

**BOONE COUNTY PLANNING COMMISSION  
BOONE COUNTY ADMINISTRATION BUILDING  
BOONE COUNTY FISCAL COURTROOM  
PUBLIC HEARINGS  
JANUARY 7, 2015  
7:30 P.M.**

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**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mr. Kim Bungler, Secretary/Treasurer  
Mr. Mike Ford, Vice Chairman  
Mr. Mark Hicks  
Mrs. Janet Kegley  
Mr. Jim Longano  
Mr. Don McMillian  
Mr. Kim Patton  
Mr. Charlie Rolfsen, Chairman  
Ms. Susan Schultz  
Mr. Bob Schwenke  
Mr. Steve Turner, Temporary Presiding Officer

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Greg Breetz  
Ms. Lisa Reeves  
Mr. Charlie Reynolds

**LEGAL COUNSEL PRESENT:**

Mr. Dale T. Wilson

**STAFF MEMBERS PRESENT:**

Mr. Kevin P. Costello, AICP, Executive Director  
Mr. Kevin T. Wall, AICP, Director, Zoning Services  
Mr. Todd K. Morgan, AICP, Senior Planner

Chairman Rolfsen called the Public Hearings to order at 7:38 P.M. and introduced the first item on the Agenda:

**ZONING MAP AMENDMENT - Janet Kegley, Chairwoman, Kevin Wall, Staff**

1. Request of **Carespring Health Care Management c/o John Muller (applicant)** for **Union 5 LLC (owner)** for a Zoning Map Amendment from Suburban Residential One/Union Town Overlay (SR-1/UTO) to Public Facilities/Planned Development (PF/PD) for the eastern-most, approximate 9.3 acre portion of the approximate 14.3 acre tract located on the east side of US 42, north of the St. Timothy Church property at 10262, 10272, and 10300 US 42, west of Resurrection Cemetery property, and south of the properties at 1879, 1883, 1887, 1901, 1905, 1915, 1925, 1929, and 1931 Whispering Trail, Boone County, Kentucky. The request is for a zone change to allow a skilled nursing facility.

Staff Member, Kevin Wall, presented the Staff Report, which included a Powerpoint presentation (see Staff Report). He explained that the request is a Zone Change from Suburban Residential One/Union Town Overlay (SR-1/UTO) to Public Facilities/Planned Development (PF/PD). The site is about 9.3 acres and is part of a 14.3 acre parcel. The remaining 5 acres are between the site in question and U.S. 42. The proposal is for a nursing home or a facility for skilled nursing care. The remaining 5 acres of the property is zoned Union Neighborhood Office (UNO) per the Union Town Plan. There is no planned change for the 5 acre tract. The Comprehensive Plan's Future Land Use Map designates the site as High Suburban Density Residential (HSD) and Rural Lands (RL) along the Whispering Trails Subdivision. Mr. Wall showed the Union Town Plan Land Use Map. It recommends townhouses at 6 dwelling units per acre. There is also a green area showing a buffer of 100 feet along the northern property line. The site slopes on three sides and has a flat plateau area in the middle of the site. Overall, the site slopes downward towards U.S. 42. The proposed building is about 94,000 square feet and will consist of 143 beds. Access will involve a driveway connection to U.S. 42. It will be a shared driveway with the future office use. It aligns with a curb cut opposite of Union Presbyterian Church across the street. The applicant has submitted a Concept Development Plan and a landscape plan. Landscaping will be placed in the parking and court areas. The applicant is proposing to retain a 100 foot landscape buffer along the northern property line. In order to do this, the applicant will have to install a 320 foot retaining wall. There will also be a buffer area on the east side of the site next to Resurrection Cemetery. Normally, a 50 foot building setback would be required along the southern property line. The applicant is requesting the setback to be 43 feet based upon the Planned Development (PD) requirements. Mr. Wall showed drawings of the landscaping treatments and building architecture. It will be a brick and stone building with a pitched roof. A lighting plan was included along with a proposed monument sign. The sign is about 5.5 feet high and 27.5 square feet. The base will be made of stone. Mr. Wall showed photographs of the subject site and adjoining properties.

Mr. Wall noted that the Union Town Plan's Land Use Map designates the site for townhouse residential at maximum of 6 units per acre. Mr. Wall referred to the Staff Report and quotes from the County Transportation Plan. In evaluating the request, Mr. Wall stated that the Planning Commission must review the application based upon the 3 statutory criteria for granting a zone change. There are extensive quotes from the Comprehensive Plan and the Union Town Plan in the Staff Report. In addition, the Planning Commission should evaluate the request based upon the Planned Development (PD) requirements as outlined on pages 17-23 of the Staff Report. A number of agencies did comment on the proposal. These comments were included in the Staff Report. The Kentucky Transportation Cabinet will require the existing two way center lane to be

restriped to a southbound left turn lane. A traffic study was submitted by the applicant. It is attached to the Staff Report. The Staff does not have any comments on the traffic study. The Boone County Water District and the Boone County Public Works Department did not offer any comments or concerns. The Union Fire Protection District did have comments about the location of fire hydrants. Lastly, SD1 provided comments about sanitary sewer service or specifically reserving capacity.

Chairman Rolfsen asked if the applicant was ready to proceed with her presentation?

Anne McBride, FAICP stated that she was representing Carespring. Carespring obtained an option to purchase 14.5 acres on the east side of U.S. 42 and north of St. Tim's Church. The front part of the site will be developed in future consistent with the UNO zoning. The request involves rezoning the rear portion of the property to Public Facilities/Planned Development (PF/PD) to guarantee a use to develop the property. The proposed use is a skilled nursing facility as it would contain 143 beds. The building itself is a little over 94,000 square feet on 2 levels. The building footprint is half of the total figure. The building - its design and materials are residential looking. It will serve as a home for individuals either temporarily or permanently. The site will have 145 parking spaces to accommodate employees, visitors, and visiting physicians. The open space on the site significantly exceeds what is required. Approximately 63% of the site will be open space. The 100 foot buffer area consists of about 2 acres. This is consistent with the Comprehensive Plan and Union Town Plan. Residential low level lighting is being proposed. It will be craftsman style, 14 foot high poles similar to what is in front of anyone's home. A traffic study was conducted for the project. The use is a very low traffic generator because almost all of its residents won't be driving, just employees and visitors. They will utilize the existing access point. They are planning to meet all of the landscaping requirements. They are requesting a 43 foot building setback along the southern property line. They will provide landscaping within the setback area. The applicant will be installing a monument sign along U.S. 42. It will be about 5 feet tall and 27.5 square feet. The Comprehensive Plan and the Union Town Plan does not designate specific sites for public facility use that are not already owned or developed for a school, nursing home, library, etc. It is difficult to put that designation on a parcel because it has a limited function. There isn't specific land targeted for a skilled nursing facility. The Plan does recognize the need to provide housing for all residents especially for the elderly. There has been significant growth in residents 65 and older. In 2000, there were less than 10,000 residents in this category. By the year 2025, that number is expected to double to over 20,000. By the year 2035, the number will double again to over 40,000 residents. Currently, there is only 317 skilled nursing beds in all of Boone County. No new beds have been added since the 1980's. In 1980, the 65 and older population was 3,125. As the baby boomers are getting older, there is a growing need for this type of facility/housing. Age in place is important to stay near your church, doctor, and family. Ms. McBride stated that the request meets several goals of the Comprehensive Plan such as being a transitional use between the more intensive public facility uses to the south and west and single-family uses to the north. From 2000-2010, there was a 65% growth in population of people 65 years and older. Ms. McBride submitted letters of support (see Exhibit A) for Carespring's certificate of need application. The letters supported the need for a skilled nursing facility but not a specific location. Ms. McBride stated that she meet with the Diocese of Covington since they own property to the east and to the south. They did not object to the development. They also sent out a letter to the adjoining property owners in Whispering Trails Subdivision. A meeting was held on November 18<sup>th</sup> and had a low turnout. Those persons in attendance were in favor of the project. Ms. McBride concluded by stating that representatives from Carespring, the civil

engineering firm who designed the site, the architectural firm who designed the building and the transportation firm were in attendance to answer any questions.

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

Mr. Earl Hall, stated that he lived on the first lot in Whispering Trails Subdivision. He asked what is meant by the 100 foot green space? Do the trees remain in the area? Mr. Wall replied that the 100 foot area could not be disturbed. All the trees would be kept in perpetuity. Some might die over time but there would be no clearing. By installing the 320 foot retaining wall, the applicant would not have to disturb the 100 foot buffer area. Just outside the 100 foot buffer area is an 8 foot high berm at its highest point. Some of the proposed building may be seen from the subdivision in the winter months due to the building's height. Ms. McBride concurred with the comments by Mr. Wall. She noted that her client is spending about \$80,000 on the proposed retaining wall.

Ms. Karen Berhiet, 1915 Whispering Trails, asked how long is the retaining wall? She inquired about the impact of the development from turning left out of her subdivision. There will be more traffic in the area. Ms. McBride responded that the wall is 320 feet in length and is located on a segment of the property. Mr. Wall showed the location of the wall on the submitted drawing. Ms. McBride explained that the proposed development would generate fewer trips than if the site was developed at a maximum capacity under the existing zoning.

Chairman Rolfsen inquired about the amount of traffic related to a shift change? Mr. John Mueller, representing Carespring, explained that the shifts are not all 8 hours shifts. There are some 12 hour shifts. The dietary staff comes in at 6:00 a.m. and leaves at 2:00 p.m. and at 3:00 to 8:00 p.m. Nurses and nurse aides start at 7:00 a.m. The peak load at the facility is the day shift with about 50 staff members. They don't always leave at the same time. About 12 people will be leaving between 7:00 - 7:30 a.m. Between 6:00 - 7:00 a.m. 20 people are arriving and then another 20 between 7:00 - 8:00 a.m. Mr. Costello explained that the Kentucky Transportation Cabinet will make a decision of when a traffic signal is warranted and where it will be located. Between 7:00 - 8:00 a.m. during the week day the area is very busy with school traffic. The proposed project may help solidify the need for an additional traffic signal somewhere - most likely at Old Union Road and Whispering Trails Drive.

Mr. Jim Collett, representing Collett LLC, stated that he owned the large parcel in the center of the Town Center behind the city building. He asked the Planning Commission to consider whether the nursing home concept is consistent with the goals of the Union Town Plan that was approved 14 years ago? It is yet to become a reality. He felt that as a property owner he has been held hostage for 14 years due to the economy and getting developers to buy into the Town Center concept. It is a good thing that a developer is interested in the area but is the proposal consistent with the goals of the Union Town Plan? It is not high density residential and is not what was intended for the site? Boone County is in need of nursing and hospital facilities, since Boone County is growing. It would be consistent with the Union Town Plan because it would allow older people to walk to the services they need like a church. It would allow people to have access to shopping and services. Will the proposal facilitate the development of the Union Town Center concept? How committed is the Planning Commission to making the Union Town Plan a reality? It will take a lot of lobbying to develop the roadways necessary to facilitate

the Union Town Plan. The State is currently acquiring the right-of-way. It will move traffic from Point A to Point B and it will also facilitate the development of the Union Town Center.

Mr. Hall asked if Carespring would receive zoning approval but is unable to build the facility, what would happen? Mr. Costello replied that the approval and conditions run with the property. The subsequent owner of the land would have to follow the original approval and conditions. If that owner doesn't want to follow that original approval, then he or she would have to submit a new application to go through the same process again. The approval is restricted to what use has been approved with conditions.

At this time, Chairman Rolfsen asked if the Board Members had any questions or comments?

Mr. Bunger inquired about the elevation of the proposed building and the residential subdivision. Does Carespring have control of the 5 acres in front of the nursing home? Ms. McBride responded that it is the entry way to the site. They intend to develop it. Mr. Kevin Hanson, Cardinal Engineering, explained there is a 30 foot plus difference in elevation from the residences in Whispering Trails Subdivision to the proposed nursing home facility. The proposed building will be 32 feet in height. Part of the roof from the building may be seen from the subdivision through the existing trees in the 100 foot buffer.

Mrs. Kegley commented that residential density is important in the Town Center in order for people to walk to a commercial center. She stated that she was unsure about the amount of residential units in the Union Town Plan. It is good to have a variety of uses. How much residential is there? Mr. Wall responded that the maximum allowed for the site is 55 units. Mrs. Kegley replied that figure was not huge.

Mr. Patton asked what was the reason for the building setback encroachment? Ms. McBride explained that it was related to building design, the 100 foot buffer and the parking areas and driveway aisles. She thought they complied since the adjoining use was a church or public facility. The neighboring property is zoned residential. Mr. Patton asked if there was any objection to the reduced building setback from the Diocese of Covington? Ms. McBride replied no. Mr. Patton noted that the building could be rotated enough to move 7 feet without changing the plan. Mr. Patton asked about a possible pedestrian access to the church? Ms. McBride responded that the residents at the facility are not ambulatory. There would be no reason to have the connection.

Mr. Bunger asked if the site was not zoned for a residential use and was zoned the Public Facility or Commercial or Residential, what would the setback be on the south side? Mr. Wall responded 10 feet.

Mr. Turner inquired who will maintain the 100 foot buffer? Mr. Wall replied that the property owner would be responsible for maintaining the 100 foot buffer. Trees may have to be replaced if they begin to die. Mr. Turner expressed a concern about trees dying during construction.

In response to a question by Mr. Bunger, Mr. Wall explained that he would come up with a formula to replace dead or missing trees. Native hardwood trees are currently located in the buffer area. If you take out a big tree, you may have to replace it with 3 or 4 small trees.

Mr. Ford asked about the location of the dumpster facilities? Mr. Wall replied that it would be located in the rear. The truck court and utility yard will be located in the rear of the building and below grade.

**There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on January 21, 2015 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on February 4, 2015 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:29 P.M.**

**APPROVED:**

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**Charlie Rolfsen**  
**Chairman**

**Attest:**

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**Kevin P. Costello, AICP**  
**Executive Director**

Exhibit A - Letters of support from Judge/Executive Gary Moore, Judge/Executive Steve Pendery, Senator John Schickel, Senator Chris McDaniel, Representative Addia Wuchner, Representative Diane St. Onge, Representative Arnold Simpson, Representative Sal Santoro, Representative Adam Koenig, Representative Dennis Keene, Representative Tom Burch, Representative Tom McKee, Commissioner Charlie Kenner, NKY Chamber President Steve Stevens, and Senior Services of NKY.

**COMMISSION MEMBERS PRESENT:**

Mr. Randy Bessler  
Mr. Kim Bungler  
Mr. Mike Ford, Vice Chairman  
Mr. Mark Hicks  
Mrs. Janet Kegley  
Mr. Jim Longano  
Mr. Don McMillian  
Mr. Kim Patton  
Mr. Charlie Rolfsen, Chairman  
Ms. Susan Schultz  
Mr. Bob Schwenke  
Mr. Steve Turner

**COMMISSION MEMBERS NOT PRESENT:**

Mr. Greg Breetz  
Ms. Lisa Reeves  
Mr. Charlie Reynolds

**LEGAL COUNSEL PRESENT:**

Mr. Dale T. Wilson

**STAFF MEMBERS PRESENT:**

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

Chairman Rolfsen called the Public Hearings to order at 8:30 P.M. and introduced the second item on the Agenda:

**CHANGE IN APPROVED CONCEPT DEVELOPMENT PLAN - Randy Bessler, Chairman,  
Todd Morgan, Staff**

2. Request of **Diocese of Covington c/o Don Knochelmann (owner)** for a Change in an Approved Concept Development Plan in a Commercial Services/Planned Development (C-3/PD) zone for a 5.239 acre site located at 25 Cavalier Boulevard, Florence, Kentucky. The request is for a Change in an Approved Concept Development Plan to allow an existing recreation/sports facility to be converted into a church.

Staff Member, Todd Morgan, presented the Staff Report, which included a Powerpoint presentation (see Staff Report). He stated that the site is the former Sports of All Sorts facility located off Cavalier Boulevard. The applicant is requesting a Change in an Approved Concept Development Plan for a proposed church. The northern portion of the existing facility is 15,660 square feet in size. Cristo Rey Parish will be relocating into the building. The church will have 420 seats and 119 parking spaces. All this is located in Area A on the concept plan. Area B is the central recreational building and a restaurant on site. Area B is to be demolished. A parking lot connection is being proposed. It will include 34 additional parking spaces and possibly 24 additional spaces in the future. Area C is a 26,575 square foot gymnasium. Option #1 is retain the gym and allow various Catholic Schools to use it as a practice facility. Option #2 is to sell the building to another entity. New property lines would have to be established for option #2. There are 125 parking spaces serving the Area C building. Mr. Morgan gave an overview of the site history. In 1991, the five acre site was approved for a 15,000 square foot retail center, a 36 hole miniature golf course and batting cages. In 1998, a Concept Development Plan was approved to allow the gymnasium, an outdoor soccer field and baseball fields as options versus office space. The northern building is zoned Commercial Services/Planned Development (C-3/PD) and the southern building is zoned Office Two/Planned Development (O-2/PD). Mr. Morgan showed photographs of the site and adjoining properties. He questioned whether the existing volleyball courts would be retained or not? Mr. Morgan noted that the site is projected to be used for recreational purposes based upon the Future Land Use map of the Comprehensive Plan.

In regards to Staff comments, Mr. Morgan mentioned that the Planning Commission and City of Florence should analyze the Planned Development (PD) standards, which are attached to the Staff Report. He recommended the following standards be analyzed in more detail: (1) Mixed Use and Pedestrian Orientation because no sidewalks are located against the building. However, if sidewalks are installed building landscaping will need to be removed. (2) Landscaping because there is only one street tree located along the Cavalier Boulevard frontage; and (3) Architecture because the applicant has not indicated if any exterior improvements are being proposed to the building.

Mr. Morgan asked the applicant to address the following issues: (1) Has the church made a decision if they will demolish the middle section of the building? (2) Has the church made a decision if they will retain or sell the gymnasium? (3) Are any exterior improvements being proposed to the church? (4) How many church services will be held on Sundays? (5) The notes on the Concept Plan indicate that the Church is being designed for 420 seats. Is this the total seating in the sanctuary? Will additional seating be provided in Sunday school classrooms? (6) Are any additional sidewalks being proposed in the parking lots? (7) Is any additional landscaping being proposed on the perimeter of the site or in the parking lots? (8) The Concept Plan shows two existing sand volleyball courts. Are these being retained? Finally, the (9) Concept Plan shows an existing dumpster in the parking lot. Is this dumpster being retained? If

so, could it be enclosed with an enclosure that conforms to the current Boone County Zoning Regulations.

Chairman Rolfsen asked if the applicant was ready to proceed with his presentation? Mr. Don Knochelmann, Director of Building and Property for the Diocese of Covington, stated that the architect for the project, Ehmet Hayes was unable to attend the Public Hearing. Mr. Knochelmann explained that the plan is to demolish the middle section of the building including the restaurant. The new parking and pavement would be put in the same area. There is no plan to sell the gymnasium. It may change in the future. There are no specific changes to the exterior of the building except the demolished area. Church services will be one on Saturday and one on Sunday. There are other services throughout the week and year such as holy days. There is no plan to use the classrooms and church at the same time. The total seating will be for 420 people. The site is very tight to add sidewalks to meet current code but they would try to accommodate it based upon what the Staff recommends. There are quite a few landscaping issues that need to be addressed. The sand volleyball courts will be removed along with the remnants from the miniature golf course. Those areas will become parking. The dumpster will be relocated and the new location will comply with the new regulations.

Chairman Rolfsen asked if there was a plan to paint the building? Mr. Knochelmann replied they have not made a decision on what color the building will be painted once it is converted to a church.

Chairman Rolfsen asked if there was anyone in the audience who wanted to speak in favor or against the request? Seeing no one, Chairman Rolfsen asked if the Board Members had any questions or comments? Mr. Ford asked if the Diocese chose to keep the gymnasium, would the Diocese partner with Boone County High School or the School District on its use? Mr. Knochelmann responded that he approached Boone County High School and the initial feedback was that they didn't need additional space. Mr. Ford stated there are other schools in the area. He suggested that the applicant contact Mr. McArtor, Deputy Superintendent for the Boone County Schools.

Mr. Patton inquired about signage for the church. Mr. Knochelmann replied that the current signs would come down. They don't have a design for the new sign. Mr. Patton asked if they would like a monument sign? The applicant would not have to design it now but should designate its location and size. Mr. Knochelmann stated that he would discuss it further with the architect.

**There being no further questions or comments, Chairman Rolfsen announced that the Committee Meeting for this item will be on January 21, 2015 at 5:00 P.M. in this room. This item will be on the Agenda for the Business Meeting on February 4, 2015 at 7:00 P.M. Chairman Rolfsen closed the Public Hearing at 8:46 P.M.**

**APPROVED:**

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**Charlie Rolfsen**  
**Chairman**

**Attest:**

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**Kevin P. Costello, AICP**  
**Executive Director**