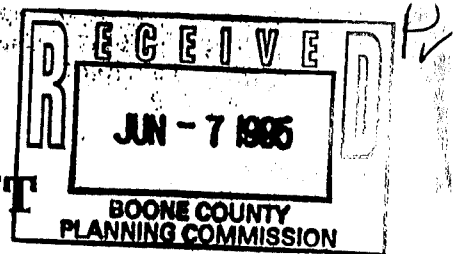


APPLICATION FORM  
**ZONING MAP AMENDMENT**

BOONE COUNTY PLANNING COMMISSION  
(See Boone County Zoning Regulations)



SECTION A (To be completed by applicant)

1. Name of Project Transitions -- Residential Treatment Center
2. Location of Project 8311 U.S. 42
3. Total Acreage of Site 1.9 acres
4. Current Zoning of Site C-2
5. Proposed Zoning (Classification being requested) PF
6. Proposed Uses (please specify each use)
  - Offices
  - Residential/inpatient chemical dependency treatment
  - Out patient chemical dependency education/treatment
  - See attached for narrative
7. Names of Applicant(s) Transitions Inc., Jerry McArthur, Executive Director  
Phone Number (606) 491-4435 Fax No. (606) 491-6598
8. Address of Applicant(s) 300 Watertower Square, P.O. Box 567  
Newport, KY 41072  
City State Zip
9. Name of Property Owner(s) Community First Bank, Pete Turner, President/CEO  
Phone Number (606) 567-5071 Fax No. (606) 567-2772
10. Address of Property Owner(s) P. O. Box 467  
Warsaw, KY 41095  
City State Zip
11. Proposed Building Intensities (please specify) N/A  
Existing Building
12. Are there any existing buildings on the site? Yes  
How many? One
13. Deed Book 552 Page No. 96 Group No. 20488
14. Are you also applying for:  
no Conditional Use Permit  
no Dimensional Variance
15. Have you submitted a Concept Development Plan? N/A
16. Have you had a pre-application meeting with BCPC Staff? Telephone/Letter
17. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:
  - Boone County Water and Sewer District
  - Florence Water and Sewer Commission
  - Union Light Heat and Power
  - Cincinnati Bell
  - Owen County Rural Electric
  - Boone County Public Works Department(over)

**EXHIBIT "A"**

# STAFF REPORT

Request of Transitions Inc. (applicant) for Community First Bank (owner) for a Zoning Map Amendment for an approximately 1.9 acre tract located at 8311 U.S. 42, Florence, Kentucky. The request is for a change from Commercial Two (C-2) to Public Facilities (PF) to allow a chemical dependency treatment facility and related administrative offices.

June 28, 1995

## REQUEST

The following is a request for a Zoning Map Amendment to change the current zoning of the site located at 8311 U.S. 42, Florence, Kentucky (former "Workout America" facility) from Commercial Two (C-2) to Public Facilities (PF). The request is to allow a chemical dependency treatment facility that would provide both residential and outpatient programs. The facility would house up to fifty clients at any one time who stay at the facility anywhere from a few weeks to a few months. The residents are confined to the facility for the initial part of their treatment and then work towards becoming self sufficient (gain outside employment, etc.), while still residing at the facility. In addition, the applicant proposes to move the administrative function of the agency from an office in Newport to the location in question. Approximately twenty five employees would work at the facility (both administrators and care providers). The use is proposed to utilize both the existing building, which will be renovated, and the existing parking area.

A Concept Development Plan has been submitted with this request. The plan calls for the installation of landscaping around the front portion of the parking area and in a strip between the building and parking area (narrative states "extensive landscaping to the grounds including trees, shrubs, foliage and flowers fittingly placed around the building"). The applicant also proposes to provide a 6 to 10 foot high privacy fence along the rear of the property line to provide a buffer to the adjacent neighborhood to the south. The application materials state that the existing freestanding sign that is located along U.S. 42 will be removed.

## ADJACENT LAND USES AND ZONING

The land uses and zoning adjacent to the subject site include the following.

- A. The Board of Education administrative offices and the Ockerman Elementary and Junior High School campus to the north directly across U.S. 42 (PF). A retail strip center is located to the northwest along U.S. 42 (west of the Board of Education, C-2), and a residential subdivision is located to the north of the strip center along Village Drive (SR-2). A convenience store with gas sales is located to the east of the Board of Education along U.S. 42 (C-2).

- B. An automobile and lawnmower sales establishment is located immediately to the west, along the south side of U.S. 42, and a camper-trailer/truck cap sales establishment is located further to the west (C-2).
- C. An office supply establishment is located immediately to the east, along the south side of U.S. 42, and a tire shop is located further to the east (C-2).
- D. A subdivision (Evergreen Farms) that consists of detached, single family residences, and that is accessed from Evergreen Drive, is located immediately to the south (SR-1).

#### SITE CHARACTERISTICS

The lot in question contains approximately 1.9 acres and is basically rectangular in shape. The lot has approximately 200 feet of frontage on U.S. 42 and one curbcut on said road. Improvements on the site include a building that has an approximately 20,000 square foot footprint and a paved parking and vehicular circulation area (combination of asphalt and concrete surfaces) that encompasses the majority of the site. The building has a low one story massing at the front and a larger two story massing at the rear; the structure also has an existing loading berth at the rear. Grassed areas exist along the perimeters of the site. The area at the rear of the site has several large deciduous trees. The elevation of the rear portion of the parking area ranges from approximately 10 feet to approximately 15 feet higher than the elevation of the adjacent rear yards in the adjoining residential subdivision.

#### RELATIONSHIP TO COMPREHENSIVE PLAN

The 1995 Boone County Comprehensive Plan's 2020 Land Use Plan designates the site in question as "Commercial." The document describes this designation as "retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc." The text of the Land Use Element (Area C-4) does not specifically address the site in question. As a whole, the general type of social service/care facility in question is not mentioned within the text of the Comprehensive Plan, including the Public Facilities Element.

The Land Use Element provides the following statements 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 ("Utilization of Existing Vegetation and Topography," pg. 210).

- B. Developments in Boone County must recognize the potential impacts upon adjoining land uses and incorporate a transition of land uses, building setbacks, and/or landscaping to minimize these impacts. Potential impacts include visual, noise or vibrations, odors, dust, smoke, and light. Buffering to mitigate these impacts should be an integral part of the design of proposed projects; existing site features should be used in meeting this guideline. Developments should provide buffering along public roadways, to soften the visual impact. Appropriate wooded areas and stream valleys should remain as greenbelts and open space within developments and between developments ("Buffering," pg. 210).
- C. Developments in Boone County must include landscaping to accompany the proposed project. This landscaping should be designed to improve the public view of a development, and should be incorporated into parking lots and other vehicle circulation areas as well as within open spaces and around structures. Landscaping is intended to minimize the visual impacts of the development from adjoining properties and roadways ("Landscaping," pg. 210).
- D. Developments in Boone County should give consideration to the overall design of the project. Design should be a primary concern at the early stages of the development, with an emphasis on the aesthetic impact of the proposed use. The minimal use of signs is encouraged; signage should be adequate to identify a specific development, but should not be used as a means to compete for motorist attention ("Design, Signs, and Historic Preservation," pg. 211).

The 1995 Boone County Comprehensive Plan Goals and Objectives include the following statements that relate to the proposal.

- A. Proper design principles shall be applied in development ("Overall," Objective #3).
- B. Boone County shall strive to achieve a diversity and balance in competing land uses ("Overall," Objective #6).
- C. New or redeveloped residential areas shall be designed to establish clearly defined neighborhoods with a mix of retail, public and recreational uses. Established neighborhoods shall be protected and enhanced and deteriorated neighborhoods shall be regenerated ("Housing," Objective #9).
- D. Public facilities and services shall be in locations that are accessible to the population being served ("Public Services and Facilities," Objective #5).
- E. Adequate health care and emergency services shall be promoted at accessible locations ("Public Services and Facilities," Objective #14).

STAFF CONCERNS

1. First, the intent statement of the Public Facilities (PF) zone states that "the purpose of this article is to provide a specific zoning classification for a variety of public facilities so as to promote the proper location of these uses and insure their long-term continuity and compatibility with adjacent land uses." Thus, the staff concerns listed below used this statement as a guiding principle.
2. The application materials did not state whether any security measures are necessary for either the residents and business owners in the immediate area, or for the clients that may reside at the facility. The issue of security should be clarified and appropriate measures should be required if necessary. Further, for the benefit of the Commission and the members of the public who have commented on the proposal to date, the applicant should outline the organization's policies and procedures regarding any illegal activities conducted by clients.
3. Because the facility is immediately adjacent to residential uses, any outdoor activities that are conducted in conjunction with the proposed use, including the hours of day, should be defined so that potential nuisances are avoided (as an example, the Transitions facility in Newport has a small outdoor basketball court in the rear). Due to this same reason, the hours that the facility is "actively" used (i.e., times of day that the appurtenant office use is operational and outpatient clients are frequenting the site - including the numbers of outpatient clients) should also be defined.
4. As noted above, the applicant has proposed to install a 6 to 10 foot high privacy. Staff recommends that, if the proposal is approved, the fence height should be in the 7 to 8 foot range (i.e., 6 feet is low enough that a person can readily look over it and 10 feet is excessive and fairly imposing, keeping in mind that this portion of the site is approximately 10 to 15 feet higher than the adjoining residential lots). Further, the proposed fence should be extended along the western edge of the rear parking area between the southwest corner of the building and the fence proposed along the rear boundary of the site (i.e., rear of the facility is readily visible from the adjoining residential lots to the southwest). As an informational note, there is no specific buffer yard requirement for the PF zone under the conventional provisions of the Zoning Regulations.
5. Due to the nature of the request, every attempt should be made to create an institutional/campus type environment on the site, particularly when considering that the site currently has both residential and institutional adjacencies (i.e., Board of Education offices/Ockerman campus). As such, Staff recommends that the following issues be addressed in any approval of this request:


- A. The existing building does not have an "institutional/ campus" appearance due partly to the architectural design, which can not be reasonably altered, and partly due to the aqua/white/"sports mural" color scheme, which can be readily altered. Therefore, Staff recommends that an earth tone scheme that is compatible with both the residential and institutional adjacencies (tans, light browns, warm grays, etc.) should be utilized.
  - B. Although Staff finds the proposed removal of the existing freestanding sign to be a very commendable commitment, further plans for signage have not been delineated. Staff contends that any new freestanding sign should be very limited in size and height (such as 8 feet in height and 60 square feet in area), and should be monument style. Any building mounted sign should also be limited in size. Due to the institutional nature of the use, Staff also contends that one sign (either a monument style freestanding sign or a building mounted sign) is sufficient for the intended use.
  - C. Due to the lack of light fixtures existing on the site, Staff questions whether any new site light fixtures are intended (this also relates to the security issue), particularly when considering the residential adjacencies and the grade difference between the two uses. If so, these fixtures should use cut-off shields and should be limited in height (such as "shoe-box" style fixtures that do not exceed 20 feet in height).
  - D. To insure that the site is landscaped sufficiently to create the type of environment mentioned previously and to insure compatibility, the landscaping requirements outlined in Sections 3165 and 3170 of the Zoning Regulations, including the interior parking lot landscaping requirements, should be applied to this proposal.
  - E. If approved, the proposal will be subject to the Site Plan procedure to insure that the improvements proposed through the Concept Development Plan and any improvements required through the zone change procedure are properly planned and constructed. As currently proposed, a Minor Site Plan application would be required.
6. Due to the wide range of uses permitted in the PF zone, the Commission should consider whether or not a portion of the uses typically permitted, as either Principally Permitted or Conditional Uses, should be prohibited altogether on the site in question when considering: the limited size and frontage of the lot in question for certain institutional uses; the residential adjacency to the south; and, the public school complex that is adjacent to the site at the north.

7. The Commission will need to determine whether the proposed change in use of the property warrants access improvements such as a reconstructed curbcut that has defined right and left turn egress lanes.
8. As a whole, the Commission will need to consider the fact that the area in question is designated by the Comprehensive Plan as "Commercial." As such, the Commission will need to determine whether or not it is appropriate to allow a relatively small, "single user" institutional use at this location, particularly when considering the varying land uses in the vicinity (i.e., residential, "auto-oriented" commercial, and a differing type of institutional use).

### CONCLUSION

This request needs to be evaluated by the Boone County Planning Commission and the Florence City Council in terms of the three criteria necessary for approving a Zoning Map Amendment as stated in Article 3, "Amendment" of the Boone County Zoning Regulations and the potential impacts on the existing and planned uses in the area. In addition, the Commission should review Article 12 "Public Facilities District" of the Zoning Regulations prior to making a decision. The Future Land Use Map would need to be amended to reflect a public/institutional use if the Planning Commission and the Florence City Council approve this request.

Respectfully submitted,

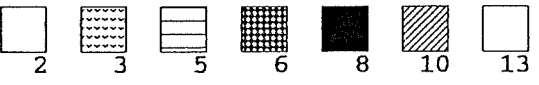
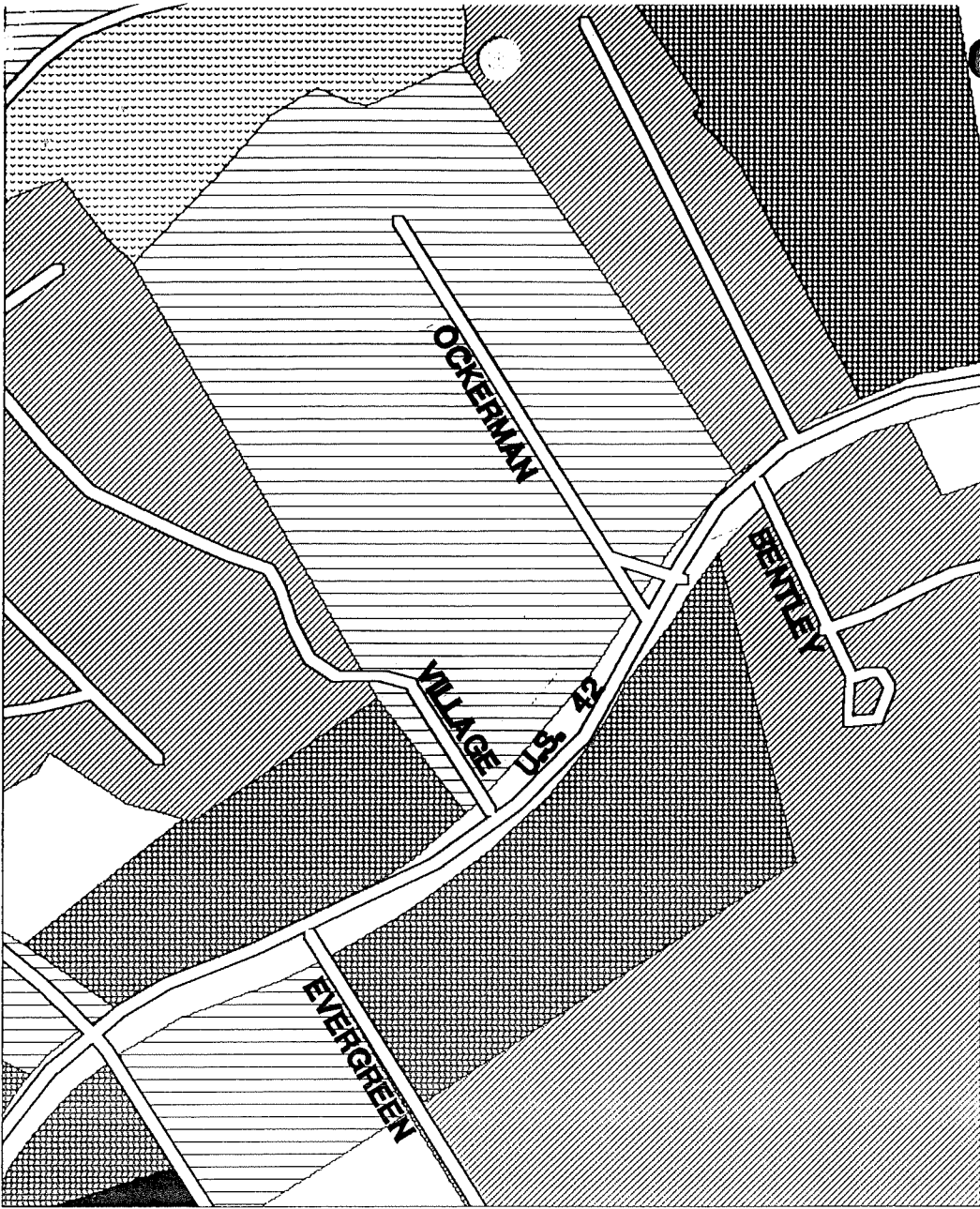


Kevin T. Wall, AICP CDT  
Director, Zoning Services

KTW\par

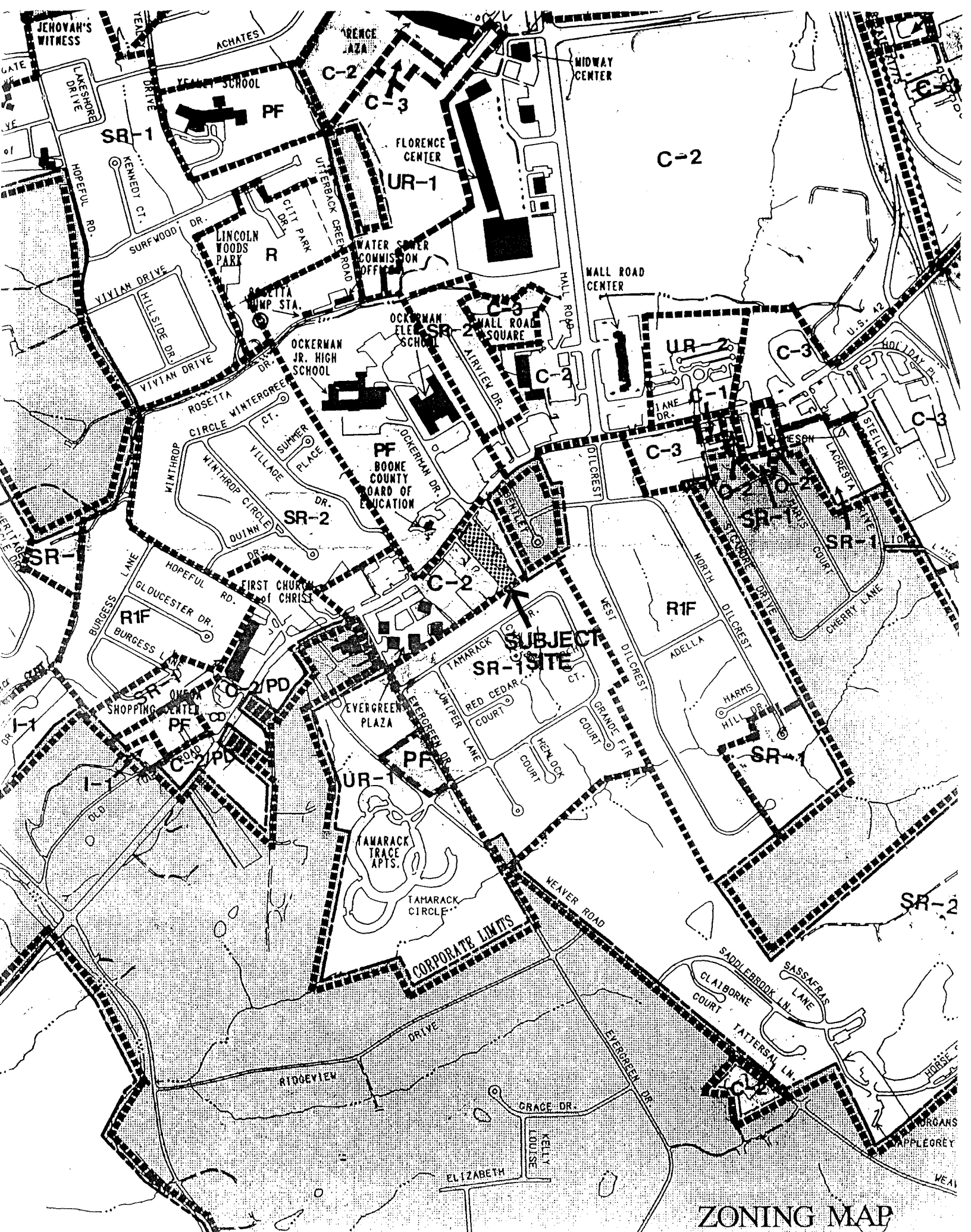
attachments:

- air photo of area
- 2020 Land Use Plan excerpt
- Zoning Map excerpt
- application materials
- letters from members of the public

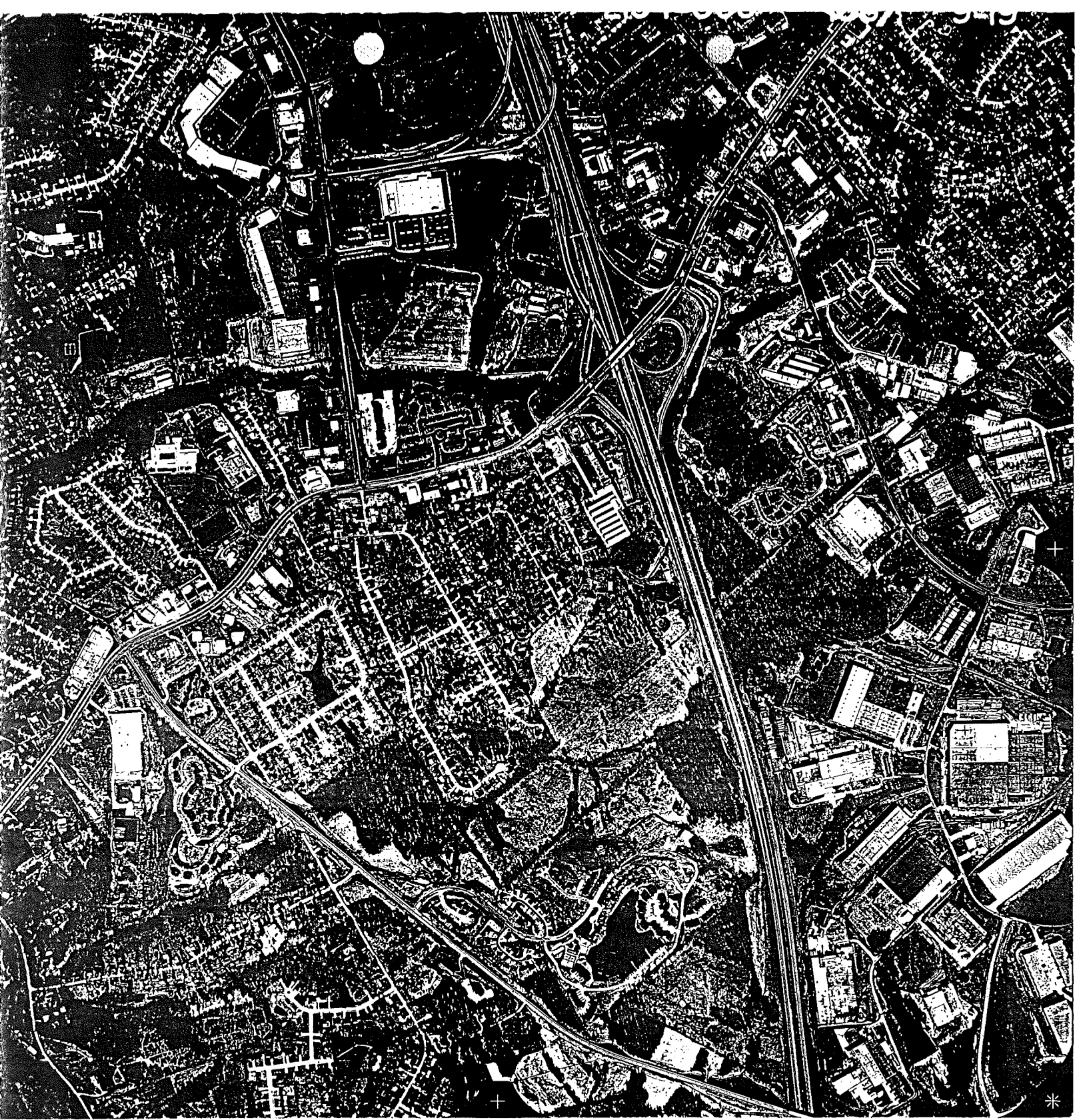


2 Open Space (OS)  
 3 Woodland (W)  
 5 Public / Institutional (P)  
 6 Commercial (C)

8 Industrial (I)  
 10 Suburban Density Residential (SD)  
 13 Transportation (T)



ZONING MAP



APPLICATION FORM  
**ZONING MAP AMENDMENT**

BOONE COUNTY PLANNING COMMISSION  
(See Boone County Zoning Regulations)

SECTION A (To be completed by applicant)

1. Name of Project Transitions -- Residential Treatment Center
2. Location of Project 8311 U.S. 42
3. Total Acreage of Site 1.9 acres
4. Current Zoning of Site C-2
5. Proposed Zoning (Classification being requested) PF
6. Proposed Uses (please specify each use) \_\_\_\_\_  
- Offices  
- Residential/inpatient chemical dependency treatment  
- Out patient chemical dependency education/treatment  
- See attached for narrative
7. Names of Applicant(s) Transitions Inc., Jerry McArthur, Executive Director  
Phone Number (606) 491-4435 Fax No. (606) 491-6598
8. Address of Applicant(s) 300 Watertower Square, P.O. Box 567  
Newport, KY 41072  
City State Zip
9. Name of Property Owner(s) Community First Bank, Pete Turner, President/CEO  
Phone Number (606) 567-5071 Fax No. (606) 567-2772
10. Address of Property Owner(s) P. O. Box 467  
Warsaw, KY 41095  
City State Zip
11. Proposed Building Intensities (please specify) N/A  
Existing Building
12. Are there any existing buildings on the site? Yes  
How many? One
13. Deed Book 552 Page No. 96 Group No. 20488
14. Are you also applying for:  
no Conditional Use Permit  
no Dimensional Variance
15. Have you submitted a Concept Development Plan? N/A
16. Have you had a pre-application meeting with BCPC Staff? Telephone/Letter
17. Please check the following organizations/agencies which you have discussed the proposed development with in the last several months:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Boone County Water and Sewer District  
Florence Water and Sewer Commission  
Union Light Heat and Power  
Cincinnati Bell  
Owen County Rural Electric  
Boone County Public Works Department  
(over)

- \_\_\_\_\_ Kentucky Transportation Cabinet
- \_\_\_\_\_ City of Florence Public Services Department
- \_\_\_\_\_ Boone County Building Department
- \_\_\_\_\_ Northern Kentucky Health District
- \_\_\_\_\_ U.S. Soil Conservation Service
- Local School District
- \_\_\_\_\_ Local Fire District
- \_\_\_\_\_ Other: \_\_\_\_\_

18. Project Jurisdiction/Location
- \_\_\_\_\_ Unincorporated Boone County
  - Florence
  - \_\_\_\_\_ Walton Union

19. Applicant's Signature Kerry M. Anderson, EXEC. DIRECTOR, TRANSITIONS, INC  
Property Owner's Signature Site Survey, President, Community First Bank

SECTION B (To be completed by BCPC Staff)

1. Date Received \_\_\_\_\_
2. Fee Received \_\_\_\_\_
3. Check what has been submitted:
  - \_\_\_\_\_ Application \_\_\_\_\_ Fee
  - \_\_\_\_\_ Legal Discription
  - \_\_\_\_\_ Concept Development Plan
  - \_\_\_\_\_ Address of Adjoining Property Owners
  - \_\_\_\_\_ Number of copies of plan received\*\*
4. Is application complete? \_\_\_\_\_ Yes \_\_\_\_\_ No
5. Staff Reviewer \_\_\_\_\_
6. Committee Chairman \_\_\_\_\_
7. Scheduled Public Hearing Date \_\_\_\_\_
8. Boone County Planning Commission Action:
  - \_\_\_\_\_ Approval
  - \_\_\_\_\_ Approval with Conditions
  - \_\_\_\_\_ Denial
9. Other: \_\_\_\_\_

\*\* Five (5) Copies Are Required

Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005  
(606) 334-2196 Phone  
(606) 334-2264 Fax

NOTE: See Boone County Planning Commission for Zoning Map Amendment Fee.

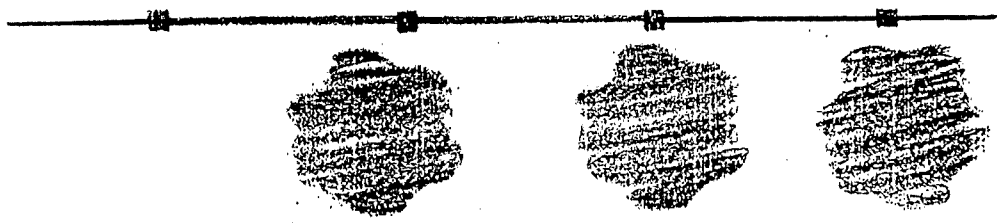
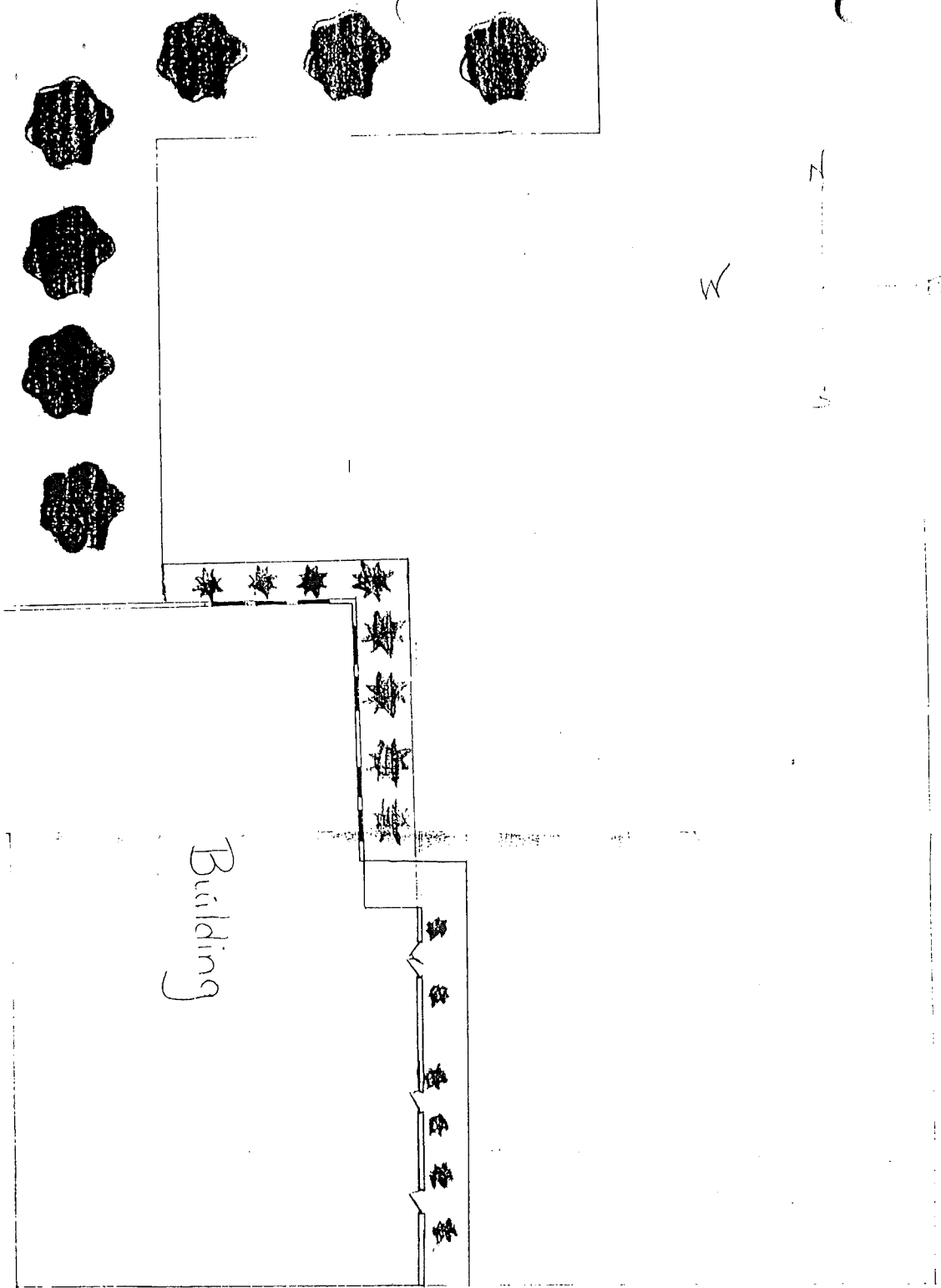
An application consists of all fees paid in full, submitted drawings and a completed application form.

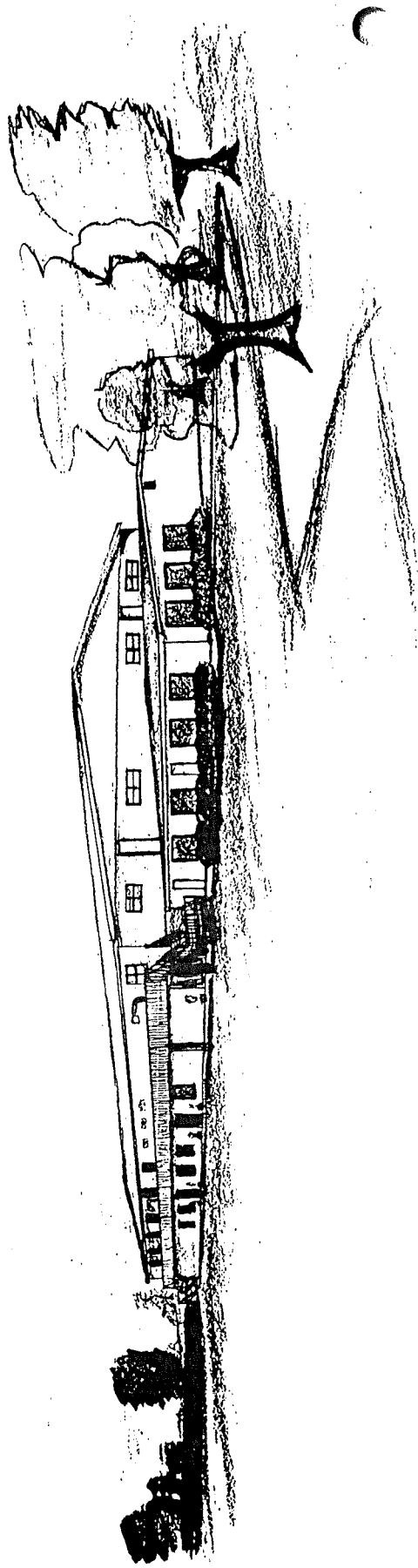
**6. Proposed Use:**

The proposed use of the existing facility (no expansion of the building, just interior renovations) is for the residential treatment of chemical dependency. The typical client resides at the facility anywhere from a few weeks to a few months. The residents are confined to the facility for the first part of their treatment, and subsequent treatment, while still residing at the facility, consists of a transitional phase in which the clients work towards becoming self sufficient (obtain employment, financial responsibilities, etc.). In addition, the facility would contain non-residential outpatient services (such as those mandated for DUI convictions), including chemical dependency assessment and follow-up care. The agency's administrative offices would be relocated from Newport to Florence.

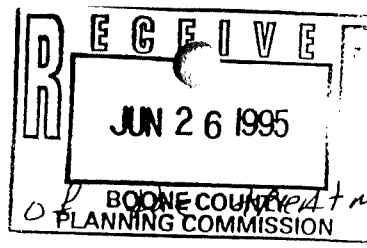
The proposed use will also call for extensive landscaping to the grounds to include trees, shrubs, foliage and flowers fittingly placed around the building. The large sign bordering U.S. 42 will be removed and this area landscaped as well. A six to ten ft. privacy fence will be placed at the back of the property to buff the adjacent neighborhood. This area also has a significant amount of trees and greenery past our property border and the neighboring property owners.

Transitions Incorporated is celebrating twenty-five years of service to the Northern Kentucky area this year. Our mission is to help individuals, families and communities break the cycles of substance abuse, family abuse, crime, violence and poverty. By request of the Veteran's Administration for increased services and the increased need for treatment beds in the community, our agency is pursuing opportunities for opening a new facility. This new facility would be funded primarily through contracts with the Veterans Administration and Comprehensive Care to provide services to the eight-county region. At present clients from areas such as Dry Ridge, Warsaw, Burlington, etc. must go to Dayton, Kentucky for services. Often times, even though the Comprehensive Care contract covers the eight-county region, it is closer for some clients to go to Lexington or Louisville than Dayton. This facility would make services much more accessible to Boone County residents as well as residents of the lower counties such as Grant, Gallatin, Owen, etc. The agency has a current annual budget of \$2.3 million. With the expansion of services that figure is projected to be \$3.1 million. In this effort we are negotiating the purchase and appropriate zoning of the "Workout America" building located at 8311 U.S. 42 in Florence, Kentucky.





To. ROE U WALL.



ON the issue of BOONE COUNTY PLANNING COMMISSION center (TRANSITIONS INC.) for drug and Alcohol Abusers.

I AS A new member of the city of Florence HAVE to say NO to the center.

Not because of the use of the center, but of the location, it's not only within the city limits but almost AND is in some TAXPAYERS BACKYARD Along

TAMARACK DR.

Florence Ky. has so much going for The city, it doesn't HAVE to depend on A DRUG AND Alcohol Abuse center for tax money. This statement I would think in my ~~own~~ opinion go for the county of Boone Also.

Just for list A few other.  
Reason why the center should not  
be put in or near Florence Ky. ~~etc.~~

- ① The Amount of children in the Area.
- ② Why take a chance of increasing the drug flow more than it is by the possibility of the drug center.
- ③ There is a chance that the city will be out more cost than money taken in on taxes. Due to loss of taxpayer moving from Florence as well as Boone Co. and expense of maintaining other factor due to the problems that could follow the Abuse center if it is allowed to ~~be~~ built in Florence as well as Boone Co.  
This project is for a remote Area with very little or no population of citizens.

Thank you for Reading this letter  
THESE VIEW points ARE from myself only.

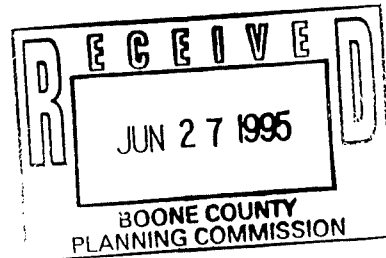
I do. think Boone Co. AND the city  
of FLORENCE Ky. need to Stop the Abuse  
center from getting started even before  
the First leg gets started.

I hope this letter has some bearing  
on the out come.

yours truly  
Richard W. Howe

8382 TAMARACK DR.  
FLORENCE Ky 41042

GERALD KING  
5 SASSAFRASS LANE  
FLORENCE, KY 41042



MR. KEVIN WALL

MR. WALL,

I AM TAKING THIS TIME TO VOICE MY OPPOSITION TO THE PROPOSED USE OF THE WORK OUT AMERICA BUILDING FOR A REHAB FACILITY. ALTHOUGH I FEEL THE WORK THAT THESE CENTERS DO IS NEEDED, I FEEL THE SITE IS NOT A GOOD CHOICE. THE POTENTIAL FOR PROBLEMS DUE TO THE CLIENTELE THAT WOULD USE THE FACILITY AND THE CLOSE PROXIMITY TO BOTH SCHOOLS AND BUSINESSES IS SOMETHING WE DON'T NEED. I LIVED NEAR THE DARTMOUTH CENTER IN DAYTON, OHIO, AND HAVE PERSONAL EXPERIENCE WITH PROBLEMS THAT ARISE WHEN A RESIDENT WANDERS AWAY.

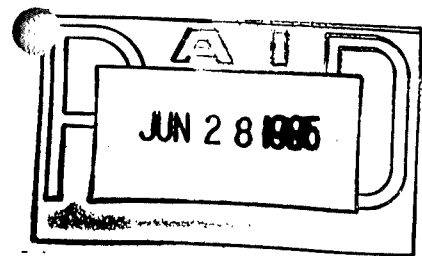
I ALSO FEEL THE LOCATION OF THE ENTRANCE TO THE PROPERTY HAS CREATED TRAFFIC PROBLEMS. IF YOU HAVE EVER DRIVEN PAST THE LOCATION HEADING SOUTH IN THE CENTER LANE AND HAD SOMEONE IN FRONT OF YOU TRY TO TURN LEFT INTO THE LOCATION, YOU KNOW WHAT I MEAN. THE CARS HEADING NORTH AND TURNING INTO OCKERMAN FREQUENTLY HAVE TO DODGE CARS WANTING TO USE THAT TURN LANE TO GET INTO WORKOUT AMERICA. THIS STOPS TRAFFIC IN THE SOUTHBOUND LANE AND RAISES THE POTENTIAL FOR A REAR END COLLISION.

AS A PAST BOARD MEMBER OF THE SADDLEBROOK HOME OWNERS ASSOCIATION I HAVE TRIED TO KEEP IN TOUCH WITH THE WANTS AND CONCERNS OF FELLOW RESIDENTS OF THE SUBDIVISION. I KNOW I SPEAK FOR MANY OF MY NEIGHBORS WHEN I VOICE MY OPPOSITION. WE LOVE OUR NEIGHBORHOOD AND WOULD NOT WANT TO HAVE THE CITY OR COUNTY DO ANYTHING TO CREATE A HAZARD TO MY CHILDREN OR OUR FAMILIES.

A VERY CONCERNED CITIZEN

8363 Hemlock Court  
Florence, KY 41011

June 28, 1995



MEMBERS OF THE BOONE COUNTY ZONING BOARD:

We would like to express our great concern regarding the proposal to place a substance abuse treatment program on property located on U.S. 42 in Florence, KY.

We have had extensive working experience with Transitions Inc. and while they are nice people to work with, we believe the programs that they operate are not suitable for this area. The building they are planning to use is in very close proximity to schools and a large residential area in addition to two businesses where alcohol is served as the primary commodity. (This offers a great temptation to those who are already substance abusers.)

In our experience working with Transitions Inc., we know that a high percentage of their clients are convicted felons. Also, a high percentage of their clients enter these programs in lieu of being sent to prison or jail. The only convicted felons they specifically reject from their programs are arsonists. Any other type of criminal element with a substance abuse problem is acceptable. This will be an open campus program and the individuals will be able to walk away whenever they wish. There are NO SECURITY measures taken in any of their programs. When these substance abusers walk away from this program there is a high probability they will break into the first building they come to in order to get money to support their habit. The residents in this program will have to find employment in 30 to 90 days and will be roaming freely in our neighborhood and community during this time. It is also probable with this program in the community that crime rate in Florence will increase. You should also be aware that the programs run by Transitions, Inc. are not regional programs, and clientele from all over the state are accepted. Should any problems arise with these clients, it will be the Florence Police and/or rescue squad that will be responding. This increased burden on them is not needed.

Although we realize that this program will significantly decrease the property values in this area, our main concern is for the SAFETY of the residents of the Florence community. THIS PROGRAM WILL NOT BE OF ANY BENEFIT TO THE CITY OF FLORENCE OR THEIR CITIZENS.

Sincerely,

*Ed and Jo Ann Sorensen*

Ed and Jo Ann Sorensen

BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING

June 28, 1995

7:00 P.M.

PUBLIC HEARINGS

Commission members present: Mrs. Arnett, Mr. Bailey, Mr. Damstrom, Mr. Kirby, Mr. McMillian, Mr. Millay, Mr. Neltner, Mr. Ries, Mrs. Schaffer, Mrs. Smith - Secretary/Treasurer, and Mr. Viox - Chairman.

Mr. William Viox, Chairman, called the meeting to order at 7:05 P.M.. Following an explanation of the Public Hearing process, the Chairman asked those who wished to speak and have not filled out a slip to do so at this time.

The Chairman advised that Item #2 on the Agenda has been postponed.

Chairman Viox introduced the first item on the Agenda:

1. Applicant: Transitions Inc. for  
Community First Bank (owner)

Request: Zoning Map Amendment

The request of Transitions Inc. (applicant) for Community First Bank (owner) for a Zoning Map Amendment for an approximate 1.9-acre tract at 8311 U.S. 42, Florence, Kentucky. The request is for a change from Commercial Two (C-2) to Public Facilities (PF) to allow a chemical dependency treatment facility and related administrative services.

Staff Member Kevin Wall presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Viox asked for the applicant's presentation.

Attorney Dave Schneider with Ziegler & Schneider in Florence, representing the applicant, stated that this application has generated some controversy, part of which is due to some misinformation. He showed a flyer saying "Vote No on the Mental Ward" which was placed on cars in the area. He stated that individuals and close property owners have been told that this will be a morgue with a hearse parked there -- with autopsies and a strong smell of antiseptic. He stated that they will give testimony regarding the Comprehensive Plan. He noted that the Staff Report lists a number of concerns. He stated that executives from Transitions, Inc. are present to address a number of issues and give background information on Transitions.

Ann Perrin, Associate Executive Director of Transitions, Inc., displayed an exhibit to the Commission (Exhibit 1). She stated that Transitions, Inc. is a private non-profit social service agency run by a Board of Directors. They have been serving substance abusing men and women in Northern Kentucky for 25 years. Their mission is to help individuals, families, and communities break the cycle of substance abuse. They currently provide residential services, chemical dependency treatment, halfway transition services for adult men and women, rehabilitation services, etc. in other locations. They are licensed by the Cabinet for Human Resources. She stated that the women's residential education program serves chemically dependent women and their children in a residential setting. The children live in the program with their mothers while the mothers are receiving treatment. The children are cared for in their licensed day care center on the property, which is open to and used by the public.

Ms. Perrin stated that the administrative offices of their organization would be moving to the subject location. The current non-medical detox program will remain in Dayton, Kentucky. She stated that the agency obtains funds from a variety of federal, state, local, and private sources. She reviewed the grants obtained recently. She stated that the proposed project will be funded through current contracts with the Fiscal Courts of Boone, Kenton, and Campbell counties and others.

Ms. Perrin stated that the clients in the program have a disease of chemical dependency. They will not be offenders -- they will be learning to be good neighbors. The agency and its programs emphasize the education and social aspects of recovery from alcoholism. During the initial 4 to 6 weeks of treatment, the typical day is very structured with 10 to 12 hours of class time. The students do not leave the facility during this time unless accompanied by the staff. During the final two months in the program, they focus on personal accountability and responsibility and clients are taught job seeking skills, budgeting, and other life skills. All clients are expected to return to employment or obtain employment and pay a portion of the cost of the treatment. The clients work with Habitat for Humanity in building housing. All clients are expected to attend 5 to 7 self-help support meetings per week. After they leave the residential facility, they return for weekly group meetings for 5 to 6 months once a week. She stated that the agency staff ensures that the facility maintains a clean and sober atmosphere by taking breathalyzer tests, random urinalysis, and constantly monitoring behavior. All doors are alarmed so that the staff is aware of anyone entering or leaving the building. House checks are made and major security measures are taken in all of their facilities -- more so than any typical hospital or chemical dependency unit. All the clients sign in and out. The clients submit to individual checks of where they are going at all times.

Ms. Perrin stated that the Workout America building is ideal with 23,000 square feet, a kitchen, classrooms, plumbings, and indoor recreational facilities.

Mr. Schneider stated that in responding to the Staff Concerns and explaining the program, they are trying to enable the Commission to make a decision as to whether a facility like this is needed in the Boone County

area. He stated that there is an existing alcohol treatment facility in Boone County with outpatient facilities for the DUI program for drunken drivers on Dorothea Avenue in Florence. Every night and on Saturday people come there who have been convicted and had their license suspended. They are required to go to these programs. There are a number of AA (Alcoholics Anonymous) meetings in the area. There are 13 listed AA meetings every week in Boone County, 11 of which are in the Florence area. These are the same type of people -- people who need continued support of this program. He stated that the number of people on the police report in the Boone County Recorder every week shows there is an alcohol problem in the county. A study was done by the University of Cincinnati to determine alcohol abuse in Boone County comparing 1990 to 1995. The reports states that there are 19,500 drinkers in Boone county and 2,000 are heavy alcohol users. "Heavy alcohol user" is defined as an individual who takes 5 or more drinks on a given day at least 5 days a month. The report indicates that the real importance relates to male users and there is a 4:1 factor of males vs. females in the 2,000 individuals. There is a center in Covington for females, but there is not an existing center in Northern Kentucky that would handle this number. He stated that if there is not this type of facility, the situation will only get worse.

In regard to the operational aspects, Mr. Schneider stated that it is a 23,000 square foot building that is ideal for this use. It has sprinklers, indoor recreation, the kitchen from the restaurant, and areas large enough to be used as classrooms. He stated that the existing administrative offices will be moving to this facility. They have 8 persons who work Monday - Friday the same as most people. The residential staff is 7 to 10 people and about half of them work 8:30 to 5. The traffic concerns are minimal compared to any other commercial use of this property. People who have gone through the program and go back to work generally leave by 7 A.M. or 8 A.M. and are back by 5 P.M. -- which about half of the people will be doing. There will be some visitation by family members, generally on Wednesday evenings or Sunday afternoons, and there would be minimal traffic effect on a five-lane road with a turn lane. He stated that in the back of the property is a small loading dock, but there are no windows on the back of the building. He stated that the slide shown showed the difference in elevation of 8 to 10 feet. It is 150 to 200 feet from the rear of the building to the nearest home. There is a security/privacy fence planned and heavy vegetation. He stated that the emphasis is on an educational facility -- education and treatment is the key.

Mr. Schneider stated that he has a number of letters in regard to the other facilities, which would be submitted for the record. He stated that they have a facility in Ashland, Kentucky that is almost identical. He read a letter from the Department of Planning in Ashland (Exhibit 2) saying that Transitions has operated a facility in Ashland and once the initial prejudices were overcome, they became an asset to the community and, except for periodic litter, they are never seen or heard. He submitted a petition (Exhibit 3) signed by seven neighbors in regard to the facility in Ashland saying that the halfway house has not caused any problems or interfered with their neighborhood. Mr. Schneider reviewed letters from the Mayor of Dayton, Kentucky; the Dayton, Kentucky Police Department; Folkers Associates; the Department of Veterans Affairs; the

Office of the Mayor of Covington, Kentucky; the Office of Human Services in Burlington, Kentucky; the Alcohol & Other Drugs Council of Northern Kentucky, Inc.; the City of Newport; Comprehensive Care Centers of Northern Kentucky; the City of Fort Thomas; a Certificate of Appreciation from the Department of Veterans Affairs; the City of Bellevue; and the Campbell County Boys & Girls Club; and noted that other letters were received. The letters were submitted for the record (Exhibits 4 - 26). He advised that in the last two months letters of support were also written by: Kenneth R. Lucas - Boone County Judge/Executive; Joseph F. Bamberger - Boone County Circuit Judge; Willie Mathis, Jr. - Boone County Commonwealth Attorney; Clyde Middleton - Kenton County Judge/Executive; Raymond E. Lape, Jr. - Kenton County Circuit Judge, 1st Division; Douglas M. Stephens - Kenton County Circuit Judge, 2nd Division; Gregory Bartlett - Kenton County Circuit Judge, 3rd Division; Patricia Summe - Kenton County Circuit Judge, 4th Division; Donald C. Buring - Kenton County Commonwealth Attorney; Ken Paul - Campbell County Circuit Judge; Sue Gilkey - Campbell County Victim Assistance Coordinator; Family Services of Northern Kentucky; Welcome House; Women's Crisis Center; Alcoholism Council of the Cincinnati Area; and New Perceptions. These letters were not submitted and are listed in Exhibit 27.

Mr. Schneider stated that most of the testimony relates to the Staff Concerns, but the Commission's only real decision is the Comprehensive Plan. He reviewed and submitted a written statement of why this request is in agreement with the Comprehensive Plan (see Exhibit 28).

Mr. Schneider concluded the applicant's presentation and reserved rebuttal time.

Chairman Viox asked if there was anyone else present who wished to speak in favor of the request.

Mr. Gene Finn, a resident of Oakbrooke, stated that he was one of the first Board members of Transitions, Inc.. He has never known of problems from any of these facilities. He stated that 41 years ago, if someone had not given him a helping hand, he would not be here tonight or have had 3 more children.

Cathy Mackiewicz, a resident of Saddlebrook in Florence for three years, stated that she lives off U.S. 42 and her children have gone to school at Ockerman Elementary and Middle School and she works in Florence. She supports Transitions in establishing this facility. She is impressed that the City of Florence is open to supporting a facility that provides hope and a solution for a problem that has been in the community for centuries. Placing the facility on a main street speaks to the advances that have been made in bringing this problem out into the open and showing that there is hope and treatment for this disease. She stated that children are aware that alcohol and drugs are a problem in society. She grew up in a society that hid these problems, which caused chemically dependent persons and families to shut down and experience shame, guilt, and isolation. She did not know what chemical dependency was, but lived with it at home and school and among her peers and watched it destroy families. Alcohol and drug dependency is not a social or moral problem, but a

medical disease over which a person has no control but can be treated. The children read and see the effects of alcohol and drugs everyday. The children should see that there are places to go for help and that you do not have to go outside of town to get that help. People should open their minds and hearts to those in need. It is important that treatment be very accessible for it to work. Transitions is not a part of the problem, it is a part of the solution.

Mr. Geof (Jeff) Scanlon, a Board member, stated that he has been associated with Transitions, Inc. for at least ten years. It is a good organization with a devoted staff and a dedicated and involved Board. Transitions has been in existence for 25 years and is reasonably adequately funded. They served over 900 people last year in four treatment facilities. They get their referrals from Comprehensive Care of Kentucky, which has a facility on Burlington Pike, and the Veterans Administration. They have no facilities in Boone, Grant, or Pendelton counties. They want to address the needs of the people in Boone County.

Mr. John West, a resident of Burlington, stated that he would like to see Transitions, Inc. get a start in Florence. He came from an alcoholic, dysfunctional family and was an alcoholic. As a result of being taken off the street and having it explained to him that he had a disease, he has been clean and sober for almost four years. There are many people out there seeking the help he sought and they need a chance. He stated that this is a non-profit organization and people can come in there that do not have insurance and cannot afford the high dollar care unit facilities. As a result of Transitions, Inc. working with him, he has started a construction company and employs six people. He stated that Boone County is growing at a rapid rate and the problem of alcohol and drug abuse is growing and needs to be addressed.

Bill Kratz, a resident of Florence and neighbor of the proposed facility, stated that the population of Boone County and Florence is exploding. Recently Boone County relaxed the Sunday sales of liquor and beer and with these rights comes increased responsibility. We can no longer let Covington, Newport, or Dayton take care of chemically dependent people. We cannot ignore the problems we face nationally and in Florence. He would have more respect for people in these units fighting daily to clean themselves up than a neighbor down the street who is on a path of self-destruction with alcohol or drugs and hides behind his door ruining his family. He is in favor of the request. He would like to see everyone go there and help out and put a little back into the community.

Mr. Don Breeden, a member of AA, stated that his first experience with Transitions was over 7 years ago and it was the only place he could find to go and be treated for his disease of alcoholism. They accepted him reluctantly because of the condition he was in and someone said he would never make it -- but now his health is good and he works with alcoholics everyday. It is a privilege to see this new Transitions going in where there will be access to detox wards so that people can be taken care of here instead of in other places. There is a need for this in the community to help people help themselves. He stated that most people come out in 30 to 90 days and get jobs and stay sober. They go to meetings 5 to 10 times a week to maintain their fellowship and recognize the fact

that they are recovering drug addicts and alcoholics. There are meetings that children can go to who are affected by this disease and find out what it is all about. This is very much needed in Boone County.

There was no one else present to speak in favor of the request.

Mr. Schneider reserved the right of rebuttal and the right of cross-examination as there is so much misinformation and as to the source of the information. He read a statement from a Transitions worker about the people she was working with saying that she had imagined it to be different -- that they would be lost souls and the problems of society -- unfeeling and not caring about themselves, their health, their families, their children, their futures or their lives -- but they do not look different and they care about things -- they laugh and they cry -- they have feelings and emotions and believe in God.

At this time, the Chairman asked for comments from those in opposition.

Mr. Terry Dwelly stated that he is the next door neighbor and has the lawn mower shop. He read a letter written by Sue Pointer saying that since 1970 this property has been owned by businesses that served the community in Florence. In 1994, the bank foreclosed on Workout America and no effort to maintain the property has been made since that time -- until today. The property is directly across from an elementary/middle school and recreational fields where the children have practices. It is also too close to subdivisions with children. The residents of the facility would not be prevented from walking away, which has happened at other facilities. The letter indicates that other people were interested in purchasing the property and were turned down, but they would have benefited the community.

Mr. Terry Dwelly stated that the bank became the owner of the property in 1994 and since last Fall no one has taken care of it. The electricity and water have been shut off. He stated that the bank's intentions were not to spend a penny on the property and the grass has not been mowed all year until today. The building is run down and has busted water lines. It has a small kitchen. His lawn tractor business started in 1980 and the adjoining property was a retail outlet. He stated that he demonstrates chainsaws and rototillers, which would bother anyone trying to rest in a hospital next door. He feels that a harmony of retail stores should be maintained in the area. He stated that there was a tremendous offer for the property from Matth and John Toebben of \$576,000. An appraiser told Mr. Dwelly that \$400,000 would be highway robbery. They then purchased Town & Country and the county lost a tremendous fitness center.

Mr. Terry Dwelly stated that he went to 100 homes and has a petition signed. He went to 54 homes and not one of them wanted this. He caught 5 people on the street and they did not want it. Someone with a handicapped child said she would like to see a facility, but in another location.

Mr. Terry Dwelly stated that there are four bars in the area and those people could walk one-half block and get treatment. He stated that they

all went broke on this street and nothing is drawing. Turfway is exploding and the retail is exploding because people are spending money. He went to a city meeting 2 or 3 weeks ago and Hardee's was going in, but a lady said that the trees were falling down and there was water there and that she had moved there 30 years ago for peace and quiet. The city made a motion and said that people do not have to listen to "I want an egg muffin or a cheeseburger" at midnight. She said she wanted peace and quiet on her patio and wanted to sleep and they granted her that.

Mr. Terrence Dwelly stated that the elementary school and the middle school are right across the street from this facility. He stated that with the Clay Shroud incident last year, everybody knows what happens there and now we would be taking another risk and putting a rehab center right across from the school -- which is not logical. The bus stop is within walking distance, but there is a closer liquor store and three closer bars, which does not make a lot of sense. With this building being as old as it is, he cannot see the logic of going in there and revamping it when for the same price they could locate elsewhere with high tech and modern machines. With the cost of repairs, it would be more cost effective to buy a new building and put in new equipment and that building would be there for the long term. There is a better location elsewhere for this establishment.

Mr. Richard Howe stated that he is new to the area. He stated that this is a good idea but a bad location. He bought his house on Tamarack about 6 months ago and he can see this building from his property. He stated that it is a family oriented neighborhood. A place like this does not need to go in the middle of town and there are other areas in Boone County for this. He saw in the paper that Northern Kentucky is going to receive a juvenile detention center and questioned why they don't make a major complex out of everything and centrally locate everything together. He does not want to get up in the morning and go out on his patio and see a ten-foot privacy fence. He prefers looking at the dilapidated building. He stated that the taxpayers were here first and the government is supposed to support the people. He does not think anyone in the room is against what they are trying to do -- just the location of it. He suggested they look in Kenton County or around Petersburg. He asked if there would be a morgue in the building.

Ms. Perrin replied "absolutely not".

Mr. Howe stated that the teen night club just closed down and they are rid of that nuisance. He asked if the subject facility would expand in years to come and where they would expand to. He suggested that they go out into the rural area and build their building the way they want it. They should build in an area that does not affect neighbors and kids.

Mr. Jim McFarlane stated that he just learned about this on Monday. He is a homeowner in Dilcrest and a parent of three children at Ockerman or the junior high school. They practice ball on the field there and he is concerned about his kids walking to and from there. He does not want his children near self-destructive men. He does not want a high percentage of people who are convicted felons and drug abusers around his children. He stated that the subdivisions around there are not a part of this problem

and should not be stuck with the solution to the problem. He submitted a petition with 31 names of people who did not have time to come to the meeting this evening.

Kathy Whitfield, a resident of Florence for 10 years, stated that she lives on Tamarack Drive and has 9-year old twin boys. She stated that there have been problems in the past with the bars on U.S. 42. She is a registered nurse and has a lot of experience with working with chemical and alcohol dependent people. She is for helping people, but this is not an appropriate place for this type of program. She has seen patients at the hospital and at times it is not possible for them to go clean -- they are going to fall down at times. All it will take is for one or two of these men to climb the fence and get into the neighborhood -- they may hurt whoever they have to to get what they want. She has been hurt at the hospital by these patients. She has had her life threatened by them and many of them have come from this program. Her children will be going to school and riding their bikes, but they are scared and know these men could hurt them. She is not willing to take the chance that even one out of 50 could hurt them. She stated that when these types of programs go into a residential area, it makes the property values decrease. She and her neighbors are hard working and try to maintain their homes. This will not better this area. She asked the Commission to consider the people who live in this area.

Diane Koehler stated that she has a family and a child who went through the Boone County system and one that will be a sophomore. They have enjoyed living here for 20 years. She would like to feel that they have a say in the bureaucracy that is going on. She stated that this is not an appropriate area. She would not feel that she could leave her home and go to work.

Phyllis Mourning stated that the need for a center of this type is not in question, but the location is in question. She has a daughter at Ockerman Elementary School and is concerned. She stated that they were told that most of these residents would be referred by the Veterans Administration. She questioned how they would be referred. She stated that the VA also deals a lot with mental illness, which often goes hand in hand with drug abuse and they are often disguised by each other. She questioned what will be done if it is determined that a person is mentally ill after they are in the facility. She stated that this is not a prison and she is assuming that a person can leave if they want and cannot be held against their will. She questioned what the residents will do if the clients leave in the middle of the night. She is also concerned about the visitors who will be coming because chemical abuse is usually not restricted to one in the family. She stated that many of the clients will be working and will be going to jobs about the same time as the children will be going to school. She stated that there is a pre-school playground near the facility and the Board of Education office is right there. She does not think this is in keeping with the image the Boone County Schools wants to present. She stated that there is a need, but not at this location.

Kim Holmes, a resident of Florence for almost two years, stated that she has two children who go to Ockerman. Her father was an alcoholic and she

knows there is a great need for these services. She feels that the program is great and there are many people in the area who need help, but the location does not seem right since it is right across the street from the elementary school. She asked if it would always be 50 people there or if they are going to expand. She questioned where they would expand to. She stated that there is a lot of land out there and they could build the facility they need and do it right the first time. There are other places that would be better for the people who need help.

Donald Walterman, 8366 Tamarack Drive, stated that he can look out his back window into the site. He stated that there is no security there for the walk-aways. A fence will not do any good because the second floor is directly level with the bedrooms of the houses behind it. He stated that he works in Covington and goes by the battered and alcohol center there and has watched people take alcohol into that building. There is no way you can make an alcoholic improve himself if he doesn't want to. He stated that his mother was an alcoholic and did anything she had to do to get it. He does not want his family subjected to that. He stated that the bushes do not have leaves all year. He stated that AA meetings are usually held on the weekend or evening hours and not when school is in session. They are held in churches and public buildings away from residences. He stated that the bus stop is on the other side of U.S. 42 and people have to go right past the school. He has worked around alcoholics and feels for these people. He stated that this is not the right location for this.

There being no further comments from the audience, Chairman Viox asked if there were any comments from the Commission.

Mrs. Arnett asked if this would be a treatment facility for alcoholism only. Mr. Mac McArthur with Transitions, Inc. advised that it is drugs and alcohol, but the overwhelming majority are alcoholics. Some alcoholics also use drugs.

Mrs. Arnett questioned the number of referrals from the court system. Karen Hergett with Transitions, Inc. stated that for this facility there may be an occasional court referral for a DUI or possession of alcohol by a minor. Mrs. Arnett questioned referrals for drugs -- does the court refer habitual drug offenders to this program? Ms. Hergett stated that she could not answer this and it depends on the situation. She stated that it is not going to be a program for someone who is in continual contact with the court system. The primary emphasis will not be court referred people.

Mr. Neltner questioned the signage. He noted that it was indicated that the present sign would be removed. Ms. Hergett advised that the most they generally do is to put the word "TRANSITIONS" across the top of the building or over a doorway, or put a small sign at the entrance to the building. Mr. Neltner stated that they would not use the sign to advertise the facilities. Ms. Hergett agreed.

Mr. Neltner stated that the Department of Human Resources licenses this organization. He asked if they would be able to provide any additional information on their track record. Ms. Hergett replied "yes" and offered

to provide names of inspectors and directors to be contacted. She can provide copies of any inspections the Commission would like to see. Mr. Neltner advised that the Committee will probably ask for this information.

Mr. Neltner asked if there would be outdoor recreation, such as a basketball court. Ms. Hergett stated that there is ample space for any kind of recreational activities indoors. She stated that the programs generally have recreational facilities off grounds, such as bowling or a ballgame. There probably would be a basketball court at the back of the building, but the outdoor recreational times are very limited. The program is very structured and intensive and the clients would only have short times for any outdoor recreation. All of the residents are required to be in after dark.

Mr. Neltner noted that there were questions about what will happen in the future. He asked if there is a possibility that they would add onto the site in the future to accommodate more people. Ms. Hergett stated that they have not ruled this out, but do not anticipate it at this time. They would move some of the client base to this facility and will add this number of beds to the services they provide. They are increasing the services and the potential to provide services by opening this facility. They do not anticipate 50 people being there initially and there will be some time to grow into it. They anticipate 25 - 30 people initially.

Mr. Bailey stated that there was a facility on Burlington Pike for drug abuse and regular apartments were built for those people. He asked if the Staff could provide information on the operation of that facility for comparison with what is being proposed now. Mr. Costello will provide this information.

Mrs. Smith asked if only Boone County residents would be allowed to attend the facility. Ms. Hergett replied "no" and noted that there may be some Campbell County residents.

Mrs. Smith asked if the facility would be similar to Kids Helping Kids and asked if it is primarily only for adults. Ms. Hergett advised that the only minors they have are the children who are served with their mothers in Covington.

Chairman Viox questioned the minimum age. Ms. Hergett stated that the minimum age is 18, but they have a few residents who are 17 but emancipated.

Mrs. Smith noted that it was said that there would be child care facilities open to the public. Ms. Hergett stated that the facility in Covington is for the women's residential program and was unique when it opened because it allowed women to bring their children into treatment with them. The contention was that the women would not check into treatment because they did not have care for their children. That program has a licensed daycare center in the building and it is open and used by other people. Mrs. Smith stated that the daycare center is open to the public. Ms. Hergett agreed. Mrs. Smith asked if the facility in Florence would be the same. Ms. Hergett replied "no" and advised that there would not be a daycare facility in this program.

Mr. Ries stated that the organization is wonderful and the people who graduate deserve a lot of credit. There is a need for what Transitions does. He stated that the Commission's job is to determine if it is a right fit based on all the factors. He stated that there is a possibility for expansion and at some point they may have more than 50 people or have additional programs. He stated that there is a concern for the proximity of the location to the residences and schools and the other zoning in the area. He stated that jails and prisons are allowed in the Public Facilities Zone. He would think this facility could be closer to a hospital. He is concerned about the overall zoning and mixed uses -- C-2, Public Facilities, and Residential. He is concerned about spot zoning.

Mr. Kirby asked if a person can go to this facility with no other problem than a drug problem, or is it in addition to alcohol. Mr. McArthur replied "yes" and stated that it could be a pain killer abuse without alcohol.

Mr. Kirby stated that there was a question in regard to referrals. He questioned how the referrals would be made to try to screen out the possibility of mental illness.

Mr. McMillian asked if it would be a co-ed facility. Ms. Hergett replied "no" and stated that it would be strictly men.

Mr. McMillian stated that he heard from the audience that they were not against doing this, but want it in someone else's back yard. He stated that those who confessed that they had used the facilities did not look like criminals. He stated that he does not think the schools will get any benefit from this. He stated that the audience said that there are a lot of saloons and bars, but they were not opposed to them. The audience responded "yes, we are". Mr. McMillian stated that they have not done anything about them. The audience responded "we have tried".

Mrs. Arnett asked if Transitions treats people who are addicted to crack cocaine or heroine only. Ms. Hergett replied "yes".

Mr. Neltner questioned what happens if an alarm goes off. Ms. Hergett stated that they go and investigate the situation. She stated that it is not so much that the alarms are signalling that someone is leaving, but notify them that someone is trying to get in. She stated that these people are not forced into treatment so there is no reason for them to try to escape. She stated that relapse is a part of the disease but, if they are going to relapse, they are not going to come to the treatment center to do it -- they are going to go back to wherever they were using before.

Mr. Neltner stated that it was indicated that the program is very structured and there is very little free time. He asked if that is to say that they do not get a 15 minute break and a couple of them do not go outside and smoke a cigarette. Ms. Hergett stated that they get breaks and it is not to say they are not permitted to go outside. They are permitted to go outside. Mr. Neltner questioned the reason for the alarm system if they are permitted to go in and out. Ms. Hergett stated that they want to know what is going on inside and outside of the program and

who is doing what. The security system is to keep them well informed of what is happening inside and outside of the building.

Mrs. Schaffer questioned the ratio of caretakers after normal hours (8:30 A.M. - 5 P.M., Monday - Friday) and on weekends. Ms. Hergett stated that administrative hours are 8:30 A.M. to 5 P.M.. In the residential treatment program there are 2, 3, or 4 people there at any given time. She stated that the standards are in the licensing regulations. There is a full-time staff member for every 10 residents. They are not all on duty at a time, but a full complement of staff is 1 to every 10 residents. The staffing pattern is primarily structured around the times where there is no activity. When the residents are in bed asleep, there are not as many staff members on duty.

Mrs. Schaffer stated that some of the residents work from 8:30 A.M. to 5 P.M., so most of them come back after 5 P.M.. She questioned how much staff there would be at that time. Ms. Hergett replied "3 to 4". She added that when people come back for the evenings and have participated in activities and groups, there may be one staff person in a group of 10 or 15 people. She stated that they want the most staff there when there is the most structured/unstructured client activity. During the day, there are a lot of people there because there are so many different classrooms and counseling sessions going on.

Mrs. Schaffer stated that the Commission usually receives more detailed Site Plans. She cannot tell where the basketball court is. She asked the Committee to look at the Site Plan issues.

Mr. Ries noted that it was said that some patients go outside and play basketball during the program. He asked if those facilities are fenced and lighted and available during certain hours of the day. Ms. Hergett advised that they would not be lighted as the residents are not permitted to be out in the evening. They would not be fenced in beyond the boundaries of the property. She stated that it is someone's sole responsibility to do grounds and house checks, which they do hourly.

Chairman Viox asked if anyone from the School Board had commented on this application. Mr. Wall advised that he talked with Roger Brady, Assistant Superintendent, and as of this morning the school board had not taken a position. Chairman Viox stated that if anything is received from the School Board, it should be forwarded to Mr. Neltner for the Committee.

Mr. Schneider stated that his rebuttal is for evidence related to the Comprehensive Plan and he has heard none. In regard to the sign, he stated that the sign for Workout America is coming down and they have no plans for a pole sign. He stated that there is a rendering of the landscaping in the packet and the strip in the front will be planted with trees. The athletics mural will be coming off.

Ms. Hergett stated that there was mention of a facility on Pike Street and that someone saw people going in with alcohol. She stated that that program is nothing to do with Transitions.

Mr. Schneider stated that they have no problem with meeting the Staff Concerns.

Chairman Viox asked for a response in regard to the comments about mental problems. Ms. Hergett advised that they have a screening process and strict assessments as to who is appropriate for their type of care and who is not. She stated that the specific question was directed to VA criteria and there is a set of assessments there to see if the person is appropriate. She stated that there are two different types of programs -- VA clients come directly to their program for intensive chemical dependency treatment and others come to them from the inpatient center in Cincinnati for halfway house services. Their staff is looking to see if they are appropriate and so is the Veterans Administration staff.

There being no further comments, Counselor Wilson advised that this request will now go to the Committee and they will review the record made this evening. That meeting is an open meeting, but not another public hearing. The Committee Meeting is on July 10, 1995 at 4 P.M. in the second floor conference room of the Administration Building. The Committee will come back to the Commission with a recommendation for or against the request, with reasons from the record to support their report. The Commission will then vote on whether to support the Committee's Report or not. The Commission's action is a recommendation only to the Florence City Council and they may follow the recommendation or override, and they may have their own public hearing. It is anticipated that the Committee will come back with its report to the whole Commission on July 19, 1995 at 8 P.M. in this room.

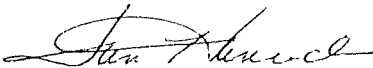
The Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

ET 2



Department of Planning & Community Development

Post Office Box 1839  
Ashland, Kentucky 41105-1839  
(606) 327-2030 • Fax (606) 327-2055  
For Hearing Impaired - TDD 327-2097

June 19, 1995

Transitions, Inc.  
c/o Mr. John Davis  
455 29th Street  
Ashland, KY 41101

Dear Mr. Davis:

Transitions, Inc. has operated a facility in Ashland for about three years. Once the initial prejudices against this type of land use were overcome, they became an asset to the community.

Transitions had to go through the Kentucky Court of Appeals before they could open the Ashland facility. Our local staff approved their occupancy permit, but neighborhood opposition prevailed in circuit court. Since opening, there has been no opposition.

The local newspaper surveyed the neighborhood a year after opening. They found no negative comments. The facility residents cleaned up the property and adjacent streets. Except for the periodic litter pick up crews, the residents are never seen nor heard.

As a city official, we have used Transitions residents in work release programs. They have helped augment our maintenance staff. Any problems with this arrangement have been very minor, because the Transitions local staff daily monitor all activities.

Transitions, Inc. in my opinion is a well run operation.

Sincerely,

A handwritten signature in cursive script that reads "Mike Gurnee".

J. Michael Gurnee, AICP  
Director

JMG:jb

TRANSITIONS INC., HAS A HALFWAY HOUSE LOCATED AT  
455 - 29th. STREET, ASHLAND, KY.

THIS HALFWAY HOUSE HAS NOT CAUSED ME ANY PROBLEMS  
OR INTERFERED WITH OUR NEIGHBORHOOD.

SPRING 1995

NAME	ADDRESS
1. Ashford Updegraff	615 29th ST Ashland Ky.
2. Rachel McAllister	3004 Central Ave. Ashland, Ky 41101
3. Gene C. Adkins	621-29th St. Ashland, Ky.
4. Steve Caniff	2935 Carter Ave. Ashland, Ky
5. Danny S. Mosley	2721 Carter ave Ashland Ky.
6. Evelyn Smith	511 = 25th St.
7. William H. Smith	2825 Central Ave.
8.	
9.	
10.	

EX 4

# City of Dayton, Kentucky

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OFFICE OF

514 6th AVENUE  
DAYTON, KENTUCKY 41074  
PHONE 491-1600

May 5, 1995

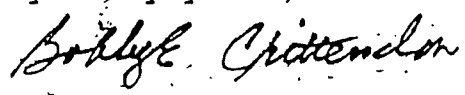
Ms. Debbie Roller  
Program Director  
925 Fifth Avenue  
Dayton, KY 41074

Dear Ms. Roller:

We in Dayton, Kentucky fully and completely support the program and treatment center, known as Droege House and operated by Transitions, Inc., here in Dayton. The center has been operating within Dayton for approximately 15 years and have had the utmost cooperation from the staff at the facility. We can honestly certify that there are some businesses, rental properties, and even single family properties which have been the subject of more complaints than Droege House.

Like any operation, the center has been the subject of minor and infrequent complaints. But the staff has been most accommodating in finding a solution when such complaints arise. We look forward to a continuing, friendly relationship between us.

Very truly yours,



BOBBY E. CRITTENDON  
Mayor,  
City of Dayton, Kentucky



EX 5

# DAYTON, KENTUCKY POLICE DEPARTMENT

514 6th AVENUE  
DAYTON, KENTUCKY 41074

CHIEF OF POLICE  
Michael C. Hall

PHONE  
(606) 261-1471

May 23, 1995

To Whom It May Concern:

Transistions fomery known as the Droegie House, has been in Dayton for many years. We have not experienced any serious problems. Their staff are professional and cooperative.

The grounds are kept clean and neat.

I am aware of some of the programs they have and feel it is beneficial to the people that participate.

If I can be of further assistance feel free to contact me at 261-1471.

Sincerely,

Michael C. Hall  
Chief of Police

EX 6

# *Folkers Associates*

Suite 1302  
898 Walnut Street  
Cincinnati, Ohio 45202  
(513) 421-0230

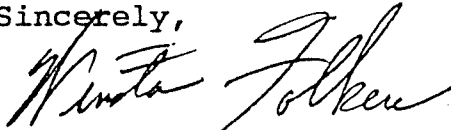
May 5, 1995

Debbie Roller  
925 Fifth Avenue  
Dayton, Kentucky 41074

Dear Ms. Roller:

Your present facility has been located adjacent to our Speers Court Senior housing project which we operated since 1983. Your facility for drug treatment has not had any adverse effect on Speers Court.

Sincerely,



Winston E. Folkers



E+ 1

DEPARTMENT OF VETERANS AFFAIRS  
Medical Center  
3200 Vine Street  
Cincinnati OH 45220

June 21, 1995

In Reply Refer To: 539/122

Mac McArthur, Executive Director  
Transitions Incorporated  
300 Watertower Square  
P.O. Box 567  
Newport, KY 41071

Dear Mr. McArthur:

The residential service support staff of the Cincinnati VA Medical Center join me in extending encouragement in reference to the grant you have currently in development. The Department of Veterans Affairs has been appreciative of the dedication and cooperation typical of Transition's performance. Veterans served in both programs, Health Care for Homeless Veterans and the Chemical Dependency Halfway House program benefit from the structured care received at the Droege House facility.

Attention is called to our communication with Transitions concerning our interest in your plans to establish an additional rehabilitation residence possibly in the Florence, Kentucky area. Though we cannot offer a firm commitment with regard to the number of veterans who potentially would be referred to a new site, it has been typical for eight to thirteen veterans to be in placement at Droege at any particular time. We do not anticipate a reduction in our patient needs for residential services. You will recall our contact several weeks ago to explore our emerging proposal to activate an outpatient rehabilitation program for chemically dependent veterans.

If there is any assistance that I can provide to your funding efforts, please do not hesitate to contact me. I look forward to a continuation of shared service to the veterans in our area.

Sincerely,

A handwritten signature in cursive script that reads "Laura A. Sutton".

Laura A. Sutton, LCSW  
Program Coordinator  
Substance Abuse Section

EX 8



OFFICE OF THE MAYOR

638 Madison Avenue  
Covington, Kentucky 41011

DENNY BOWMAN  
Mayor

606-292-2127  
Fax 606-292-2106

June 19, 1995

Mr. Mac McArthur  
Executive Director  
Transitions, Incorporated  
Sixth & Washington Streets  
P.O. Box 567  
Newport, KY 41072-0567

Dear Mr. McArthur:

I received your recent request for a letter of support for Transitions' programs, and I am pleased to respond.

Transitions has been operating residential treatment programs in Covington for over twelve (12) years now, and I have observed their programs to be an asset to the community. The programs appear to be well run, and to my knowledge, we have received no complaints from the neighborhoods regarding the conduct of their staff or residents.

In addition to providing substance abuse treatment and related services for Northern Kentucky residents, Transitions' programs have also proved to be good neighbors. Their property is well-maintained, they keep the surrounding area clean, and have frequently provided volunteers to such community projects as the recycling program and city cleanup days. They also have an arrangement with the Covington Business Council whereby Transitions provides volunteers every weekday to help keep the sidewalks clean in the core business district.

During my years in city government, I have found that we enjoy working with Transitions and based on my observations, I think that other cities would, too.

Sincerely,

*Denny Bowman*  
Denny Bowman  
Mayor

Be A Champion! Be A Star! Without Drugs, We'll Go Far!

KENNETH R. LUCAS  
County Judge - Executive

DAVE MOSMEIER, M.S.W.  
Director of Human Services  
(606) 334-2116



OFFICE OF HUMAN SERVICES  
P.O. BOX 296  
BURLINGTON, KY 41005

COMMISSIONERS: EX 9

IRENE PATRICK  
Commissioner  
District 1

SHIRLEY MEIHAUS  
Commissioner  
District 2

HAROLD L. CAMPBELL  
Commissioner  
District 3

June 21, 1995

Mr. Mac McArthur  
Transitions Inc.  
P.O. Box 567  
Newport, KY 41072

Dear Mr. McArthur:

I would like to express my support in your efforts to locate a chemical/alcohol dependency facility in the Florence area. I feel that there are obvious needs for an in house chemical/alcohol dependency treatment facility for chemically dependent adults in the Northern Kentucky (Boone County) area.

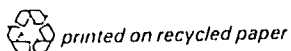
I wish you luck in your quest and if I can be of any assistance please do not hesitate to contact me.

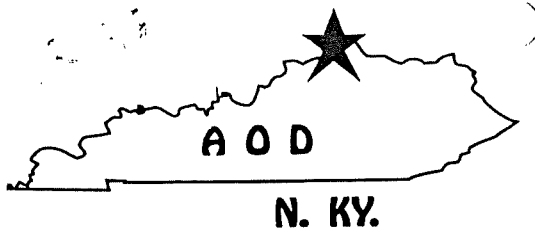
Sincerely,

*Dave Mosmeier /swc*

Dave Mosmeier, M.S.W.  
Director of Human Services  
Administrator of Maplewood Children's Home

"WORKING TO KEEP BOONE COUNTY TOPS IN KENTUCKY"





Alcohol & Other Drugs Council of Northern Kentucky, Inc.

7300 Turfway Road, Suite 515, Florence, KY 41042 / 606/ 282-7880 FAX 606/ 282-7884

June 27, 1995

Honorable Ken Lucas  
Judge Executive  
Boone County Fiscal Court  
2950 Washington  
Burlington, Ky. 41015

Re: Petition of Transitions, Inc. to relocate the Droege House Treatment Program to Boone County

Dear Judge Lucas,

The Alcohol and Other Drugs Council, N.Ky. recommends to the Boone County Fiscal Court the positive decision for the relocation of Droege House Treatment Program to Florence. Droege House is a residential alcohol and drug treatment program of Transitions, Inc.

This decision would have nothing but positive results for the community. The following are the reasons for this:

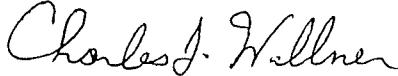
1. according to the estimate prepared by the University of Cincinnati for the United States Public Health Service, drug and alcohol misuse in Boone County will increase in 1995 over 1994 (see attached report);
2. according to this same report, this increase would be somewhat contained if alcohol and drug services between 1990 and 1995 would remain the same, in actuality - these services have actually decreased, particularly residential;
3. according to two Northern Kentucky Household Studies (1990 - 1998), funded by the U.S. Public Health Service, the Northern Kentucky Community strongly supports alcohol and drug treatment;
4. declining services mean increased expenditures to public institutions (human services, law enforcement and schools) to meet this problem;
5. alcohol and drug treatment has escalated in costs; the Droege House Program is inexpensive and effective;
6. Droege House's presence in Boone County will increase the local tax base through a highly trained work staff.

**BOONE    CAMPBELL    CARROLL    KENTON    GALLATIN    GRANT    OWEN    PENDLETON**

A last reason to provide a positive voice to this program is that Transitions, Inc. is a highly respected initiative within the Northern Kentucky community and in the Commonwealth. Besides the services offered, Transitions' staff continues to provide additional time and energy in planning and development of service programs to enhance the quality of life for residents of the community for Boone County. Transitions' presence would be an extraordinary asset.

I will be more than happy to make myself available if further information is needed.

Sincerely,

A handwritten signature in cursive script that reads "Charles J. Wallner".

Charles J. Wallner  
Acting Executive Director



June 23, 1995

Mac McArthur  
Executive Director, York Street House  
300 Watertower Square  
Newport, Kentucky 41071

Dear Mr. McArthur:

This letter is written in support of the community service workers which are utilized year round by the City of Newport.

I can tell you that the City strongly depends on two or three men from the York Street House to assist the Parks and Recreation Department. These men work hard with our maintenance crew on completing such tasks as: picking up trash, weeding, painting, raking leaves, preparing ballfields for games, repairing park equipment and landscaping. Without their help the City would be forced to hire additional part-time staff.

For the most part, our department has run into very few problems with the men from York Street House. They perform the work which they are asked to do and many are enjoyable to have as a part of our staff.

I am a strong proponent of the program and hope it can continue for years to come.

Sincerely,

Pamela G. Mack  
Parks and Recreation Director

998 MONMOUTH STREET

NEWPORT, KENTUCKY 41071-2184

June 22, 1995

GENERAL COUNTY DETENTION CENTER  
P.O. BOX 146

CARROLLTON, KENTUCKY 41008

Mac McArthur  
Executive Offices  
300 Watertower Sq., P.O. Box 567  
Sixth and Washington Streets  
Newport, Kentucky 41017

Dear Mac,

I would like to compliment you on your planned move to Florence. Over the past 7+ years I have been associated with Comprehensive Care Centers of Northern Kentucky as Manager of their rural services. I have enjoyed working with you and your staff. You have always had quality programming and your staff has been very helpful and cooperative. This has been important for the clients I refer from Gallatin, Carroll, Owen and Grant counties. The coordination of your inpatient services and my aftercare services has been most helpful to the clients we serve.

I have appreciated your ability to be flexible in your services, especially to the rural clients, many of whom are functionally illiterate and share a "mountains mentality" of not trusting strangers. Your willingness to respond to needs in the community with the Detox unit, the homeless vets and the WRAP for women with children has made your agency a much needed and vital service to the community.

There is a need for more beds as your waiting list attests. In the rural counties the judges in District and even Circuit court have become much more willing to shock people out to go to your programs, when appropriate, because they have begun seeing the results in the lives of people who were constantly before them for alcohol or other drug related offenses. Therefore the expansion of services could not have come at a better time.

The fact that the new program will now be located in Florence is of particular importance to me. Rural folks perceive the "Big City" as a threat sometimes and use it as an excuse to put off residential treatment, i.e. "It's too far away and I'm not comfortable with all those city people". Florence is an area they are familiar with because of the hospitals and shopping. It will also be easier to involve the families in visiting and treatment. They are accustomed to go to Florence so it will not pose the problems for them that Droege House did in the past. Also the average income is much lower among the people I serve. If their spouse is in treatment, they have little or no income. The cost of gasoline, if they have a vehicle, or of paying someone to bring them for visiting is usually not something they can afford. Your new location will cut that cost by 2/3rds and allow them to combine visit with shopping and thus cut their cost of transportation even more.

Thanks again for all you have done and I am looking forward to the expanded services in Florence.

Sincerely,

*Bill Bettner MSW*

Bill Bettner, MSW  
Licensed Clinical Social Worker  
Manager Rural Services

BOONE • CAMPBELL • CARROLL • GALLATIN • GRANT • KENTON

BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
BUSINESS MEETING  
July 19, 1995  
8:00 P.M.

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Mr. Fred Burch, Vice Chairman, called the meeting to order at 8:35 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett  
Mr. William Bailey  
Mr. Fred Burch, Vice Chairman  
Mr. Robert Kirby, Jr.  
Mr. Mike McKinney  
Mr. Don McMillian  
Mr. Bob Millay  
Mr. Barry Neltner  
Mr. Robert Ries  
Mr. Ralph Rush  
Mrs. Linda Schaffer  
Mr. Earl White

COMMISSION MEMBERS NOT PRESENT:

Mr. Phil Damstrom  
Mrs. Carol Smith, Secretary/Treasurer  
Mr. William Viox, Chairman

LEGAL COUNSEL PRESENT:

Mr. Larry Dillon

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director  
Ms. Susan Cabot, Historic Preservation Planner  
Mr. Ed Coleman  
Ms. Jan Hancock, Secretary  
Mr. Dan Richards, GIS  
Mr. Kevin Wall, AICP

ANNOUNCEMENT:

Mr. Burch stated that there will be no public testimony taken this evening for any request on the Agenda. The public testimony was taken at the Public Hearings held prior to this meeting. Testimony letters received after the June 28, 1995 Public Hearings cannot, by law, be considered by the Planning Commission. He advised that the Commission is a recommending body and each legislative unit will make the final decision on the requests reviewed by the Commission this evening. Interested parties should contact the legislative body to determine when a request will be on their Agenda.

Approval of the Minutes:

Mr. Burch stated that each Commission member had received a copy of the Minutes of the July 5, 1995 Business Meeting. He asked if there were any comments or corrections.

There being no changes to the Minutes, Mr. McMillian moved that they be approved as mailed. Mr. Ries seconded the motion and it carried unanimously.

OLD BUSINESS:

1. Zoning Map Amendment

The request of Transitions Inc. (applicant) for Community First Bank (owner) for a Zoning Map Amendment for an approximate 1.9-acre tract at 8311 U.S. 42, Florence, Kentucky. The request is for a change from Commercial Two (C-2) to Public Facilities (PF) to allow a chemical dependency treatment facility and related administrative offices.

Staff Member Kevin Wall presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report). The applicant has signed the letter agreeing to the conditions. Mr. Wall advised that Mr. McKinney was a member of the Committee but did not sign the Committee Report as he does not agree with the recommendation.

Mr. Neltner moved by resolution to the City of Florence that the request be approved based on the Staff and Committee Reports. Mr. Millay seconded the motion.

Mr. Ries stated that this is an excellent program and needed somewhere in the county. In his opinion, the project is not in agreement with the Comprehensive Plan, which is only a guideline and does not always include a common sense factor. He stated that this is spot zoning -- it is all C-2 now and this would be inserting PF zoning, which allows too many undesirable uses. He stated that he is aware that the applicant has agreed not to allow those undesirable uses -- but once the property is zoned PF it is relatively easy to get things changed further down the road. Those uses include police and fire departments, prisons and jails, driving ranges, hunting (although there is no hunting allowed in the city) and a stadium. He stated that expansion and growth of the facility is

also a concern -- if they start with 50 people and want to expand, are they going to buy the facilities next to them? The facility is too close to the school. He noted that there has been a large outcry from the community, probably the largest outcry he has seen since he has been on the Commission. There have been petitions and publicity, and nearby homeowners and businesses are against it. There have been calls to his home and he has been stopped at various locations by people who have expressed concern. He stated that he represents the people of Boone County and Florence and there is a large population opposed to this request and, on that basis, he will vote no.

Mr. Bailey stated that he voted "no" in the Committee and will vote "no" tonight because this is not the right location for this facility. There has been no evidence presented that the present zoning is inappropriate and that the proposed zoning is more appropriate, and for that reason he will vote "no".

At this time, Mr. Burch asked for a roll call vote on the motion made by Mr. Neltner which found Mr. Burch, Mr. McMillian, Mr. Millay, and Mr. Neltner in favor. Mrs. Arnett, Mr. Bailey, Mr. Kirby, Mr. McKinney, Mr. Ries, Mr. Rush, Mrs. Schaffer, and Mr. White were opposed. The motion failed with 4 votes in favor and 8 opposed.

Mr. Bailey moved to deny the request based on the following findings of fact: (1) The proposed use is not in agreement with the Commercial land use designation provided in the adopted Boone County Comprehensive Plans' 2020 Land Use Plan. The proposed use is a mixture of residential institution/social service, which is not compatible with the existing retail development pattern and uses along U.S. 42; (2) The proposed residential institution/social service use is not compatible with the adjoining uses, but rather the site in question is better suited for commercial uses, as sought by the Boone County Comprehensive Plan's 2020 Land Use Plan, and is evidenced by prior uses of the site including a recreation center and a carpet warehouse store. Further, the use, its daily operations and associated impacts are not compatible with the detached, single-family residences that are immediately adjacent to the site in question; and (3) The applicant has presented no evidence that the existing zoning is inappropriate and the proposed zoning classification is appropriate. The existing zoning (C-2) for the site is appropriate because of the prior retail businesses located in the existing building and the fact that the U.S. 42 corridor primarily consists of retail C-2 uses. The proposed Public Facility Zone and proposed use are not appropriate at this location because there is not assurance of the use's impact having long-term continuity and compatibility with the adjacent land uses. Further, there is a sufficient amount of land in the county currently zoned Public Facilities which would allow the proposed use. In addition, there have been no major changes of an economic, physical or social nature not anticipated in the 1995 Boone County Comprehensive Plan that substantially would alter the area's character which would justify the zoning map amendment request. (A copy of the Findings of Fact for Denial presented by Mr. Bailey is attached.) Mr. Ries seconded the motion.

A roll call vote on the motion found Mrs. Arnett, Mr. Bailey, Mr. Kirby, Mr. McKinney, Mr. Ries, Mr. Rush, Mrs. Schaffer, and Mr. White in favor. Mr. Burch, Mr. McMillian, Mr. Millay, and Mr. Neltner were opposed. The motion carried by a vote of 8 to 4.

2. Change in Concept Development Plan

The request of Corporex Parks of Kentucky, Inc. (owner) for a Change in Concept Development Plan for Lot 9, Circleport I, Boone County, Kentucky. The request is to allow a hotel on a 4.8-acre site in an Industrial One/Planned Development (I-1/PD) District.

Staff Member Kevin Wall presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to one condition. The approved 1986 Concept Development Plan was not attached to the Committee Report and was distributed at this time. The applicant has signed the letter agreeing to the condition.

Mr. Millay moved by resolution to the Boone County Fiscal Court that the request be approved based on the Committee Report. Mr. Bailey seconded the motion.

Mr. Ries questioned the resolution of the issue of access to the Gallenstein property. Mr. Burch referred to the Site Plan and stated that the Commission is approving the use inside the colored area for the specific site and the rest of the Site Plan is exactly the way it was approved before this request.

Mrs. Schaffer questioned the issue of dedicated streets. Mr. Wall advised that part of the existing streets are not within platted right-of-ways and under the Subdivision Regulations, unless they get specific approval thru the Concept Development Plan, which they did not do in 1986, they must have public streets within the subdivision. He advised that this issue is readily resolvable and will get cleared up if they get final approval from the Fiscal Court.

Mr. Rush questioned the definition of an "extended stay hotel". A representative from Corporex advised that people normally stay there for a week or a month and there are kitchen facilities.

Mr. Costello advised that the approved plan will be stamped to show the road right-of-way to ensure that there is no confusion.

There being no further comments, Mr. Burch asked for a vote on the motion made by Mr. Millay and it carried unanimously.

**EXHIBIT "B"**

**Presented at the July 19, 1995 Business Meeting  
and Adopted by the full Planning Commission**

Request of Transitions Inc. (applicant) for Community First Bank (owner) for a Zoning Map Amendment for an approximately 1.9 acre tract located at 8311 U.S. 42, Florence, Kentucky. The request is for a change from Commercial Two (C-2) to Public Facilities (PF) to allow a chemical dependency treatment facility and related administrative offices.

FINDINGS OF FACT FOR DENIAL

1. The proposed use is not in agreement with the "Commercial" land use designation provided in the adopted Boone County Comprehensive Plan's 2020 Land Use Plan. The proposed use is a mixture of residential institution/social service, which is not compatible with the exiting retail development pattern and uses along U.S. 42.
2. The proposed residential institution/social service use is not compatible with the adjoining uses, but rather the site in question is better suited for commercial uses, as sought by the Boone County Comprehensive Plan's 2020 Land Use Plan, and is evidenced by prior uses of the site including a recreation center and a carpet warehouse store. Further, the use, its daily operations and associated impacts, are not compatible with the detached, single family residences that are immediately adjacent to the site in question.
3. The applicant has presented no evidence that the existing zoning is inappropriate and the proposed zoning classification is appropriate. The existing zoning (C-2) for the site is appropriate because of the prior retail businesses located in the existing building and the fact that the U.S. 42 corridor primarily consists of retail C-2 uses. The proposed Public Facility zone and proposed use are not appropriate at this location because there is not assurance of the use's impact having long-term continuity and compatibility with the adjacent land uses. Further, there is a sufficient amount of land in the County currently zoned Public Facilities, which would allow the proposed use. In addition, there have been no major changes of an economic, physical or social nature not anticipated in the 1995 Boone County Comprehensive Plan that substantially would alter the area's character which would justify the Zoning Map Amendment request.

Committee Report read at July 19, 1995  
Business Meeting but NOT Adopted by the Full Commission

## COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: Barry Neltner, Chairman

DATE: July 19, 1995

RE: Request of Transitions Inc. (applicant) for Community First Bank (owner) for a Zoning Map Amendment for an approximately 1.9 acre tract located at 8311 U.S. 42, Florence, Kentucky. The request is for a change from Commercial Two (C-2) to Public Facilities (PF) to allow a chemical dependency treatment facility and related administrative offices.

### REMARKS:

We, the Committee, recommend approval of the above referenced request based upon the following findings of fact:

### FINDINGS OF FACT

1. The Committee has concluded that the proposed uses, particularly the outpatient services and administrative offices, are in general conformance with the "Commercial" land use designation provided in the Boone County Comprehensive Plan's 2020 Land Use Plan. Further, the proposal is in conformance with the Comprehensive Plan's direction regarding the placement of public facilities and services, and adequate health care facilities, in locations that are accessible to the population being served when considering that the site is located on an arterial roadway in an urbanized area and is within walking distance of a public transit stop. As a whole, the Committee recognizes that the Comprehensive Plan's Public Facilities Element and Land Use Element, including the 2020 Land Use Plan, are silent relative to specific locations of new residential health and social service facilities.
2. The Committee has concluded that the applicant has satisfactorily addressed concerns raised by the Commission relative to land use issues pertinent to the request in the attached letter from Mac McArthur, Executive Director of Transitions, Incorporated, to the Boone County Planning Commission, dated 7/10/95. The Committee considers said letter to be an amendment to the initial application which has been provided by the applicant to clarify the request.
3. The attached conditions are necessary to achieve consistency with the Boone County Comprehensive Plan and to mitigate possible community impacts that would be created by the proposal that would affect the uses on the project site and the varying uses adjacent to the project site. The conditions represent commitments made by the applicant in the aforementioned letter dated 7/10/95 that can be enforced through the site plan procedure. The applicant has signed a letter agreeing to these conditions.

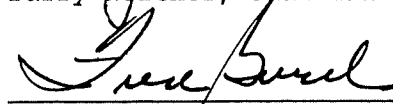
CONDITIONS

1. A 7 to 8 foot high privacy fence shall be installed along the rear of the property adjacent to the parking area. The fence shall be extended northward from the southwest corner of the parking area to the southwest corner of the building along the western edge of the parking area, and extended from the southeast corner of the parking area at least 50 feet to the north along the eastern edge of the parking area, as to fully enclose the rear portion of the site. The fence materials shall be subject to review and approval by the Planning Commission through the site plan procedure.
2. The "sports mural" on the front of the building shall be painted white within thirty days of the day that the applicant takes possession of the property. The entire building shall be painted an earth tone color(s) by May 30, 1996 to insure that the facility is compatible with the various adjacent uses and an institutional/campus style environment in general; the specific colors shall be approved by the Planning Commission through the site plan procedure.
3. Any additional site lighting fixtures shall use cut-off shields and shall be subject to review and approval by the Planning Commission to insure that the lighting scheme is compatible with the residential adjacencies and does not create light pollution.
4. Landscaping, that fulfills the requirements of Section 3165 and 3170 of the Boone County Zoning Regulations, shall be provided on the site and specifically proposed through the site plan procedure.
5. The following uses that are listed as Principally Permitted Uses in Article 12 "Public Facilities District" of the Boone County Zoning Regulations shall be prohibited on the subject site: prisons and other correctional institutions; military bases and reservations; and, cemeteries and mausoleums. Uses other than those specifically approved through the Transitions request shall be subject to review and approval through the public hearing process.

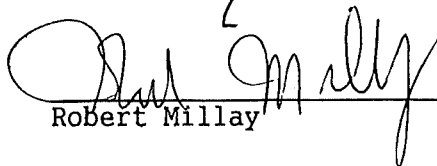
A copy of the Public Hearing minutes accompanies the findings and recommendation serving as a summary of the evidence and testimony presented by the proponents and opponents of this request.

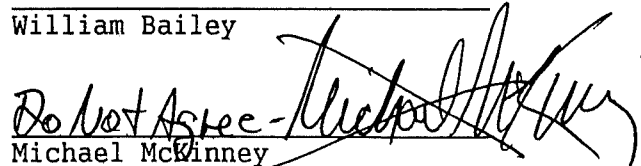
  
Barry Neltner, Chairman

  
Donald McMillian

  
Fred Burch

William Bailey

  
Robert Millay

  
Michael McKinney

Phil Damstrom

BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
June 28, 1995  
7:00 P.M.

PUBLIC HEARINGS

Commission members present: Mrs. Arnett, Mr. Bailey, Mr. Damstrom, Mr. Kirby, Mr. McMillian, Mr. Millay, Mr. Neltner, Mr. Ries, Mrs. Schaffer, Mrs. Smith - Secretary/Treasurer, and Mr. Viox - Chairman.

Mr. William Viox, Chairman, called the meeting to order at 7:05 P.M.. Following an explanation of the Public Hearing process, the Chairman asked those who wished to speak and have not filled out a slip to do so at this time.

The Chairman advised that Item #2 on the Agenda has been postponed.

Chairman Viox introduced the first item on the Agenda:

1. Applicant: Transitions Inc. for  
Community First Bank (owner)

Request: Zoning Map Amendment

The request of Transitions Inc. (applicant) for Community First Bank (owner) for a Zoning Map Amendment for an approximate 1.9-acre tract at 8311 U.S. 42, Florence, Kentucky. The request is for a change from Commercial Two (C-2) to Public Facilities (PF) to allow a chemical dependency treatment facility and related administrative services.

Staff Member Kevin Wall presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Viox asked for the applicant's presentation.

Attorney Dave Schneider with Ziegler & Schneider in Florence, representing the applicant, stated that this application has generated some controversy, part of which is due to some misinformation. He showed a flyer saying "Vote No on the Mental Ward" which was placed on cars in the area. He stated that individuals and close property owners have been told that this will be a morgue with a hearse parked there -- with autopsies and a strong smell of antiseptic. He stated that they will give testimony regarding the Comprehensive Plan. He noted that the Staff Report lists a number of concerns. He stated that executives from Transitions, Inc. are present to address a number of issues and give background information on Transitions.

Ann Perrin, Associate Executive Director of Transitions, Inc., displayed an exhibit to the Commission (Exhibit 1). She stated that Transitions, Inc. is a private non-profit social service agency run by a Board of Directors. They have been serving substance abusing men and women in Northern Kentucky for 25 years. Their mission is to help individuals, families, and communities break the cycle of substance abuse. They currently provide residential services, chemical dependency treatment, halfway transition services for adult men and women, rehabilitation services, etc. in other locations. They are licensed by the Cabinet for Human Resources. She stated that the women's residential education program serves chemically dependent women and their children in a residential setting. The children live in the program with their mothers while the mothers are receiving treatment. The children are cared for in their licensed day care center on the property, which is open to and used by the public.

Ms. Perrin stated that the administrative offices of their organization would be moving to the subject location. The current non-medical detox program will remain in Dayton, Kentucky. She stated that the agency obtains funds from a variety of federal, state, local, and private sources. She reviewed the grants obtained recently. She stated that the proposed project will be funded through current contracts with the Fiscal Courts of Boone, Kenton, and Campbell counties and others.

Ms. Perrin stated that the clients in the program have a disease of chemical dependency. They will not be offenders -- they will be learning to be good neighbors. The agency and its programs emphasize the education and social aspects of recovery from alcoholism. During the initial 4 to 6 weeks of treatment, the typical day is very structured with 10 to 12 hours of class time. The students do not leave the facility during this time unless accompanied by the staff. During the final two months in the program, they focus on personal accountability and responsibility and clients are taught job seeking skills, budgeting, and other life skills. All clients are expected to return to employment or obtain employment and pay a portion of the cost of the treatment. The clients work with Habitat for Humanity in building housing. All clients are expected to attend 5 to 7 self-help support meetings per week. After they leave the residential facility, they return for weekly group meetings for 5 to 6 months once a week. She stated that the agency staff ensures that the facility maintains a clean and sober atmosphere by taking breathalyzer tests, random urinalysis, and constantly monitoring behavior. All doors are alarmed so that the staff is aware of anyone entering or leaving the building. House checks are made and major security measures are taken in all of their facilities -- more so than any typical hospital or chemical dependency unit. All the clients sign in and out. The clients submit to individual checks of where they are going at all times.

Ms. Perrin stated that the Workout America building is ideal with 23,000 square feet, a kitchen, classrooms, plumbings, and indoor recreational facilities.

Mr. Schneider stated that in responding to the Staff Concerns and explaining the program, they are trying to enable the Commission to make a decision as to whether a facility like this is needed in the Boone County

area. He stated that there is an existing alcohol treatment facility in Boone County with outpatient facilities for the DUI program for drunken drivers on Dorothea Avenue in Florence. Every night and on Saturday people come there who have been convicted and had their license suspended. They are required to go to these programs. There are a number of AA (Alcoholics Anonymous) meetings in the area. There are 13 listed AA meetings every week in Boone County, 11 of which are in the Florence area. These are the same type of people -- people who need continued support of this program. He stated that the number of people on the police report in the Boone County Recorder every week shows there is an alcohol problem in the county. A study was done by the University of Cincinnati to determine alcohol abuse in Boone County comparing 1990 to 1995. The reports states that there are 19,500 drinkers in Boone county and 2,000 are heavy alcohol users. "Heavy alcohol user" is defined as an individual who takes 5 or more drinks on a given day at least 5 days a month. The report indicates that the real importance relates to male users and there is a 4:1 factor of males vs. females in the 2,000 individuals. There is a center in Covington for females, but there is not an existing center in Northern Kentucky that would handle this number. He stated that if there is not this type of facility, the situation will only get worse.

In regard to the operational aspects, Mr. Schneider stated that it is a 23,000 square foot building that is ideal for this use. It has sprinklers, indoor recreation, the kitchen from the restaurant, and areas large enough to be used as classrooms. He stated that the existing administrative offices will be moving to this facility. They have 8 persons who work Monday - Friday the same as most people. The residential staff is 7 to 10 people and about half of them work 8:30 to 5. The traffic concerns are minimal compared to any other commercial use of this property. People who have gone through the program and go back to work generally leave by 7 A.M. or 8 A.M. and are back by 5 P.M. -- which about half of the people will be doing. There will be some visitation by family members, generally on Wednesday evenings or Sunday afternoons, and there would be minimal traffic effect on a five-lane road with a turn lane. He stated that in the back of the property is a small loading dock, but there are no windows on the back of the building. He stated that the slide shown showed the difference in elevation of 8 to 10 feet. It is 150 to 200 feet from the rear of the building to the nearest home. There is a security/privacy fence planned and heavy vegetation. He stated that the emphasis is on an educational facility -- education and treatment is the key.

Mr. Schneider stated that he has a number of letters in regard to the other facilities, which would be submitted for the record. He stated that they have a facility in Ashland, Kentucky that is almost identical. He read a letter from the Department of Planning in Ashland (Exhibit 2) saying that Transitions has operated a facility in Ashland and once the initial prejudices were overcome, they became an asset to the community and, except for periodic litter, they are never seen or heard. He submitted a petition (Exhibit 3) signed by seven neighbors in regard to the facility in Ashland saying that the halfway house has not caused any problems or interfered with their neighborhood. Mr. Schneider reviewed letters from the Mayor of Dayton, Kentucky; the Dayton, Kentucky Police Department; Folkers Associates; the Department of Veterans Affairs; the

Office of the Mayor of Covington, Kentucky; the Office of Human Services in Burlington, Kentucky; the Alcohol & Other Drugs Council of Northern Kentucky, Inc.; the City of Newport; Comprehensive Care Centers of Northern Kentucky; the City of Fort Thomas; a Certificate of Appreciation from the Department of Veterans Affairs; the City of Bellevue; and the Campbell County Boys & Girls Club; and noted that other letters were received. The letters were submitted for the record (Exhibits 4 - 26). He advised that in the last two months letters of support were also written by: Kenneth R. Lucas - Boone County Judge/Executive; Joseph F. Bamberger - Boone County Circuit Judge; Willie Mathis, Jr. - Boone County Commonwealth Attorney; Clyde Middleton - Kenton County Judge/Executive; Raymond E. Lape, Jr. - Kenton County Circuit Judge, 1st Division; Douglas M. Stephens - Kenton County Circuit Judge, 2nd Division; Gregory Bartlett - Kenton County Circuit Judge, 3rd Division; Patricia Summe - Kenton County Circuit Judge, 4th Division; Donald C. Buring - Kenton County Commonwealth Attorney; Ken Paul - Campbell County Circuit Judge; Sue Gilkey - Campbell County Victim Assistance Coordinator; Family Services of Northern Kentucky; Welcome House; Women's Crisis Center; Alcoholism Council of the Cincinnati Area; and New Perceptions. These letters were not submitted and are listed in Exhibit 27.

Mr. Schneider stated that most of the testimony relates to the Staff Concerns, but the Commission's only real decision is the Comprehensive Plan. He reviewed and submitted a written statement of why this request is in agreement with the Comprehensive Plan (see Exhibit 28).

Mr. Schneider concluded the applicant's presentation and reserved rebuttal time.

Chairman Viox asked if there was anyone else present who wished to speak in favor of the request.

Mr. Gene Finn, a resident of Oakbrooke, stated that he was one of the first Board members of Transitions, Inc.. He has never known of problems from any of these facilities. He stated that 41 years ago, if someone had not given him a helping hand, he would not be here tonight or have had 3 more children.

Cathy Mackiewicz, a resident of Saddlebrook in Florence for three years, stated that she lives off U.S. 42 and her children have gone to school at Ockerman Elementary and Middle School and she works in Florence. She supports Transitions in establishing this facility. She is impressed that the City of Florence is open to supporting a facility that provides hope and a solution for a problem that has been in the community for centuries. Placing the facility on a main street speaks to the advances that have been made in bringing this problem out into the open and showing that there is hope and treatment for this disease. She stated that children are aware that alcohol and drugs are a problem in society. She grew up in a society that hid these problems, which caused chemically dependent persons and families to shut down and experience shame, guilt, and isolation. She did not know what chemical dependency was, but lived with it at home and school and among her peers and watched it destroy families. Alcohol and drug dependency is not a social or moral problem, but a

medical disease over which a person has no control but can be treated. The children read and see the effects of alcohol and drugs everyday. The children should see that there are places to go for help and that you do not have to go outside of town to get that help. People should open their minds and hearts to those in need. It is important that treatment be very accessible for it to work. Transitions is not a part of the problem, it is a part of the solution.

Mr. Geof (Jeff) Scanlon, a Board member, stated that he has been associated with Transitions, Inc. for at least ten years. It is a good organization with a devoted staff and a dedicated and involved Board. Transitions has been in existence for 25 years and is reasonably adequately funded. They served over 900 people last year in four treatment facilities. They get their referrals from Comprehensive Care of Kentucky, which has a facility on Burlington Pike, and the Veterans Administration. They have no facilities in Boone, Grant, or Pendelton counties. They want to address the needs of the people in Boone County.

Mr. John West, a resident of Burlington, stated that he would like to see Transitions, Inc. get a start in Florence. He came from an alcoholic, dysfunctional family and was an alcoholic. As a result of being taken off the street and having it explained to him that he had a disease, he has been clean and sober for almost four years. There are many people out there seeking the help he sought and they need a chance. He stated that this is a non-profit organization and people can come in there that do not have insurance and cannot afford the high dollar care unit facilities. As a result of Transitions, Inc. working with him, he has started a construction company and employs six people. He stated that Boone County is growing at a rapid rate and the problem of alcohol and drug abuse is growing and needs to be addressed.

Bill Kratz, a resident of Florence and neighbor of the proposed facility, stated that the population of Boone County and Florence is exploding. Recently Boone County relaxed the Sunday sales of liquor and beer and with these rights comes increased responsibility. We can no longer let Covington, Newport, or Dayton take care of chemically dependent people. We cannot ignore the problems we face nationally and in Florence. He would have more respect for people in these units fighting daily to clean themselves up than a neighbor down the street who is on a path of self-destruction with alcohol or drugs and hides behind his door ruining his family. He is in favor of the request. He would like to see everyone go there and help out and put a little back into the community.

Mr. Don Breeden, a member of AA, stated that his first experience with Transitions was over 7 years ago and it was the only place he could find to go and be treated for his disease of alcoholism. They accepted him reluctantly because of the condition he was in and someone said he would never make it -- but now his health is good and he works with alcoholics everyday. It is a privilege to see this new Transitions going in where there will be access to detox wards so that people can be taken care of here instead of in other places. There is a need for this in the community to help people help themselves. He stated that most people come out in 30 to 90 days and get jobs and stay sober. They go to meetings 5 to 10 times a week to maintain their fellowship and recognize the fact

that they are recovering drug addicts and alcoholics. There are meetings that children can go to who are affected by this disease and find out what it is all about. This is very much needed in Boone County.

There was no one else present to speak in favor of the request.

Mr. Schneider reserved the right of rebuttal and the right of cross-examination as there is so much misinformation and as to the source of the information. He read a statement from a Transitions worker about the people she was working with saying that she had imagined it to be different -- that they would be lost souls and the problems of society -- unfeeling and not caring about themselves, their health, their families, their children, their futures or their lives -- but they do not look different and they care about things -- they laugh and they cry -- they have feelings and emotions and believe in God.

At this time, the Chairman asked for comments from those in opposition.

Mr. Terry Dwelly stated that he is the next door neighbor and has the lawn mower shop. He read a letter written by Sue Pointer saying that since 1970 this property has been owned by businesses that served the community in Florence. In 1994, the bank foreclosed on Workout America and no effort to maintain the property has been made since that time -- until today. The property is directly across from an elementary/middle school and recreational fields where the children have practices. It is also too close to subdivisions with children. The residents of the facility would not be prevented from walking away, which has happened at other facilities. The letter indicates that other people were interested in purchasing the property and were turned down, but they would have benefited the community.

Mr. Terry Dwelly stated that the bank became the owner of the property in 1994 and since last Fall no one has taken care of it. The electricity and water have been shut off. He stated that the bank's intentions were not to spend a penny on the property and the grass has not been mowed all year until today. The building is run down and has busted water lines. It has a small kitchen. His lawn tractor business started in 1980 and the adjoining property was a retail outlet. He stated that he demonstrates chainsaws and rototillers, which would bother anyone trying to rest in a hospital next door. He feels that a harmony of retail stores should be maintained in the area. He stated that there was a tremendous offer for the property from Matth and John Toebben of \$576,000. An appraiser told Mr. Dwelly that \$400,000 would be highway robbery. They then purchased Town & Country and the county lost a tremendous fitness center.

Mr. Terry Dwelly stated that he went to 100 homes and has a petition signed. He went to 54 homes and not one of them wanted this. He caught 5 people on the street and they did not want it. Someone with a handicapped child said she would like to see a facility, but in another location.

Mr. Terry Dwelly stated that there are four bars in the area and those people could walk one-half block and get treatment. He stated that they

all went broke on this street and nothing is drawing. Turfway is exploding and the retail is exploding because people are spending money. He went to a city meeting 2 or 3 weeks ago and Hardee's was going in, but a lady said that the trees were falling down and there was water there and that she had moved there 30 years ago for peace and quiet. The city made a motion and said that people do not have to listen to "I want an egg muffin or a cheeseburger" at midnight. She said she wanted peace and quiet on her patio and wanted to sleep and they granted her that.

Mr. Terrence Dwelly stated that the elementary school and the middle school are right across the street from this facility. He stated that with the Clay Shroud incident last year, everybody knows what happens there and now we would be taking another risk and putting a rehab center right across from the school -- which is not logical. The bus stop is within walking distance, but there is a closer liquor store and three closer bars, which does not make a lot of sense. With this building being as old as it is, he cannot see the logic of going in there and revamping it when for the same price they could locate elsewhere with high tech and modern machines. With the cost of repairs, it would be more cost effective to buy a new building and put in new equipment and that building would be there for the long term. There is a better location elsewhere for this establishment.

Mr. Richard Howe stated that he is new to the area. He stated that this is a good idea but a bad location. He bought his house on Tamarack about 6 months ago and he can see this building from his property. He stated that it is a family oriented neighborhood. A place like this does not need to go in the middle of town and there are other areas in Boone County for this. He saw in the paper that Northern Kentucky is going to receive a juvenile detention center and questioned why they don't make a major complex out of everything and centrally locate everything together. He does not want to get up in the morning and go out on his patio and see a ten-foot privacy fence. He prefers looking at the dilapidated building. He stated that the taxpayers were here first and the government is supposed to support the people. He does not think anyone in the room is against what they are trying to do -- just the location of it. He suggested they look in Kenton County or around Petersburg. He asked if there would be a morgue in the building.

Ms. Perrin replied "absolutely not".

Mr. Howe stated that the teen night club just closed down and they are rid of that nuisance. He asked if the subject facility would expand in years to come and where they would expand to. He suggested that they go out into the rural area and build their building the way they want it. They should build in an area that does not affect neighbors and kids.

Mr. Jim McFarlane stated that he just learned about this on Monday. He is a homeowner in Dilcrest and a parent of three children at Ockerman or the junior high school. They practice ball on the field there and he is concerned about his kids walking to and from there. He does not want his children near self-destructive men. He does not want a high percentage of people who are convicted felons and drug abusers around his children. He stated that the subdivisions around there are not a part of this problem

and should not be stuck with the solution to the problem. He submitted a petition with 31 names of people who did not have time to come to the meeting this evening.

Kathy Whitfield, a resident of Florence for 10 years, stated that she lives on Tamarack Drive and has 9-year old twin boys. She stated that there have been problems in the past with the bars on U.S. 42. She is a registered nurse and has a lot of experience with working with chemical and alcohol dependent people. She is for helping people, but this is not an appropriate place for this type of program. She has seen patients at the hospital and at times it is not possible for them to go clean -- they are going to fall down at times. All it will take is for one or two of these men to climb the fence and get into the neighborhood -- they may hurt whoever they have to get what they want. She has been hurt at the hospital by these patients. She has had her life threatened by them and many of them have come from this program. Her children will be going to school and riding their bikes, but they are scared and know these men could hurt them. She is not willing to take the chance that even one out of 50 could hurt them. She stated that when these types of programs go into a residential area, it makes the property values decrease. She and her neighbors are hard working and try to maintain their homes. This will not better this area. She asked the Commission to consider the people who live in this area.

Diane Koehler stated that she has a family and a child who went through the Boone County system and one that will be a sophomore. They have enjoyed living here for 20 years. She would like to feel that they have a say in the bureaucracy that is going on. She stated that this is not an appropriate area. She would not feel that she could leave her home and go to work.

Phyllis Mourning stated that the need for a center of this type is not in question, but the location is in question. She has a daughter at Ockerman Elementary School and is concerned. She stated that they were told that most of these residents would be referred by the Veterans Administration. She questioned how they would be referred. She stated that the VA also deals a lot with mental illness, which often goes hand in hand with drug abuse and they are often disguised by each other. She questioned what will be done if it is determined that a person is mentally ill after they are in the facility. She stated that this is not a prison and she is assuming that a person can leave if they want and cannot be held against their will. She questioned what the residents will do if the clients leave in the middle of the night. She is also concerned about the visitors who will be coming because chemical abuse is usually not restricted to one in the family. She stated that many of the clients will be working and will be going to jobs about the same time as the children will be going to school. She stated that there is a pre-school playground near the facility and the Board of Education office is right there. She does not think this is in keeping with the image the Boone County Schools wants to present. She stated that there is a need, but not at this location.

Kim Holmes, a resident of Florence for almost two years, stated that she has two children who go to Ockerman. Her father was an alcoholic and she

knows there is a great need for these services. She feels that the program is great and there are many people in the area who need help, but the location does not seem right since it is right across the street from the elementary school. She asked if it would always be 50 people there or if they are going to expand. She questioned where they would expand to. She stated that there is a lot of land out there and they could build the facility they need and do it right the first time. There are other places that would be better for the people who need help.

Donald Waltermann, 8366 Tamarack Drive, stated that he can look out his back window into the site. He stated that there is no security there for the walk-aways. A fence will not do any good because the second floor is directly level with the bedrooms of the houses behind it. He stated that he works in Covington and goes by the battered and alcohol center there and has watched people take alcohol into that building. There is no way you can make an alcoholic improve himself if he doesn't want to. He stated that his mother was an alcoholic and did anything she had to do to get it. He does not want his family subjected to that. He stated that the bushes do not have leaves all year. He stated that AA meetings are usually held on the weekend or evening hours and not when school is in session. They are held in churches and public buildings away from residences. He stated that the bus stop is on the other side of U.S. 42 and people have to go right past the school. He has worked around alcoholics and feels for these people. He stated that this is not the right location for this.

There being no further comments from the audience, Chairman Viox asked if there were any comments from the Commission.

Mrs. Arnett asked if this would be a treatment facility for alcoholism only. Mr. Mac McArthur with Transitions, Inc. advised that it is drugs and alcohol, but the overwhelming majority are alcoholics. Some alcoholics also use drugs.

Mrs. Arnett questioned the number of referrals from the court system. Karen Hergett with Transitions, Inc. stated that for this facility there may be an occasional court referral for a DUI or possession of alcohol by a minor. Mrs. Arnett questioned referrals for drugs -- does the court refer habitual drug offenders to this program? Ms. Hergett stated that she could not answer this and it depends on the situation. She stated that it is not going to be a program for someone who is in continual contact with the court system. The primary emphasis will not be court referred people.

Mr. Neltner questioned the signage. He noted that it was indicated that the present sign would be removed. Ms. Hergett advised that the most they generally do is to put the word "TRANSITIONS" across the top of the building or over a doorway, or put a small sign at the entrance to the building. Mr. Neltner stated that they would not use the sign to advertise the facilities. Ms. Hergett agreed.

Mr. Neltner stated that the Department of Human Resources licenses this organization. He asked if they would be able to provide any additional information on their track record. Ms. Hergett replied "yes" and offered

to provide names of inspectors and directors to be contacted. She can provide copies of any inspections the Commission would like to see. Mr. Neltner advised that the Committee will probably ask for this information.

Mr. Neltner asked if there would be outdoor recreation, such as a basketball court. Ms. Hergett stated that there is ample space for any kind of recreational activities indoors. She stated that the programs generally have recreational facilities off grounds, such as bowling or a ballgame. There probably would be a basketball court at the back of the building, but the outdoor recreational times are very limited. The program is very structured and intensive and the clients would only have short times for any outdoor recreation. All of the residents are required to be in after dark.

Mr. Neltner noted that there were questions about what will happen in the future. He asked if there is a possibility that they would add onto the site in the future to accommodate more people. Ms. Hergett stated that they have not ruled this out, but do not anticipate it at this time. They would move some of the client base to this facility and will add this number of beds to the services they provide. They are increasing the services and the potential to provide services by opening this facility. They do not anticipate 50 people being there initially and there will be some time to grow into it. They anticipate 25 - 30 people initially.

Mr. Bailey stated that there was a facility on Burlington Pike for drug abuse and regular apartments were built for those people. He asked if the Staff could provide information on the operation of that facility for comparison with what is being proposed now. Mr. Costello will provide this information.

Mrs. Smith asked if only Boone County residents would be allowed to attend the facility. Ms. Hergett replied "no" and noted that there may be some Campbell County residents.

Mrs. Smith asked if the facility would be similar to Kids Helping Kids and asked if it is primarily only for adults. Ms. Hergett advised that the only minors they have are the children who are served with their mothers in Covington.

Chairman Viox questioned the minimum age. Ms. Hergett stated that the minimum age is 18, but they have a few residents who are 17 but emancipated.

Mrs. Smith noted that it was said that there would be child care facilities open to the public. Ms. Hergett stated that the facility in Covington is for the women's residential program and was unique when it opened because it allowed women to bring their children into treatment with them. The contention was that the women would not check into treatment because they did not have care for their children. That program has a licensed daycare center in the building and it is open and used by other people. Mrs. Smith stated that the daycare center is open to the public. Ms. Hergett agreed. Mrs. Smith asked if the facility in Florence would be the same. Ms. Hergett replied "no" and advised that there would not be a daycare facility in this program.

Mr. Ries stated that the organization is wonderful and the people who graduate deserve a lot of credit. There is a need for what Transitions does. He stated that the Commission's job is to determine if it is a right fit based on all the factors. He stated that there is a possibility for expansion and at some point they may have more than 50 people or have additional programs. He stated that there is a concern for the proximity of the location to the residences and schools and the other zoning in the area. He stated that jails and prisons are allowed in the Public Facilities Zone. He would think this facility could be closer to a hospital. He is concerned about the overall zoning and mixed uses -- C-2, Public Facilities, and Residential. He is concerned about spot zoning.

Mr. Kirby asked if a person can go to this facility with no other problem than a drug problem, or is it in addition to alcohol. Mr. McArthur replied "yes" and stated that it could be a pain killer abuse without alcohol.

Mr. Kirby stated that there was a question in regard to referrals. He questioned how the referrals would be made to try to screen out the possibility of mental illness.

Mr. McMillian asked if it would be a co-ed facility. Ms. Hergett replied "no" and stated that it would be strictly men.

Mr. McMillian stated that he heard from the audience that they were not against doing this, but want it in someone else's back yard. He stated that those who confessed that they had used the facilities did not look like criminals. He stated that he does not think the schools will get any benefit from this. He stated that the audience said that there are a lot of saloons and bars, but they were not opposed to them. The audience responded "yes, we are". Mr. McMillian stated that they have not done anything about them. The audience responded "we have tried".

Mrs. Arnett asked if Transitions treats people who are addicted to crack cocaine or heroine only. Ms. Hergett replied "yes".

Mr. Neltner questioned what happens if an alarm goes off. Ms. Hergett stated that they go and investigate the situation. She stated that it is not so much that the alarms are signalling that someone is leaving, but notify them that someone is trying to get in. She stated that these people are not forced into treatment so there is no reason for them to try to escape. She stated that relapse is a part of the disease but, if they are going to relapse, they are not going to come to the treatment center to do it -- they are going to go back to wherever they were using before.

Mr. Neltner stated that it was indicated that the program is very structured and there is very little free time. He asked if that is to say that they do not get a 15 minute break and a couple of them do not go outside and smoke a cigarette. Ms. Hergett stated that they get breaks and it is not to say they are not permitted to go outside. They are permitted to go outside. Mr. Neltner questioned the reason for the alarm system if they are permitted to go in and out. Ms. Hergett stated that they want to know what is going on inside and outside of the program and

who is doing what. The security system is to keep them well informed of what is happening inside and outside of the building.

Mrs. Schaffer questioned the ratio of caretakers after normal hours (8:30 A.M. - 5 P.M., Monday - Friday) and on weekends. Ms. Hergett stated that administrative hours are 8:30 A.M. to 5 P.M.. In the residential treatment program there are 2, 3, or 4 people there at any given time. She stated that the standards are in the licensing regulations. There is a full-time staff member for every 10 residents. They are not all on duty at a time, but a full complement of staff is 1 to every 10 residents. The staffing pattern is primarily structured around the times where there is no activity. When the residents are in bed asleep, there are not as many staff members on duty.

Mrs. Schaffer stated that some of the residents work from 8:30 A.M. to 5 P.M., so most of them come back after 5 P.M.. She questioned how much staff there would be at that time. Ms. Hergett replied "3 to 4". She added that when people come back for the evenings and have participated in activities and groups, there may be one staff person in a group of 10 or 15 people. She stated that they want the most staff there when there is the most structured/unstructured client activity. During the day, there are a lot of people there because there are so many different classrooms and counseling sessions going on.

Mrs. Schaffer stated that the Commission usually receives more detailed Site Plans. She cannot tell where the basketball court is. She asked the Committee to look at the Site Plan issues.

Mr. Ries noted that it was said that some patients go outside and play basketball during the program. He asked if those facilities are fenced and lighted and available during certain hours of the day. Ms. Hergett advised that they would not be lighted as the residents are not permitted to be out in the evening. They would not be fenced in beyond the boundaries of the property. She stated that it is someone's sole responsibility to do grounds and house checks, which they do hourly.

Chairman Viox asked if anyone from the School Board had commented on this application. Mr. Wall advised that he talked with Roger Brady, Assistant Superintendent, and as of this morning the school board had not taken a position. Chairman Viox stated that if anything is received from the School Board, it should be forwarded to Mr. Neltner for the Committee.

Mr. Schneider stated that his rebuttal is for evidence related to the Comprehensive Plan and he has heard none. In regard to the sign, he stated that the sign for Workout America is coming down and they have no plans for a pole sign. He stated that there is a rendering of the landscaping in the packet and the strip in the front will be planted with trees. The athletics mural will be coming off.

Ms. Hergett stated that there was mention of a facility on Pike Street and that someone saw people going in with alcohol. She stated that that program is nothing to do with Transitions.

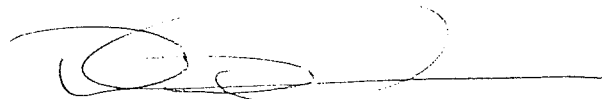
Mr. Schneider stated that they have no problem with meeting the Staff Concerns.

Chairman Viox asked for a response in regard to the comments about mental problems. Ms. Hergett advised that they have a screening process and strict assessments as to who is appropriate for their type of care and who is not. She stated that the specific question was directed to VA criteria and there is a set of assessments there to see if the person is appropriate. She stated that there are two different types of programs -- VA clients come directly to their program for intensive chemical dependency treatment and others come to them from the inpatient center in Cincinnati for halfway house services. Their staff is looking to see if they are appropriate and so is the Veterans Administration staff.

There being no further comments, Counselor Wilson advised that this request will now go to the Committee and they will review the record made this evening. That meeting is an open meeting, but not another public hearing. The Committee Meeting is on July 10, 1995 at 4 P.M. in the second floor conference room of the Administration Building. The Committee will come back to the Commission with a recommendation for or against the request, with reasons from the record to support their report. The Commission will then vote on whether to support the Committee's Report or not. The Commission's action is a recommendation only to the Florence City Council and they may follow the recommendation or override, and they may have their own public hearing. It is anticipated that the Committee will come back with its report to the whole Commission on July 19, 1995 at 8 P.M. in this room.

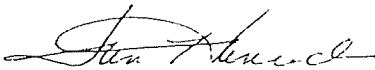
The Chairman closed this Public Hearing.

APPROVED:



William R. Viox, Chairman

Attest:



Jan Hancock, Recording Secretary

---

Executive Offices  
Watertower Square Building  
Sixth & Washington Streets  
P.O. Box 567  
Newport, KY 41072-0567  
Phone (606) 491-4435  
Fax (606) 491-6598

July 10, 1995

Boone County Planning Commission  
2995 Washington Street  
Burlington, Kentucky 41005

Dear Commission Members:

Attached are the responses of Transitions, Inc. to the "Staff Concerns" enumerated in the Staff Report of June 28, 1995 pertaining to Transitions' request for a zoning map amendment to the property located at 8311 U.S. 42, Florence, Kentucky. The responses begin with Staff Concerns number two.

If you have questions or concerns about any of our responses, please contact either myself or Associate Director Karen Hargett and we will respond at your direction.

Sincerely,



Mac McArthur  
Executive Director  
TRANSITIONS, INCORPORATED

MM:dd

Attachments

TRANSITIONS, INCORPORATED  
Responses to "Staff Concerns"

2. **The application materials did not state whether any security measures are necessary for either the residents and business owners in the immediate area, or the clients that may reside at the facility. The issue of security should be clarified and appropriate measures should be required if necessary. Further, for the benefit of the Commission and the members of the public who have commented on the proposal to date, the applicant should outline the organization's policies and procedures regarding any illegal activities conducted by clients.**

There are no special or unusual security measures that are necessary for the neighborhood residents or business owners of the immediate area. It has been our experience that the clients of our programs do not cause problems, legal or otherwise, in the neighborhoods where they reside for treatment. This is evidenced by letters from the various local officials, neighbors and business owners. Transitions' staff and clients are well behaved and monitored so as to be an asset to their communities. As a part of the treatment program, client and program activities are very closely monitored to assure client accountability and a safe and sober living environment. Some of the ways in which this will be monitored in Florence are outlined below:

(A) The outside grounds will be equipped with a surveillance camera. The monitor for this camera will be kept in the staff office. A client roster/house check sheet is utilized by staff doing at least hourly house and grounds checks and verifying that clients are present and accounted for.

(B) There is one central entrance used by all staff and clients to enter or exit the building. This door is continually manned by staff. All other doors which would be used in case of a fire are monitored by a security system that goes into alarm if someone opens or attempts to open any of these doors. The functioning of this system is checked routinely by staff. Clients have sign-in and sign-out sheets that require a signature by staff as well as exact destinations (address and telephone number) and estimated time of return. Only clients who have been in the program for four to six weeks are permitted to leave without a staff escort. This is very common in many in-patient treatment programs. These sign-out locations are thoroughly monitored and randomly verified through telephone confirmations. Once a client begins work his weekly pay stubs are compared to hours signed out of the house as a further accountability measure.

(C) To ensure a sober living/treatment environment all clients receive random breathalyzer tests and urinalysis. Breathalyzers are given most often when clients return from sign-out but are also given randomly to clients in the building. In a typical thirty-day

stay a client may expect to be given thirty to forty breathalyzer tests and two to three urinalyses. Any client which has positive test results for use of alcohol or drugs is terminated immediately. All packages and property are thoroughly searched to avoid any alcohol or other mood-altering substances entering the building. Monthly searches of client's belongings and the entire building and grounds are also done.

Transitions also has an informal agreement with local law enforcement to provide a full search of its property by their departments including the use of drug sniffing dogs when requested by us. In the eight years this has been done there have never been any drugs found or confiscated. Though this process seems a bit heavy-handed, Transitions usually requests this be done annually as a way to stress to the clients that possession or use of alcohol or other drugs will not be tolerated.

(D) In compliance with federal guidelines, Transitions' Personnel Policies have adopted a very stringent Drug Free Work Place Policy which applies to all employees. As a part of this policy, employees are required to submit to random breathalyzer tests and urinalysis.

(E) The Florence program will have even added security monitoring with the agency's administrative offices located on the grounds. Debbie Roller, the Program Director of this facility has ten years experience in the operation of such a program. Karen Hargett, the Associate Director of Agency Operations, who will be on call and lives in Union, has eleven years of experience with Transitions and was the former Program Director of this residential treatment program. Ann Perrin also an Associate Director, and Mac McArthur, the Executive Director have a combined thirty years experience with residential programming. Ann Perrin is also a former Program Director of this particular treatment program. All of these people will be working on-site to ensure proper operation of the facility.

(F) At the public hearing of June 28th there were some issues raised by Boone County residents which we have not found to be security issues in our twenty-five years of experience in operating residential drug and alcohol treatment facilities.

(1) There was some concern about a behavioral health facility being across the street from a school. The location of our current men's treatment program in Dayton, Kentucky has two elementary schools within three blocks. Each day students walk past our program going to or from school or the school's playground. Each day Transitions' residents walk past the school yard on their way to the convenience store or a bus stop and back again. The program has been in this location for over twenty years and provided services to several thousand different clients. No one has ever brought it to our attention -- and we're sure they would -- that there has been a problem with one of our residents around or near the schools or school children. A letter from the Principal at St. Bernard Elementary School, which is on the same street just three blocks away from our

program, is attached. Letters from the Mayor and Police Chief of Dayton were submitted at the public hearing; again, if the treatment program in Dayton were a threat to their nearby schools, we can't imagine them supporting our efforts at that program without saying so.

(2) A concern was raised about "drug-crazed" or "drug-starved" individuals posing a threat to people and property in the vicinity of the program. If that were to happen it would be much more likely at a detox unit than at a behavioral health rehab facility. However, Transitions also operates a detox unit and such an incident has not occurred even there. The residents at the program proposed for Florence will not be detox-category clients. If detoxification had been needed for these residents, both Transitions and the Veterans Administration Medical Center have detox units to provide that service prior to qualifying for the Florence facility. We think behavior problems because of substance abuse on the premises was much more likely during this property's previous use because the previous owners operated a bar on the site and it is hard to believe that no one ever became intoxicated.

3. A Boone County resident had questions pertaining to clients' "mental illnesses," particularly the VA clients. Even though clients who enter a treatment program are at an emotional and spiritual low in their lives, that does not mean that they are mentally unstable. They are at a point where they want to learn about their disease and what life changes can be made. Each client is screened or assessed for appropriateness by Transitions' staff. The majority of the clients treated at this facility will have a second level of screening through the referring VA counselor. The managed care procedures of Kentucky Health Care Reform and other funding sources also have specific criteria for who is eligible and appropriate for treatment in this setting. Those who are not appropriate are referred to other settings.

(G) Finally, even though no illegal activity is expected, it is the agency's policy to address any possibility of such activity immediately and seriously. In the event staff becomes aware that a crime has been committed, it is their responsibility to notify their supervisors who will contact the appropriate authorities. It is the agency's policy to cooperate in any way possible with any type of criminal investigation or prosecution.

3. **Because the facility is immediately adjacent to residential uses, any outdoor activities that are conducted in conjunction with the proposed use, including the hours of day, should be defined so that potential nuisances are avoided (as an example, the Transitions facility in Newport has a small outdoor basketball court in the rear). Due to this same reason, the hours that the facility is "actively" used (i.e., times of day that the appurtenant office use is operational and outpatient clients are frequenting the site - including the numbers of outpatient clients) should also be defined.**

(A) Outdoor Recreation: Healthy and productive use of leisure time activity is encouraged as part of the treatment program. The Florence facility is ideal for this by providing the opportunity for much of this indoors. Due to the highly structured classroom activities there will be limited time available to the clients for outdoor recreation. However, some fresh air and sunshine is desirable in any setting, especially a therapeutic setting. The outdoor activities are limited to daylight hours and are expected to be most active between 4:30 p.m. and 6:00 p.m., Monday through Friday and the last two hours of daylight on the weekends.

These outdoor activities will be closely monitored by staff both in person and by the security camera mentioned in number 2, above.

(B) Hours of Operation: The administrative office hours are generally in operation between 8:30 a.m. and 5:00 p.m. The outpatient services provided at the site are very limited and may consist of four or five people per week for outpatient assessments during office hours. Outpatient groups usually consist of ten to fifteen people, one hour per week in the evening. This outpatient group is currently being held on Monday evening.

Family members of the residential clients come to the facility on Tuesday evening and Sunday afternoon for Education Classes and visitation. There are generally fifteen to twenty family members who attend these sessions.

4. As noted above, the applicant has proposed to install a 6 to 10 foot high privacy fence. Staff recommends that, if the proposal is approved, the fence height should be in the 7 to 8 foot range (i.e., 6 feet is low enough that a person can readily look over it and 10 feet is excessive and fairly imposing, keeping in mind that this portion of the site is approximately 10 to 15 feet higher than the adjoining residential lots). Further, the proposed fence should be extended along the western edge of the rear parking area between the southwest corner of the building and the fence proposed along the rear boundary of the site (i.e., rear of the facility is readily visible from the adjoining residential lots to the southwest). As an informational note, there is no specific buffer requirement for the PF zone under the conventional provisions of the Zoning Regulations.

The proposed privacy fence will be 7 to 8 feet high. It will run across the rear boundary of the property and also be extended northwards (towards the street) at both the eastern and western edges of the rear boundary. The western edge of the fence will wrap around the property and be tied into the building sealing off that side of the property completely from the rear. On the eastern boundary, the fence will extend approximately 50 feet towards the street.

5. **Due to the nature of the request, every attempt should be made to create an institutional/campus type environment on the site, particularly when considering that the site currently has both residential and institutional adjacencies (i.e., Board of Education offices/Ockerman campus). As such, Staff recommends that the following issues be addressed in any approval of this request:**

(A) The sports mural on the front of the building will be covered with white paint within thirty days of possession of the property. The entire building will be painted compatible with both residential and institutional adjacencies in the spring of 1996.

(B) Although Transitions is still assessing what type of sign will be used, the large existing pole sign will be removed. A freestanding monument type sign will probably be near the entrance from the street, surrounded by landscaping.

(C) After repairs to the existing lighting at the site, no additional lighting is proposed. If at a later date additional lighting is needed in the rear, lamppost type poles will be installed below the height of the fence. Since there are lights on the exterior of the building, and since the doors are either manned or alarmed, we do not view additional lighting as a security issue.

(D) As shown in the concept development plan, landscaping will be done at the entrance, front, west side, and rear of the property to create an environment conducive to an institutional/campus atmosphere. All landscaping will be in compliance with Sections 3165 and 3170 of the Zoning Regulations.

(E) A minor site plan application will be submitted, as required, if the proposed use is approved.

6. **Due to the wide range of uses permitted in the PF zone, the Commission should consider whether or not a portion of the uses typically permitted, as either Principally Permitted or Conditional Uses, should be prohibited altogether on the site in question when considering: the limited size and frontage of the lot in question for certain institutional uses; the residential adjacency to the south; and, the public school complex that is adjacent to the site at the north.**

The Planning Commission and its committees are more knowledgeable about what uses to include or eliminate, however we do have some opinions about uses in addition to the proposed rehabilitation facility.

Of the principally permitted uses for a Public Facilities zone which are outlined in Article 12, Section 1211, of the code, the following seem inappropriate for this particular tract:

prisons and other correctional institutions; military bases and reservations; cemeteries and mausoleums.

Several of the recreational type Accessory Uses listed in Section 1212, Part 1, would be unrealistic because of the size and characteristics of the tract.

Most of the Conditional Uses in Section 1213 seem appropriate but the Commission is better qualified to designate those uses than we. However, two conditional uses which would be useful to the type of behavioral health rehabilitation facility proposed by Transitions are the ones concerning "physician and dental services, medical out-patient services," and "nursery and day care centers" (our Women's Residential Addiction Program in Covington contains a licensed day care center).

7. **The Commission will need to determine whether the proposed change in use of the property warrants access improvements such as a reconstructed curbcut that has defined right and left turn egress lanes.**

The proposed use will have less traffic flow than any of the other prior uses therefore, no changes are needed or anticipated.

8. **As a whole, the Commission will need to consider the fact that the area in question is designated by the Comprehensive Plan as "Commercial." As such, the Commission will need to determine whether or not it is appropriate to allow a relatively small, "single user" institutional use at the location, particularly when considering the varying land uses in the vicinity (i.e., residential, "auto-oriented" commercial, and a differing type of institutional use).**

The proposed use by Transitions is generally consistent with the Comprehensive Plan as outlined in the attached letter from David A. Schneider.

Attachments

ST. BERNARD SCHOOL  
401 Berry Street  
Dayton, KY 41074

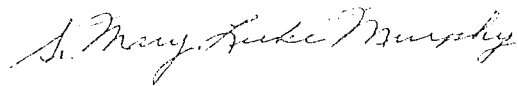
July 10, 1995

Debbie Roller  
Droege House  
925 Fifth Avenue  
Dayton, KY 41074

Dear Ms. Roller,

I would like to congratulate you on the good work you do at the Droege House. We are very fortunate to have this type of a facility in our neighborhood. We would encourage your organization to expand this service in other neighborhoods as well. If I can be of any help to you please let me know.

Sincerely,



Sr. Mary Luke Murphy  
Principal  
St. Bernard School

ZIEGLER & SCHNEIDER, P.S.C.

ATTORNEYS AT LAW

200 COVINGTON MUTUAL BUILDING  
629 MADISON AVENUE  
COVINGTON, KENTUCKY 41011

TELEPHONE (606) 581-4553  
TELECOPIER (606) 581-0395

505 TURFWAY RIDGE OFFICE PARK  
7300 TURFWAY ROAD  
FLORENCE, KENTUCKY 41042

TELEPHONE (606) 525-7797  
TELECOPIER (606) 525-7244

June 28, 1995

WILBERT L. ZIEGLER  
DAVID A. SCHNEIDER  
JOSEPH L. BAKER  
WILLIAM J. DEUPREE, III  
KAREN BURRIS BAKER  
MICHAEL A. DUNCAN  
LORI FIELDS-LEE  
ROBERT C. ZIEGLER  
LISA M. MOORE  
SHARON SCHNEIDER ELLISTON  
DEBRA S. PLEATMAN  
JOHN C. MIDDLETON

GREGORY W. HUGHES  
1898-1958  
ANDREW W. CLARK  
1914-1967  
D. COLLINS LEE  
1888-1949  
T.J. BRANDT  
1948-1994

REPLY TO:  
**FLORENCE**

BOONE COUNTY PLANNING COMMISSION  
2995 Washington Street  
Burlington, Kentucky 41005

RE: Transitions, Inc. Zone Change Request  
8311 U.S. 42, Florence, Kentucky

Dear Commission Members:

As you are well aware, testimony at a zone change public hearing frequently is based on emotion and false information. Very few people are aware that the Commission is charged by Kentucky statute to make findings of fact based on evidence produced at the public hearing, particularly in reference to the Comprehensive Plan. Thus KRS 100.213 provides that, before any map amendment is granted, the planning commission or legislative body must find that the map amendment is in agreement with the adopted comprehensive plan; or, in the absence of such a finding, that one of two situations exist: either inappropriateness of the existing zoning classification, or major changes that have substantially altered the basic character of the area.

In researching the 1990 and recently adopted 1995 Boone County Comprehensive Plan, I have found evidence in the goals and objectives, along with several elements of the plan, that indicate the proposed map amendment from C-2 to Public Facilities (PF) is in agreement with the Comprehensive Plan.

Thus, in Chapter 1, "Goals and Objectives" of the 1990 plan, we find this statement under the first goal and objective:

There is nothing inherently incompatible between the various broad categories of land uses when properly developed. Residential, commercial, industrial and institutional uses can co-exist provided proper design principles are applied in developments to minimize frictions created by activities of whatever diversity.

BOONE COUNTY PLANNING COMMISSION

June 28, 1995

Page 2

The 1995 plan, on page 4, emphasizes that development issues shall be viewed in terms of promoting overall quality of life. It adds that, with proper planning, mixing of residential and other land uses shall be encouraged.

On page 11 of the 1995 plan, "Public Services and Facilities", the goal is to provide adequate public services and facilities. Objectives numbers 5 and 14 specifically apply as follows:

5. Public facilities and services shall be in locations that are accessible to the population being served. (Emphasis added.)

14. Adequate health care and emergency facilities shall be promoted at accessible locations. (Emphasis added.)

Under the Housing Element in Chapter 7 of the Comprehensive Plan, we find this statement on page 102:

Housing for elderly population or handicapped needs to be located near public transit, commercial areas, and public facilities. (Emphasis added.)

Under federal law, alcohol and chemically dependent persons are included within the definition of "handicapped". The particular location in a commercial area on U.S. 42, close to a bus stop at Mall Road, clearly is supported by the Comprehensive Plan.

Health Care Services are discussed in the 1995 Comprehensive Plan. Figure 8.11 shows that the county's medical services are presently well concentrated in the urbanized areas. On page 172, the Plan indicates that:

As the county's residential growth extends to the south and west, the placement of additional medical services will have to reflect this growth pattern.

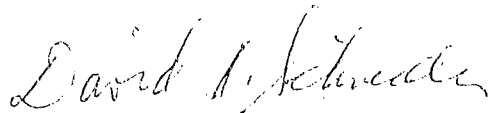
The Plan also speaks of future commercial growth under the Business Activity element. On page 82, it states that many problems with the location and arrangement of commercial enterprises have emerged, especially along Ky. 18 and U.S. 42. It adds that commercial developments along Ky. 18 and U.S. 42 west of Mall Road should not be regionally oriented nor should they attract additional traffic.

With a 23,000 square foot existing building on nearly 2 acres, the Workout America site could be attractive to a regionally oriented commercial establishment. Such commercial use should not be encouraged across from the Ockerman School complex, and the Transitions' proposal is much more desirable from traffic, access, and land use planning.

Finally, the Land Use Element of the Comprehensive Plan land use map c-4 would appear to be neutral or silent on this specific type of land use. The existing Commercial Two (C-2) zone would allow administrative offices, medical clinics--outpatient services, welfare and charitable services, all uses that would apply to the Transitions request. The C-2 zone also allows some residential uses, but provided that the building was originally designed for residential use and existing at the time the zoning ordinance was adopted. This is not the case with the Workout America building. Therefore, a zone change to PF is required. Since Transitions will be using the facility primarily for classes and counseling, it is very compatible to the adjacent PF zone of the Ockerman School complex. This zone map amendment being requested is a logical extension of the public facility designation along U.S. 42.

In summary, there is sufficient evidence in the Comprehensive Plan as cited above to substantiate a finding that the map amendment being requested is in substantial agreement with the adopted Comprehensive Plan.

Respectfully yours,

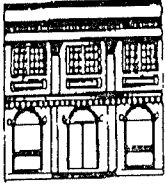


David A. Schneider  
For ZIEGLER & SCHNEIDER, P.S.C.

DAS:JMc

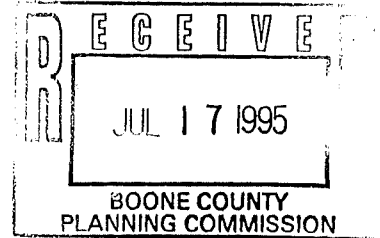
## SUPPORTING INFORMATION

# BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005  
606-334-2196 FAX 606-334-2264

July 12, 1995



Mr. Mac McArthur  
Executive Director  
Transitions, Incorporated  
Watertower Square Building  
Sixth & Washington Street  
P.O. Box 567  
Newport, KY 41072-0567

FAX: 491-6598

RE: Zone Change Request from C-2 to PF, 8311 U.S. 42, Florence,  
Kentucky - Recommended Conditions of Approval

Dear Mr. McArthur:

The following represents the conditions of approval as agreed by a majority of the Boone County Planning Commission's Zone Change Committee. These conditions represent the commitments made in your letter dated 7/10/95 to the Planning Commission that can be enforced through the site plan procedure. If you, as the applicant agree to the following conditions, please indicate so by signing at the space provided at the end of this letter and returning it to the Planning Commission office by 5:00 p.m., Tuesday, July 18, 1995.

## Conditions of Approval

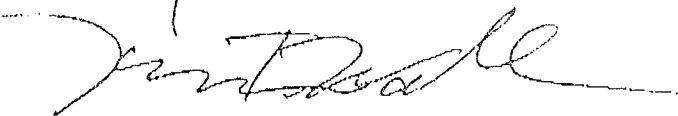
1. A 7 to 8 foot high privacy fence shall be installed along the rear of the property adjacent to the parking area. The fence shall be extended northward from the southwest corner of the parking area to the southwest corner of the building along the western edge of the parking area, and extended from the southeast corner of the parking area at least 50 feet to the north along the eastern edge of the parking area, as to fully enclose the rear portion of the site. The fence materials shall be subject to review and approval by the Planning Commission through the site plan procedure.
2. The "sports mural" on the front of the building shall be painted white within thirty days of the day that the applicant takes possession of the property. The entire building shall be painted an earth tone color(s) by May 30, 1996 to insure

Mr. Mac McArthur  
July 12, 1995  
Page 2

that the facility is compatible with the various adjacent uses and an institutional/campus style environment in general; the specific colors shall be approved by the Planning Commission through the site plan procedure.

3. Any additional site lighting fixtures shall use cut-off shields and shall be subject to review and approval by the Planning Commission to insure that the lighting scheme is compatible with the adjacent residential properties and does not create light pollution.
4. Landscaping, that fulfills the requirements of section 3165 and 3170 of the Boone County Zoning Regulations, shall be provided on the site and specifically proposed through the site plan procedure.
5. The following uses that are listed as Principally Permitted Uses in Article 12 "Public Facilities District" of the Boone County Zoning Regulations shall be prohibited on the subject site: prisons and other correctional institutions; military bases and reservations; and, cemeteries and mausoleums. Uses other than those specifically approved through the Transitions request shall be subject to review and approval through the public hearing process.

Sincerely,

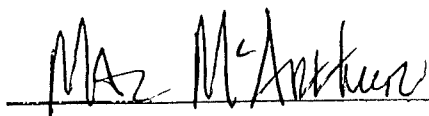


Kevin T. Wall, AICP CDT  
Director, Zoning Services

KTW/vlm

Agreement

I, the applicant, agree to the above listed conditions of approval for the requested Zoning Map Amendment from C-2 to PF for an approximately 1.9 acre site located at 8311 U.S. 42, Florence, Kentucky.



7-12-95

Mac McArthur, Applicant  
Transitions, Incorporated

Date

**ZONING MAP AMENDMENT REQUESTS****Legal Description of the Property:**

Located on the south side of U.S. 42, approximately 650 feet east of its intersection with Evergreen Drive and described thus:

Beginning at a stake in the right of way of U.S. 42 (30 feet from the center line), said stake being the Northwest corner of the 2.34 acre tract previously conveyed to William O. Miller; thence with the line of said tract, South 46-50' East 521.13 feet to a stake in the original tract line; thence South 52-07-27". West 164.0 feet to a stake; thence North 51-04' West 455.12 feet to a stake in the right of way of U.S. 42; thence with said right of way North 31-11' East 200 feet to the beginning, containing 1.9 acres.

**Adjoining Property Owners:**

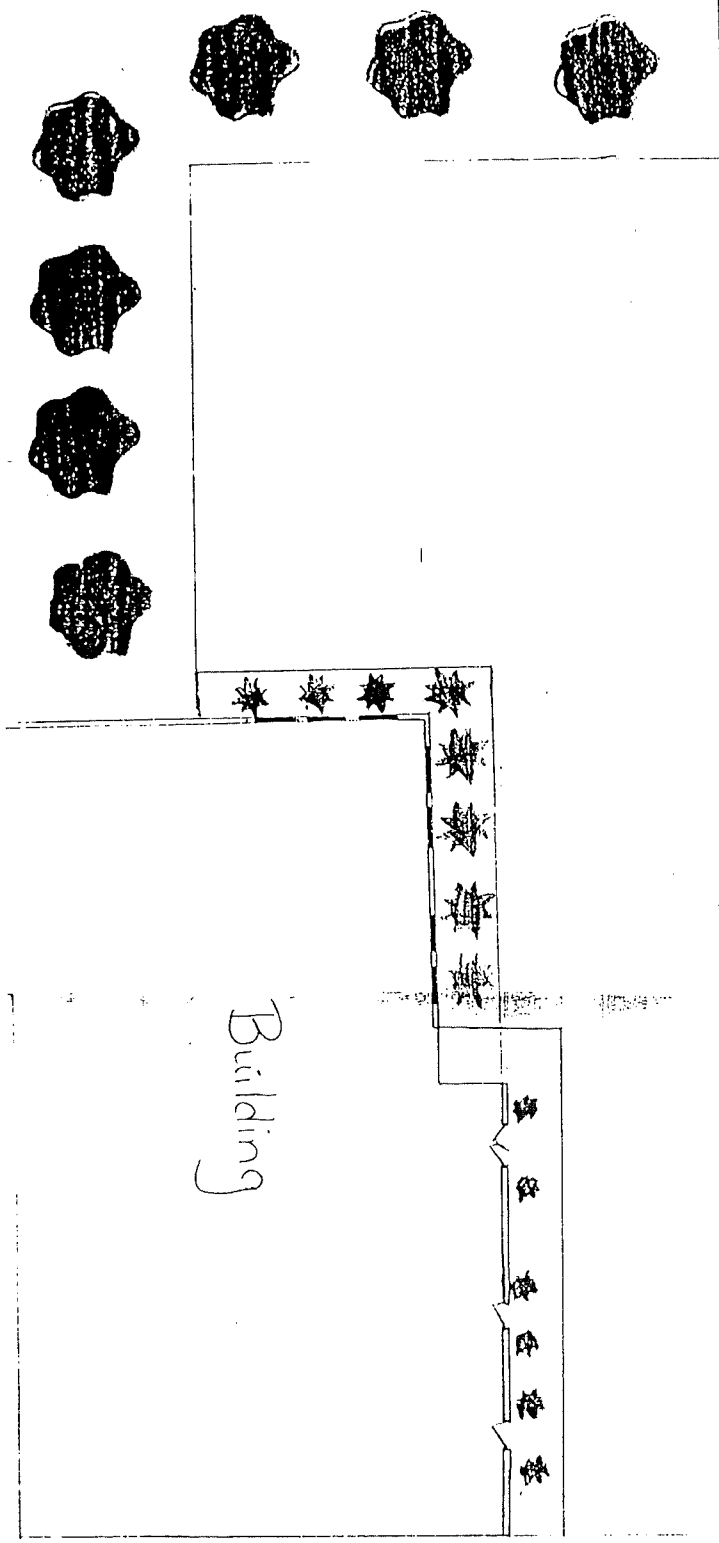
Madison Office Products, Inc.  
8309 U.S. 42  
Florence, KY 41012  
525-6500

A & A Distributors, A & A Auto Sales  
8381 U.S. 42  
Florence, KY 4104  
525-5353

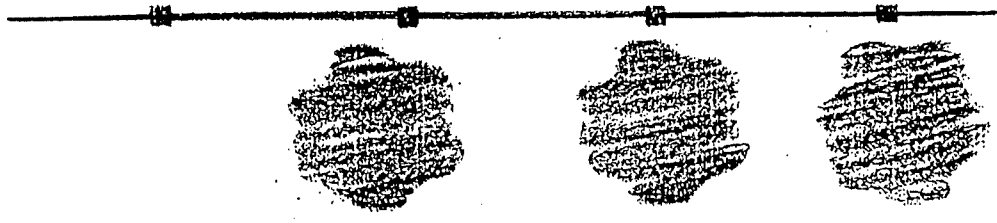
Boone County Board of Education  
8330 U. S. 42  
Florence, KY 41042

Ms. Debbie Zimmerman  
8372 Tamarack Drive  
Florence, KY 41042

Mr. Jeff Barnett  
8374 Tamarack Drive  
Florence, KY 41042  
282-1795



N  
W



CONCEPT DEVELOPMENT PLAN

