

PUBLIC HEARING FOR ZONING MAP AMENDMENT BY DAVID A KOENIG (AGENT) FOR PROPERTY LOCATED OFF OF HOPEFUL ROAD, BOONE COUNTY.

David A. Koenig (Agent) for Beatrice Stewart-contract owner, Willard L. Schultz and Dorothy L. Schultz-title owners of a 10.45 acre tract located at 6985 Hopeful Road, Boone County has applied for a Zoning Map Amendment from it's current zone of Suburban Residential One (SR-1) to Public Facilities (PF).

Adjoining land to the west is zoned Residential One Family (R1F), to the south is Suburban Residential One (SR-1) and Residential One Family (R1F), to the east is Suburban Residential One (SR-1) and Urban Residential One (UR1), to the north is Suburban Residential One (SR-1).

The only development on the property, the residence of Mr. and Mrs. Schultz, is located in the southern portion of the property. This residence contains seven rooms and 1900 square feet. Additionally there are two garages. Located near the residence is a landscape feature, a pond, with several large conifers.

Existing uses around the land include Pheasant Run Subdivision (to the west) which has five houses adjoining the property. Two houses adjoin the property to the south. Five houses, located in Windy Acres Subdivision, bound the property to the east. There are also residences on the opposite (east) side of Hopeful Road. The most significant feature in the surrounding neighborhood is North River Retirement Community, a development for senior citizens, which is also on the east side of Hopeful Road. To the north is Hopeful Church with a large tract of open space bounding the property.

The Concept Development Plan calls for a 100 bed, long-term residential facility (primarily for the elderly), to be built in the center portion of the property. This would leave the southern and northern portions of the property as open space. The building is horse shoe shaped with visitor parking located inside the middle portion of the building. Staff parking will be to the north-west area of the facility. Access will be by two drives connected to Hopeful Road, with the main drive south of Windy Acres Subdivision and the staff drive located between the 3rd and 4th house north of the visitor drive.

The property slopes to the north and west. This natural slope is somewhat altered, and very steep along the west property line adjoining Pheasant Run Subdivision.

Natural drainage features will be utilized. A pond in the northwest corner of the property will serve as a silt basin during construction on the property. There is also a drainage easement in the northwest corner of the property which is considered environmentally sensitive.

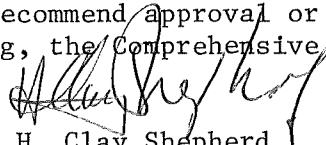
According to the Soil Survey of Boone, Campbell, and Kenton Counties, Ky., the soil type is identified as Rossmoyne Silt Loam, which falls within the Comprehensive Plan Class I soils, which is suitable for all types and intensities of development.

Provided the City of Florence would approve this change, both water and sanitary sewage disposal may be available from mains near the property.

According to the Design and Development Division of Kentucky Department of Transportation, Hopeful Road is slated for new alignment and pavement, to begin in 1986. This might affect the design later.

The State Health Planning & Development Agency (SHPDA) has received a letter of intent to submit an application for Certificate of Need/Section 1122 of Ky. State Law.

Should the Planning Commission recommend approval or the Fiscal Court approve the request for rezoning, the Comprehensive Plan Land Use Map would have to be changed.



H. Clay Shepherd
Planner/Plans Examiner
September 19, 1984

cc: Public Works
Florence Liasion Comm.

BOONE COUNTY PLANNING & ZONING

PUBLIC HEARINGS

SEPTEMBER 26, 1984

8:00 P.M.

Vice-Chairman Neltner explained the procedural process of Planning Commission public hearings.

Vice-Chairman Neltner opened the Public Hearing on a request of David A. Koenig (agent) for Beatrice Stewart (contract owner) and Willard and Dorothy L. Schultz (title owner) for a Zoning Map Amendment from Suburban Residential One, SR-1 to Public Facilities, P.F. for a 10.45 acre tract located at 6985 Hopeful Road in Boone County, Kentucky.

Staff member Clay Shepherd presented the staff's report. Mr. Shepherd described current zoning of the subject and surrounding areas, and related that to the west is zoned Residential One Family (R1F), to the south is Suburban Residential One (SR-1) and Residential One Family (R1F), to the east is Suburban Residential One (SR-1) and Urban Residential One (UR1), and to the north is Suburban Residential One (SR-1). Mr. Shepherd stated the submitted Concept Development Plan shows a proposal for a 100-bed, long-term residential facility (primarily for the elderly) to be built in the center portion of the property which would leave the northern and southern portions of the property as open space. Mr. Shepherd described access to the proposed development will be by two drives connected to Hopeful Road with the main drive south of Windy Acres Subdivision and the employee drive location. Mr. Shepherd explained the topography of the property and stated that natural drainage features will be utilized. Mr. Shepherd stated water and sewage disposal may be available from mains near the property. Mr. Shepherd noted that according to the Design and Development Division of Kentucky Department of Transportation the area of Hopeful Road is slated for new alignment and pavement due to begin in 1986.

Staff member Chip Block presented a slide presentation depicting the subject area and the surrounding area and also noted the proximity of the North River Retirement Center.

Atty. Dave Koenig, representing Beatrice Stewart (contract owner) and Willard and Dorothy Schultz (title owners), was accompanied by Robert Wallace, Architect, stated one of the expressed concern of area property owners and staff is the concern of need for such a facility in the

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area. Mr. Koenig urged the Commission to permit the applicant to address the need questions through the appropriate licensing authorities. Mr. Koenig stated he would like to submit for the record figures from the Northern Kentucky Ad District on long-term care which depicts a 36-bed excess for the area and contended that census figures show an actual occupancy of 98.9% for the area. Mr. Koenig stated that with regard to the Dept. of Transportation's realignment of Hopeful Road may alter the plans and also could make the project unfeasible. Mr. Koenig suggested the Commission not anticipate what the State might do. Mr. Koenig described the substantial zoning changes in the area and referred to the North River Retirement Center, the Boone County Pee Wee Football Field, and the development in and around the Mall. Mr. Koenig stated the intended use is consistent with plans for the area. Mr. Koenig stated that as the proposed facility would consist of 1 or 2 member households, the use is less intensive than many of uses that could be placed on the property as it is currently zoned and thus allows 40 units on the existing SRI zone. Mr. Koenig explained the zoning that would allow the proposed facility as a permitted use is the PF zoning though residential in nature. Mr. Koenig noted that PF zoning also allows prisons, military bases and jails. Mr. Koenig explained the arrival of the applicant at the PF zone with restriction for a nursing facility only and stated the concept development plan as submitted calls for the restriction to a nursing facility only.

Mr. Koenig explained the concept development plan proposal which was distributed for Commission members review and referred to the restrictions contained in the concept development plan. Mr. Koenig described additional screening of shrubbery and trees proposed to the rear of the development. Mr. Koenig also submitted for the record an initial plat plan which shows that a proposed subdivision was planned for the subject area. Mr. Koenig stated that applicant wishes to move the drive way more to the right than as initially proposed to allow more undeveloped, unpaved ground between the property lines.

Mr. Koenig closed by stating that the proposed use is a relatively low intensity use than what could be placed on the property under the current zoning. Mr. Koenig expressed the applicants feelings that the proposed use is a valid and socially beneficial use for the property. Mr. Koenig stated that with the restrictions voluntarily placed on the property by the Applicant the property will be used consistently with the Boone County Comprehensive Plan for the area which calls for a variation of household types in the community.

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Mr. Frank Butler, adjacent property owner directly across the road from the proposed development, stated support of the project. Mr. Butler noted the area has REA electric, septic tanks, County water, and have been in the City for 10 years. Mr. Butler stated the need for some sort of plan for the area as there is currently 4 different types of zoning in the area.

Ms. Stephany Renaker Jansen, 6200 Muskette, reminded the audience of the proximity of the Booth Hospital. Mrs. Jansen expressed concern of the traffic on Hopeful Road and stated that lives could be placed in jeopardy with trying to get to Booth Hospital.

Atty. Al Mollozzi, representing Woodspoint Nursing Home, stated that with reference to area health planning reports on the Northern Kentucky area succinctly states that Northern Kentucky is overbedded in terms of intermediate care facilities. Mr. Mollozzi also noted there are already 2 competing facilities within a 3-mile radius. Mr. Mollozzi contended there is nothing low-density or residential about a nursing home with oxygen trucks, fire engines, deliveries, etc.

Atty. Charles Moore, representing Fay Sparks, an adjoining property owner, commented that Ms. Sparks does not feel that the proposed use is consistent with the Comprehensive Plan for the area. Mr. Moore noted the only development in the area constituting a significant change has been the North River Retirement Center. Mr. Moore stated his client's opposition to the proposed facility or any proposed PF use and expressed concern of the other permitted uses of the PF zone, i.e., schools, mausoleum, prisons, etc. Mr. Moore stated the applicant does not have the current ability nor can he demonstrate the ability as shown on the concept development plan to develop the property; thus raising the question of allowing whether or not the concept development plan is "part and parcel" of the zone change. Mr. Moore suggested the licensing issue be addressed in Frankfort and obtained before the particular use is considered. Mr. Moore asked the Commission not to anticipate what the State might do as it relates to other uses of the property. Mr. Moore expressed continued opposition of his client to the proposed change to PF and feel that the proposed change does not meet the statutory requirements to allow a change.

Mr. Mike Combs, a property owner in Windy Acres Subdivision nearest to the proposed development, stated that according to the drawing the development will be 5 to 10 feet over his property line. Mr. Combs described the

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existing traffic problems on Hopeful Road. Mr. Combs suggested the State do the realignment now rather than wait until 1986. Mr. Combs requested that if the proposed development is approved additional screening and a berm be around his adjoining property. Mr. Combs stated he did not wish to lose the value of his newly purchased home.

Mr. Barnett noted that Mr. Koenig contended the proposed development was in conformance with the Boone County Comprehensive Plan while Mr. Moore stated the proposed development was not in conformance with the Plan. Mr. Barnett inquired if the proposed development was or was not in conformance. Mr. Block stated the Comprehensive Plan would have to be changed to a Public Institutional land use.

Mr. Barnett also inquired if in the GBBN study additional PF zoning was allotted on the back end of Woodspoint Drive. Mr. Mollozzi, the representative of Woodspoint, stated the area is approximately 4 acres. Mr. Barnett also noted that he saw in the paper the State has approved funds for 60 additional beds at the Florence Care Center. Discussion followed of health care facilities in the area.

Mr. Viox expressed the concern of the appropriate licensing prior to the zone change and changes to the Comprehensive Plan and underlying zones. Mr. Viox suggesting getting the Certificate of Need and the appropriate licensing and then attempting to change the zone.

Mr. Koenig explained that the procedure is that the letter of intent to apply for the need was submitted in June and work is now being done on the Certificate of Need application which will be filed in December. Mr. Koenig explained that once attained the Certificate of Need dictates time constraints with regard to construction. Mr. Koenig stated his clients would not be adverse to site plan approval with a reversion condition should there be no action on the proposed development with 2 years.

Mr. Viox expressed his continued concern of locating the site prior to the appropriate licensing attainment.

Mr. Koenig stated to Mr. Barnett that he did not mean to mislead the Commission that the proposed development was in conformity to the Comprehensive Plan but rather the proposed development was in general conformity with the Comprehensive Plan. Mr. Koenig also pointed out the proposed facility would take Medicaid patients.

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Mr. Barnett stated his agreement with the expressed concerns of Mr. Viox.

Mr. Koenig responded that the traffic increase would be no greater than 10 to 20 houses places on the property. Mr. Koenig also noted that Booth Hospital has sent a letter of endorsement in support of the proposed development for their Certificate of Need. Mr. Koenig suggested the establishment of a senior citizen zone within Boone County to accommodate senior citizens needs of higher density needs and lower intensity uses. Mr. Koenig stated his clients feel they cannot wait, and one of the Certificate of Need requirements is a location. Mr. Koenig suggested the Commission rely on the submitted restrictions on the site plan and the zoning reversion condition.

Mr. Moore thanked Mr. Koenig on behalf of Mrs. Sparks for sending his client a letter of contact. Mr. Moore noted that since the proposed facility will be a Medicare and Medicaid and is subject to a review of Sect. 1122 of the Social Security Act. Mr. Moore noted the applicant is stressing the proposed use is the only PF use proposed for the property and then would not be necessary to zone the land PF.

There being no further questions or comments, the Chairman closed the public hearing.

BOONE COUNTY PLANNING COMMISSION

BUSINESS MEETING MINUTES

OCTOBER 17, 1984

8:00 P.M.

Chairman Kroger called the meeting to order. Chairman Kroger explained the procedural format on zone change requests.

Roll call was taken by staff member Dee Ann Manley. 13 members present. Mr. Godsey and Mrs. Smith were absent. All staff members present excluding Director Lynn. Atty. Dale Wilson was also present.

The Minutes of the Business Meeting of October 3, 1984 were presented for consideration. Mr. McMillan moved that the Minutes of October 3, 1984 be approved as reviewed. The motion was seconded by Mr. Greene. After discussion, the motion was carried unanimously.

ADMINISTRATION

Staff member Dee Ann Manley read the following bills to be paid: Staff salaries and benefits, \$4,478.93; CJV Reporting, \$371.85; Engraff, \$130.00; Boone County Recorder, \$625.20; Budget Print Center, \$815.50; Central Hardware, \$10.49; John R. Green, \$117.32; Old Town Audio, \$99.95; Lanlor Office Products, \$76.60; Boone County Finance Dept. (postage), \$171.80; Robert G. McGraw, \$100.00; Morris & Bressler, \$400.00 (July/August), \$320.00 (Sept.) and \$600.00 (audit); BC Printing, \$156.10; The Picture Place, \$33.31; Kelly Services, \$80.50.

Mr. Collins moved that the bills as presented be paid. The motion was seconded by Mr. McMillan. After discussion, the motion was carried unanimously.

Chairman Kroger noted that communications had been received from the firm of Busald, Funk, Zevely, Berger & Kathman; CJV Reporting Company; Greater Cincinnati Airport; OKI and Northern Kentucky Area Development District. Chairman Kroger suggested the communications be discussed later in the meeting.

REPORTS:

Chairman Kroger noted the Enforcement Officer's Report was distributed to Commission members for their review. There was no discussion or comment on the distributed report.

Chairman Kroger stated that the building inspector for the City of Florence for the month of September indicates that the total of building permits issued were 31 for a total of \$1,820,297.00, and the County indicated zoning permits for \$285.00.

Chairman Kroger noted that also distributed for Commission members' review was the Planning Commission general ledger for the month of September. There was no discussion or comment on the ledger.

Chairman Kroger advised that Director Charles Lynn was not present at the meeting for the reason of a death in his family.

Chairman Kroger welcomed Commission Member Herman Slusher, the representative of Walton, aboard and noted Mr. Slusher is one of the two fine Commission members from the City of Walton.

UNFINISHED BUSINESS:

Site Plan Review

A request of Cardinal Industries, Inc. (agent) for property owned by Robert Stern for an approximate 14.7 acre tract located off of Industrial Road, Florence west of the Florence Estates Apartments and zoned Urban Residential Two, UR-2 for the purpose of constructing 210 multi-family dwelling units.

Staff member Chip Block stated the Committee Report recommends approval based on the engineer's report dated October 3, 1984 and the staff report of October 17, 1984.

Staff member Gerald Newton briefly noted and summarized the changes from the report as presented on October 3, 1984. Mr. Newton noted and indicated the changes on the site plan of the turnaround and the positioning of some of the buildings to lie better with the land. Mr. Newton stated that based upon his review and Engineer Jim Jenkins' review the recommendation of the staff was to approve the site plan as the plan does conform to the minimum requirements of site plan review.

Staff Engineer Jim Jenkins advised that he has reviewed the site plan and that his originally expressed concerns with regard to the access road and the storm water drainage has been addressed to his satisfaction. Mr. Jenkins reinforced his findings as submitted in the staff report of October 3, 1984.

Mr. Joe Voska, representing Cardinal Industries, noted his concurrence with the recommendations of the staff and engineer and stated his willingness to answer any of the Commission members' questions, etc.

Mr. Viox moved that the Commission approve the site plan as reviewed for a 14.7 acre tract located off of Industrial Road in Florence west of the Florence Estates Apartments. The motion was seconded by Mr. Jones. After discussion, the motion was carried unanimously.

Site Plan Review

A request of Econ Construction Co., Inc. (agent) for B&J Development Company. (property owner) to permit an addition of 24'x20' addition onto the existing Ideal Shoe Store located at the Florence Square Shopping Center in Florence in a C-2 zoning district.

Staff member Clay Shepherd presented the staff report which stated the applicant is requesting site plan approval for the addition of a total floor area of 480 sq. ft. Mr. Shepherd noted that both water and sanitary sewage utilities are available through currently lines. Mr. Shepherd stated that in his opinion the request does conform to the minimum standards of the zoning regulations found in Article 14, Site Plan Review and sections 920-926. Mr. Shepherd also noted that the Planning Commission's Engineer was reviewing the plan to ensure that development conforms to the elements of the zoning regulations.

Staff member Jim Jenkins, Engineer, stated that he had review the proposed development and the site plan does conform to all elements of the zoning regulations.

Staff member Chip Block stated the Committee Report recommends approval based on the staff and engineer's reports.

Mr. Viox moved that the Commission approve the site plan as reviewed for the addition of 24'x20' to the Ideal Shoe Store located at the Florence Square Shopping Center in Florence in a C-2 zoning district. The motion was seconded by Mr. Neltner.

Mr. Buse noted that he will abstain on this agenda item because of financial interest in the Florence Square Shopping Center.

After discussion, the motion was carried unanimously.

Site Plan Review

A request of Technology & Development for Site Plan Review for the approval of a site plan permitting the construction of a building on Lot 1 of the T&G Subdivision on Ariens Drive, Hebron, Boone County, Kentucky in an Industrial One, I-1 zone.

Staff member Clay Shepherd presented the staff report which stated the applicant is requesting approval for the construction of a building which will house, Omni-Plastic, on the T&D Subdivision properly and would have a total floor area of 8475 sq. ft. Mr. Shepherd stated that access to the development would be from Ariens Drive and described the off-street parking locations and surfacing. Mr. Shepherd explained the storm water retention proposed for the development and outlined in the staff report. Mr. Shepherd stated a landscape plan has

been provided which will provide a buffer between the parking area and Ariens Drive. He noted that water will be provided by the County and sanitary sewage will be provided by a private plant near the site. Mr. Shepherd stated that in his opinion the request does conform to the minimum standards of the zoning regulations found in Article 14, Site Plan Review and Sects. 1030-1036.

Staff member Jim Jenkins, Engineer, stated the site plan is in conformance with the elements of the zoning regulations. Mr. Jenkins inquired of the location of the private sewer system. Mr. Viox responded the applicant is going through the Health Dept. to the best of his recollection and noted there was a representative of Omni-Plastic present who might better address Mr. Jenkins' inquiry. Mr. Jenkins requested that a copy of the EPA (Frankfort) approval of the private sewer system be provided for the record on the site plan.

Mr. Jim Riddle of Omin-Plastic stated his fututre compliance with the Engineer Jim Jenkins' request.

Staff member Chip Block stated the Committee Report recommends approval based on the staff and engineer's reports.

Mr. MacMillan moved that the Commission approve the site plan as reviewed permitting the construction of a building on Lot 1 of the T&G Subdivision on Ariens Drive, Hebron, Boone County, Kentucky in an Industrial One, I-1 zone. The motion was seconded by Mr. Greene.

Mr. Viox noted that he will abstain on this agenda item because of business affiliations with the proposed development.

Mr. Buse inquired if the process was of manufacturing nature or a warehousing nature. Mr. Riddle responded it is a manufacturing process by injection molding, etc.

Chairman Kroger inquired if the facility will use an existing sewage facility. Mr. Riddle responded that a new treatment plant will be installed.

After discussion, the motion was carried unanimously.

Site Plan Review

A request of Corporex Constructors, Inc. for site plan reviw on Lot 8 of the Circleport Business Center, on Circleport Drive, Boone County for the construction of an industrial building for Specialty Food Packing & Importing Co. in an Industrial One, I-1 zoning district.

Staff member Clay Shepherd presented the staff report which stated the applicant is requesting approval for the

construction of a specialty food packing and importing company. Mr. Shepherd stated that access to the development would be off Circleport Drive and described the off-street parking locations and surfacing. Mr. Shepherd explained the storm water retention will be accomplished by large ponding area in existence near Mineola Pike which was initially designed for the runoff from Lot 7. Mr. Shepherd noted that water and sanitary sewage utilities are available from current mains adjoining the property. Mr. Shepherd stated a landscape plan has been included which will provide a buffer between the parking area and Circleport Drive. Mr. Shepherd stated that in his opinion the request does conform to the minimum standards of the zoning regulations found in Article 14, Site Plan Review and Sects. 1030-1036.

Staff member Jim Jenkins, Engineer, stated the storm water retention is tied into the overall system by extensions to the various lots for the subject as well as adjoining properties. Mr. Jenkins noted there was a drafting error which failed to show a manhole.

Staff member Chip Block stated the Committee Report recommends approval based on the staff and engineer's reports.

Mr. Viox moved that the Commission approve the site plan as reviewed for Lot 8 of the Circleport Business Center, on Circleport Drive, Boone County for the construction of an industrial building for Specialty Food Packing & Importing Co. in an Industrial One, I-1 zoning district and amended to require that the unindicated manhole be indicated on the site plan for Lote 8 of the Circleport Business Center. Mr. McMillian seconded the original motion and amendment.

Mr. Buse expressed concern of the largeness of the proposed development in relation to the low amount of parking spaces required for the proposed development. Mr. Block explained that the zoning regulations require 1 off-street parking space for 2 employees involved in the facility and 1 parking space for each motor vehicle which is based on the number of employees plus any facility vehicles which in the instant case no motor vehicles will be owned by the business. Mr. Buse inquired of additional employees added at a later date and the Planning Commission's control to mandate additional parking and the policing of the parking areas in the future. Mr. Buse stated his expressed concern might be addressed with the review of the Comprehensive Plan with regard to enforcement of mandating additional parking. Mr. Block responded that in general protection with the current regulations is provided through the zoning enforcement officer.

Mr. Viox noted that in office areas is based upon footage and following in the regulations book then light and heavy manufacturing in the I-1 and I-2 is based on the number of employees. Mr. Viox suggested the review study the suggestions as presented.

Mr. Kroger expressed his hope that the manhole would be indicated on the plan and requested Mr. Viox amend his motion to require the manhole be shown on the site plan which is so noted in the preceding motion on the agenda item.

After discussion, the motion was carried unanimously.

Zoning Map Amendment

A request for David Koenig (agent) for Beatrice Stewart (contract owner) and William L. and Dorothy L. Schultz (title owner) for a zoning map amendment from Suburban Residential One, SR-1 to Public Facilities, PF for a 10.45 acre tract located at 6985 Hopeful Road, Boone County, Kentucky.

Staff member Chip Block stated that staff reports are as previously presented at the Business Meeting of October 3, 1984 and at the public hearing of September 26, 1984.

Atty. David Koenig representing the applicant stated that he would need a few minutes to ready his transparency presentation for Commission members.

Accordingly, Chairman Kroger suggested Commission members utilize the interim time period.

NEW BUSINESS

Chairman Kroger noted that Commission member Martin is noted as Committee Chairman on two (2) site plan review items, and that with the work on the Boone County Comprehensive Plan the members on the BCCP review committee are relieved of chairing review committees. Chairman Kroger indicated the deletion of Mr. Martin as Committee Chairman on the proposed site plan review items.

Site Plan Review

A request by the Property owner Bob Strunk for site plan review for the construction of a building to house a Mr. Transmission business on a less than one acre tract located on Industrial Road, Florence in a Commercial Services, C-3 zoning district.

A request of Tony Garcia (agent) for the property owner of Wendy's International, Inc. for site plan review for a 10'x30' addition onto their existing building at 7910 Dream Street, Florence in a Commercial Services, C-3 zoning district.

Chairman Kroger referred the Site Plan Reviews to Committee for further study and review.

Improvement Plat Review

A request of George Finke, property owner, for Improvement Plat Approval for 43 lots in the Chris-Chad Subdivision off of Brookwood Drive, Walton in a Suburban Residential One, SR-1 zone containing a total of 13.58 acres.

Chairman Kroger referred the Improvement Plat Review to Committee for further study and review.

UNFINISHED BUSINESS

Zoning Map Amendment (Cont'd)

A request for David Koenig (agent) for Beatrice Stewart (contract owner) and William L. and Dorothy L. Schultz (title owner) for a zoning map amendment from Suburban Residential One, SR-1 to Public Facilities, PF for a 10.45 acre tract located at 6985 Hopeful Road, Boone County, Kentucky.

Atty. David Koenig representing the applicant introduced himself and requested Commission members note the presence of Atty. William Oldfield representing the title owners to the property located at 6985 Hopeful Road. Mr. Koenig explained his presentation would show changes of a social, economic and physical nature in the community which would justify the requested zone change. Mr. Koenig explained that he has resource material which was distributed to Commission members for their review which is documentation of the slide presentation to be presented. Mr. Koenig explained the second report for Commission members review is a research report done for long term care of Northern Kentucky, Inc. which is the corporation which will operate the proposed nursing facility. Mr. Koenig advised the 3rd distributed document is the originally presented concept development plan with additional restrictions being proposed. Mr. Koenig requested that one set of the presented documents be incorporated as a part of the record of the Planning Commission meeting.

Mr. Koenig gave his clients' background in the nursing facility field. Mr. Koenig explained the project is a \$2,000,000 100-bed facility as proposed which will offer 50 Medicaid beds as part of the 100 beds and is primarily an intermediate care facility with the provision of convalescent and rehabilitation care and emergency placement. Mr. Koenig explained the 3-levels of care. Mr. Koenig presented statistical data of 1276 licensed intermediate care beds in the Northern Kentucky Ad District of which 221 are in Boone County with 101 in Woodspoint and 120 at Florence Park (formerly Florence Manor). Mr. Koenig presented financial information relative to nursing care costs, both monthly and yearly. Mr. Koenig related his statistical information as presented to census data and the percentages of Medicaid bed availability. Mr. Koenig noted population growth and housing trends and stated that Boone County is aging at a faster rate than the general population growth. Mr. Koenig

explained projections and stated there will be twice as many people in Boone County over the age of 85 in 1990 than there was in 1980. Mr. Koenig related the waiting lists on elderly facilities. Mr. Koenig stated the State Health Plan for the area is only effective when signed by the Governor and thus forth has not been signed by the Governor and that new personal beds have been awarded to Madonna Manor which is inconsistent with the State Health Plan. Mr. Koenig referred to occupancy charts in the presented Commission materials. Mr. Koenig explained the limited amount of Medicaid bed availability, and stated the need that the proposed development will meet is not being met by Florence Park or other existing nursing facilities. Mr. Koenig also presented letters of endorsement from area hospitals and others. Mr. Koenig stated the additional restrictions on the concept development plan is that no other type of facility will go on the property other than the proposed public facility.

Atty. William Oldfield representing Mr. and Mrs. Schultz (the title owners to the property) urged the Commission to approve the zoning map amendment. Mr. Oldfield explained his recent personal experience with elderly facilities. Mr. Oldfield stated the proposed development offers a better quality of life to the patients rather than the institutionalized effect, and urged Commission approval of the proposed development.

Atty. Charles Moore, representing Faye Sparks, reiterated his objection to the proposed zoning map amendment. Mr. Moore stated the applicant has not met the statutory requirements to allow a zoning map amendment.

Atty. Al Mollozzi, representing Woodspoint Nursing Home, stated his objections to the proposed facility. Mr. Mollozzi pointed out that a nursing facility is not a low-density use, and is a viable business entity and urged Commission members to look at the State information and to disapprove the zoning map amendment. Mr. Mollozzi noted the possibility of a Woodspoint expansion for a home health care facility to help keep medical costs down for the senior citizens and to serve the community.

Discussion followed of the zoning in the area and the surrounding zoning.

Mr. & Mrs. Schultz, title owners of the property, urged the Commission to approve the proposed zoning map amendment.

Mr. Neltner inquired of waiting lists and duplication of names and the percentage of that. Mr. Koenig responded he would assume there would be some duplication.

Staff member Chip Block stated the Committee Report recommended approval for the zone change from Suburban Residential One, SR-1 to Public Facilities, PF based on the findings of fact that: 1) the original zoning classification given to the property is inappropriate for the area specifically a rezoning to a PF district would be compatible to the adjacent UR-1 district located east of the site; 2) that there have been major changes of a economic, social or physical changes in the area involved which were not anticipated in the Comprehensive Plan and which have substantially altered the basic character of the area, specifically the proposed zone change would be consistent with the North River Retirement Center located east of the property in question and approved October 6, 1982. The Committee also recommended that the Boone County Comprehensive Plan Land Use map be updated from medium density residential to Public Institutional. Mr. Block noted that out of the Committee's endorsement of the proposed development Messrs. Buse and Barnett were stating the basis for their endorsement was finding #2 of changes of a economic, social or physical change.

Mr. Wilson inquired if the Committee's intent was to limit the PF to the proposed use only. Committee members agreed. Mr. Buse noted that since a concept development plan was submitted with the request the property could not be used for any other use in the PF zone without submitting a new concept development plan. Mr. Barnett stated his agreement with Mr. Buse's statement.

Mr. Kroger stated that he will be abstaining on the vote of the proposed development due to business affiliations.

Mr. Collins moved that the Commission by Resolution approve the zoning map amendment from Suburban Residential One, SR-1 to Public Facilities, PF for a 10.45 acre tract located at 6985 Hopeful Road, Boone County, Kentucky based on the staff and committee reports.

Mr. Buse requested Mr. Collins delete the first finding of fact contained in the Committee Report as a basis for the approval of the zoning map amendment.

Mr. Collins amended his motion for approval by Resolution of the zoning map amendment based on the staff and Item #2 of the Committee Report. Mr. Buse then seconded the motion.

Mr. Greene inquired of the findings of the public hearing. Discussion followed of the support and opposition presented at the public hearing.

Mr. Barnett stated that the decision on the proposed facility was one of the most difficult for him as a Commission member.

After discussion, a roll call vote was taken on the motion.

Ayes: Messrs. Barnett, Buse, Collins, Davis, DeLong, Jones, Martin and Neltner.

Nays: Messrs. Greene, McMillian, Slusher and Viox.

The motion carried by a vote of 8 Ayes/4 Nays.

Mr. Buse moved by Resolution that the Commission change the Boone County Comprehensive Plan be changed to reflect the zoning change if the appropriate legislative body approves the zone change. The motion was seconded by Mr. Neltner. After discussion, the motion carried unanimously.

Zoning - By Leave

Chairman Kroger stated that communication had been received from Atty. Charles Moore with regard to the David Lipps d/b/a Dave Lipps Pools and Spas and read the letter aloud which formally requested interpretation of whether or not the proposed use of Mr. Lipps as a retail sales outlet would be consistent with the proposed use of the accepted concept development plan for the property.

Atty. Charles Moore, representing Dave Lipps, related that Mr. Lipps is considering the leasing of property located 1033 Burlington Pike which is currently owned by the Eads and also known as Pete and Libby's Ceramic shop. Mr. Moore stated there is no intention to display and the only construction would be the construction of a sign. Mr. Moore stated that majority of the sales are for pools and spas, and the anticipated traffic flow would be approximately 15 customers a day.

Staff member Chip Block explained the history of the zone change request and stated that back in October of 1981 the Planning Commission reviewed a zone change request to the subject property from SR-2 zoning to Commercial One C-1 zoning. Mr. Block stated that a concept development plan was submitted which showed both of the buildings (home and shop) and the home was identified as home and offices which is currently being used as a chiropractic office. Mr. Block noted that the shop was noted as a small building with uses and the listing of the uses were as: reproduction, arts and crafts, ceramics, classes, wholesale, retail, firing and other services. Mr. Block stated that no outside storage was indicated and future parking was indicated to the rear of the property utilizing the driveway into the home. Mr. Block related the report by the Committee recommended approval and was based on staff recommendation that there was an existing non-conforming use and were attempting to make the use conforming, and subsequently the Commission did approve.

Mr. Moore stated that he had not yet seen the originally submitted concept development plan.

Mr. Buse inquired if there would be outside storage at the facility. Mr. Lipps indicated there would be no outside storage, and that he shows display photos of the pools, etc. Mr. Buse posed whether or not the type of the business does change the nature of the business. Mr. Buse stated the difficulty of trying to recall without going over the concept development plan. Mr. Buse inquired if the staff had reviewed it and would like to make a recommendation as to whether the usage as proposed fits into the concept development plan as originally submitted. Mr. Barnett stated his agreement with Mr. Buse's inquiry.

Mr. Block responded that the agenda item was before the Commission as "pool and spas sales" is not addressed anywhere within the zoning regulations except under the term of perhaps sporting goods in a C-3 zone with outside storage and that interior sales is not specifically listed as a use. Mr. Block also stated another qualm that he had was that the intent was not to allow the proposed use but after review of the concept development plan and seeing the words "retail" as listed as small building and as zoning enforcement officer and charged with the interpretation of the zoning regulations and no outside storage it could be retail sales and would be permitted.

Chairman Kroger clarified that because the concept development plan does list uses relating only to ceramics to allow that non-conforming pre-existing to exist and noted the intention as such was for the ceramic shop use. Mr. Kroger expressed concern of the future use of the property.

Discussion followed of the chiropractor's office at the location without the submission of a site plan for review. Discussion ensued of the later uses of property and the additions of parking. Discussion followed of the intention of the "concept development plan" and the elements of a concept development plan.

Mr. Collins inquired if the proposed store would be storing chemicals on the property. Mr. Moore stated that his client would be sure to comply to all state and local codes.

Chairman Kroger inquired of the necessity of urgency in the matter. Mr. Moore explained the urgency was the lease arrangement on the property. Chairman Kroger reminded the applicant that the Committee may suggest the submission of a new concept development plan which would take additional time. Mr. Moore requested that the applicant be notified as soon as practical to allow his applicant to submit a new plan and perhaps expedite the matter. Chairman Kroger suggested technical work be done in preparation of what might be done for a site plan or concept development plan.

Mr. McMillian moved that the Commission refer the request to Committee for discussion and report. The motion was seconded by Mr. Barnett. After discussion, the motion was carried unanimously.

Administration

Chairman Kroger noted that communications had been received from OKI, Greater Cincinnati Airport and Northern Kentucky Area Development District. Chairman Kroger directed the communications to staff for review.

Mr. Buse moved that the Commission go into executive session. The motion was seconded by Mr. Viox. After discussion the motion carried unanimously.

--- THE COMMISSION WENT INTO EXECUTIVE SESSION ----

Mr. Neltner moved that the Commission adjourn. The meeting adjourned at approximately 10:27 p.m.

Paul Kroger, Chairman

Attest:

COMMITTEE REPORT

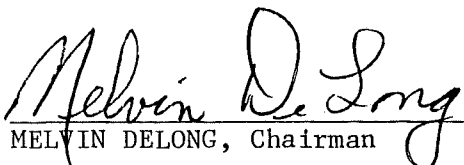
TO: BOONE COUNTY PLANNING COMMISSION
FROM: MELVIN DELONG, Chairman
DATE: October 17, 1984
RE: Request of David A. Koenig (agent) for Beatrice Stewart (contract owner) and Willard L. and Dorothy L. Schultz (title owner) for a Zoning Map Amendment from Suburban Residential One, SR-1 to Public Facilities, P.F. for a 10.45 acre tract located at 6985 Hopeful Road, Boone County.

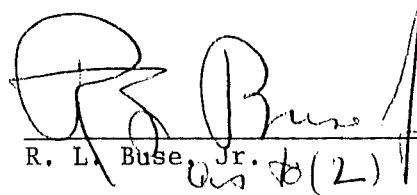
REMARKS:

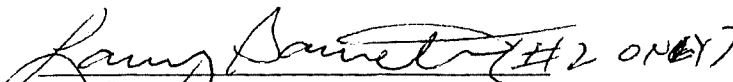
We the Committee recommend approval for the zone change from Suburban Residential One (SR-1) to Public Facilities (PF), based upon the following findings of facts:


- (1) That the original zoning classification given to the property is inappropriate for the area. Specifically, a rezoning to a PF district would be compatible with the adjacent UR-1 district, located east of the site.
- (2) That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the comprehensive plan and which have substantially altered the basic character of the area, specifically the proposed zone change would be consistent with North River Retirement Center located east of the property in question and approved October 6, 1982.

The Committee also recommend that the Boone County Planning Comprehensive Plan Land Use Map be up-dated from Medium Density Residential to Public Institutional.


MELVIN DELONG, Chairman


R. L. Buse, Jr. (2)


Larry Barnett


Donald A. Davis

William R. Viox

BOONE COUNTY PLANNING & ZONING COMMISSION

CONCEPT DEVELOPMENT PLAN

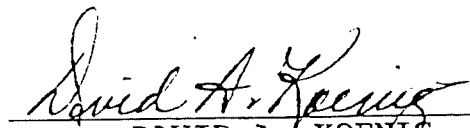
TO ACCOMPANY

APPLICATION FOR ZONE CHANGE
AND MAP AMENDMENT

for 10.45 acres
6985 HOPEFUL ROAD
FLORENCE, KENTUCKY

submitted by
BEATRICE STEWART
WILLARD L. SCHULTZ
DOROTHY L. SCHULTZ

Respectfully Submitted



DAVID A. KOENIG
BARRETT & KOENIG
Attorneys at Law
223 Main Street
P.O. Box 635
Florence, Kentucky 41042
(606) 371-4715
Attorney for Applicants

INTRODUCTION

The following concept development plan is submitted to the Boone County Planning & Zoning Commission pursuant to Section 303 of the Boone County Zoning Regulations. The purpose of this plan is to accompany the application of Beatrice Stewart, Willard L. Schultz and Dorothy L. Schultz for a zone change and map amendment to Public Facilities (PF) from an existing SR-1 classification, for property located at 6985 Hopeful Road, Florence.

This plan contains all of the elements requested by the zoning regulations. In addition, the concept development plan contains self-imposed restrictions upon the future use of the property by which the developer will abide. These restrictions will guarantee to the Planning and Zoning Commission and the public that the use of the property will be compatible with surrounding uses and the comprehensive plan.

REQUIRED INFORMATION

1. A. Ownership. Beatrice Stewart, 9620 Pepper Circle, Cincinnati, Ohio, is the contract owner/purchaser of the property. Willard L. Schultz and Dorothy L. Schultz, husband and wife, 6985 Hopeful Road, Florence, Kentucky, are the title owners of the property. Mr. and Mrs. Schultz also reside on the property. The ownership of surrounding property owners are identified on the statement required to be attached to all Planning and Zoning applications and on a map submitted with this application.

B. Topography. The property gently slopes to the north and west property lines. The natural slope along the west property line adjoining the Pheasant Run Subdivision is somewhat altered by the dams for two lakes on the property. See map.

C. Soils. General soil type is identified as Rossmoyne Silt Loam, which falls within the general characteristics of a class I soil as identified in the comprehensive plan.

D. Drainage. There are several natural drainage features that will be utilized. There are two lakes on the property which can serve as holding basins. There is a creek which runs along the north boundary of the property. There is a drainage easement in the northwest corner of the property. See map. Run-off during construction will be controlled by excavating a drainage swale near the western property line, where the topography is lowest, to end in the north pond, which will serve as a catch basin.

E. Vegetation. The unimproved area of the property consists largely of uncultivated grass land with some

wooded areas. The south, west, and northern property lines have an existing tree line composed of a mixture of hard wood and scrub trees. In addition, the west property line is also bounded by a line of shrubbery.

No vegetation will be disturbed except in the immediate area of construction. One objective of development will be to maintain the general character of the property for all areas not involved in construction.

Natural screening will be added along the property line adjacent to the five existing residences in the Windy Acres Subdivision. Anticipated screening will be either a tree and shrubbery border or comparable substitute, or berm, to be approved by the Planning and Zoning Commission, with input from these adjoining residents. Additional tree and shrubbery screening will be added along the western border, where the Pheasant Run Development adjoins the property. See map.

F. Existing Improvements. There is a house containing seven rooms and 1900 square feet. This serves as the residence of Mr. and Mrs. Schultz. Additionally, there are two garages with dimensions of 24' x 24' and 26' x 26', respectively.

Surrounding improvements would include the Pheasant Run Subdivision to the west. There are only five houses that presently adjoin property. The majority of the adjoining Pheasant Run property is presently undeveloped. There are five houses along the eastern property line, these houses being the Windy Acres Subdivision. There are two houses to the south. There are residences on the opposite (east) side of Hopeful Road. The most significant feature in the surrounding neighborhood is the North River Retirement Community, which is a development for senior citizens, which is on the opposite (east) side of Hopeful Road. The Boone County Pee Wee Football stadium is approximately 500 yards to the west in the Pheasant Run Subdivision. The Florence Square shopping center is less than one-half mile to the east. See map.

G. Other Physical Characteristics. None other than previously stated.

2. Provision for Public or Private Circulation. Hopeful Road (SR 1018) adjoins the property and provides the means of access. Circulation to Hopeful Road will be provided by driveway(s) to Hopeful Road. See attached map.

3. Arrangement of Uses, Etc.. The primary use of the property will be a long-term residential facility for the elderly to be conducted in the proposed building. See drawing. The existing residence will be used as a residence for an owner or manager, which use is a permitted use for a PF Zone.

4. Provisions for Utilities and Infrastructure. There are existing electric, telephone and water lines that either traverse or are immediately adjacent to the property and can be utilized by tap in. No extension of trunk lines would be necessary. Sanitary sewer will be provided by agreement with the Florence Water and Sewer Commission. See map.

5. Visual Design Aspect. Development on the property will be limited to a modern, one-story, brick veneer, colonial type residential facility for senior citizens. The purpose of the visual design is to present a warm, peaceful, secure, and homey atmosphere in keeping with the surrounding area and objectives of the development.

6. Relationship to Comprehensive Plan. The proposed district will have a hybrid use combining elements of public facilities and residential. The comprehensive plan provides little guidance for this type of use. Reference to public facilities uses are addressed in the plan but generally refers to public-type uses. The housing component of the comprehensive plan addresses itself to questions of density but not to special needs or housing types.

However, consistency with the comprehensive plan can be seen in that the comprehensive plan calls for "a choice of residential types and a variety of neighborhoods shall be created and encouraged" (P2.2) and "there shall be an accommodation of housing and economic opportunities for all age and household types." (P2.4).

It must be kept in mind that an individual -- usually a senior citizen -- in a long term residential-type facility is a "household" having his or her special needs with respect to housing.

The Hopeful Road area is projected to be a "medium density area" pursuant to the comprehensive plan. (3.4) Although the projected use is difficult to categorize using the density criteria employed by the comprehensive plan, the intensity of the proposed use would be equal to or less than that accompanying a medium density residential area.

RESTRICTIONS

The applicants understand that although their projected use of the property would not be inconsistent with the comprehensive plan and would not lead to any adverse changes with respect to the surrounding environment, the same could not be said for other uses permitted in a public facilities zone. Therefore, in order to protect the public, the Planning & Zoning Commission, and the surrounding environment, restrictions should be placed upon the future use of the property by the applicants. Suggested restrictions would be as follows:

1. Development only of a 100 bed long term residential facility, primarily for the elderly.

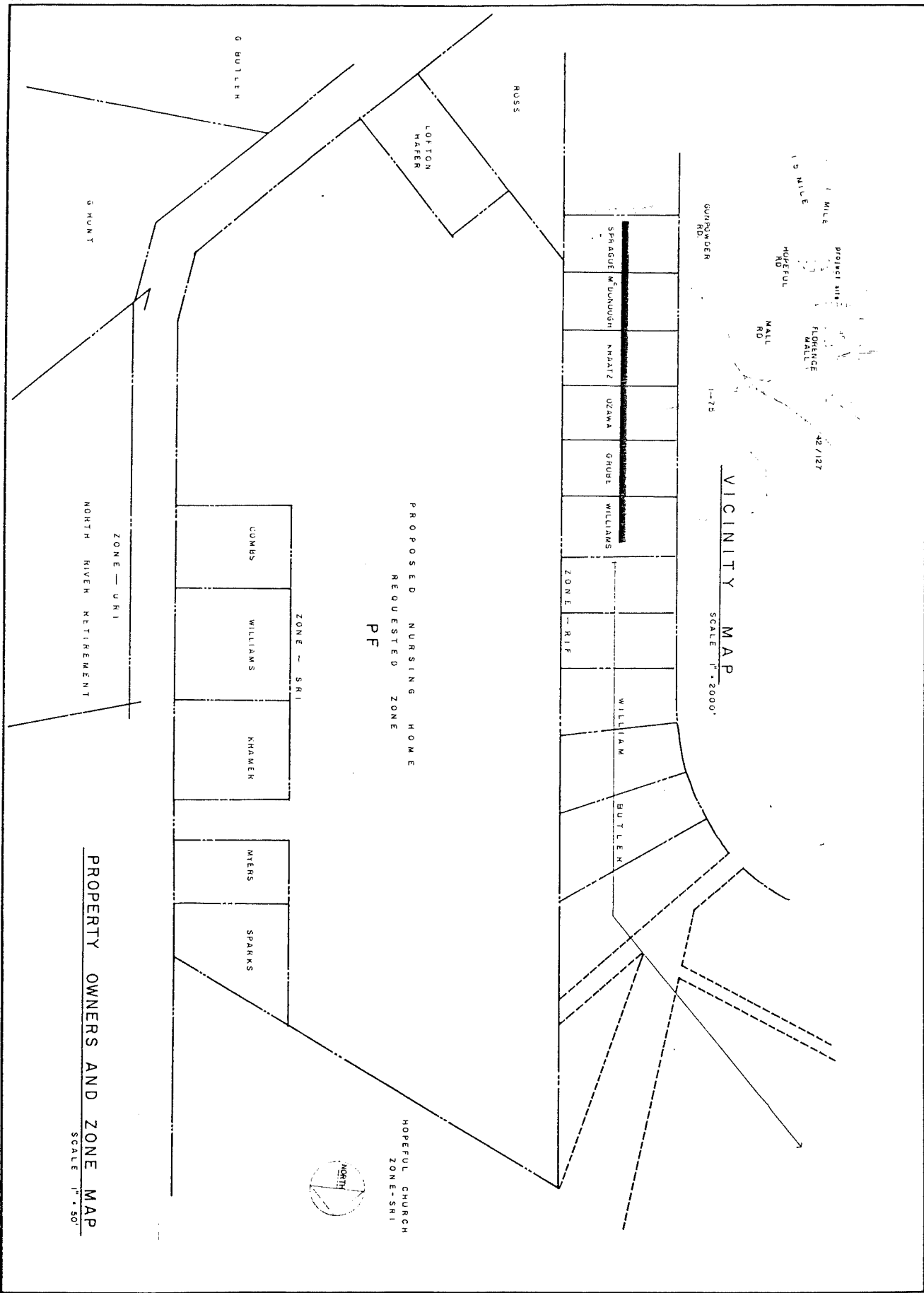
2. No other development on the property at this time. The present character and integrity of the undeveloped portion of the property to be maintained except for possible development of recreational/leisure areas for residents or staff.

3. Adequate and acceptable provision for sanitary sewers.

4. Adequate and acceptable provision for natural screening along the Windy Acres Subdivision and Pheasant Run Subdivision.

5. Adequate and acceptable provision for drainage.

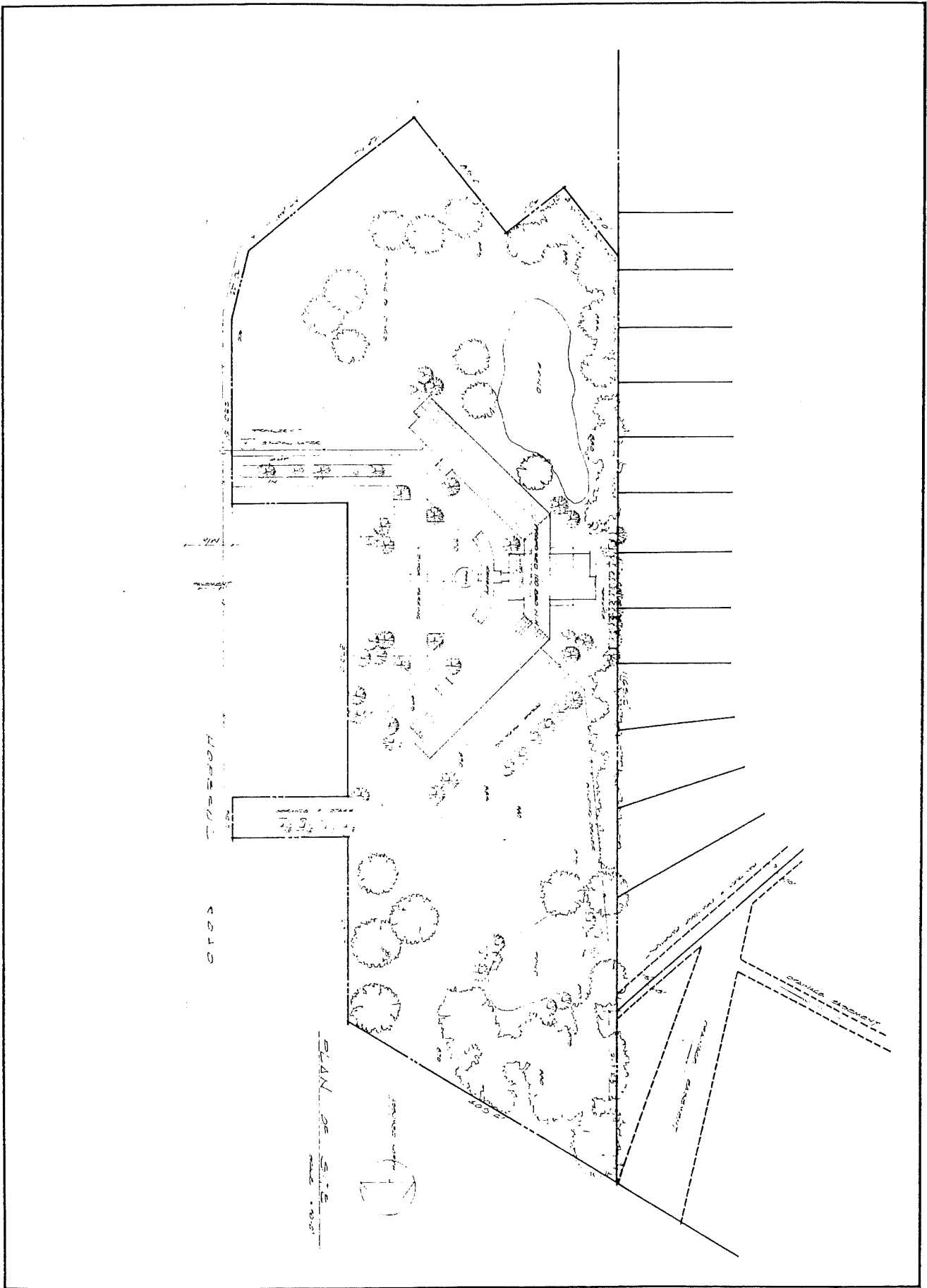
6. Such other reasonable conditions as the Planning and Zoning Commission or public would require.



a proposed nursing facility
long term care of northern ky, inc.

ROBERT W. WALLACE
ARCHITECT
681 MALPIN AVENUE
CINCINNATI, OHIO 45220





a proposed nursing facility
 long term care of northern ky, inc.

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