

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 Outlook Pointe
2. Location of Project Southeast corner, KY 18 & Kings Gate Drive
3. Total Acreage of Site 5.0
4. Current Zoning of Site C-2
5. Proposed Zoning (Classification being requested) PF
6. Proposed Uses (please specify each use) assisted living facility
7. Names of Applicant(s) Thomas W. Breidenstein, Agent for Balanced Care Corporation
8. Address of Applicant(s) 2701 Turkeyfoot Road, Covington, KY 41017
9. Name of Property Owner(s) Balanced Care Corporation, a Delaware Corporation, owner by option
10. Address of Property Owner(s) 5021 Louise Drive, Suite 200, Mechanicsburg, PA 17055
11. Proposed Building Intensities (please specify) 39,116 s.f. (more or less) - Phase I; 50,000 s.f. upon completion
12. Are there any existing buildings on the site? no
13. Deed Book 343 Page No. 1 Group No.
14. Are you also applying for: no Conditional Use Permit no Dimensional Variance
15. Have you submitted a Concept Development Plan? yes
16. Have you had a pre-application meeting with BCPC Staff? yes
17. Please check the following organizations/agencies which you have discussed the proposed development within the last several months: Boone County Water and Sewer District, Florence Water and Sewer Commission, Union Light Heat and Power, Cincinnati Bell, Owen County Rural Electric, Boone County Public Works Department, Kentucky Transportation Cabinet, City of Florence Public Services Department, Boone County Building Department

EXHIBIT "A"

## STAFF REPORT

Request of Thomas W. Breidenstein, agent for Balanced Care Corporation (applicant) for Balanced Care Corporation (owner by option) to consider a Zoning Map Amendment from Commercial Two (C-2) to Public Facilities (PF) for an approximate 5 acre site located on the southeast corner of KY 18 and Kingsgate Drive, Boone County, Kentucky. The request is for a zone change to allow an assisted living facility.

July 22, 1998

### Proposal

The applicant is requesting to rezone a five acre tract of land located on the southeast corner of KY 18 and Kingsgate Drive from Commercial Two (C-2) to Public Facilities (PF) (See Vicinity Map). The applicant is proposing to build a 50,000 square foot assisted living facility (See Concept Development Plan). The structure will be 25 feet in height and will have 90 beds. This building will have a pitched roof and an interior courtyard. (See architect's rendering). Access into the development will be from Kingsgate Drive and 46 parking spaces will be provided. Landscaping will be provided throughout the site. A variety of tree species will be used including evergreen trees, large deciduous trees, and small flowering trees. Stormwater and sanitary sewer service for the site will connect to the present lines located in the Kingsgate Crossing subdivision. The water line, located along Kingsgate Drive, will service the site. A 34 square foot monument sign with a landscape island has been included with the Concept Development Plan. This sign will be fronting KY 18.

### Site Characteristics

This site is located on the southeast corner of KY 18 and Kingsgate Drive. The five acre site is a generally flat open field. A row of trees line the western side of the property, just outside the Kingsgate Drive right-of way. A sidewalk also runs along the west side of the property into the residential subdivision south of the site. A monument sign exists on the northwest corner of the site advertising the Kingsgate Crossing subdivision. A water line runs along the north and west side of the site. An 8 inch sanitary sewer pipe and easement adjoins the southeast corner of the site. A 15 foot storm sewer easement also adjoins the site at this same location. This easement runs along the rear of lot #6 and lot # 7 of Kingsgate Crossing accessing a 24 inch storm sewer line.

Surrounding Zoning and Land Uses  
(See Zoning Map and Land Use Map)

The property adjoins the Kingsgate Crossing Subdivision to the south. This residential subdivision is zoned Suburban Residential Two (SR-2). Six lots directly abut the property in question. The Landscape Supply Company is located west of the site across Kingsgate Drive and is zoned Commercial Services (C-3). An undeveloped tract of land, zoned Commercial Two (C-2), is located north of the site across KY 18. Darlington Farm is located north and west of this undeveloped land. This residential subdivision is zoned Urban Residential One (UR-1). Gold Star Chili and the D&N Hawaiian Snow and Ice Cream shop are east of the site. These two facilities are zoned Commercial Two (C-2). Undeveloped land, zoned Office Two (O-2), is also located east of the site.

Relationship to the Comprehensive Plan

This request must be reviewed on the basis of its relationship to the adopted 1995 Boone County Comprehensive Plan. The Future Land Use Map of this plan classifies this site as Commercial. The Commercial designation is described as "Retail, corporate and professional office, interchange commercial, indoor commercial recreation, restaurants, services, etc."

The Land Use Element of the Boone County Comprehensive Plan states the following regarding the Burlington-KY 18 Area (Area C-3, pg.221)

"The south side of KY 18, between Camp Ernst Road and Burlington, should develop in a mixed residential and commercial fashion. Commercial uses should be of a local service variety and should be evaluated as to traffic generation, visual impact and buffering. Strip commercial development should not occur, rather an innovative mixing of Office, High Suburban and Urban Density Residential uses, and some local commercial uses should be provided. This will create a transition into the continuing residential development occurring off of the KY 18 corridor. All developments along the south side of KY 18 toward Burlington must use Access Management, including parallel roads, shared curb cuts, and adequate turning-lane provisions in order to maintain safety on this high volume route."

The Goals and Objectives Section for Housing states as a goal (pg.8):

"Goal: Safe, decent, environmentally sound, and sanitary housing exists for all Boone County residents."

The Goals and Objectives Section for Housing also states as objectives (pg.8):

"1. A broad range of housing opportunities shall be provided which meet the needs and desires for all household types."

"4. Housing opportunities in Boone County shall be balanced against present and planned commercial, industrial, and public school bases."

The Land Use Element Development Guidelines, identified in the Access Management category, indicate that: "Developments in Boone County must recognize the potential impacts of associated traffic on adjoining properties and transportation systems."(pg.211)

"Access management provisions include the coordination of curb cuts, adequate corner clearance and site distance for access points, adequate space between access points, shared access points and parking facilities, and provisions for access connections to adjoining properties, and dedication of public right-of-way."(pg.211)

The Land Use Element Development Guidelines, identified in the Design, Signs and Historic Preservation category, indicate that:

"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." (Pg.211)

The Future Land Use Development Guidelines regarding buffering states(pg.210):

"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."

### Staff Concerns

1. When considering this proposal, the Planning Commission needs to compare the proposal versus what is presently allowed, namely commercial uses. Staff believes that the traffic that could be generated from this project would be substantially less than traffic generated from a commercial development. Staff conducted a general study of the potential traffic generation of this site utilizing the Trip Generation Manual 6<sup>th</sup> Addition. The results of this study indicated that the traffic generated during a weekday from this proposed facility would be approximately one tenth of the traffic that could be generated from a 50,000 square foot shopping center. Additionally, the character of a commercial development may not be appropriate for this site where the assisted living facility could function as a transitional use between Kingsgate Crossings and KY 18.
- 2) Staff is concerned that the site is properly buffered from the surrounding uses, especially the residences to the south, in order to mitigate adverse visual impacts resulting from this development. A landscape plan has been submitted with the Concept Development Plan. According to Article 37 of the Boone County Zoning Regulations, this plan will need to provide more trees along the eastern and southern boundary of the site. A more detailed version of this plan will be further reviewed during the Site Plan Review process to ensure proper buffering which complies with the Boone County Zoning Regulations.
- 3) According to Section 3208 of the Boone County Zoning Regulations, new developments shall provide sidewalks along public roads. The Concept Development Plan does not provide a sidewalk along KY 18. A sidewalk will need to be placed along this route.

### Conclusion

The Boone County Planning Commission and the Boone County Fiscal Court must review this request on the basis of its relationship to the Comprehensive Plan and in terms of the three (3) criteria necessary for a Zoning Map Amendment.

1. The map amendment request is in agreement with the adopted Comprehensive Plan and any specific study designed to further detail the Boone County Comprehensive Plan for the location in question; or,
2. The existing zoning classification is inappropriate; or,

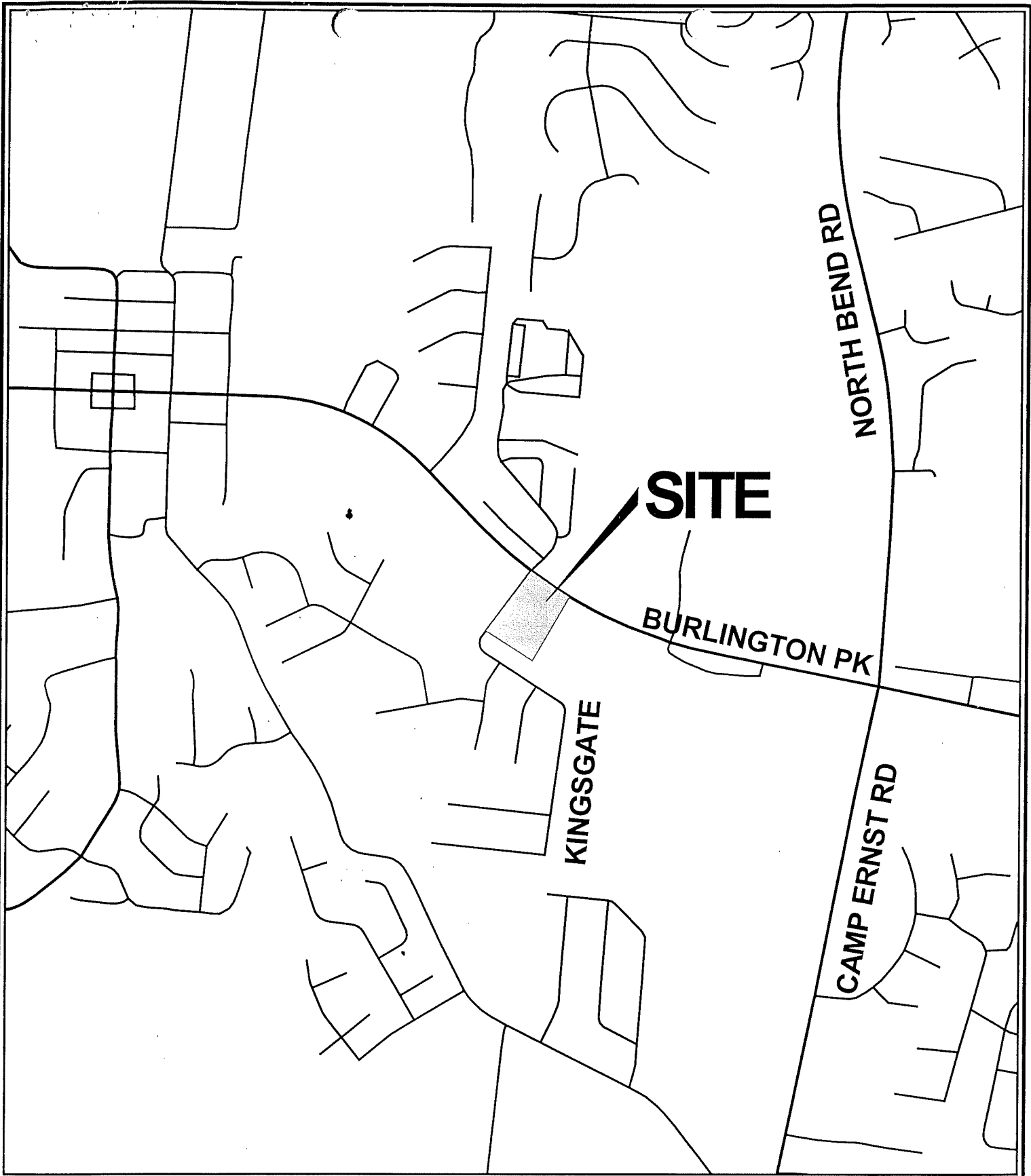
3. There have been major changes of an economic, physical, or social nature not anticipated in the adopted Comprehensive Plan that substantially alter the areas character.

Respectfully Submitted,



David R. Doerger  
Planner

DRD\pr



# VICINITY MAP

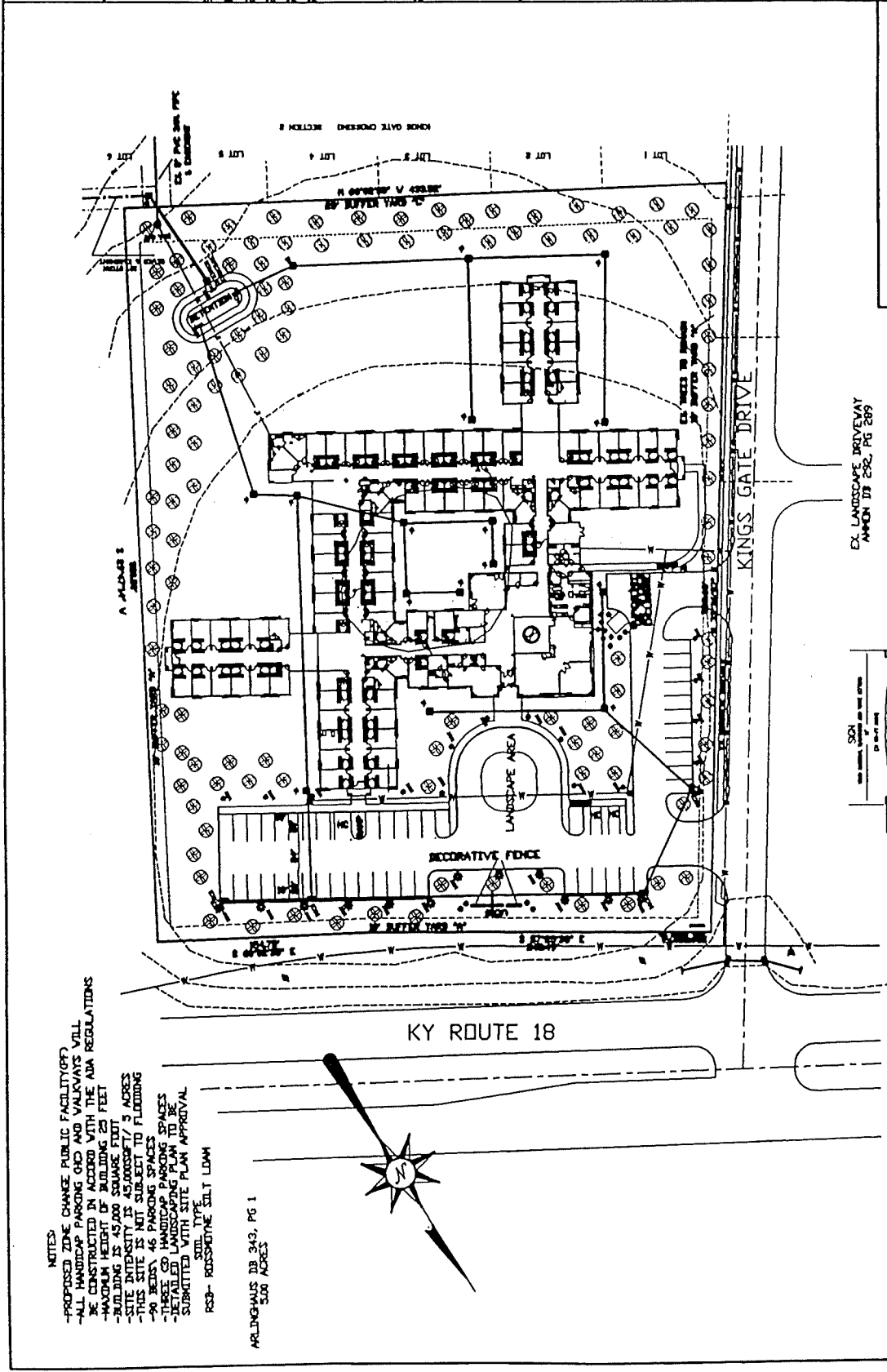
1000 0 1000 Feet

1 inch equals 1100 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
July 1, 1998

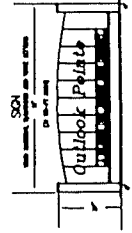


BALANCED CARE CORPORATION RESIDENTIAL CARE FACILITY	ENGINEERS RAYMOND ENGINEERS CONSULTING ENGINEERS 4800 BRIDGE HIGHWAY LEXINGTON, KENTUCKY 40517
	ARCHITECTS 704 BULLOCK PLACE COVINGTON, KENTUCKY 40121

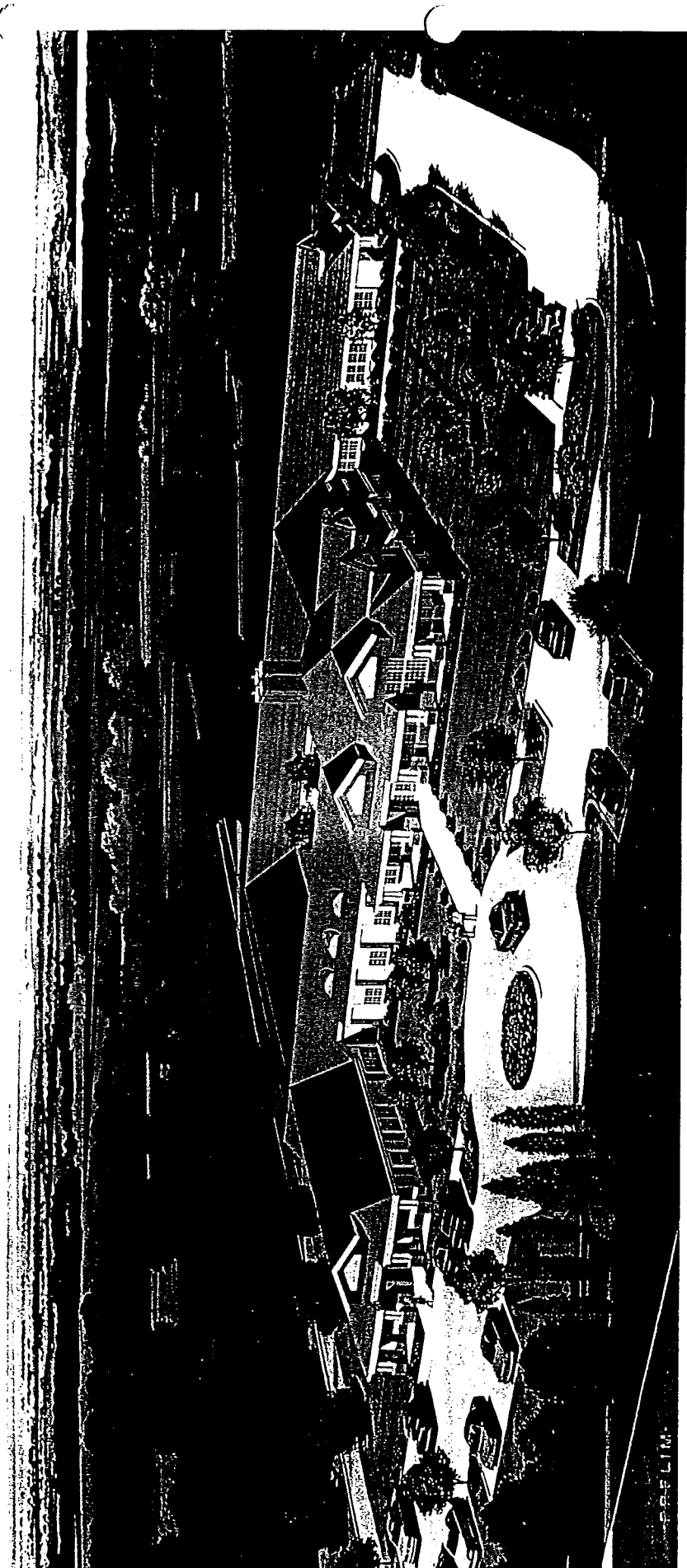
DEVELOPER: BALANCED CARE CORPORATION  
 5062 LOUISE DRIVE SUITE 200  
 MECHANICSBURG, PA 17055



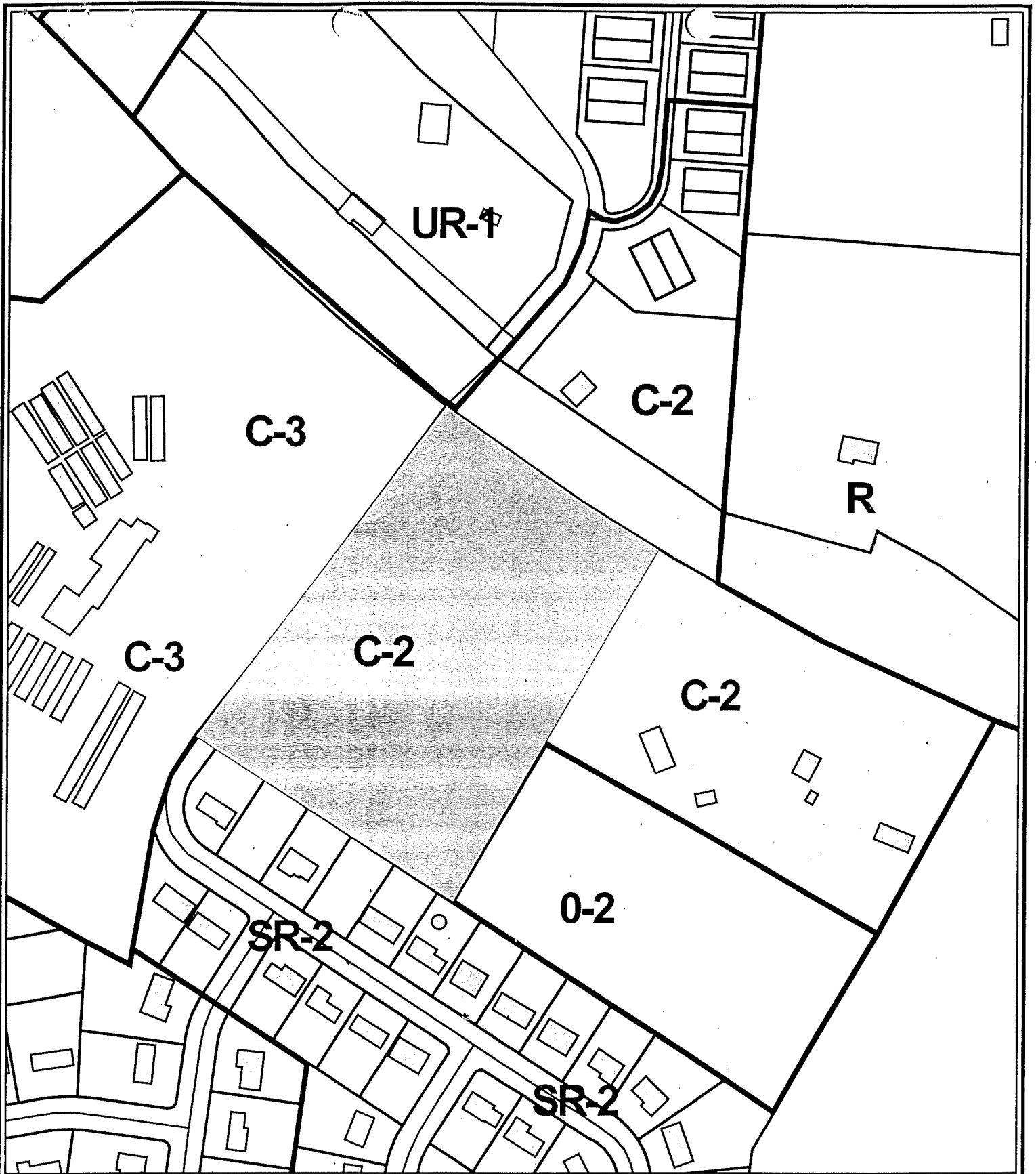
- NOTES:
- PROPOSED ZONE CHANGE PUBLIC FACILITY(GFF)
  - ALL HANDICAP PARKING AND VALETS/VISITORS WILL BE CONSTRUCTED IN ACCORD WITH THE ADA REGULATIONS
  - MAXIMUM HEIGHT OF BUILDING 20 FEET
  - BUILDING IS 45,000 SQUARE FEET
  - SITE INTENSITY IS 5.000/17 ACRES
  - THIS SITE IS SUBJECT TO FLOODING
  - IN ADDITION TO HANDICAP PARKING SPACES
  - DETAILED LANDSCAPING PLAN TO BE SUBMITTED WITH SITE PLAN APPROVAL
  - SOIL TYPE: R23B- REDDISH-BROWN SILT LOAM
- ARLINGTON DB 343, PG 1  
5.00 ACRES



EX. LANDSCAPE DRIVEWAY  
 AMON DB 282, PG 289



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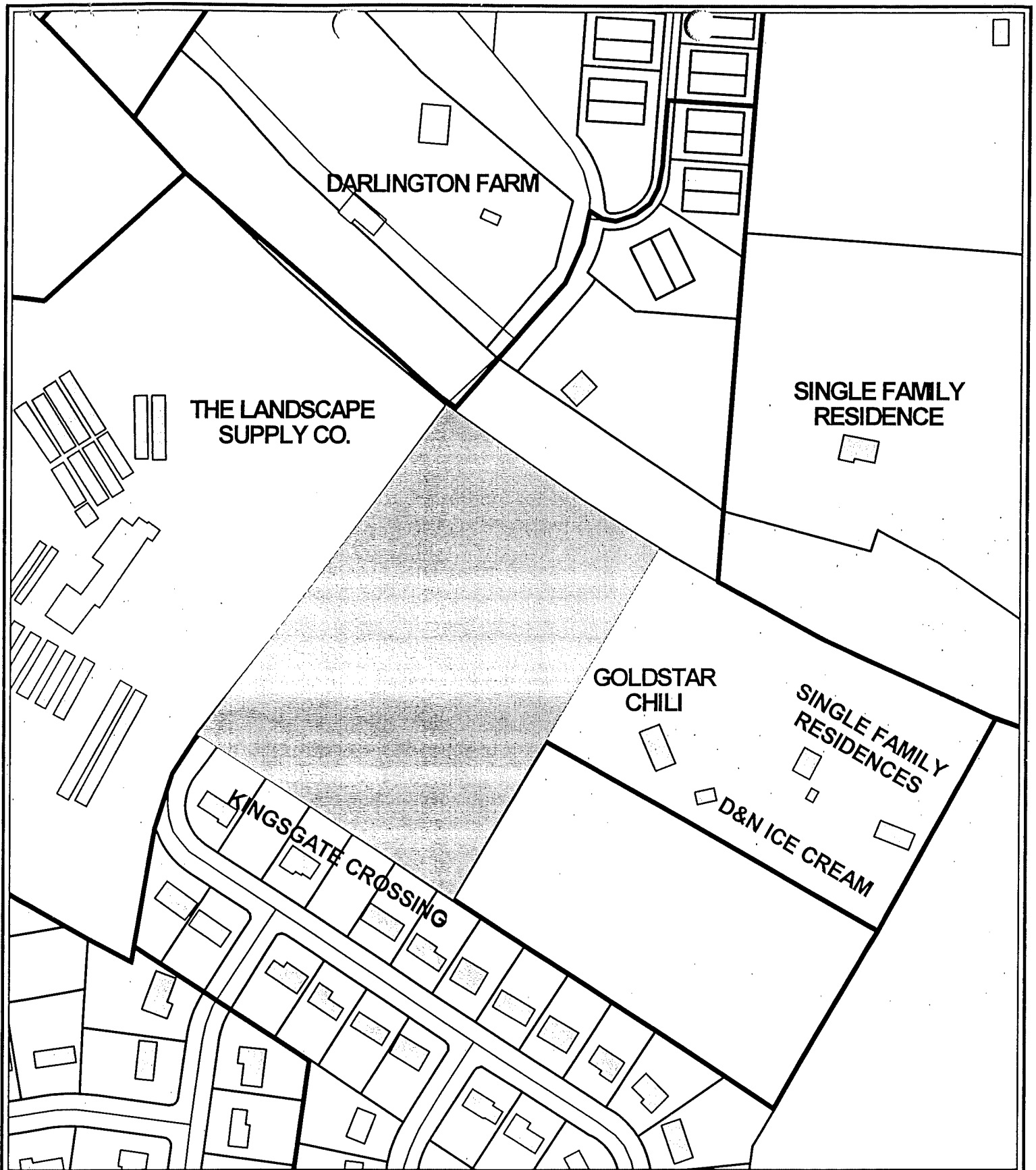


# ZONING MAP

200 0 200 Feet

1 inch equals 200 feet  
Produced by the  
Boone County Planning Commission  
GIS Services Division  
July 1, 1998





200 0 200 Feet

# LAND USE MAP

1 inch equals 200 feet  
 Produced by the  
 Boone County Planning Commission  
 GIS Services Division  
 July 1, 1998



PUBLIC HEARING ITEM NO. 2:

Commission members present: Mr. Caddell, Mrs. Arnett, Mr. Damstrom, Mr. Hicks, Mr. McKinney, Mr. McMillian, Mr. Millay - Chairman, Mr. Neltner - Vice Chairman, Mr. Newman, Mrs. Schaffer, and Mrs. Smith.

Chairman Millay introduced the second item on the Agenda:

2. Applicant: Thomas W. Breidenstein (agent) for  
Balanced Care Corporation (applicant) for  
Balanced Care Corporation (owner by option)

Request: Zoning Map Amendment

The request of Thomas W. Breidenstein (agent) for Balanced Care Corporation (applicant) for Balanced Care Corporation (owner by option) to consider a Zoning Map Amendment from Commercial Two (C-2) to Public Facilities (PF) for an approximate 5-acre site located on the southeast corner of KY 18 and Kingsgate Drive, Boone County, Kentucky. The request is for a zone change to allow an assisted living facility.

Staff Member David Doerger presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Millay asked for the applicant's presentation.

Attorney Tom Breidenstein thanked the Staff for their thorough review of the proposal. He stated that they are generally in agreement with the Staff Concerns. He stated that this is an excellent use of this property, considering the things which could go there under C-2 zoning -- including a liquor store, fast food sales, motorcycle sales, etc.. He stated that they will work with Staff and the Committee at the Site Plan level in regard to buffering. He stated that this is a top flight corporation and this will be a top flight development. He asked that consideration be given to the reasonableness of a sidewalk along the highway and that other developers along KY 18 have not been required to provide sidewalks in the past.

Mr. Tim Costello, Director of Development for Balanced Care Corporation, which is headquartered in Pennsylvania, stated that they own and operate 54 personal care homes, assisted living facilities, and nursing homes. They would like to build an assisted living/personal care home in Boone County at the corner of KY 18 and Kingsgate Drive. He stated that this would be a retirement community. Mr. Tim Costello explained that independent living is where someone may move into an apartment and cook their own meals, but maintenance is provided. Assisted living is where people have their own apartment, but someone looks after them to remind them about medication and assist in things such as dressing and bathing. He stated that this will not be a nursing home. They are licensed as a

personal care home in the state of Kentucky. A nursing home requires skilled nurses and they do not provide those kinds of services. Residents needing those kinds of services need to be discharged to a nursing facility.

Mr. Tim Costello stated that the first phase of this facility will be sixty units with sixty-six beds, and it will be 39,000 square feet. The two wings shown on the exhibit are a future phase for when they add more rooms. He stated that they have a wellness program designed to keep the aging population healthy. They also have a library and computers. They want to keep the aging people active and healthy. They have a van shuttle for trips to the mall and physicians, and those types of activities. The average age is 82 and female. He stated that they have an area for physical therapy. They have about ten residents a day on an out-patient basis for physical therapy. He stated that it is a first class home-like setting retirement community. He offered to answer any questions.

Mr. Ray Erpenbeck, Erpenbeck Engineers, presented and reviewed a colored copy of the Site Plan. The area shown in yellow is the proposed building. He noted the two future wings. He stated that there is water on Kingsgate Drive and KY 18. They will have a retention/detention pond at the rear of the site. They will drain directly into an existing storm sewer. He stated that the development will be off Kingsgate Drive and there is no access off KY 18. Buffer areas will be provided around the site in conformance with the regulations. He noted that Staff indicated that the details can be worked out at Site Plan Review. He stated that the facility will be an asset to the community.

This concluded the applicant's presentation.

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

Mr. Bob Shroder with Arlinghaus Builders, the owner of the property, stated that they are in favor of the zone change. He stated that they could have sold the property many times for gas stations, liquor stores, motorcycle repair shops, etc. -- but they did not want to do that. They feel that this development is an excellent buffer. He stated that they were very concerned about this use of this property because they developed the property to the rear. He drove to a Balanced Care facility 200 miles away to see it before they said okay to this development. This use has less traffic than the other uses permitted under C-2 zoning and it is an excellent transitional use for the area.

Mr. Don Munninghoff, who lives on Lot #6 of Kingsgate, which is right behind this site, stated that he is in favor but has questions. He does not know how the detention works and it is right behind his property. He feels that there should be a greater distance between the detention area and his property. He stated that when it rains,

they have a lot of problems with water in their back yards. If the sewer systems will make the drainage worse, then he is against the project -- if they make the drainage better, than he is for the project. He stated that there is not a storm sewer there now and they will have to use the easement, which goes across his property, and make a connection. Will they did up his property when they make the connection? He asked if the sign at Kingsgate will be removed. They want the sign as a marker for the subdivision.

Mr. Erpenbeck explained that the detention facility will be a dry pond. They will create a basin to collect storm water generated on the site. The detention basin will hold the water back on a temporary basis. He stated that they will construct a storm sewer across the easement and down to the existing storm sewer. All of the surface water that currently runs off the site and into the back yards will be collected into the detention basin and let out slowly into the storm sewer system. They will have to dig to place a storm sewer on the easement, but they will restore the easement back to its original condition. Shrubs will be temporarily transplanted and replaced, or replaced with new plantings. He stated that the sign at Kingsgate Crossing will stay.

Tom and Bridget Kraft came to the microphone. Bridget Kraft stated that she is for the project. She asked if they will screen the clientele and if there will be an alarm system. She stated that with ages of 75 to 82, there are those people who will be confused and she is concerned with the highway being there, and concerned about people knocking on her door at night. She asked if there will be a guard and how much medical staff there will be.

Mr. Caddell arrived at this time.

Mr. Tom Kraft stated that they live on Lot #5 and he is concerned about the drainage. He feels that when the development is in place, all of the water will be channeled back to Lots 5 and 6 and the detention pond. Up until about four weeks ago, the southwest corner of his back yard was wet. He has standing water through the spring and part of the summer that is at least an inch deep. They have a sump pump in their basement, which is 8' to 10' below ground level, that runs 12 - 24 hours a day pumping water out from under their foundation when it rains. This lot sets another six feet higher. He asked that the engineering aspects of the lot be looked at deeper. He is concerned more about ground water than surface water. He stated that roofs, blacktop, and concrete do not absorb water and he is concerned about a rain like we had last Sunday night. He asked how big the detention pond will be. He stated that it is a dry pond, but over time it becomes a swamp with ducks and mosquito nests. It will look good in the beginning, but in four or five years it will be a swamp with cattails and mosquitoes -- like the ditch behind Florence Mall. He stated that he is for the assisted living facility, but he is concerned about the amount of water that is there now and what will be generated once the facility is there. There is a tremendous amount

of underground water there now. He stated that there was 4" of rain last Sunday and the pond will not hold that amount -- so where will it go and who will be responsible?

Mr. Gary Davis, Lot #3 of Kingsgate, stated that his yard faces the five acres. He can vouch for the drainage problems. His big concern was the field being used for a soccer field and he has talked to Mr. Shroder about this. He has had problems with the children and feels that Balanced Care cannot get their building up fast enough.

Chairman Millay asked if there was anyone else who wished to speak in favor of the request. There being no response, he asked if there was anyone present who wished to speak in opposition or to ask questions.

Mr. Ralph Denn, a resident of Kingsgate, stated that he just received the letter from the Planning Commission yesterday folded up in his mailbox. A neighbor in the audience stated that he put the letter in Mr. Denn's mailbox.

Mr. Denn stated that he is for the facility, but not in this location. He stated that the traffic impact may be greater than anticipated. It will not be people living around there stopping in, but traffic from outside. There will be traffic from visitors, employees, and delivery trucks. A better location would be on Hopeful Road where there are similar facilities. This is a residential area and he does not feel that this is a good transition. The elderly can have physical and mental impairments and he is concerned about them walking in the neighborhood with kids riding bicycles on the sidewalks. This development will make a traffic light go in quicker, and right now they can get in and out safely. The neighborhood does not have street lights and the only lights are porch lights. He is concerned that this facility will be lit up. He stated that a 25-foot building is quite tall looking in a residential area. He is concerned about how big the facility will become. It will add to the overall KY 18 traffic. He is concerned about biohazard materials that kids can play around. He stated that they will try to comply with EPA rules, but there could be a slip up. He sees this as a facility for all of Northern Kentucky and not as a plus for the local people. He can see it as a negative impact on home values. He suggested that there be a clubhouse and swimming pool on the property for the residents. He feels that there is not a rush for business to go in there and the land could set open for a long time.

Mr. Guy Witte, a resident of Lot #1 in Kingsgate Crossing, stated that the negative economic impact on the residents in Kingsgate Crossing will be drastic. Their homes will not be as attractive on a resale basis as they would be with the field there. He stated that there will be a dumpster back there. A 25-foot building will dwarf the landscape and the facility will be prevalent on the corner. He feels that Arlinghaus Builders, who sold them their lots, has an obligation to ensure that the value of their properties remains intact.

Mr. Harold Burke, 3045 Silver Brook Drive, stated that he was the first resident of Kingsgate Crossing and he has seen the traffic patterns change. He stated that the access proposed near KY 18 is too close to the corner. The intersection is busy and the access there will aggravate the traffic situation as things grow in the area. He questioned putting the access on KY 18. He stated that the property is adjacent to the tree line that adjoins the creek. The creek used to be a flowing creek but with the creation of the houses it is now a trickle -- except when there is a good rain and it becomes a raging creek. He has seen the creek overflow its banks and run for several days at a time. He is concerned about the value of the homes adjacent to the facility -- and a decrease in the value of those homes may affect everyone else. He stated that the facility will take up a lot of surface that would absorb drainage.

Mr. Mike Stewart, 6000 Kingsgate, stated that the development will not increase the value of the homes. He is concerned about the access on Kingsgate Drive and the additional traffic, particularly with families and children who walk, run, and ride bikes along there and over to Boone Woods, Hawaiian Ice, Gold Star Chili, etc.. He would like the entrance moved closer to the middle of the lot or to the other end of the lot. He stated that the buffering at the back of the lot where it adjoins the residences is not enough. It is shown as 25 feet. He stated that they have a hill that is 10' - 15' back of their yards to the flat spot of the property. With Phase II he will be looking directly onto the porch and the back of the facility. He questioned the timetable for the development of the two wings.

Chairman Millay asked if there was anyone else present who wished to speak in opposition.

Tammy Short, 3045 Silver Brook Drive, stated that when they moved there, Gold Star Chili had a place behind it where people could bat balls and it was lit up. In the middle of the night, it was like daylight in their back yard and it affected their sleeping. She stated that lighting will be an issue with a building this size. They enjoy having no street lights in their subdivision and they do not want that to change. She stated that there are natural springs on their property and all along there. They have seen the ground open up and water bubble up. They always have an area that is wet and their sump pump runs all the time -- there is underground water there. She stated that the creek becomes a major river in severe rain. Children play there when it is in its normal state and she does not want them exposed to biohazards.

Mr. Tom Henges, 6090 Kingsgate, stated that he is concerned that the Ammons Nursery driveway, which has consistent traffic coming out, would be opposite the driveway to the nursing home. He stated that Kingsgate Drive is a residential street. He thought that Arlinghaus Builders donated this land to the subdivision. He commented that Arlinghaus Builders donated land in Kenton County, and Boone County has been good to Arlinghaus.

Chairman Millay asked if there was anyone else present who wished to speak.

Mr. Tim Costello stated that they screen the residents. They have to go through an interview, application, medical exam, and be financially qualified. He stated that they are not a nursing home or a hospital, they are a retirement facility. The building is fully sprinklered and they have a security system. The residents have monitors on them so that they can press a button if they fall and they would know where they are. He stated that there are six stages of Alzheimer's and they only treat up to Level 2. If residents are in a condition of being confused in the evening, there is a separate "lock down" area where someone is supervising them so that they do not leave the premises. If they get to a stage where they cannot control them, they are discharged. Mr. Costello submitted a picture of the light fixture they use and stated that it is a residential pole lamp. They do not want to light up the parking lot. He stated that they will meet the proper requirements regarding lighting.

There being no further comments, Chairman Millay asked if there were any comments or questions from the Commissioners.

Mr. Damstrom asked if it is a one-story or two-story facility. He questioned the visiting hours, the number of employees, what times the shifts are, the work hours and the number of employees coming and going each shift. He stated that the C-2 zoning is already on the site and this is a softer use from the standpoint of traffic and the other considerations.

Mr. Tim Costello stated that it is a one-story looking building with a brick and vinyl exterior. He does not know the visiting hours. He explained that it is not like a nursing home or hospital where there are visiting hours -- it is a home and residents are free to come and go as they please. In a typical facility, four residents would have a vehicle. They are open seven days a week, 24 hours a day, and the total number of employees would be about 25 - 30. The highest shift is 7 AM - 3 PM and the maximum number of employees would be fourteen. They would have four personal care attendants from 11 PM to 7 AM. They have 8 to 8.5 employees on the 3 PM - 11 PM shift. The employees on second shift vary due to activities and meals.

Chairman Millay asked for a response to the question regarding the timetable for Phase II.

Mr. Tim Costello stated that he did not know. They would not anticipate beginning Phase II until the facility was full, which would probably be one to one and a half years. He stated that the maximum would be 80 beds.

Mr. Neltner asked if the building will be 25 feet tall, or if they gave that as a maximum height to protect themselves. Mr. Ray Erpenbeck stated that he is not sure of the exact height, but the building has a steep roof to give it a modern residential look. He stated that it would be a minimum of 20 feet in height, which is lower than a typical two story house in the subdivision. Mr. Neltner stated that his concern is that a 25-foot high building will look 35 feet high from the back yards. He asked if the 25 feet will be in the front main entrance area. Mr. Erpenbeck stated that that would be the highest point. The entryway has the high ceiling to give it openness. Mr. Tim Costello provided photographs of the Harrisburg, Pennsylvania facility.

Mr. Neltner questioned how the undeveloped parcel between the Gold Star Chili property and the residences will be accessed in the future. Mr. Erpenbeck stated that it is part of the Gold Star Chili parcel and has the same owner. Mr. Wall agreed. Mr. Doerger stated that it is zoned Office.

Mr. Neltner questioned the future expansion area to the west that would be closest to the residences. He asked if it could be located somewhere else, possibly running perpendicular to the back yards to give a little additional distance from the residences.

Mr. Erpenbeck explained that they are limited to where they can put it to keep the units arranged the way they have them. He stated that the residences will be 8' - 13' below the site, and standing in their back yards they will probably only see the tip of the roof. They will be able to see the facility from their second floor windows, but not from the first floor or the back yards because of the topography and the plantings.

Mrs. Arnett asked if every resident will have their own room. Mr. Tim Costello stated that there would be 60 units and 66 beds. There are several rooms with two beds for husband and wife or two people who would like a room that is less expensive. Mrs. Arnett asked if the residents will be private pays. Mr. Tim Costello responded "yes". He stated that the cost is \$75 - \$80 per day.

Mrs. Arnett asked if a unit will consist of a bedroom, kitchen, and living room. Mr. Tim Costello submitted photographs of a typical unit -- it is a living room/bedroom combination. It is one big room. He also submitted a company brochure that includes floor plans of different units. Chairman Millay asked if these are the same units they will provide here. Mr. Tim Costello responded "yes". Mrs. Smith asked if they will have kitchen facilities. Mr. Tim Costello responded "no" and stated that there is a central dining room and three meals a day. The residents do not cook in their rooms.

Mr. McMillian asked if Kingsgate Crossing has a homeowners association. Mr. Shroder responded "no". Mr. McMillian asked if there are restrictions. Mr. Shroder stated that there are the normal

things like setbacks, storage of boats, out buildings, etc., but this property was never part of Kingsgate subdivision. Mr. McMillian questioned light poles in the subdivision. Mr. Shroder stated that there were none. Mr. McMillian stated that there is one on Lot 3, 4, or 5. He questioned why the residents are complaining about lights. He stated that everything is underground in the subdivision, but there is one light pole there. Mr. Shroder stated that he does not know who owns the light. Mr. McMillian questioned if it is permitted. Mr. Shroder stated that he does not recall restrictions on lights in the subdivision. Mr. McMillian questioned if they can have light poles anywhere they want. Mr. Shroder responded "pretty much". He stated that the light Mr. McMillian is talking about is either owned by one of the residents or the county put it there. Mr. McMillian stated that he was wondering why they were complaining about lights.

Mrs. Schaffer asked if a license is required for the assisted living beds. Mr. Tim Costello stated that in the state of Kentucky, you can operate an assisted living facility or personal care facility. They will operate as a personal care facility and will be licensed for that. He stated that the only difference between assisted living and personal care in Kentucky is in regard to distributing medicine to the residents. If they are licensed as personal care, their nurses can do that.

Mrs. Schaffer stated that the beds are not licensed, but they talk about licensed beds in their profile. Mr. Tim Costello stated that it is not licensed as a nursing home. Mrs. Schaffer asked if the future additions will be personal care. Mr. Tim Costello stated that they will be personal care. He stated that they are not built to nursing home standards.

Mrs. Schaffer stated that the Staff Report says 50,000 square feet but the plan says 45,000 square feet. Mr. Doerger stated that the 50,000 square feet was part of the application. Chairman Millay stated that the discrepancy may be the proposed additions. He questioned the maximum square footage with the proposed additions. Mr. Doerger stated that, according to the plan, it would be 45,000 square feet including the two proposed additions.

Mrs. Schaffer stated that instead of moving the addition wing, they might be able to turn it and make it parallel to the main building so that it would not be so close to the residences. She feels that 25 feet is too high for the building and the access is too close to KY 18.

Mr. Newman stated that if he were living there, he would be concerned about the lights too. He stated that most of the lighting will be in the front shielded by the building behind it. He asked if there are any plans for lighting in the back of the building. Mr. Erpenbeck responded "no".

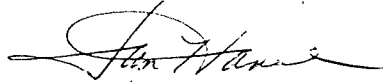
There being no further comments, Chairman Millay stated that the Committee Meeting for this item will be on August 6, 1998 at 6 PM.. The Committee Meeting is not another Public Hearing and comments will be restricted. This item will be on the Agenda for the Business Meeting on August 19, 1998 at 7:30 PM..

The Chairman closed this Public Hearing.

APPROVED:

  
Robert Millay, Chairman

Attest:



Jan Hancock, Recording Secretary

BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
COURTROOM 3A  
BUSINESS MEETING  
August 19, 1998  
7:30 P.M.

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Mr. Robert Millay, Chairman, called the meeting to order at 7:30 P.M..

COMMISSION MEMBERS PRESENT:

Mrs. Judy Arnett, Secretary/Treasurer  
Mr. Arnold Caddell  
Mr. Phil Damstrom  
Mr. Mark Hicks  
Mr. Mike McKinney  
Mr. Don McMillian  
Mr. Bob Millay, Chairman  
Mr. Barry Neltner, Vice Chairman  
Mr. Robert Newman  
Mr. Robert Ries  
Mr. Ralph Rush  
Mrs. Linda Schaffer  
Mrs. Carol Smith  
Mr. William Viox  
Mr. Earl White, Temporary Presiding Officer

All members were present.

LEGAL COUNSEL PRESENT:

Mr. Dale Wilson

STAFF MEMBERS PRESENT:

Mr. Kevin Costello, AICP, Executive Director  
Ms. Susan Cabot, Historic Preservation  
Mr. Edward Coleman  
Mr. David Doerger  
Ms. Jan Hancock, Secretary  
Mr. Mitch Light  
Mr. Kevin Wall, AICP

There being no discussion, Mr. Viox moved to deny the request based on the Committee Report. Mr. Neltner seconded the motion and it carried unanimously.

4. Zoning Map Amendment

The request of Thomas W. Breidenstein, agent for Balanced Care Corporation (applicant) for Balanced Care Corporation (owner by option) to consider a Zoning Map Amendment from Commercial Two (C-2) to Public Facilities (PF) for an approximate 5 acre site located on the southeast corner of KY 18 and Kingsgate Drive, Boone County, Kentucky. The request is for a zone change to allow an assisted living facility.

Staff Member David Doerger 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. Viox moved by resolution to the Boone County Fiscal Court to approve the request based on the Committee Report. Mr. Neltner seconded the motion.

Mrs. Schaffer questioned the access on Kingsgate Drive being too close. Mr. Doerger stated that this was discussed at the Committee and it was determined that the distance of the access from KY 18 meets the regulations. Mrs. Schaffer stated that the access at the Shell Station at KY 237 and what was Litton Drive is within the regulations, but the traffic backs up. She feels that this access will also be a problem. She asked if this access is the same distance away. Mr. Doerger responded that he did not know.

Mr. Costello stated that at the Shell Station there is a lot of in and out traffic. The traffic for the balanced care facility will probably not be as much and probably not during peak times. Mrs. Schaffer stated that traffic will be turning off of KY 18 onto Kingsgate Drive and wanting to turn left -- which will back traffic up onto KY 18.

Mrs. Schaffer questioned the detention pond. Mr. Costello stated that this was discussed at the Committee Meeting. Mr. Doerger stated that there was a comment regarding the maintenance of the detention pond, but it did not turn out to be a concern. He stated that this issue will be reviewed in the Site Plan process.

Mr. McMillian referred to the access issue and stated that the Extension Office had to close its access because it was too close. He stated that the traffic is higher on Camp Ernst Road. The Extension Office entrance backed up traffic and they had to move it further down Camp Ernst Road. He is also concerned that this access is too close.

Mr. Costello stated that there could be consideration of one-way traffic at the entrance and this could be discussed at Site Plan Review. Mr. Doerger agreed. Mr. Costello asked if the applicant would commit to looking at this at Site Plan Review, or agree to it at this time.

Attorney Tom Breidenstein stated that this would be an integral part of Site Plan Review. They will work with the Staff and the Planning Commission on whatever placement is appropriate for the driveway.

Mr. Doerger stated that Staff reviewed the access point and confirmed that it is the proper distance, per the regulations. Mr. McMillian stated that he understands that, but sometimes even when an access meets the regulations, the traffic gets screwed up and the Planning Commission does not want that to happen. Mr. Doerger stated that in this instance, it would be best to ensure that the applicant would be agreeable to varying the distance beyond what is required in the regulations.

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

5. Change in Concept Development Plan

The request of LaQuinta Inns, Inc. (applicant) for NK Management, Inc. (owner) to consider a Change in Concept Development Plan for a 3.08 acre site within the Houston Lakes Subdivision, on part of remaining Lot #10, along Meijer Drive, Florence, Kentucky. The request is for a change in the approved Concept Development Plan to permit a five story hotel in an Office Two/Commercial Two/Planned Development (O-2/C-2/PD) zone.

Staff Member David Doerger presented the Committee Report which recommended approval of the request based on the findings of fact, but subject to conditions (see Committee Report).

There being no discussion, Mr. Caddell moved by resolution to the City of Florence to approve the request based on the Staff and Committee Reports. Mr. White seconded the motion and it carried unanimously.

6. Houston-Donaldson Review - Auto Livery, 8020 Burlington Pike

Staff Member Mitch Light presented an exhibit of the Concept Plan and an exhibit of the proposed site. The site is at KY 18 and Woodspoint Drive (formerly the Chevron station). Mr. Light presented the Committee Report which recommended that the proposal follow the short review process which includes Site Plan Review and architectural design review, based on the findings of fact (see Committee Report).

# EXHIBIT "B"

## COMMITTEE REPORT

TO: Boone County Planning Commission

FROM: William Viox, Chairman

DATE: August 19, 1998

RE: Request of Thomas W. Breidenstein, agent for Balanced Care Corporation (applicant) for Balanced Care Corporation (owner by option) to consider a Zoning Map Amendment from Commercial Two (C-2) to Public Facilities (PF) for an approximate 5 acre site located on the southeast corner of KY 18 and Kingsgate Drive, Boone County, Kentucky. The request is for a zone change to allow an assisted living facility.

### Remarks:

We, the Committee, recommend approval of the Zoning Map Amendment request based upon the following findings of fact and with the following conditions:

### Findings of Fact:

1. The Committee has determined that the proposed Zoning Map Amendment and the accompanying Concept Development Plan is appropriate for the property located at the southeast corner of Kentucky 18 and Kingsgate Drive, Boone County, Kentucky. The Committee's decision is based on the fact that the applicant's request is in agreement with the 1995 Boone County Comprehensive Plan.
2. The Committee has concluded that the following conditions are necessary for the purpose of satisfying the Goals, Objectives, and Policies stated in the 1995 Boone County Comprehensive Plan and the mitigation of any foreseeable impacts that may be created by the proposal. The Applicant has signed a letter of agreement with these conditions and understands that the submitted Concept Development Plan along with these conditions serves as a basis for this recommendation.

### Conditions:

1. The applicant shall provide a signage easement to protect the existing Kingsgate Crossing entry monument sign.
2. The applicant shall extend the sidewalk along the northern parking lot to the eastern property line.

3. The applicant shall provide extensive landscaping and/or landscape berms around the south wing of the building in order to screen it from the single family residences.
4. The proposed building shall substantially conform to the submitted architectural concept and photographs. If an alternate design is chosen, the building will go through architectural design review during the Site Plan Review 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.

*William Viox*  
\_\_\_\_\_  
**William Viox, Chairman**

For  Against \_\_\_\_\_  
Abstain \_\_\_\_\_ Absent \_\_\_\_\_

*Arnold Caddell*  
\_\_\_\_\_  
**Arnold Caddell**

For  Against \_\_\_\_\_  
Abstain \_\_\_\_\_ Absent \_\_\_\_\_

*Phil Damstrom*  
\_\_\_\_\_  
**Phil Damstrom**

For  Against \_\_\_\_\_  
Abstain \_\_\_\_\_ Absent \_\_\_\_\_

*Barry Neltner*  
\_\_\_\_\_  
**Barry Neltner**

For  Against \_\_\_\_\_  
Abstain \_\_\_\_\_ Absent \_\_\_\_\_

*Earl R. White*  
\_\_\_\_\_  
**Earl White**

For  Against \_\_\_\_\_  
Abstain \_\_\_\_\_ Absent \_\_\_\_\_

**TOTAL: 5 FOR 0 AGAINST 0 ABSTAIN 0 ABSENT**

PUBLIC HEARING ITEM NO. 2:

Commission members present: Mr. Caddell, Mrs. Arnett, Mr. Damstrom, Mr. Hicks, Mr. McKinney, Mr. McMillian, Mr. Millay - Chairman, Mr. Neltner - Vice Chairman, Mr. Newman, Mrs. Schaffer, and Mrs. Smith.

Chairman Millay introduced the second item on the Agenda:

2. Applicant: Thomas W. Breidenstein (agent) for  
Balanced Care Corporation (applicant) for  
Balanced Care Corporation (owner by option)

Request: Zoning Map Amendment

The request of Thomas W. Breidenstein (agent) for Balanced Care Corporation (applicant) for Balanced Care Corporation (owner by option) to consider a Zoning Map Amendment from Commercial Two (C-2) to Public Facilities (PF) for an approximate 5-acre site located on the southeast corner of KY 18 and Kingsgate Drive, Boone County, Kentucky. The request is for a zone change to allow an assisted living facility.

Staff Member David Doerger presented the Staff Report which included a slide presentation (see Staff Report).

Chairman Millay asked for the applicant's presentation.

Attorney Tom Breidenstein thanked the Staff for their thorough review of the proposal. He stated that they are generally in agreement with the Staff Concerns. He stated that this is an excellent use of this property, considering the things which could go there under C-2 zoning -- including a liquor store, fast food sales, motorcycle sales, etc.. He stated that they will work with Staff and the Committee at the Site Plan level in regard to buffering. He stated that this is a top flight corporation and this will be a top flight development. He asked that consideration be given to the reasonableness of a sidewalk along the highway and that other developers along KY 18 have not been required to provide sidewalks in the past.

Mr. Tim Costello, Director of Development for Balanced Care Corporation, which is headquartered in Pennsylvania, stated that they own and operate 54 personal care homes, assisted living facilities, and nursing homes. They would like to build an assisted living/personal care home in Boone County at the corner of KY 18 and Kingsgate Drive. He stated that this would be a retirement community. Mr. Tim Costello explained that independent living is where someone may move into an apartment and cook their own meals, but maintenance is provided. Assisted living is where people have their own apartment, but someone looks after them to remind them about medication and assist in things such as dressing and bathing. He stated that this will not be a nursing home. They are licensed as a

personal care home in the state of Kentucky. A nursing home requires skilled nurses and they do not provide those kinds of services. Residents needing those kinds of services need to be discharged to a nursing facility.

Mr. Tim Costello stated that the first phase of this facility will be sixty units with sixty-six beds, and it will be 39,000 square feet. The two wings shown on the exhibit are a future phase for when they add more rooms. He stated that they have a wellness program designed to keep the aging population healthy. They also have a library and computers. They want to keep the aging people active and healthy. They have a van shuttle for trips to the mall and physicians, and those types of activities. The average age is 82 and female. He stated that they have an area for physical therapy. They have about ten residents a day on an out-patient basis for physical therapy. He stated that it is a first class home-like setting retirement community. He offered to answer any questions.

Mr. Ray Erpenbeck, Erpenbeck Engineers, presented and reviewed a colored copy of the Site Plan. The area shown in yellow is the proposed building. He noted the two future wings. He stated that there is water on Kingsgate Drive and KY 18. They will have a retention/detention pond at the rear of the site. They will drain directly into an existing storm sewer. He stated that the development will be off Kingsgate Drive and there is no access off KY 18. Buffer areas will be provided around the site in conformance with the regulations. He noted that Staff indicated that the details can be worked out at Site Plan Review. He stated that the facility will be an asset to the community.

This concluded the applicant's presentation.

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

Mr. Bob Shroder with Arlinghaus Builders, the owner of the property, stated that they are in favor of the zone change. He stated that they could have sold the property many times for gas stations, liquor stores, motorcycle repair shops, etc. -- but they did not want to do that. They feel that this development is an excellent buffer. He stated that they were very concerned about this use of this property because they developed the property to the rear. He drove to a Balanced Care facility 200 miles away to see it before they said okay to this development. This use has less traffic than the other uses permitted under C-2 zoning and it is an excellent transitional use for the area.

Mr. Don Munninghoff, who lives on Lot #6 of Kingsgate, which is right behind this site, stated that he is in favor but has questions. He does not know how the detention works and it is right behind his property. He feels that there should be a greater distance between the detention area and his property. He stated that when it rains,

they have a lot of problems with water in their back yards. If the sewer systems will make the drainage worse, then he is against the project -- if they make the drainage better, than he is for the project. He stated that there is not a storm sewer there now and they will have to use the easement, which goes across his property, and make a connection. Will they dig up his property when they make the connection? He asked if the sign at Kingsgate will be removed. They want the sign as a marker for the subdivision.

Mr. Erpenbeck explained that the detention facility will be a dry pond. They will create a basin to collect storm water generated on the site. The detention basin will hold the water back on a temporary basis. He stated that they will construct a storm sewer across the easement and down to the existing storm sewer. All of the surface water that currently runs off the site and into the back yards will be collected into the detention basin and let out slowly into the storm sewer system. They will have to dig to place a storm sewer on the easement, but they will restore the easement back to its original condition. Shrubs will be temporarily transplanted and replaced, or replaced with new plantings. He stated that the sign at Kingsgate Crossing will stay.

Tom and Bridget Kraft came to the microphone. Bridget Kraft stated that she is for the project. She asked if they will screen the clientele and if there will be an alarm system. She stated that with ages of 75 to 82, there are those people who will be confused and she is concerned with the highway being there, and concerned about people knocking on her door at night. She asked if there will be a guard and how much medical staff there will be.

Mr. Caddell arrived at this time.

Mr. Tom Kraft stated that they live on Lot #5 and he is concerned about the drainage. He feels that when the development is in place, all of the water will be channeled back to Lots 5 and 6 and the detention pond. Up until about four weeks ago, the southwest corner of his back yard was wet. He has standing water through the spring and part of the summer that is at least an inch deep. They have a sump pump in their basement, which is 8' to 10' below ground level, that runs 12 - 24 hours a day pumping water out from under their foundation when it rains. This lot sets another six feet higher. He asked that the engineering aspects of the lot be looked at deeper. He is concerned more about ground water than surface water. He stated that roofs, blacktop, and concrete do not absorb water and he is concerned about a rain like we had last Sunday night. He asked how big the detention pond will be. He stated that it is a dry pond, but over time it becomes a swamp with ducks and mosquito nests. It will look good in the beginning, but in four or five years it will be a swamp with cattails and mosquitoes -- like the ditch behind Florence Mall. He stated that he is for the assisted living facility, but he is concerned about the amount of water that is there now and what will be generated once the facility is there. There is a tremendous amount

of underground water there now. He stated that there was 4" of rain last Sunday and the pond will not hold that amount -- so where will it go and who will be responsible?

Mr. Gary Davis, Lot #3 of Kingsgate, stated that his yard faces the five acres. He can vouch for the drainage problems. His big concern was the field being used for a soccer field and he has talked to Mr. Shroder about this. He has had problems with the children and feels that Balanced Care cannot get their building up fast enough.

Chairman Millay asked if there was anyone else who wished to speak in favor of the request. There being no response, he asked if there was anyone present who wished to speak in opposition or to ask questions.

Mr. Ralph Denn, a resident of Kingsgate, stated that he just received the letter from the Planning Commission yesterday folded up in his mailbox. A neighbor in the audience stated that he put the letter in Mr. Denn's mailbox.

Mr. Denn stated that he is for the facility, but not in this location. He stated that the traffic impact may be greater than anticipated. It will not be people living around there stopping in, but traffic from outside. There will be traffic from visitors, employees, and delivery trucks. A better location would be on Hopeful Road where there are similar facilities. This is a residential area and he does not feel that this is a good transition. The elderly can have physical and mental impairments and he is concerned about them walking in the neighborhood with kids riding bicycles on the sidewalks. This development will make a traffic light go in quicker, and right now they can get in and out safely. The neighborhood does not have street lights and the only lights are porch lights. He is concerned that this facility will be lit up. He stated that a 25-foot building is quite tall looking in a residential area. He is concerned about how big the facility will become. It will add to the overall KY 18 traffic. He is concerned about biohazard materials that kids can play around. He stated that they will try to comply with EPA rules, but there could be a slip up. He sees this as a facility for all of Northern Kentucky and not as a plus for the local people. He can see it as a negative impact on home values. He suggested that there be a clubhouse and swimming pool on the property for the residents. He feels that there is not a rush for business to go in there and the land could set open for a long time.

Mr. Guy Witte, a resident of Lot #1 in Kingsgate Crossing, stated that the negative economic impact on the residents in Kingsgate Crossing will be drastic. Their homes will not be as attractive on a resale basis as they would be with the field there. He stated that there will be a dumpster back there. A 25-foot building will dwarf the landscape and the facility will be prevalent on the corner. He feels that Arlinghaus Builders, who sold them their lots, has an obligation to ensure that the value of their properties remains intact.

Mr. Harold Burke, 3045 Silver Brook Drive, stated that he was the first resident of Kingsgate Crossing and he has seen the traffic patterns change. He stated that the access proposed near KY 18 is too close to the corner. The intersection is busy and the access there will aggravate the traffic situation as things grow in the area. He questioned putting the access on KY 18. He stated that the property is adjacent to the tree line that adjoins the creek. The creek used to be a flowing creek but with the creation of the houses it is now a trickle -- except when there is a good rain and it becomes a raging creek. He has seen the creek overflow its banks and run for several days at a time. He is concerned about the value of the homes adjacent to the facility -- and a decrease in the value of those homes may affect everyone else. He stated that the facility will take up a lot of surface that would absorb drainage.

Mr. Mike Stewart, 6000 Kingsgate, stated that the development will not increase the value of the homes. He is concerned about the access on Kingsgate Drive and the additional traffic, particularly with families and children who walk, run, and ride bikes along there and over to Boone Woods, Hawaiian Ice, Gold Star Chili, etc.. He would like the entrance moved closer to the middle of the lot or to the other end of the lot. He stated that the buffering at the back of the lot where it adjoins the residences is not enough. It is shown as 25 feet. He stated that they have a hill that is 10' - 15' back of their yards to the flat spot of the property. With Phase II he will be looking directly onto the porch and the back of the facility. He questioned the timetable for the development of the two wings.

Chairman Millay asked if there was anyone else present who wished to speak in opposition.

Tammy Short, 3045 Silver Brook Drive, stated that when they moved there, Gold Star Chili had a place behind it where people could bat balls and it was lit up. In the middle of the night, it was like daylight in their back yard and it affected their sleeping. She stated that lighting will be an issue with a building this size. They enjoy having no street lights in their subdivision and they do not want that to change. She stated that there are natural springs on their property and all along there. They have seen the ground open up and water bubble up. They always have an area that is wet and their sump pump runs all the time -- there is underground water there. She stated that the creek becomes a major river in severe rain. Children play there when it is in its normal state and she does not want them exposed to biohazards.

Mr. Tom Henges, 6090 Kingsgate, stated that he is concerned that the Ammons Nursery driveway, which has consistent traffic coming out, would be opposite the driveway to the nursing home. He stated that Kingsgate Drive is a residential street. He thought that Arlinghaus Builders donated this land to the subdivision. He commented that Arlinghaus Builders donated land in Kenton County, and Boone County has been good to Arlinghaus.

Chairman Millay asked if there was anyone else present who wished to speak.

Mr. Tim Costello stated that they screen the residents. They have to go through an interview, application, medical exam, and be financially qualified. He stated that they are not a nursing home or a hospital, they are a retirement facility. The building is fully sprinklered and they have a security system. The residents have monitors on them so that they can press a button if they fall and they would know where they are. He stated that there are six stages of Alzheimer's and they only treat up to Level 2. If residents are in a condition of being confused in the evening, there is a separate "lock down" area where someone is supervising them so that they do not leave the premises. If they get to a stage where they cannot control them, they are discharged. Mr. Costello submitted a picture of the light fixture they use and stated that it is a residential pole lamp. They do not want to light up the parking lot. He stated that they will meet the proper requirements regarding lighting.

There being no further comments, Chairman Millay asked if there were any comments or questions from the Commissioners.

Mr. Damstrom asked if it is a one-story or two-story facility. He questioned the visiting hours, the number of employees, what times the shifts are, the work hours and the number of employees coming and going each shift. He stated that the C-2 zoning is already on the site and this is a softer use from the standpoint of traffic and the other considerations.

Mr. Tim Costello stated that it is a one-story looking building with a brick and vinyl exterior. He does not know the visiting hours. He explained that it is not like a nursing home or hospital where there are visiting hours -- it is a home and residents are free to come and go as they please. In a typical facility, four residents would have a vehicle. They are open seven days a week, 24 hours a day, and the total number of employees would be about 25 - 30. The highest shift is 7 AM - 3 PM and the maximum number of employees would be fourteen. They would have four personal care attendants from 11 PM to 7 AM. They have 8 to 8.5 employees on the 3 PM - 11 PM shift. The employees on second shift vary due to activities and meals.

Chairman Millay asked for a response to the question regarding the timetable for Phase II.

Mr. Tim Costello stated that he did not know. They would not anticipate beginning Phase II until the facility was full, which would probably be one to one and a half years. He stated that the maximum would be 80 beds.

Mr. Neltner asked if the building will be 25 feet tall, or if they gave that as a maximum height to protect themselves. Mr. Ray Erpenbeck stated that he is not sure of the exact height, but the building has a steep roof to give it a modern residential look. He stated that it would be a minimum of 20 feet in height, which is lower than a typical two story house in the subdivision. Mr. Neltner stated that his concern is that a 25-foot high building will look 35 feet high from the back yards. He asked if the 25 feet will be in the front main entrance area. Mr. Erpenbeck stated that that would be the highest point. The entryway has the high ceiling to give it openness. Mr. Tim Costello provided photographs of the Harrisburg, Pennsylvania facility.

Mr. Neltner questioned how the undeveloped parcel between the Gold Star Chili property and the residences will be accessed in the future. Mr. Erpenbeck stated that it is part of the Gold Star Chili parcel and has the same owner. Mr. Wall agreed. Mr. Doerger stated that it is zoned Office.

Mr. Neltner questioned the future expansion area to the west that would be closest to the residences. He asked if it could be located somewhere else, possibly running perpendicular to the back yards to give a little additional distance from the residences.

Mr. Erpenbeck explained that they are limited to where they can put it to keep the units arranged the way they have them. He stated that the residences will be 8' - 13' below the site, and standing in their back yards they will probably only see the tip of the roof. They will be able to see the facility from their second floor windows, but not from the first floor or the back yards because of the topography and the plantings.

Mrs. Arnett asked if every resident will have their own room. Mr. Tim Costello stated that there would be 60 units and 66 beds. There are several rooms with two beds for husband and wife or two people who would like a room that is less expensive. Mrs. Arnett asked if the residents will be private pays. Mr. Tim Costello responded "yes". He stated that the cost is \$75 - \$80 per day.

Mrs. Arnett asked if a unit will consist of a bedroom, kitchen, and living room. Mr. Tim Costello submitted photographs of a typical unit -- it is a living room/bedroom combination. It is one big room. He also submitted a company brochure that includes floor plans of different units. Chairman Millay asked if these are the same units they will provide here. Mr. Tim Costello responded "yes". Mrs. Smith asked if they will have kitchen facilities. Mr. Tim Costello responded "no" and stated that there is a central dining room and three meals a day. The residents do not cook in their rooms.

Mr. McMillian asked if Kingsgate Crossing has a homeowners association. Mr. Shroder responded "no". Mr. McMillian asked if there are restrictions. Mr. Shroder stated that there are the normal

things like setbacks, storage of boats, out buildings, etc., but this property was never part of Kingsgate subdivision. Mr. McMillian questioned light poles in the subdivision. Mr. Shroder stated that there were none. Mr. McMillian stated that there is one on Lot 3, 4, or 5. He questioned why the residents are complaining about lights. He stated that everything is underground in the subdivision, but there is one light pole there. Mr. Shroder stated that he does not know who owns the light. Mr. McMillian questioned if it is permitted. Mr. Shroder stated that he does not recall restrictions on lights in the subdivision. Mr. McMillian questioned if they can have light poles anywhere they want. Mr. Shroder responded "pretty much". He stated that the light Mr. McMillian is talking about is either owned by one of the residents or the county put it there. Mr. McMillian stated that he was wondering why they were complaining about lights.

Mrs. Schaffer asked if a license is required for the assisted living beds. Mr. Tim Costello stated that in the state of Kentucky, you can operate an assisted living facility or personal care facility. They will operate as a personal care facility and will be licensed for that. He stated that the only difference between assisted living and personal care in Kentucky is in regard to distributing medicine to the residents. If they are licensed as personal care, their nurses can do that.

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Mr. Newman stated that if he were living there, he would be concerned about the lights too. He stated that most of the lighting will be in the front shielded by the building behind it. He asked if there are any plans for lighting in the back of the building. Mr. Erpenbeck responded "no".

There being no further comments, Chairman Millay stated that the Committee Meeting for this item will be on August 6, 1998 at 6 PM.. The Committee Meeting is not another Public Hearing and comments will be restricted. This item will be on the Agenda for the Business Meeting on August 19, 1998 at 7:30 PM..

The Chairman closed this Public Hearing.

APPROVED:

  
Robert Millay, Chairman

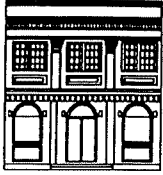
Attest:



Jan Hancock, Recording Secretary

# SUPPORTING INFORMATION

# BOONE COUNTY PLANNING COMMISSION



2995 Washington Street, Burlington, KY 41005

606-334-2196

FAX 606-334-2264

E-Mail [plancom@one.net](mailto:plancom@one.net)

August 12, 1998

Mr. Thomas W. Breidenstein  
Agent for Balance Care Corporation  
2701 Turkeyfoot Road  
Covington, Kentucky 41017

RE: Zoning Map Amendment from C-2 to PF for a 5 acre tract of land located at the southeast corner of Kentucky 18 and Kingsgate Drive, Boone County, Kentucky

Dear Mr. Breidenstein:

The following conditions in conjunction with the Concept Development Plan Application, as agreed to by the Boone County Planning Commission's Zone Change Committee, serves as the basis for the Committee's recommendation of approval. If you, as the applicant, agree to the following conditions please indicate so by signing at the space provided below and return this letter to the Planning Commission Office by 5:00 P.M., Tuesday, August 18, 1998.

Conditions:

1. The applicant shall provide a signage easement to protect the existing Kingsgate Crossing entry monument sign.
2. The applicant shall extend the sidewalk along the northern parking lot to the eastern property line.
3. The applicant shall provide extensive landscaping and/or landscape berms around the south wing of the building in order to screen it from the single family residences.
4. The proposed building shall substantially conform to the submitted architectural concept and photographs. If an alternate design is chosen, the building will go through architectural design review during the Site Plan Review process.

Sincerely,

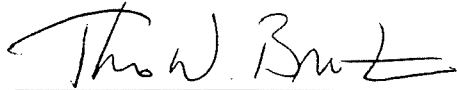
David R. Doerger  
Planner

DRD\pr

Mr. Thomas W. Breidenstein  
Balanced Care  
August 12, 1998  
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Agreement

I, the applicant, agree to the above listed conditions of approval for the requested Zoning Map Amendment at the southeast corner of Kentucky 18 and Kingsgate Drive, Boone County, Kentucky.

A handwritten signature in black ink, appearing to read "Thos W. Breidenstein". The signature is written in a cursive style with a horizontal line underneath it.

Thomas W. Breidenstein, applicant  
Agent for Balanced Care Corporation

