 feet right of KY 237 Station 26+83.94; thence South 5 degrees 23 minutes 48 seconds East, 157.71 feet to the point of beginning.

The above described parcel contains 0.026 acre (1,139 square feet).

It is understood between the parties hereto and made a covenant herein that Parcel No. 6 Tract A described above is hereby conveyed in fee simple.

**Parcel No. 6
Tract B**

Group No. 2047 and 173

PIDN 062.00-00-114.00

Being a tract of land located in Boone County, Kentucky along KY 237 (Pleasant Valley Road), approximately 1,215 feet south of the intersection of KY 237 and US 42, and more particularly described as follows:

Beginning at a point in the East existing and proposed right of way line of KY 237, said point being 30.31 feet right of KY 237 Station 25+20.00; thence with said existing and proposed right of way line North 5 degrees 23 minutes 22 seconds West, 6.23 feet to a point 30.30 feet right of KY 237 Station 25+26.23, said point being in the East proposed right of way line of KY 237; thence with said proposed right of way line North 5 degrees 23 minutes 48 seconds West, 157.71 feet to a point 30.00 feet right of KY 237 Station 26+83.94; thence North 10 degrees 26 minutes 43 seconds West, 39.75 feet to a point 27.06 feet right of KY 237 Station 27+22.66, said point being in the property line of said tract; thence with said property line North 55 degrees 21 minutes 17 seconds East, 76.06 feet to a point 95.00 feet right of KY 237 Station 27+55.22, said point being in the proposed temporary easement line; thence with said proposed temporary easement line South 1 degree 38 minutes 23 seconds West, 146.89 feet to a point 75.00 feet right of KY 237 Station 26+15.00; thence South 81 degrees 15 minutes 03 seconds East, 41.23 feet to a point 115.00 feet right of KY 237 Station 26+05.00; thence South 5 degrees 17 minutes 14 seconds East, 35.00 feet to a point 115.00 feet right of KY 237 Station 25+70.00; thence South 79 degrees 19 minutes 25 seconds West, 53.24 feet to a point 62.00 feet right of KY 237 Station 25+65.00; thence South 29 degrees 51 minutes 54 seconds West, 55.04 feet to the point of beginning.

The above described parcel contains 0.263 acre (11,440 square feet).

It is the specific intention of the parties of the first part to hereby convey as a temporary easement in and to the property described above and designated as Parcel No. 6 Tract B for the purposes of constructing roadway slopes and entrance reconstruction and said easement terminates and reverts upon completion of same.

Being a part of the same property conveyed to CYNTHIA A. SCHRODER, a single person, from ROBERT SCHRODER, a single person, by deed dated January 18, 2001 and recorded January 19, 2001, of record in Deed Book 796, Page 581, in the office of the County Clerk of Boone County, Kentucky.

This proposed public highway improvement for which the above described property is being acquired is identified as KY 237 (Camp Ernst-Pleasant Valley) FD 04 C008 6979201R the plans for which are on file in the Office of the Transportation Cabinet in Frankfort, Kentucky.

The acquisition of the right of way for this project was authorized by the Kentucky Department of Highways Official Order No. 103826. The control of access on this project and access to the remaining property of the Party(ies) of the First Part shall be by permit, as required to be set forth in Section 6 of the Kentucky Administrative Regulations (603 KAR 5:120).

DOCUMENT NO: 443719
RECORDED ON: NOVEMBER 19, 2007 02:37:44PM
TOTAL FEES: \$13.00
GROUP : 2047
COUNTY CLERK: RENAY PING
COUNTY: BOONE COUNTY CLERK
DEPUTY CLERK: DONNA COLLINS
BOOK HD20 PAGE# 227 - 228

SUBJECT PARCEL

DEED

062.00-00-113.00

KNOW ALL MEN BY THESE PRESENTS:

That

Vernon Dryden and Mary Claire Dryden, his wife and David Dryden and Joan M. Dryden, his wife

(Mary Claire Dryden also known as Mary Clair Dryden)

for and in consideration of ONE DOLLAR (\$1.00) and other good and valuable considerations to them paid by Vernon Dryden and Mary Claire Dryden, his wife

Property Transfer Tax Paid \$ Exempt
JERRY W. ROUSE, Clerk PAID D.C.

(This conveyance is exempt from the property transfer tax.)

the receipt whereof is hereby acknowledged, do hereby bargain, sell and convey to the said

Vernon Dryden and Mary Claire Dryden, his wife, jointly with remainder in fee simple to the survivor of them, his or her

heirs and assigns forever, the following described real estate, lying and being in Boone County, Kentucky to-wit:

Grantee Mailing Address Gunpowder Road, Florence, Kentucky Group No. 173

Present Street Address Gunpowder Road Florence, Kentucky Plat No. 1/102

Located on the east side of Gunpowder Road south of U. S. #42, Boone County, State of Kentucky and being part of Lots 31, 32 and 33 of Sugar Tit Subdivision as shown in Plat Book 1, page 102, Boone County Clerk's Office, Burlington, Kentucky and more particularly described as follows:

BEGINNING at the northwest corner of Lot 31 in the east right-of-way line at Gunpowder Road; thence from said place of beginning south along the west lines of Lots 31, 32, and 33, 150.0 feet to the southwest corner of Lot 33; thence east along the south line of Lot 33, 211.0 feet to a point; thence north along a new division line, 147.3 feet to a point in the north line of Lot 31; thence west along the north line of Lot 31, 197.5 feet to a point, the place of beginning.

There is reserved a right-of-way and easement for the purpose of ingress and egress to the property east and adjacent to the above described property 20.0 feet in width, the centerline of which is described as follows: BEGINNING in the east right-of-way line of Gunpowder Road and in the west line of Lot 31; thence from said place of beginning, east parallel to and 10.0 feet south of the north line of Lot 31, measured perpendicular thereto 195.0 feet to the east line of the above described property.

Being the same property conveyed to the Grantors by Jack McKibben and wife by deed dated 3rd day of January 19 69 and recorded in deed book 184 page 254, in the office of the Clerk of the Boone County Court, Burlington, Kentucky.

Together with all the privileges and appurtenances to the same belonging. To have and to hold the same to the said

Vernon Dryden and Mary Claire Dryden, his wife, jointly with remainder in fee simple to the survivor of them, his or her

heirs and assigns forever, with covenants of general warranty.

IN WITNESS whereof the said Vernon Dryden and Mary Claire Dryden, his wife and David Dryden and Joan M. Dryden, his wife

hereunto set their hands this 31st day of October, 1973.

I hereby certify that this instrument has been drafted by:

Larry J. Crigler, Attorney
 Hebron, Kentucky

Vernon Dryden
Mary Claire Dryden
David Dryden
Joan M. Dryden

STATE OF KENTUCKY

SCT.

County of Boone.

I, Ronald L. Morris a Notary Public in and for the county and state aforesaid, do certify that the foregoing instrument of writing from Vernon Dryden and Mary Claire Dryden, his wife and David Dryden and Joan M. Dryden, his wife to Vernon Dryden and Mary Claire Dryden, his wife

was this day presented to me in my county by the parties and then and there acknowledged by the said Vernon Dryden and Mary Claire Dryden, his wife and David Dryden and Joan M. Dryden, his wife to be

their act and deed. Whereupon the same and this certificate are certified to the proper office for record.

Given under my hand and seal of office this 31st day of October, 1973.

My Commission Expires

September 13, 1976

Ronald L. Morris
 Notary Public.

WARRANTY DEED

VERNON DRYDEN
 AND
 MARY CLAIRE DRYDEN, his wife
 AND
 DAVID DRYDEN
 AND
 JOAN M. DRYDEN, his wife
 TO

VERNON DRYDEN
 AND
 MARY CLAIRE DRYDEN, his wife

Acknowledged

RECEIVED

1973 OCT 15 PM 4:15

Left for Record - County Clerk

at M.

By Jerry W. Rouse Clerk

By Barbara D. Rouse D.C.

Recorded in Deed Book

No. Page

Recording Stamps \$

STATE OF KENTUCKY,

SCT.

County of Boone

I, Jerry W. Rouse Clerk of the County Court in and for the County and State aforesaid, do certify that the foregoing instrument of writing from Vernon Dryden, et al. to Vernon Dryden and Mary Claire Dryden

was this 15th day of November, 19 73 produced to me, certified as above and lodged for record at 4:15 o'clock P. M.

Whereupon, the same with foregoing and this certificate have been duly recorded in my office.

Given under my hand, this 15th day of November, 19 73.

JERRY W. ROUSE Clerk
 By Barbara D. Rouse D.C.

SUBJECT PARCEL

062.00-00-113.06

PROPERTY TRANSFER TAX PAID \$
JERRY W. ROUSE, CLERK

Exempt
gms

BOOK 519 PAGE 64

DEED

RECEIVED

PART OF LOTS 31-33 1973 JUL 21 P 4:04

KNOW ALL MEN BY THESE PRESENTS:

That David Dryden and Joan M. Dryden, husband and wife,

whose mailing address is: 8756 Gunpowder Road, Florence, Kentucky 41042

for and in consideration of one dollar (\$1.00) and other good and valuable consideration to them paid by the grantee herein, the receipt of which is acknowledged, do bargain, sell, and convey to:

John D. Dryden, single, his

heirs and assigns forever, the following described real estate, lying and being in Boone County, Kentucky, to wit:

Present Street Address: 8756 Gunpowder Road, Florence, KY 41042

Grantee Mailing Address: 8756 Gunpowder Road, Florence, KY 41042

Transaction Tax Exempt

Group No. 173

Conveyance from Parents to Son

Plat No. 1/102

Located on the east side of Gunpowder Road south of U.S. #42, Boone County, State of Kentucky and being part of Lots 31, 32 and 33 of Sugar Tit Subdivision as shown in Plat Book 1, page 102, Boone County Clerk's Office, Burlington, Kentucky and more particularly described as follows:

BEGINNING at the northwest corner of Lot 31 in the east right-of-way line at Gunpowder Road; thence from said place of beginning south along the west lines of Lots 31, 32, and 33, 150.0 feet to the southwest corner of Lot 33; thence east along the south line of Lot 33, 211.0 feet to a point; thence north along a new division line, 147.3 feet to a point in the north line of Lot 31; thence west along the north line of Lot 31, 197.5 feet to a point, the place of beginning.

There is reserved a right-of-way and easement for the purpose of ingress and egress to the property east and adjacent to the above described property 20.0 feet in width, the centerline of which is described as follows: BEGINNING in the east right-of-way line of Gunpowder Road and in the west line of Lot 31; thence from said place of beginning, east parallel to and 10.0 feet south of the north line of Lot 31, measured perpendicular thereto 195.0 feet to the east line of the above described property.

Being the same property conveyed to Vernon Dryden and Mary Claire Dryden from Vernon Dryden and Mary Claire Dryden, his wife and David Dryden and Joan M. Dryden, his wife by deed dated October 31, 1973 and recorded in Deed Book 206, page 465 of the Boone County Court Clerk's Records recorded at Burlington, Kentucky.

Vernon Dryden died on Dec 22 1970 and pursuant to the deed recorded in Deed Book 206, page 465 of the Boone County Court Clerk's Records at Burlington, Kentucky, Mary Claire Dryden become the sole owner.

On July 11, 1992, Mary Claire Dryden died testate, a citizen and resident of Boone County, Kentucky and by virtue of her will recorded in Deed Book 52, page 30, the Grantor, David Dryden, became the sole owner of the above described property. Please see Case No. 92-P-368

[Signature]

of the Boone District Court Clerk's Records, Probate Division, Burlington, Kentucky.

The said Joan M. Dryden signs this deed to extinguish her dower interest to the above described property.

Together with all the PRIVILEGES AND APPURTENANCES to the same belonging.

TO HAVE AND TO HOLD the same to the said

John D. Dryden, single, his

heirs and assigns, forever, the Grantors heirs, executors and administrators, HEREBY COVENANTING with the grantees heirs and assigns, that the TITLE so conveyed is CLEAR, FREE AND UNINCUMBERED, and that Grantors will WARRANT AND DEFEND the same against all legal claims whatsoever, provided.

IN WITNESS WHEREOF, the Grantors, David Dryden & Joan M. Dryden, husband and wife hereunto set their hands, this 2nd day of August in the year 1993.

David M. Dryden
DAVID DRYDEN

Joan M. Dryden
JOAN M. DRYDEN

State of Kentucky:
County of Boone:

The foregoing instrument was acknowledged before me this 2nd day of August, 1993 by the Grantors, David Dryden & Joan M. Dryden, husband and wife.

Barbara R. Paul
Notary Public, State at Large

My Commission Expires: 1-25-94

CERTIFICATE OF CONSIDERATION

Grantors and Grantee both certify, under oath, that the value of the property being conveyed in this Deed is \$27,500.00 and the Grantee joins in this Deed for the sole purpose of making this certificate about the value of the property being conveyed.

Sworn to this 2nd day of August in the year 1993

GRANTORS

GRANTEE

David M. Dryden
DAVID DRYDEN
Joan M. Dryden
JOAN M. DRYDEN

John D. Dryden
JOHN D. DRYDEN

State of Kentucky:
County of Boone:

The foregoing certification was acknowledged before me this 2nd day of August, 1993 by David Dryden & Joan M. Dryden, Grantors.

Barbara R. Paul
Notary Public, State at Large

My Commission expires: 1-25-94

BOOK **519** PAGE **66**

State of Kentucky:
County of Boone:

The foregoing certification was acknowledged before me this 2nd day of August, 1993 by John D. Dryden, Grantee.

James B. Boush
Notary Public

My Commission expires: 1-25-94

State of Kentucky, County of Boone
JERRY W. ROUSE, Clerk of the Boone County
Court, do certify that the foregoing
Deed was, on the 24 day of August
1993, at 4:04 P. M, lodged in my office
for record, and that it has been duly recorded in
my said office, together with this and the
certificate thereon endorsed.
Given under my hand this 24 day of Aug.
1993
JERRY W. ROUSE, CLERK
By *John D. Dryden* D.C.

This Deed Prepared By:

Jerry M. Miniard
JERRY M. MINIARD, P.E.C.
Attorney at Law
6601 Dixie Highway
Florence, KY 41042
(606) 525-1441

Recorded in Deed Book No. 519 Page 64

GENERAL INDEX

GROUP 173
Index Clerk

SUBJECT PARCELDEED OF CONVEYANCE

THIS DEED, between JOHN D. DRYDEN AND ROBIN DRYDEN, HUSBAND AND WIFE, 8756 Gunpowder Road, Florence, Kentucky 41042-9619, parties of the first part, and the COMMONWEALTH OF KENTUCKY, for the use and benefit of the TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS, Frankfort, Kentucky 40622, party of the second part;

WITNESSETH: That the said parties of the first part, in consideration of One Hundred Ninety Two Thousand One Hundred Dollars (\$192,100.00) cash in hand paid, the receipt of which is hereby acknowledged, have bargained and sold and do hereby sell, grant and convey to the party of the second part, its successors and assigns forever, the following described property and property rights:

GROUP NO. 173
PIDN 062.00-00-113.01

PARCEL NO. 8 TRACT A

Being a tract of land located in Boone County, Kentucky along KY 237 (Pleasant Valley Road), approximately 1,020 feet south of the intersection of KY 237 and US 42, and more particularly described as follows:

Beginning at a point in the East existing right of way line of KY 237, said point being 15.68 feet right of KY 237 Station 27+16.80, said point also being in the property line of said tract; thence with said existing right of way line along an arc 91.46 feet to the left, having a radius of 602.96 feet, the chord of which is North 17 degrees 56 minutes 03 seconds West, 91.37 feet, to a point 1.47 feet right of KY 237 Station 28+06.44; thence North 64 degrees 37 minutes 07 seconds East, 14.83 feet to a point 15.85 feet right of KY 237 Station 28+10.04; thence North 14 degrees 30 minutes 43 seconds West, 68.88 feet to a point 13.95 feet right of KY 237 Station 28+78.07, said point being in the property line of said tract; thence with said property line North 55 degrees 32 minutes 04 seconds East, 15.54 feet to a point 28.57 feet right of KY 237 Station 28+83.23, said point being in the East proposed right of way line of KY 237; thence with said proposed right of way line South 10 degrees 26 minutes 43 seconds East, 164.18 feet to a point 27.06 feet right of KY 237 Station 27+22.66, said point being in the property line of said tract; thence with said property line South 55 degrees 21 minutes 17 seconds West, 12.86 feet to the point of beginning.

The above described parcel contains 0.055 acre (2,380 square feet).

It is understood between the parties hereto and made a covenant herein that Parcel No. 8 Tract A described above is conveyed in fee simple.

GROUP NO. 173
PIDN 062.00-00-113.01

PARCEL NO. 8 TRACT B

Being a tract of land located in Boone County, Kentucky along KY 237 (Pleasant Valley Road), approximately 1,015 feet south of the intersection of KY 237 and US 42, and more particularly described as follows:

Beginning at a point in the East proposed right of way line of KY 237, said point being 27.06 feet right of KY 237 Station 27+22.66, said point also being in the property line of said tract; thence with said proposed right of way line North 10 degrees 26 minutes 43 seconds West, 164.18 feet to a point 28.57 feet right of KY 237 Station 28+83.23, said point being in the property line of said tract; thence with said property line North 55 degrees 32 minutes 04 seconds East, 112.45 feet to a point 135.00 feet right of KY 237 Station 29+17.25, said point being in the proposed temporary easement line; thence with said proposed temporary easement line South 27 degrees 17 minutes 21 seconds East, 25.30 feet to a point 140.00 feet right of KY 237 Station 28+95.00; thence South 38 degrees 40 minutes 41 seconds West, 81.41 feet to a point 75.00 feet right of KY 237 Station 28+50.00; thence South 22 degrees 05 minutes 44 seconds East, 103.42 feet to a point 95.00 feet right of KY 237 Station 27+55.22, said point being in the property line of said tract; thence with said property line South 55 degrees 21 minutes 17 seconds West, 76.06 feet to the point of beginning.

The above described parcel contains 0.264 acres (11,498 square feet).

It is the specific intention of the party of the first part to hereby convey a temporary easement in and to the property described above and designated as Parcel No. 8 Tract B as a temporary easement for the purposes of constructing roadway slopes and an entrance and the temporary relocation of utilities and said easement terminates and reverts upon completion of same.

GROUP NO. 173
PIDN 062.00-00-113.01

PARCEL NO. 8 TRACT C

Being a tract of land located in Boone County, Kentucky along KY 237 (Pleasant Valley Road), approximately 985 feet south of the intersection of KY 237 and US 42, and more particularly described as follows:

Beginning at a point in the property line of said tract, said point being 95.00 feet right of KY 237 Station 27+55.22, said point also being in the proposed temporary easement line; thence with said proposed temporary easement line North 22 degrees 05 minutes 44 seconds West, 103.42 feet to a point 75.00 feet right of KY 237 Station 28+50.00; thence North 38 degrees 40 minutes 41 seconds East, 81.41 feet to a point 140.00 feet right of KY 237 Station 28+95.00; thence South 51 degrees 43 minutes 45 seconds East, 49.61 feet to a point 170.00 feet right of KY 237 Station 28+60.00; thence South 27 degrees 04 minutes 34 seconds East, 77.56 feet to a point 190.00 feet right of KY 237 Station 27+94.83, said point being in the property line of said tract; thence with said property line South 55 degrees 21 minutes 17 seconds West, 104.81 feet to the point of beginning.

The above described parcel contains 0.252 acres (10,991 square feet).

It is the specific intention of the party of the first part to hereby convey a temporary easement in and to the property described above and designated as Parcel No. 8 Tract C as a temporary easement for the purposes of building removal and the temporary relocation of utilities and said easement terminates and reverts upon completion of same.

Being portions of the same property conveyed to John D. Dryden, single, by deed from David Dryden and Joan M. Dryden, husband and wife, dated August 2, 1993 and of record in Deed Book 519, Page 64 in the Boone County Clerk's office, Burlington, Kentucky.

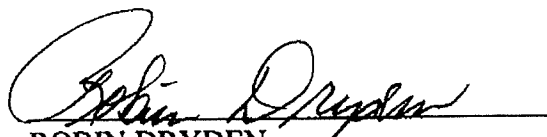
The acquisition of right of way on this project was authorized by the Kentucky Department of Highways Official Order No. 103826. The control of access on this project and access to the remaining property of the party of the first part shall be by permit, as required to be set forth in Section 6 of the Kentucky Administrative Regulations (603 KAR 5:120).

The proposed public road is identified as KY 237 (Project No. FD04 1100 008 6979202R), the plans for which are on file in the office of the Department of Highways in Frankfort, Kentucky.

TO HAVE AND TO HOLD said property and property rights unto the party of the second part, its successors and assigns, with all the rights and privileges thereunto belonging with covenants of General Warranty.

IN TESTIMONY WHEREOF, the parties of the first part, John D. Dryden and Robin Dryden, husband and wife, have executed this Deed of Conveyance on this 24th day of June, 2008.


JOHN D. DRYDEN

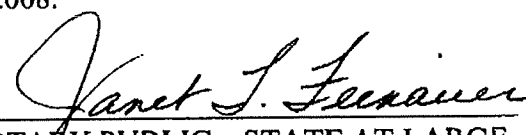

ROBIN DRYDEN

CERTIFICATE OF ACKNOWLEDGMENT

COMMONWEALTH OF KENTUCKY)

COUNTY OF Fenton)

I, the undersigned, certify that the foregoing Deed of Conveyance was produced before me in my said County and State and duly acknowledged and sworn to by John D. Dryden and Robin Dryden, husband and wife, this 24th day of June, 2008.


NOTARY PUBLIC - STATE AT LARGE

My commission expires: 02-19-09

DOCUMENT NO: 471131
RECORDED ON: JULY 16, 2008 03:12:25PM
TOTAL FEES: \$113.00
GROUP : 173
COUNTY CLERK: RENAI PING
COUNTY: BOONE COUNTY CLERK
DEPUTY CLERK: DONNA COLLINS
BOOK HD20 PAGES 423 - 425

BOONE COUNTY
HD20 Pg 425

THIS INSTRUMENT PREPARED BY

RICHARD H. DETERS, ATTORNEY
KENTUCKY TRANSPORTATION CABINET
P.O. BOX 17130
COVINGTON, KENTUCKY 41017



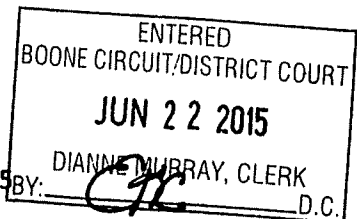
Case No. 15-P-299
Court District/Probate
County Boone

ORDER PROBATING FOREIGN WILL AND
APPOINTMENT OF ANCILLARY ADMINISTRATOR

IN RE: ESTATE OF DAVID DRYDEN, DECEASED

Decedent's Date of Death: 10/06/2013

SSN: [REDACTED] 0345 BY: [Signature]



The petition for probate of the authenticated copy of foreign Will of the above-named Decedent and for appointment of an Ancillary Administrator came for hearing on JUNE 22, 2015. The foreign Will was produced in open court and was ☒ self-proved under KRS 394.225 OR proved by _____.

IT IS THEREFORE ORDERED that the foreign Will be, and it is, hereby admitted to probate as the Last Will and Testament of the Decedent. IT IS FURTHER ORDERED that Mark Dryden whose address is 10124 Carnation Ct #6, Florence, KY 41042 be and is, hereby appointed Ancillary Administrator of said estate. The Court fixes the bond in the sum of \$ 25,000.

WHEREUPON said Ancillary Administrator took the oath prescribed by law and entered into and acknowledged the above-mentioned bond with ☐ approved Surety OR ☒ Surety having been waived.

Date: JUNE 22, 2015.

[Signature] Judge

NOTICE OF ENTRY WAIVED:

Jennifer J. Ortaett
Petitioner's OR Attorney's Signature

CERTIFICATION	
I, <u>Dianne Murray</u> , Clerk of the <u>Boone</u> District Court, do certify this constitutes a true and correct copy of the Order Admitting Will to Probate and Appointing <u>Ancillary Administrator</u> as recorded in my office.	
Date: <u>6/22</u> , 20 <u>15</u>	By: <u>Dianne Murray</u> Clerk D.C.

Distribution:

Original - Court File (with certified copy of Will)

Copies - Executor/Executrix

Revenue Cabinet (Inheritance Tax Section)

Certified Copy - County Clerk (with original of Will); Petitioner is responsible for recording fee.

Boone County

W78 PG 925

2014003686

LAST WILL AND TESTAMENT

OF

DAVID DRYDEN

I, David Dryden, of Hamilton County, Ohio, hereby make this my Last Will and Testament and revoke all other wills and codicils heretofore made by me.

ITEM I. Payment of Charges Against Estate.

My Executor shall follow the directions contained in the Will Item titled "Payment of Debts, Expenses and Taxes" in making the payment of all debts, expenses and taxes chargeable against my estate.

ITEM II. Residence Property.

I devise any interest which I may own in real property used by me as a residence at the time of my death, together with my interests in all insurance policies which shall then insure that property against loss or damage, to my children, Mark A. Dryden, Mary Cleo Beal, Charles V. Dryden and John D. Dryden, equally and per stirpes. The payment of any indebtedness on such real property shall be made or withheld as determined by my Executor in the exercise of the authority given to my Executor in the Item of this Will titled "Payment of Debts, Expenses and Taxes." My children shall not be required to contribute to the payment of any part of such indebtedness which may be paid by my Executor from the residue of my estate.

ITEM III. Personal and Household Goods.

I bequeath all the rest of my personal effects and belongings, furniture and household furnishings and goods, including any automobile(s), owned by me at the time of my death, together with my interests in all insurance policies which shall then insure that property against loss or damage, to my children, Mark A. Dryden, Mary Cleo Beal, Charles V. Dryden and John D. Dryden, equally and per stirpes. Such of my said personal effects and belongings, furniture and household furnishings and goods, and automobile(s) as shall be deemed appropriate for distribution by my Executor, and such insurance policies covering such property, shall pass to my surviving children in as nearly equal shares as possible, as my Executor shall determine, in my Executor's sole discretion. Any of such personal property not distributed under the preceding provisions shall be sold by my Executor and the proceeds therefrom shall be added to the residue of my estate.

CITY OF FLORENCE, KENTUCKY

READING SUMMARY

ORDINANCE NO. O-11-18

AN ORDINANCE ANNEXING CERTAIN TERRITORY CONSISTING OF A PARCEL OF APPROXIMATELY 14.86 ACRES LOCATED ON THE EAST SIDE OF GUNPOWDER ROAD, SOUTH OF U.S. 42, ADJACENT TO THE CITY LIMITS. (SCHRODER/DRYDEN/INSKEEP PROPERTY)

SUMMARY

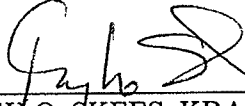
This Ordinance annexes and makes a part of the City a tract of approximately 14.86 acres located on the east side of Gunpowder Road, south of U.S. 42, adjacent to the City limits.

This annexation is in response to a request by the owners, to have the property become part of the City. The annexation will be complete upon second reading and publication of this Ordinance.

After annexation the property shall be zoned Public Facilities One (PF-1).

CERTIFICATION

I hereby certify that the foregoing is a summary of the contents of the Ordinance titled above and that it was prepared by me this 23rd day of October, 2018, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.



HUGH O. SKEES, KBA#64730
SKEES, WILSON & NIENABER, PLLC
7699 Ewing Blvd., P.O. Box 756
Florence, KY 41042-0756
Phone: (859) 371-7407
Fax: (859) 371-9872
Email: rswandd@fuse.net

LEGAL DESCRIPTION
8756 Gunpowder Road
Boone County, Kentucky

Beginning at a point in the east right-of-way line of Gunpowder Road (Kentucky State Route 237) in Un-Incorporated Boone County, Kentucky, said point being the northwest corner of the Fred Elkins property as described in Deed Book 967 at Page 52 of the Boone County Clerk's Records at Burlington, Kentucky; thence along the said east right-of-way line N 12°-07'-38" W a distance of 151.16 feet, N 03°-04'-03" W a distance of 151.67 feet, N 10°-26'-43" W a distance of 221.17 feet, and N 18°-11'-16" W a distance of 242.97 feet to a point at the southwest corner of the James and Sherry Morgan property as described in Deed Book 196 at Page 283 of said Records; thence leaving said east right-of-way line and along the south line of said Morgan property N 54°-11'-03" E a distance of 460.21 feet, and S 44°-46'-00" E a distance of 149.98 feet to a point; thence N 53°-09'-53" E continuing along said Morgan south line and along the south line of the Sabino T. Baluyot Trust property as described in Deed Book 947 at Page 324 of said Records 460.69 feet to a point in the west line of the Sabin Baluyot Trust property as described in Deed Book 947 at Page 318 of said Records; thence S 03°-09'-00" W along said Baluyot Trust west line and along the west line of the Mark and Darlene Blaze property as described in Deed Book 480 at Page 246 of said Records 960.00 feet to point; thence S 31°-41'-15" E continuing along said Blaze west line 26.26 feet to a point at the northeast corner of the Georgia Howard Estate property as described in Will Book 79 at Page 824 of said Records; thence along the north line of said Howard Estate property, the north line of the William and Linda Payne property as described in Deed Book 834 at Page 104 of said Records, the north line of the Steve Johnson property as described in Deed Book 1035 at Page 461 of said Records, the north line of the said Fred Elkins property S 72°-30'-34" W a distance of 684.39 feet to the place of beginning.

Containing 14.86 Acres

8/29/2018



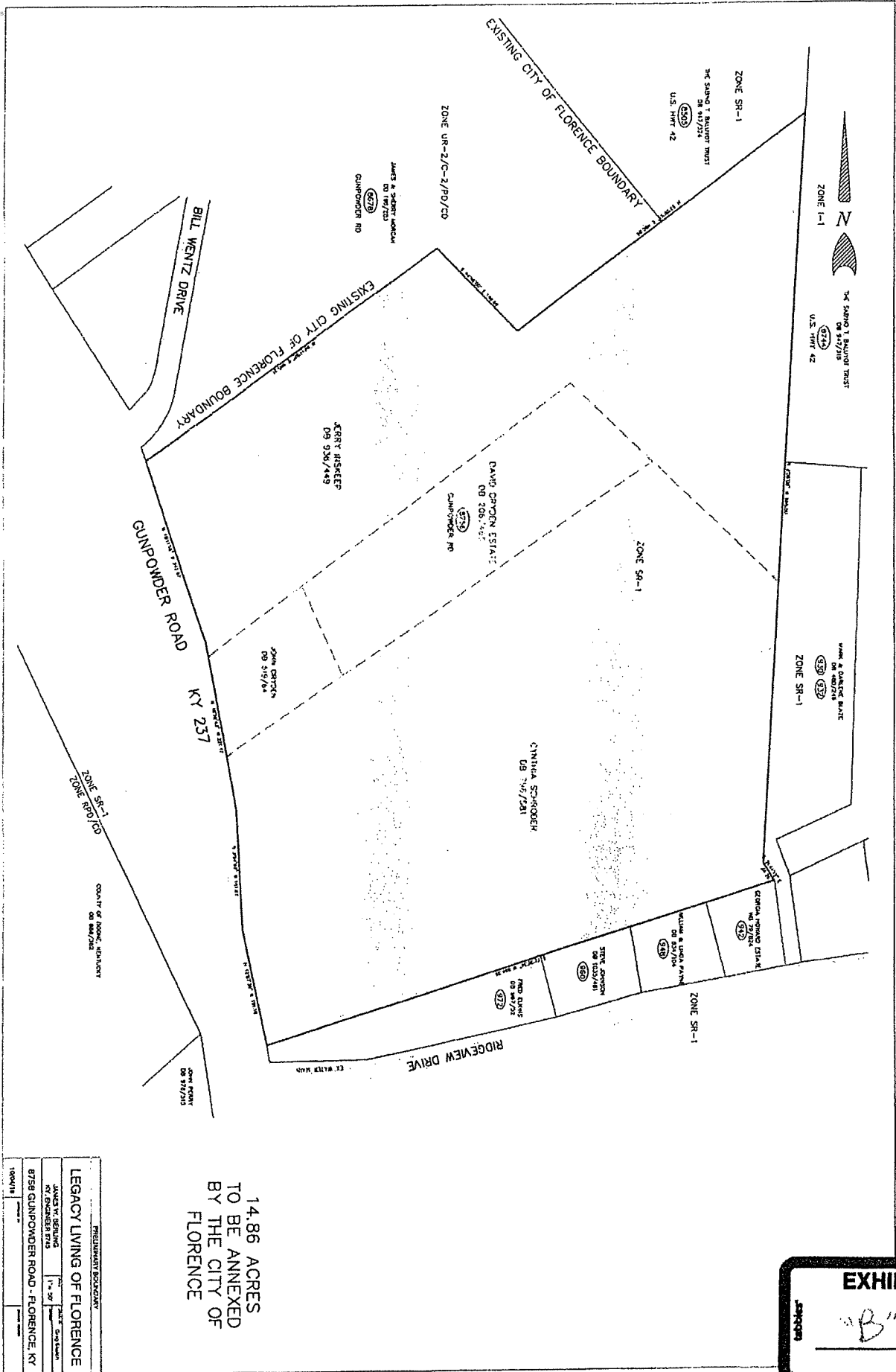


EXHIBIT
 "B"

ORDINANCE NO. O-11-18

AN ORDINANCE ANNEXING CERTAIN TERRITORY CONSISTING OF A PARCEL OF APPROXIMATELY 14.86 ACRES LOCATED ON THE EAST SIDE OF GUNPOWDER ROAD, SOUTH OF U.S. 42, ADJACENT TO THE CITY LIMITS. (SCHRODER/DRYDEN/INSKEEP PROPERTY)

WHEREAS, the owners of record of the hereinafter described territory (the "territory"), have requested that the City of Florence, Kentucky (the "City") annex the territory and, pursuant to K.R.S. 81A.412, the owners have given written consent to such annexation; and

WHEREAS, the City has determined that it is desirable to annex the territory which is contiguous to the boundaries of the City, and

WHEREAS, pursuant to K.R.S. 100.209(1) the City makes the election that prior to final action of annexation, the comprehensive plan and official zoning map of the City shall be amended to incorporate and establish zoning of Public Facilities One (PF-1) with respect to the territory.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FLORENCE, KENTUCKY, AS FOLLOWS:

SECTION I

The City finds that the hereinafter described unincorporated territory meets the requirements of K.R.S. 81A.410 and is as follows:

- (a.) Is contiguous to the boundaries of the City, and
- (b.) Is urban in character and suitable for development for urban purposes without unreasonable delay, and
- (c.) Is not included within the boundary of another incorporated city.

SECTION II

That the territory, described in Exhibit "A" and shown on Exhibit "B" each of which is attached hereto and incorporated herein by reference, shall be and the same is hereby annexed to the City of Florence, Kentucky. The territory is made up of four (4) parcels with separate owners, as shown on Exhibit "B", those owners are Cynthia Schroder; Jerry Inskeep; John Dryden; and the heirs of the David Dryden Estate.

SECTION III

The owners of record of the territory have filed with the City written consent to this annexation under K.R.S. 81A.412 and therefore, the following do not apply to this annexation: (a) the notification ordinance required by K.R.S. 81A. 420(1); (b) the notice requirement of K.R.S. 81A.425; and (c) the waiting period of K.R.S. 81A.420(2).

SECTION IV

Pursuant to K.R.S. 100.209(1) the comprehensive plan and official zoning map of the City shall be amended to establish zoning for the territory as Public Facilities One (PF-1).

SECTION V

This Ordinance shall be published by posting on the City's internet website.

PASSED AND APPROVED ON FIRST READING THIS 23rd DAY OF October, 2018.
PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED
THIS 27th DAY OF January, 2019.

APPROVED:

Deane F. Whelan
MAYOR

ATTEST:

Dany Zeilman
CITY CLERK

CITY OF FLORENCE, KENTUCKY

READING SUMMARY

ORDINANCE NO. O-1-19

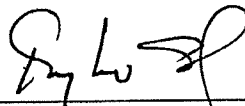
AN ORDINANCE ADOPTING AND APPROVING A ZONING MAP AMENDMENT FROM SUBURBAN RESIDENTIAL ONE (SR-1) TO PUBLIC FACILITIES (PF) FOR A 14.86 ACRE SITE LOCATED ON THE EAST SIDE OF GUNPOWDER ROAD, SOUTH OF U.S. 42, ADJACENT TO THE CITY LIMITS, TO ALLOW MEMORY CARE, ASSISTED LIVING AND SENIOR HOUSING. (BERLING/DRYDEN PROPERTY)

SUMMARY

This Ordinance adopts and approves a zoning map amendment from Suburban Residential One (SR-1) to Public Facilities (PF), in conjunction with a proposed annexation, for a 14.86 acre site located on the east side of Gunpowder Road, south of U.S. 42, adjacent to the City limits, to allow memory care, assisted living, and senior housing.

CERTIFICATION

I hereby certify that the foregoing is a summary of the contents of the Ordinance titled above and that it was prepared by me this 8th day of January, 2019, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.



HUGH O. SKEES, KBA#64730
SKEES, WILSON & NIENABER, PLLC
7699 Ewing Blvd., P.O. Box 756
Florence, KY 41022-0756
Phone: (859) 371-7407
Fax: (859) 371-9872

CITY OF FLORENCE, KENTUCKY
PLANNING AND ZONING COMMITTEE

IN RE: REPORT AND RECOMMENDATION - REQUEST OF STEVEN BERLING (APPLICANT) FOR CATHY DRYDEN, JOHN DRYDEN, CYNTHIA SCHROEDER AND JERRY INSKEEP (OWNERS) FOR A ZONING MAP AMENDMENT FROM SUBURBAN RESIDENTIAL ONE (SR-1) TO PUBLIC FACILITIES (PF) FOR A 14.86 ACRE SITE LOCATED ON THE EAST SIDE OF GUNPOWDER ROAD, SOUTH OF U.S. 42, ADJACENT TO THE CITY LIMITS.

The Committee met in a regular meeting on December 10, 2018, at the Florence Government Center Building to consider Resolution No. R-18-010-A of the Boone County Planning Commission which recommended approval of the request described above. The Committee reviewed the record of proceedings before the Boone County Planning Commission, including said Resolution and the exhibits thereto, and the approved Minutes of the public hearing. The Committee determined that the record from the Boone County Planning Commission contains adequate information for consideration of the recommendation and that no need exists for an additional hearing before the City Council.

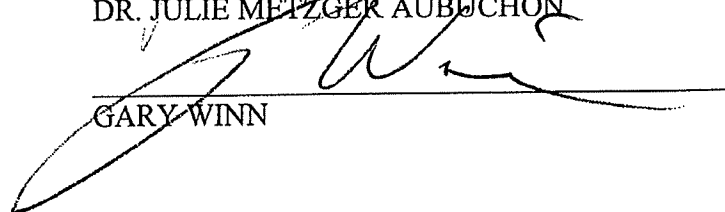
NOW, THEREFORE, the Planning and Zoning Committee recommends to the City Council of the City of Florence, Kentucky, as follows:

- a. That this matter be considered solely on the record before the Boone County Planning Commission and that no additional hearings be held; and
- b. That the recommendation of approval from the Boone County Planning Commission be affirmed, and the request described above be approved.

MEMBERS OF THE COMMITTEE:



DR. JULIE METZGER AUBUCHON



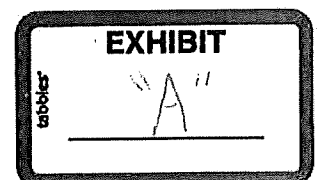
GARY WINN

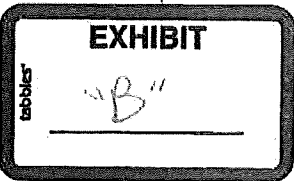
LEGAL DESCRIPTION
8756 Gunpowder Road
Boone County, Kentucky

Beginning at a point in the east right-of-way line of Gunpowder Road (Kentucky State Route 237) in Un-Incorporated Boone County, Kentucky, said point being the northwest corner of the Fred Elkins property as described in Deed Book 967 at Page 52 of the Boone County Clerk's Records at Burlington, Kentucky; thence along the said east right-of-way line N 12°-07'-38" W a distance of 151.16 feet, N 03°-04'-03" W a distance of 151.67 feet, N 10°-26'-43" W a distance of 221.17 feet, and N 18°-11'-16" W a distance of 242.97 feet to a point at the southwest corner of the James and Sherry Morgan property as described in Deed Book 196 at Page 283 of said Records; thence leaving said east right-of-way line and along the south line of said Morgan property N 54°-11'-03" E a distance of 460.21 feet, and S 44°-46'-00" E a distance of 149.98 feet to a point; thence N 53°-09'-53" E continuing along said Morgan south line and along the south line of the Sabino T. Baluyot Trust property as described in Deed Book 947 at Page 324 of said Records 460.69 feet to a point in the west line of the Sabin Baluyot Trust property as described in Deed Book 947 at Page 318 of said Records; thence S 03°-09'-00" W along said Baluyot Trust west line and along the west line of the Mark and Darlene Blaze property as described in Deed Book 480 at Page 246 of said Records 960.00 feet to point; thence S 31°-41'-15" E continuing along said Blaze west line 26.26 feet to a point at the northeast corner of the Georgia Howard Estate property as described in Will Book 79 at Page 824 of said Records; thence along the north line of said Howard Estate property, the north line of the William and Linda Payne property as described in Deed Book 834 at Page 104 of said Records, the north line of the Steve Johnson property as described in Deed Book 1035 at Page 461 of said Records, the north line of the said Fred Elkins property S 72°-30'-34" W a distance of 684.39 feet to the place of beginning.

Containing 14.86 Acres

8/29/2018





CONCEPT DEVELOPMENT PLAN FOR ZONE CHANGE LEGACY LIVING OF FLORENCE 8678 GUNPOWDER ROAD BOONE COUNTY, KENTUCKY

ENGINEER

JAMES W. BERLING ENGINEERING, PLLC
1671 PARK ROAD SUITE ONE
FORT WRIGHT, KENTUCKY 41011
859-331-9191

OWNER/DEVELOPER

LEGACY LIVING, LLC
8463 CASTLEWOOD DRIVE
INDIANAPOLIS, INDIANA 46250
PHONE 317-698-4000

SITE STATISTICS

CURRENT ZONE: SUBURBAN RESIDENTIAL 1 (SR-1)
PROPOSED ZONE: PUBLIC FACILITIES (PF)
MINIMUM FRONT YARD: 30'
MINIMUM REAR YARD: 10'(50')*
MINIMUM SIDE YARD: 10'(50')
MAXIMUM HEIGHT: 70'

* - WHEN ADJOINING CERTAIN ZONES
INCLUDING RESIDENTIAL

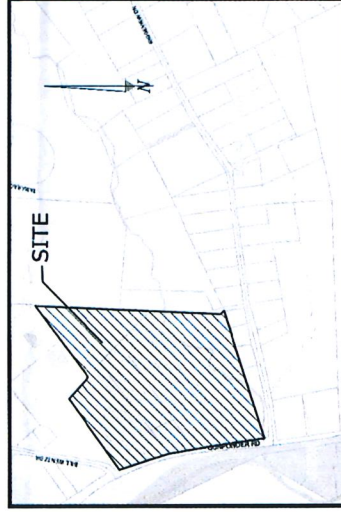
AREA: 14.86 ACRES

DEED BOOK 936/449 PIDN: 062.00-00-112.00

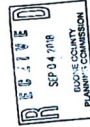
DEED BOOK 206/465 PIDN: 062.00-00-113.00

DEED BOOK 519/064 PIDN: 062.00-00-113.00

DEED BOOK 796/581 PIDN: 062.00-00-114.00

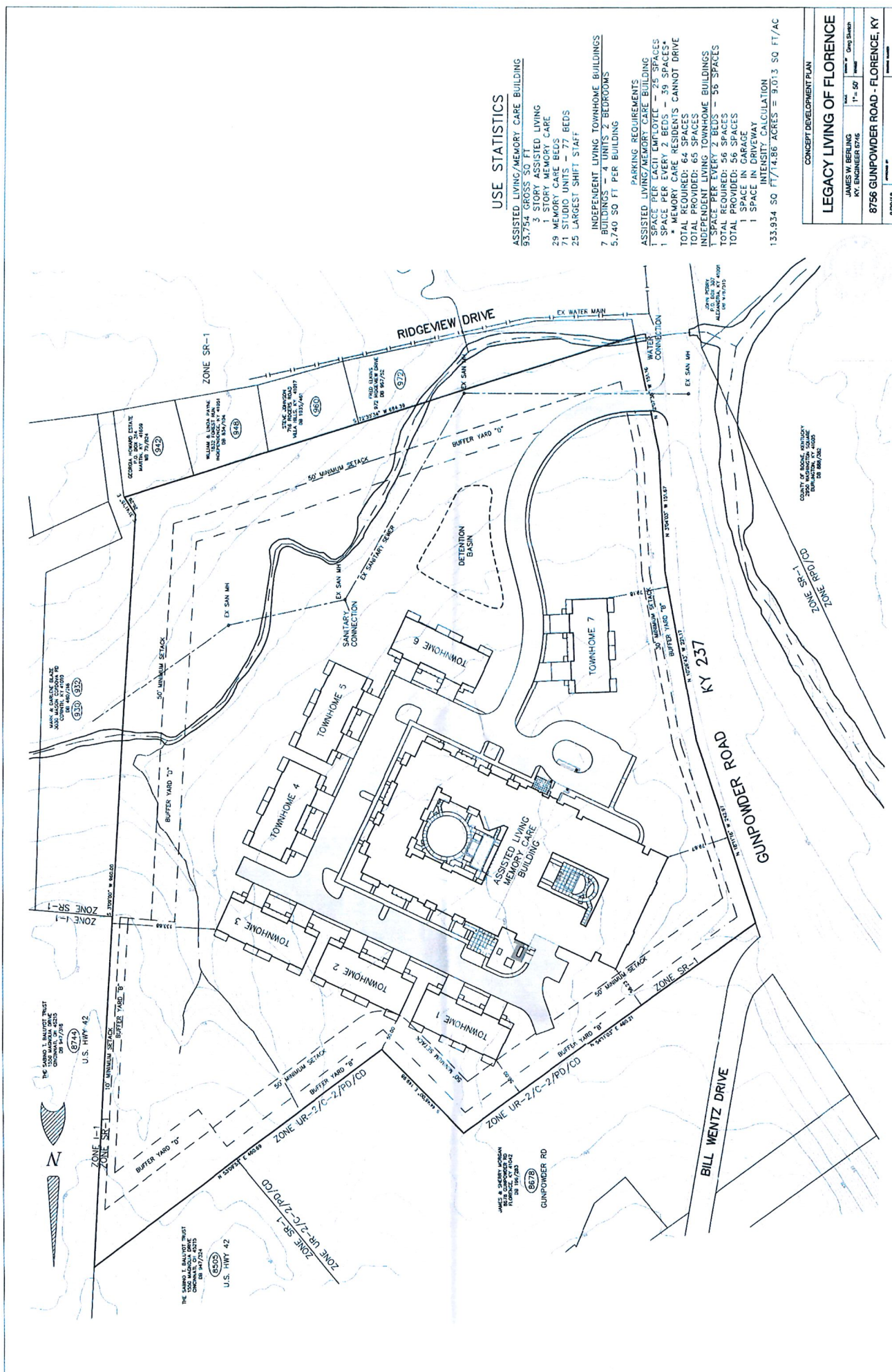


VICINITY MAP



Zoning Map Amendment
APPROVED
Staff: Jennifer
Date: 11/2/18
Boone County
Planning Commission

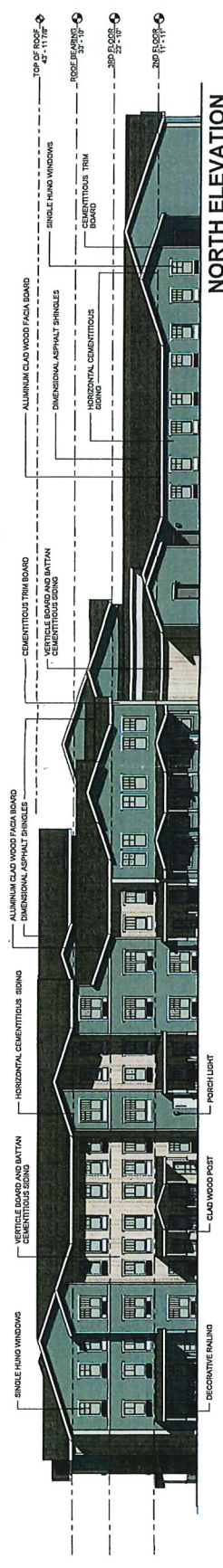
SEPTEMBER, 2018



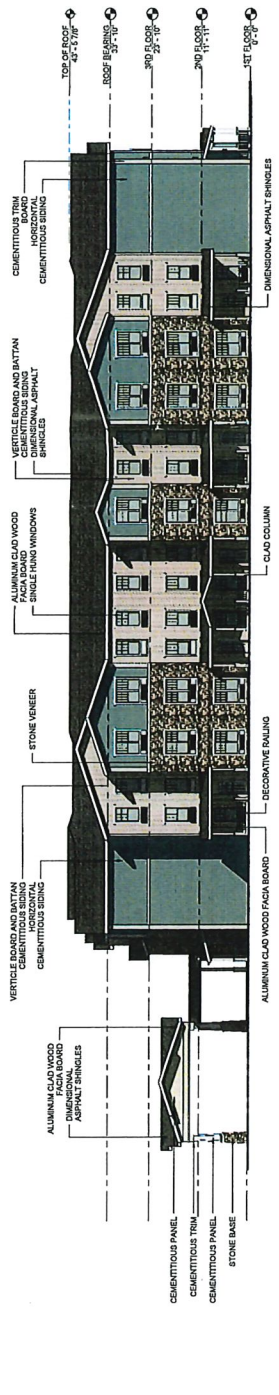
USE STATISTICS

- ASSISTED LIVING/MEMORY CARE BUILDING
93,754 GROSS SQ FT
3 STORY ASSISTED LIVING
1 STORY MEMORY CARE
29 MEMORY CARE BEDS
71 STUDIO UNITS - 77 BEDS
25 LARGEST SHIFT STAFF
- INDEPENDENT LIVING TOWNHOME BUILDINGS
7 BUILDINGS - 4 UNITS 2 BEDROOMS
5,740 SQ FT PER BUILDING
- PARKING REQUIREMENTS
ASSISTED LIVING/MEMORY CARE BUILDING
1 SPACE PER FACIT EMPLOYEE - 25 SPACES
1 SPACE PER EVERY 2 BEDS - 39 SPACES
MEMORY CARE RESIDENTS CANNOT DRIVE
TOTAL REQUIRED: 64 SPACES
TOTAL PROVIDED: 64 SPACES
INDEPENDENT LIVING TOWNHOME BUILDINGS
1 SPACE PER EVERY 2 BEDS - 56 SPACES
TOTAL REQUIRED: 56 SPACES
TOTAL PROVIDED: 56 SPACES
1 SPACE IN GARAGE
1 SPACE IN DRIVEWAY
INTENSITY CALCULATION
133,934 SQ FT/14.86 ACRES = 9,013 SQ FT/AC

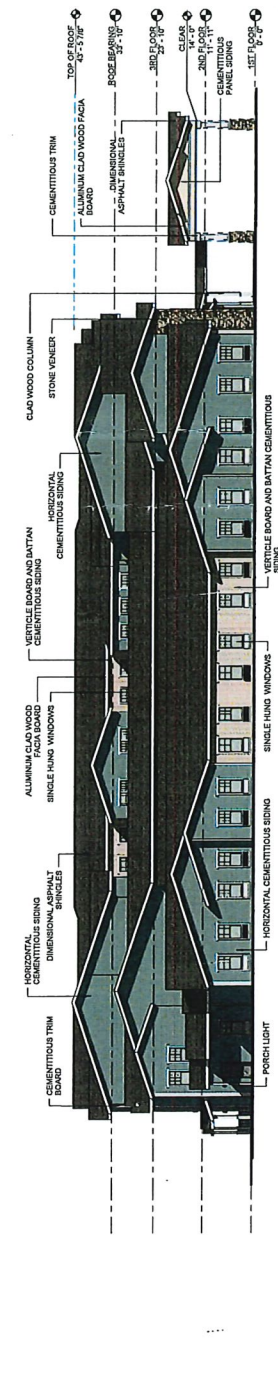
CONCEPT DEVELOPMENT PLAN			
LEGACY LIVING OF FLORENCE			
JAMES W. BERLING	1" = 50'	DATE	10/1/2018
KY ENGINEER 57416	PROJECT	NAME	Legacy Living of Florence
8756 GUNPOWDER ROAD - FLORENCE, KY			
028918	ISSUED FOR	DATE	10/1/2018



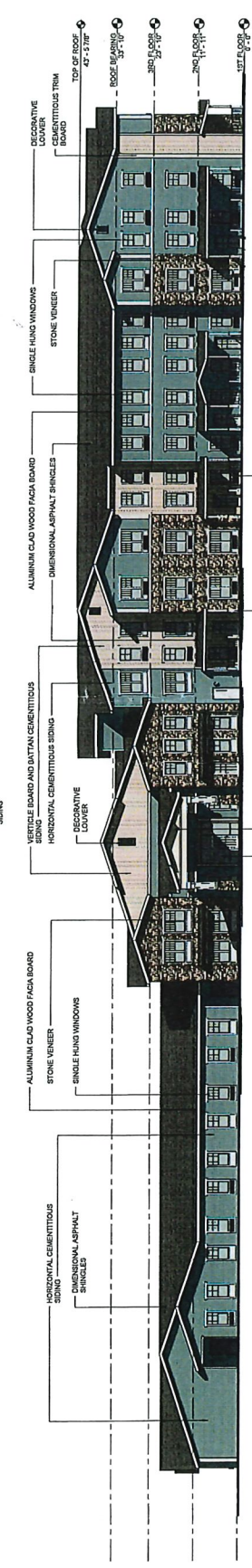
NORTH ELEVATION
3/32" = 1'-0"



EAST ELEVATION
3/32" = 1'-0"



WEST ELEVATION
3/32" = 1'-0"



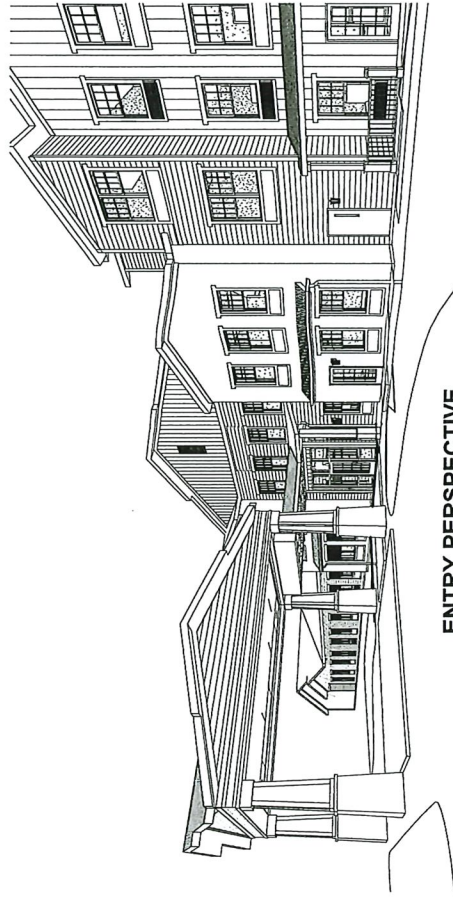
SOUTH ELEVATION
3/32" = 1'-0"

RECEIVE
SEP 06 2018
BOONE COUNTY
PLANNING COMMISSION

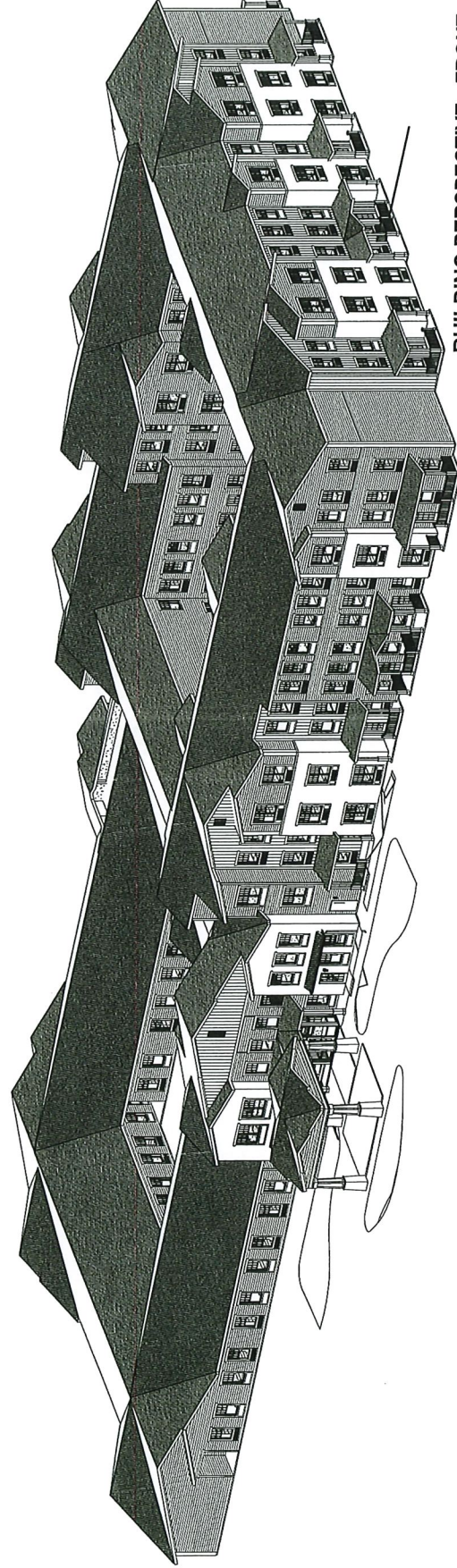


LEGACY LIVING OF FLORENCE, KY
BUILDING ELEVATIONS

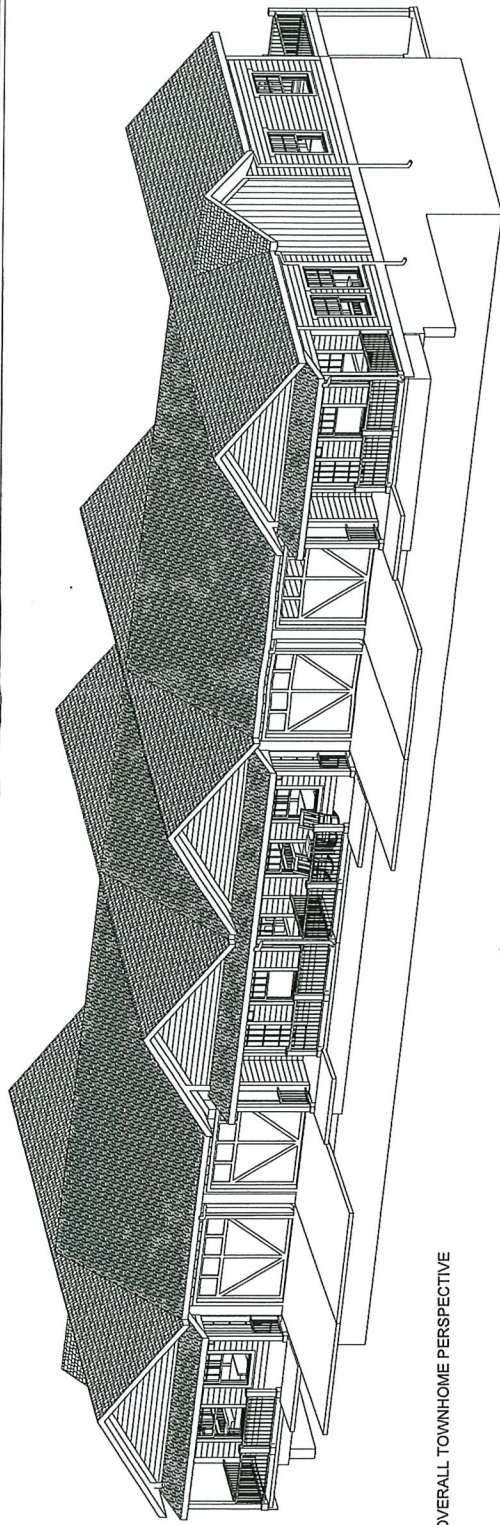




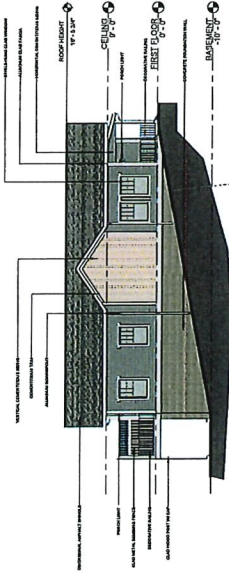
ENTRY PERSPECTIVE



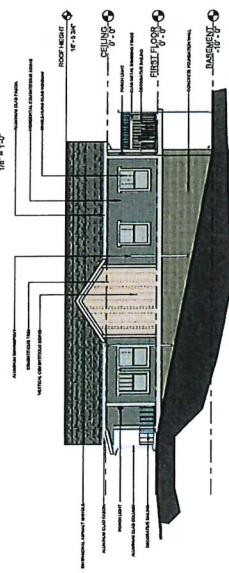
BUILDING PERSPECTIVE - FRONT



OVERALL TOWNHOME PERSPECTIVE



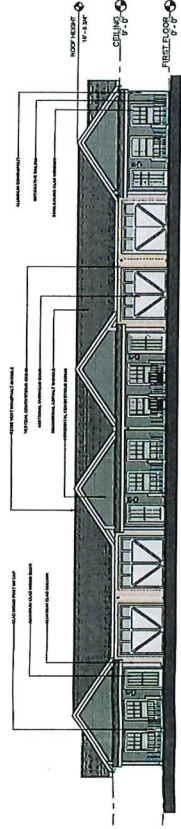
LEFT SIDE ELEVATION
1/8" = 1'-0"



RIGHT SIDE ELEVATION
1/8" = 1'-0"



BACK ELEVATION
1/8" = 1'-0"



FRONT / ENTRY ELEVATION
1/8" = 1'-0"